NEW PRAIRIE UNITED SCHOOL CORP.

Policy Manual

408 policies

August 10, 2026

DEFINITIONS

0100 - **DEFINITIONS**

As used in the School Board's bylaws and policies and the Superintendent's administrative guidelines, the following terms shall have the meaning set forth below:

Administrative Guideline

A written statement adopted and approved by the Superintendent which is consistent with Board policy to outline and prescribe procedures to be used in implementing Board policy.

Apps and Web Services

Apps and web services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined below) over a network or client-server applications in which the user interface runs in a web browser. Apps and web services are used to communicate or transfer information or data that allow students to perform actions or tasks that assist them in attaining educational achievement goals and objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps and web services also are used to facilitate communication to, from, and among and between staff, students, and parents, Board members, and/or other stakeholders and members of the community.

Board

The Board of School Trustees (or Education), which is the governing body of the School Corporation as defined in I.C. 20-18-2-5.

Bylaw

A rule of the Board for its own governance adopted by a Board vote at a meeting.

Certificated Employee

An employee of the Board in a position that requires a license or permit from the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-4. The term includes teachers, and all administrators in positions requiring a license or permit from the Division of Professional Standards of the Indiana Department of Education.

Classified Employee

A non-certificated employee as defined in these definitions. Synonymous with "support" and "non-professional."

Corporation

The New Prairie United School Corporation.

Due Process

Procedural due process requires an established rule or standard, notice of facts of an alleged violation and the applicable rule or standard (accusation), and an opportunity to respond before a decision is made.

Executive Session

A meeting from which the public is excluded, except the Board may admit those persons necessary to carry out its purpose. The Board also may admit an individual who has been elected to the Board but has not been sworn in as a member of the Board.

Full Board

All members of the Board.

Individualized Education Program or IEP

"Individualized education program" or "IEP" means a written document, developed, reviewed, and revised by the case conference committee ("CCC") in accordance with Title 511, Article 7 of the Indiana Administrative Code that describes the following:

A. How a student will access the general education curriculum, if appropriate.
B. The special education and related services needed to participate in the educational environment.

The required components of an IEP are contained in 511 IAC 7-42-6.

A transition IEP is an IEP that is:

A. developed in accordance with 511 IAC 7-43-4; and
B. in effect when the student enters into grade 9 or becomes fourteen (14) years of age, whichever occurs first, or earlier if determined appropriate by the CCC.

May

A statement providing that an action is permitted but not required.

Meeting

A gathering of a majority of the Board for the purpose of taking official action upon public business. It does not include any of the following:

A. Any social or chance gathering not intended to avoid the Open Door Law.
B. Any on-site inspection of any:

    1. project;
    2. program; or
    3. facilities of applicants for incentives or assistance from the Board.

C. Traveling to and attending meetings of organizations devoted to the betterment of government.

D. A caucus.
E. A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.
F. An orientation of members of the Board on their role and responsibilities as public officials, but not for any other official action.
G. A gathering for the sole purpose of administering an oath of office to an individual.
H. Collective bargaining discussions that the Board engages in directly with bargaining adversaries, provided that the Board has not appointed an agent or agents to conduct collective bargaining on its behalf.

See Indiana Code 5-14-1.5-2(c), (d), (e) and -3.5.

Non-Certificated Employee

An employee of the Board employed in a position that does not require a permit or license issued by the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-11. Synonymous with "classified employee" and "support employee".

Official Action

Board action to receive information, deliberate, make recommendations, establish policy, make decisions, or take final action. See Indiana Code 5-14-1.5-2(d).

Parent

The natural or adoptive parents or the party designated by a court as the legal guardian or custodian of a student. Both parents shall be considered to have equal rights unless a court terminates or otherwise limits parental rights.

Personal Communication Devices

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular or mobile phones, smartphones, gaming devices, and/or other web-enabled devices of any type.

Policy

A general, written statement approved by the Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

President

The chief executive officer of the Board of School Trustees. Trustees (or Education) (see Bylaw 0171.1).

Principal

A professional employee who is assigned to be the educational leader and head administrator of one or more Corporation schools. The use of the term includes a delegate unless the law, policy or guideline specifically prohibits delegation. “Vice Principal” or “Assistant Principal” means an administrator assisting a Principal with the performance of all or a portion of the duties assigned to the Principal.

Professional Employee or Professional Staff Member

An employee of the Board in a position that requires a license or permit from the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-4. The term includes teachers and all administrators in positions requiring a license or permit from the Department of Professional Standards of the Indiana Department of Education. Synonymous with "certificated employee."

Public Business

The performance by the Board of a function upon which it is specifically authorized to take official action, or not statutorily prohibited from performing. See Indiana Code 5-14-1.5-2(e), Indiana Code 20-26-3, and Indiana Code 20-26-5-4.

Relative

The mother, father, sister, brother, spouse, child, parent of spouse, grandparents, grandchild, or dependent residing in the immediate household of a person.

Secretary

An officer of the Board of School Trustees (or Education) responsible for preparation of minutes of Board meetings and custody of the Records of the Board (see Bylaw 0171.3).

Shall

Expressing non-discretionary required action or action, synonymous with “will” or “must”.

Social Media

Social media are online platforms where users engage one another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including but not limited to text messaging, instant messaging, websites, weblogs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include but are not limited to Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e-mail through the use of Corporation-issued e-mail accounts. Apps and services shall not be considered social media unless they are listed on the Corporation's website as Corporation-approved social media platforms/sites.

State-Mandated Assessments

Assessments (including but not limited to ILEARN, I AM, ISTEP+ Grade 10, IREAD-3, End of Course Assessments, and WIDA) for which the participation of all Indiana students is required.

Student

A person who is officially enrolled in a school or program of the Corporation.

Superintendent

The chief executive officer of the Corporation. The use of the term includes a delegate unless the law, policy or guideline specifically prohibits delegation.

Support Employee

A non-certificated employee as the term is used in Indiana Code 20-29-2-11, and as defined in these definitions.

Teacher

A professional person whose position in a school corporation requires certain educational preparation and licensing and whose primary responsibility is the instruction of students. The term includes a superintendent who holds a license under I.C. 20-28-5, a principal, a teacher, a librarian, school psychologist and a school counselor. See I.C. 20-18-2-22

Vice-President

The Vice-President of the Board of School Trustees. (See Bylaw 0171.2)

Voting

An action by which a member of the Board indicates approval or rejection of a motion by a Board member that has been seconded by another Board member at a meeting convened in compliance with all applicable laws including the Indiana Open Door Law (I.C. 5-14-1.5). Also see Bylaw 0167.1.

Using Citations to Indiana and Federal Statutes, Rules and Cases

Citations to Indiana Law, Rules and Court Decisions

Citations to the Indiana Code are shown as I.C. or Ind. Code. The numbers which follow I.C. or Ind. Code separated by a hyphen state the title, article, chapter, section, and subsection of an Indiana statute. So Ind. Code 5-14-1.5-6.1(a) is found at title 5, article 14, chapter 1.5, section 6.1, subsection (a).

Citations to the Indiana Administrative Code (“IAC” or “I.A.C.”) are prefaced by a title and followed by an article, rule, and section number. So 511 I.A.C. 6-5-1 identifies title 511, article 6, rule 5, section 1.

Citations to Indiana cases begin with a citation to a volume and page in Thompson West Northeast Reporter Series. So a citation to 545 N.E.2d 341 (Ind. 1997) is a cite to volume 545, page 341 of the North Eastern Reporter, Second Series. The “(Ind. 1997)” tells the reader the case cited is an Indiana Supreme Court decision issued in 1997.

Citations to Federal Laws, Rules and Court Decisions

Citations to the United States Code ("USC" or "U.S.C.") are preceded by a title number and followed by a section number. So 20 USC 1232g refers to title 20 of the United States Code section 1232g.

Citations to the Code of Federal Regulations ("C.F.R." or "CFR") are identified by a citation similar to the Indiana Administrative Code. The citation to the title precedes CFR, and the section number follows.

Federal cases are cited in much the same way as Indiana cases. Trial court decisions are reported in the Federal Supplement as "F. Supp." followed by the series number, such as "F. Supp.2d" for the second

series of the Federal Supplement. Appellate decisions are published in the Federal Reporter, which is now in its third series. Citations in both the Federal Supplement and the Federal Reporter follow the same format. A volume number precedes the name of the volume, and a page number in that volume follows the volume number. So a cite to 406 F.3d 500 (7th Cir. 2005) directs the reader to volume 406 of the Federal Reporter Third Series, page 500. The (7th Cir. 2005) tells the reader that the case was issued by the Seventh Circuit Court of Appeals in 2005.

Citations to Indiana cases begin with a citation to a volume and page in Thompson Reuters North Eastern Reporter Series. So a citation to 545 N.E.2d 341 (Ind. 1997) is a cite to volume 545, page 341 of the North Eastern Reporter. The "(Ind. 1997)" tells the reader the case cited is an Indiana Supreme Court decision issued in 1997.

Citations to Federal Laws, Rules and Court Decisions

Citations to the United States Code are preceded by a title number and followed by a section number. So 20 USC 1232g for USCA (for United States Code Annotated) refers to title 20 of the United States Code section 1232g.

Citations to the Code of Federal Regulations are identified by a citation similar to the Indiana Administrative Code. The citation to the volume precedes CFR, and the section number follows.

Federal cases are cited in much the same way as Indiana cases. Trial court decisions are not reported. The first time the decision is made widely available is when an appellate court issues an opinion. A volume number precedes the name of the volume, and a page number in that volume follows the volume number. So a cite to 406 F.3d 500 (7th Cir. 2005) directs the reader to volume 406 of the Federal Reporter Third Series, page 500. The (7th Cir. 2005) tells the reader that the case was issued by the Seventh Circuit Court of Appeals in 2005.

Revised 3/26/12
Revised 2/23/15
Revised 12/14/15
Revised 6/20/16
Revised 10/30/17
Revised 10/28/19
Revised 6/22/20

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NAME

0111 - NAME

The governing body of this School Corporation shall be known officially as the Board of School Trustees of the New Prairie United School Corporation.

PURPOSE

0112 - **PURPOSE**

The School Board exists for the purpose of a governing system for providing a free, public education in grades K-12 for resident children, children of qualified employees who are allowed to transfer into the School Corporation as required by law, and other transfer students approved according to Board policy attending the New Prairie United School Corporation.

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I.C. 20.26-5-1

BOUNDARIES

0113 - **BOUNDARIES**

The New Prairie United School Corporation is comprised of the area in the description on file in the School Board office.

That boundary description includes:

East Boundary-Sage and Rush Roads in Olive Township

North Boundary-Indiana/Michigan Border in Olive Township (St. Joseph Co) and in Hudson, Wills, & Kankakee Townships (LaPorte Co)

South Boundary-Division Road in St. Joseph and LaPorte Co, Ohio St. in LaPorte, South of Crumstown Trail St. Joseph Co

West Boundary- Range Road

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ADDRESS

0115 - **ADDRESS**

The official address of the School Corporation shall be 5327 N. Cougar Rd., New Carlisle, Indiana, 46552.

BOARD AUTHORITY

0121 - **BOARD AUTHORITY**

The supervision of this Corporation shall be conducted by the School Board, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Indiana.

BOARD POWERS

0122 - **BOARD POWERS**

The School Board shall be a body corporate, and, as such, capable of suing and being sued, contracting and being contracted with, acquiring, holding, possessing and disposing of real and personal property, and taking and holding in trust for the use and benefit of the Corporation, any grant or devise of land and any donation or bequest of money or other personal property.

The power of this Board extends to those matters expressly granted by statute or those matters which may be necessarily implied from such powers specifically delegated as being necessary to carry them out.

The Board shall retain the power to act, through written policies, in situations in which there is no action required by statute nor by statutory prohibition to act.

The School Board shall have the management and control of all facilities and programs in the Corporation and the employees, students, and other persons entering upon its premises.

Legal
I.C. 20-23-4, 20-26-3, 20-26-5-4, 20-26-5-5

PHILOSOPHY OF THE BOARD

0123 - **PHILOSOPHY OF THE BOARD**

A School Board is a legal entity for providing a system of public education within a geographic area of the State of Indiana. The system was created by, and is governed by, State statutes.

The School Board has the dual responsibility for implementing legal requirements pertaining to public education and for meeting the desires of the citizens. While the Board has an obligation to determine and assess citizen desires, it is understood that when individuals are elected or appointed to represent citizens in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

BYLAWS AND POLICIES

0131.1 - **BYLAWS AND POLICIES**

The Board shall adopt bylaws and policies for the organization and operation of this Board and the Corporation.

The bylaws and policies may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected except that the Board may, upon a vote and where compelling reasons exist, cause to suspend at any time the operation of a bylaw or policy herein contained, provided the suspension does not conflict with law, and such suspension shall terminate at the next meeting of the Board or at such earlier time as is specified in the motion to suspend.

These bylaws and policies may be adopted or amended by resolution at a single meeting of the Board in an emergency. An emergency shall be defined for purposes of this rule as any situation or set of circumstances which the Board has reason to believe will close the schools or jeopardize the safety or welfare of the students or employees of the Corporation.

Any resolution adopted under emergency conditions shall expire automatically at the first public meeting of the Board following the abatement of the emergency unless the Board moves to adopt said resolution as a bylaw or a policy.

Bylaws shall be adopted, amended, repealed, or suspended by a two-thirds (2/3’s) recommended vote of the full Board (physically present). Policies shall be adopted, amended, or repealed by a majority vote of the full Board (present in a manner authorized by law). (Two-thirds (2/3's) of a five (5) member Board is four (4) members.)

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be published in the Board policy manual.

Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect a policy.

Further, any policy or part of a policy that is inconsistent with the law or with a decision rendered by a court or competent jurisdiction shall no longer be in force and effect as a policy.

Revised 12/14/15

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I.C. 20-26-5-4

TECHNICAL CORRECTIONS

0131.2 - **TECHNICAL CORRECTIONS**

Periodically it may be deemed necessary to make technical corrections to policies that already have been adopted through normal procedures. These technical corrections may include transfer of sections, renumbering subsections, sections, chapters and titles, corrections or additions for grammatical or typographical errors, changes in citations of the law such as renumbering, changes in names for compliance personnel, changes in titles of personnel when Board action is taken in making new positions or reducing staff not affecting the construction or meaning of those sections, subsections, chapters, titles, or policies as a whole.

Should the Board choose to make such technical corrections, it may be accomplished by resolution as part of the consent agenda without going through the normal policy adoption procedure.

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SELECTION OF SUPERINTENDENT

0132.1 - **SELECTION OF SUPERINTENDENT**

The Board shall exercise its executive power in part by the appointment of a Superintendent who shall enforce the statutes of the State of Indiana, administrative guidelines of the State School Board, and the policies of this Board.

Before entering into a contract of employment with a Superintendent, the Board shall comply with the requirements of I.C. 20-26-5-4.3 regarding notice and hearing. See also Board Policy 1220 regarding Employment of the Superintendent. After entering into a contract of employment with the Superintendent, the Board shall comply with the requirement of I.C. 20-26- 5-4.3 regarding posting the Superintendent's contract. See also Board Policy 8311 regarding Public Access to Employee Contracts.

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ADMINISTRATIVE AUTHORITY

0132.2 - **ADMINISTRATIVE AUTHORITY**

A. The Superintendent shall consult with the Board with regard to the development and/or revision of policies.

B. The Superintendent shall prepare guidelines for the administration of the Corporation which are not inconsistent with statutes, regulations of the State Board, and/or the policies of this Board. (See Policy 1230.01)

C. The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

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I.C. 20-26-5-4

JUDICIAL

0133 - **JUDICIAL**

The Board may assume jurisdiction over any dispute or controversy arising within this Corporation and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

In order to provide a fair hearing for the parties to a matter to be adjudicated by the Board, Board members shall be impartial in such matters and capable of making a decision based solely upon the evidence presented by the parties. Therefore, Board members shall not conduct or participate in any investigation of the facts in such matters; collect, evaluate, or review the facts of the matter prior to presentation of the facts to the Board; or form or express an opinion not subject to change on any aspect of the pending matter.

If a Board member testifies concerning a material fact in dispute, has a personal interest in the matter under consideration, has participated in the gathering of evidence or the formulation of strategy, or has expressed an opinion on one or more material facts in dispute, that Board member shall not participate in the Board's consideration of the matter or vote in the matter, unless the Board member certifies and declares to the parties in the matter and to the Board that s/he is capable of resolving the matter based solely on the evidence presented to the Board.

If a Board member is unable to make this certification, the Board member shall voluntarily recuse himself/herself and shall not participate in any evidentiary hearing, discussion, or vote in the matter.

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NUMBER

0141 - **NUMBER**

The School Board shall consist of five (5) members.

T.C. 12/18/23

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I.C. 20-23-8-7(a)(1)

ELECTION AND ELIGIBILITY TO SERVE

0142 - **ELECTION AND ELIGIBILITY TO SERVE**

Plan

Membership to the School Board will consist of representatives from the following districts:

District 1 shall consist of the area encompassing Olive Civil Township in St. Joseph County, Indiana

District 2 shall consist of the areas of Hudson and Wills Civil Townships of LaPorte County, Indiana

District 3 shall consist of the areas of Galena and Kankakee Civil Townships of LaPorte County, Indiana

Members of the School Board shall be qualified and elected in accordance with the School Corporation's organization plan on file with the State Board of Education (I.C. 20-23-8-22)

Before August 1st of each school year (July 1 to June 30), the Superintendent shall file with the State Superintendent of Public Instruction Secretary of Education, a listing of the:

A. names and addresses of members of the Board;

B. names and addresses of the Board's officers;

C. expiration dates of the terms of the Board members and Board's officers.

Should a change occur in Board membership during the term of one or more members of the Board, the School Corporation shall file the change with the Secretary of Education within thirty (30) days after the change occurs. (I.C. 20-23-8-22)

There shall be two (2) classes of members of said Board of Education; three (3) members, each of whom shall be a resident of one (1) of the Districts above defined; and two (2) members at-large who may be residents of any of the Districts herein defined, but in no event shall more than two (2) members of said five-(5) member Board of Education be residents of any one (1) School Board member district. All members of said Board of Education shall be elected at large by the registered voters of said New Prairie United School District of LaPorte and St. Joseph Counties, Indiana, at the general election held biannually.

Nominations for each member of said Board of Education shall be made by a petition signed by the nominee and ten (10) registered voters residing in the same School Board member district as the nominee.

BOARD MEMBER QUALIFICATIONS

A Board member must have been at the time of his/her election, a resident within the New Prairie School District territory for at least two (2) years preceding such election and shall further be at least twenty-one (21) years of age (I.C. 20-26-4-9); and ownership of property shall not be a qualification to

serve as a Board member (I.C. 20-26-4-11).and shall be a resident voter in the School Board member district which s/he would represent.

Eligibility

A. A person is not qualified to run for a school board office unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination. (I.C. 3-8-1-1)
B. A candidate for a school board office must have resided in the Corporation for at least two(2) year before the election. A candidate for school board office seeking to represent an election district that consists of less than the entire Corporation must have resided in the election district for at least two (2) year before the election. (I.C. 3-8-1-34)
C. A person may not hold more than one (1) lucrative office at a time, as provided in Article 2, Section 9 of the Constitution of the State of Indiana. (I.C. 3-8-1-3)
D. A person is disqualified from assuming or being a candidate for school board office if:

    1. the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
    2. the person does not comply with I.C. 5-8-3 because of a conviction for a violation of the Federal laws listed in that statute;
    3. In a

        a. jury trial, a jury publicly announces a verdict against the person for a felony;
        b. bench trial, the court publicly announces a verdict against the person for a felony; or
        c. guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
    4. the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
    5. the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
    6. the person is subject to 5 U.S.C. 1502 (the Little Hatch Act) or 5 U.S.C. 7321-7326 (the Hatch Act) and would violate either Federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
    7. the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office. (I.C. 3-8-1-5)

E. An individual who is at least twenty-one (21) years of age and is otherwise eligible to assume office as a member of a governing body may not be disqualified on the basis of age (I.C. 20-26-4-9)
F. Ownership of property shall not be a qualification to serve as a Board member (I.C. 20-26-4-10).
G. An individual who is employed by the Corporation as a teacher or as a noncertificated employee (as defined in I.C. 20-29-2-11) may not be a member of the Board. If a teacher or a noncertified employee (as defined in I.C. 20-29-2-11) iemployed by the Corporation is elected or appointed to the Board, the employee must resign from employment by the Corporation before serving on the Board (I.C. 20-26-4-11).

The petition of nomination for a School Board office must state all of the following:

A. The name of each candidate as:

    1. the candidate wants the candidate's name to appear on the ballot; and
    2. the candidate's name is permitted to appear on the ballot under I.C. 3-5-7.

B. The address of each candidate, including the mailing address, if different from the residence address of the candidate.
C. The School Board office that each candidate seeks.
D. Each petitioner is a qualified registered voter and desires to be able to vote for the candidates listed on the petition.
E. One (1) of the following:

    1. The candidate's political party affiliation.
    2. The candidate is an independent candidate.
    3. That the candidate elects not to disclose any affiliation with a political party or that the candidate:

        a. is not affiliated with a political party; and
        b. does not identify as an independent candidate.

Unless a candidate who states a political party affiliation under E.1. above is challenged the candidate's statement must be indicated on the ballot in the manner determined by the county election board.

Revised 4/23/12
Revised 12/18/23

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Legal
I.C. 3-8-1-1
I.C. 3-8-1-3
I.C. 3-8-1-5
I.C. 3-8-1-34
I.C. 5-8-3
I.C. 20-23-8-22
I.C. 20-25-3-4
I.C. 20-26-4-9
I.C. 20-26-4-10
I.C. 20-26-4-11
I.C. 20-29-2-11
Article 7, Section 11 of the Constitution of the State of Indiana
Article 7, Section 13 of the Constitution of the State of Indiana
5 U.S.C. 1502
5 U.S.C. 7321-7326

TERM

0142.1 - **TERM**

The term of each elected Board member shall be four (4) years.

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I.C. 20-25-3-4

OATH

0142.2 - **OATH**

Each newly elected, re-elected, appointed, or re-appointed School Board member shall take the following oath of office administered by a notary public or other qualified person not later than thirty (30) days after the beginning of the term of office. .(I.C. 5-4-1-1.2) However, the governing body may provide additional provisions to the oath that the governing body considers appropriate for the office.

"I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of Indiana, and the laws of the United States and the State of Indiana. I will faithfully execute the duties of my office as a member of this governing body, so help me God."

In addition, each Board member shall take other oaths which may be required for transactions connected with or related to the educational program of the School Corporation.

The oath shall be signed by the Board member and the person who administers it and filed in the circuit court clerk's office of the county containing the greatest percentage of the population of the corporation.

Revised 5/22/23

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Legal
I.C. 5-4-1-1.2
I.C. 5-4-1-4
I.C. 20-26-4-2

VACANCIES AND APPOINTMENT OF BOARD MEMBERS

0142.3 - **VACANCIES AND APPOINTMENT OF BOARD MEMBERS**

The position of a School Board member shall become vacant upon the occurrence of any one (1) of the following events:

A. death of the member is certified by the clerk of the circuit court (I.C. 5-8-6 and I.C. 20-26-4-4.5)

B. failure of a sufficient number of petitions for candidates for Board membership being filed for an election (I.C. 20-26-4-4)

C. a member submits a written resignation from the Board to the clerk of the circuit court pursuant to I.C. 5-8-3.5-1(a)(4)

D. a member is convicted of a felony

E. a member's election or appointment is declared void by a competent tribunal

F. the winner of an election fails to take the oath of office required by I.C. 20-26-4-3-2

G. a member ceases to possess the legal qualifications for continuing to hold office

H. a member ceases to be a resident of the Corporation (I.C. 20-23-4-30(d))

I. a member is removed from office by action of the Circuit Court pursuant to I.C. 5-8-1-35

J. a court enters an order removing a member from office based upon a conviction for bribery or official misconduct under I.C. 35-50-5-1.1

K. a member is convicted of any crime against the laws of the United States where the sentence imposed exceeds six (6) months, (evading the Selective Service Act), engaging in conspiracy or an attempt to defraud the government of the United States, or seditious utterances in violation of the laws of the United States (I.C. 5-8-3-1)

L. a member voluntarily became intoxicated within the business hours of the Board, or is in the habit of becoming intoxicated by the use of intoxicating liquors and is removed from office under I.C. 34-17 (I.C. 5-8-2-1)

Filling a Board Vacancy

A vacancy shall be filled by the remaining members of the Board within thirty (30) days after the vacancy occurs. If a tie vote occurs among the remaining members of the Board or between candidates for the Board under I.C. 3-12-9-4, or the remaining members of the remaining Board members fail to fill a vacancy on the Board within thirty (30) days after any vacancy occurs, the judge of the circuit court shall make an appointment to fill the vacancy. (I.C. 20-23-4-30(c)(1) & (2))

Revised 4/23/12
Revised 2/23/15
Revised 5/22/22

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Legal
I.C. 3-12-9-4
I.C. 5-8-1-35
I.C. 5-8-2-1
I.C. 5-8-3-1
I.C. 5-8-3.5-1
I.C. 5-14-1.5-6.1
I.C. 5-14-1.5-6.1(b)(10)
I.C. 20-23-4-30
I.C. 20-23-4-30(c)(1) & (2)
I.C. 30-23-4-30(d)
I.C. 20-26-4-2
I.C. 20-26-4-4
I.C. 20-26-4-4.5
I.C. 34-17
I.C. 35-50-5-1.1

BOARD MEMBER LEAVE OF ABSENCE FOR MILITARY SERVICE

0142.4 - **BOARD MEMBER LEAVE OF ABSENCE FOR MILITARY SERVICE**

A Board member who elects to take a leave of absence because s/he has been called into active duty in the Armed Forces of the United States or the National Guard and is therefore unable to perform the duties of boardmanship is entitled to a leave of absence for the period of time of the active duty. A Board member's salary will be prorated to reflect the period of active duty.

The Board member shall give written notice to the Clerk of the Circuit Court stating that s/he has been called into active duty and will be temporarily unable to perform the duties of school Board member.

During the Board member's leave of absence the position on the Board must be filled in the same manner as filling other vacancies on the Board. The person selected or appointed serves until the date the Board member's leave of absence ends or the term of his/her office expires.

The person selected or appointed to the Board assumes the rights and duties of boardmembership and receives the adopted compensation established for the office for the time of the temporary appointment.

In the event the Board member's term of office expires during such a leave of absence, the office shall be filled as provided by law. Except as provided by a Federal law or regulation, a Board member who is on such a leave of absence is entitled to become a candidate for and be elected to the office from which s/he has taken a leave of absence.

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Legal
I.C. 5-9-4

ORIENTATION

0142.5 - **ORIENTATION**

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the Corporation, and learn Board procedures. Accordingly, the Board shall give to each new Board member for his/her use and possession during the term on the Board the following items:

A. a copy of the Board policy manual

B. a copy of the Superintendent's administrative guidelines

C. a copy of each current negotiated agreement

D. the current budget statement, audit report, and related fiscal materials

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

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BOARD MEMBER AUTHORITY

0143 - **BOARD MEMBER AUTHORITY**

For reason that all powers and authority are vested in the Board as a single body, an individual Board member shall exercise his/her authority over Corporation affairs only by action taken pursuant to the policies or resolutions of the Board. Unless otherwise authorized by the policies or resolutions of the Board, a member of the Board shall not have the authority to exercise any authority over Corporation affairs in his/her individual capacity without the consensus or concurrence of a majority of Board members at a special or regular meeting of the Board.

Access to Corporation personnel records shall be subject to the following guidelines:

A. Examination of school employee personnel records by the School Board shall be conducted only at executive sessions of the Board. Any Board member may request that the Superintendent bring the personnel records of a designated employee(s) to an executive meeting of the Board.

B. Personnel records shall, in their entirety, be returned to the custody of the Superintendent at the conclusion of the executive session of the Board.

C. Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members in fulfilling their legal responsibilities in making decisions in matters such as appointments, assignments, promotions and demotions, remuneration, discipline, and dismissal or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

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PUBLIC EXPRESSIONS OF BOARD MEMBERS

0143.1 - **PUBLIC EXPRESSIONS OF BOARD MEMBERS**

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members make public statements on school matters:

A. to local media;

B. to local officials and/or State officials.

Sometimes the statements imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

    1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter

    2. routine, not for publication, correspondence of the Superintendent and other Board employees

    3. routine "thank you" letters of the President of the Board

    4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)

    5. personal statements not intended for publication

B. Copies of this bylaw shall be sent to local media by the Board President.

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SCHOOL BOARD RESOLUTION TO CENSURE

0143.2 - **SCHOOL BOARD RESOLUTION TO CENSURE**

A motion to adopt a Resolution to Censure is in order under very limited conditions.

SPECIFICALLY:

Should a member of the Board establish a pattern of misconduct characterized by blatant violation of the Board's Code of Ethics, oath of office, policies or parliamentary rules of order, the Board may consider by motion, and adopt by an affirmative vote of three (3) members of the Board, a Resolution to Censure.

The motion to adopt a Resolution of Censure should occur only as a last resort effort to correct the misconduct of a member of the Board, and only after other efforts have failed.

The motion must be made to adopt a resolution which cites specific instances of misconduct.

Censured Board members shall be removed from and denied opportunity of holding the Board office of President, Vice-President, or Secretary, or if currently holding an office shall be removed from that position for the duration of their term of office or for a time specified by the Board in the Resolution of Censure.

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COMPENSATION

0144.1 - **COMPENSATION**

School Board members shall receive a basic compensation to be determined by Board resolution, not to exceed ten percent (10%) of the lowest starting salary of a teacher employed by the School Corporation as well as a per diem in an amount stipulated by a Board resolution acted upon at the annual organizational meeting. The stipulated per diem amount shall not exceed the rate approved for members of the Board of Commissioners of the Indianapolis Public Schools. Expenses of a Board member shall be reimbursed when incurred in the performance of duties and functions authorized by the Board and accompanied by original or copy of the receipt and/or approved State Board of Accounts forms.

Local Transportation Expenses

A Board member who uses their own vehicle to perform duties related to such member's position as a Board member and within School Corporation boundaries, will be reimbursed at the current Corporation mileage rate per mile traveled.

Travel Within and Outside of the State of Indiana

A Board member who uses his/her own personal vehicle to perform duties related to such member's position as a Board member, and such duties and travel are performed outside of School Corporation boundaries, and inside the State of Indiana, will be reimbursed at the current Corporation mileage rate per mile traveled. Any other travel expenses incurred outside the State of Indiana while performing duties related to a Board member's position as a Board member, will be reimbursed.

A voucher detailing the amount and nature of each expense shall be submitted to the Board for approval after the expenses have been incurred.

Revised 12/18/23

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Legal
I.C. 20-23-4-28(e)
I.C. 20-23-4-28(f)
I.C. 20-25-3-3
I.C. 20-26-4-7

BOARD MEMBER ETHICS

0144.2 - **BOARD MEMBER ETHICS**

A School Board member shall honor the high responsibility which his/her membership demands by:

A. thinking always in terms of "children first";

B. understanding that the basic function of the Board member is "policy-making" and not "administrative", and by accepting the responsibility of learning to discriminate intelligently between these two functions;

C. accepting the responsibility along with his/her fellow Board members of seeing that the maximum of facilities and resources is provided for the proper functioning of schools;

D. refusing to "play politics" in either the traditional partisan, or in any petty sense;

E. representing at all times the entire school community;

F. accepting the responsibility of becoming well informed concerning the duties of Board members, and the proper functions of public schools;

G. recognizing responsibility as a State official to seek the improvement of education throughout the State.

A School Board member shall respect his/her relationships with other members of the Board by:

A. recognizing that authority rests only with the Board in official meetings and that the individual member has no legal status to bind the Board outside of such meetings;

B. recognizing the integrity of his/her predecessor and associates and the merit of their work;

C. refusing to make statements or promises as to how s/he will vote on any matter which should properly come before the Board as a whole;

D. making decisions only after all facts bearing on a question have been presented and discussed;

E. respecting the opinion of others and by graciously conforming to the principle of "majority rule";

F. refusing to participate in irregular meetings such as "secret" or "star chamber" meetings, which are not official and which all members do not have the opportunity to attend;

G. attempting to fairly appraise both the present and future educational needs of the community.

A Board member shall maintain desirable relations with the Superintendent of Schools and his/her staff by:

A. striving to procure, when the vacancy exists, the best professional leader available for the head administrative post;

B. giving the Superintendent full administrative authority for properly discharging his/her professional duties, and also by holding him/her responsible for acceptable results;

C. acting only upon the recommendation of the Superintendent in matters of employment or dismissal of school personnel;

D. having the Superintendent present at all meetings of the Board except when his/her contract and salary are under consideration;

E. referring all complaints to the proper administrative office and by discussing them only at a regular meeting after failure of administrative solution;

F. striving to provide adequate safeguards around the Superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis;

G. presenting personal criticisms of any employee directly to the Superintendent.

A Board member shall meet his/her responsibilities to his/her community by:

A. attempting to appraise fairly both the present and future educational needs of the community;

B. regarding it as a major responsibility of the Board to interpret the aims and the methods of the schools of the community;

C. insisting that all school business transactions be on an open, ethical, and above-board basis;

D. vigorously seeking adequate financial support for the schools;

E. refusing to use his/her position on a School Board in any way whatsoever for personal gain or personal prestige;

F. refusing to discuss personnel matters or any other confidential business of the Board in his/her home, on the street, or in his/her office;

G. winning the community's confidence that all is being done in the best interests of school children.

(Indiana School Boards Association)

A. A School Board member should honor the high responsibility which his/her membership demands:
A School Board member should respect his/her relationships with other members of the Board:
A School Board member should maintain desirable relations with the Superintendent of Schools and his/her staff:
A School Board member should meet his/her responsibilities to his/her community:

1. **BY** thinking always in terms of "children first."

2. **BY** understanding that the basic function of the School Board member is "policy-making" and not "administrative," and by accepting the responsibility of learning to discriminate intelligently between these two (2) functions.

3. **BY** accepting the responsibility along with his/her fellow Board members of seeing that the maximum of facilities and resources is provided for the proper functioning of schools.

4. **BY** refusing to "play politics" in either the traditional partisan, or in any petty sense.

5. **BY** representing at all times the entire school community.

6. **BY** accepting the responsibility of becoming well informed concerning the duties of Board members, and the proper functions of public schools.

7. **BY** recognizing responsibility as a State official to seek the improvement of education throughout the State.

8. **BY** attempting to appraise fairly both the present and future educational needs of the community.

9. **BY** regarding it as a major responsibility of the Board to interpret the aims and the methods of the schools to the community.

10. **BY** insisting that all school business transactions be on an open, ethical, and above-board basis.

11. **BY** vigorously seeking adequate financial support for the schools.

12. **BY** refusing to use his/her position on a school board in any way whatsoever for personal gain or personal prestige.

13. **BY** refusing to discuss personnel matters or any other confidential business of the Board in his/her home, on the street, or in his/her office.

14. **BY** winning the community's confidence that all is being done in the best interests of school children.

15. **BY** recognizing that authority rests only with the Board in official meetings, and that the individual member has no status to bind the Board outside of such meetings.

16. **BY** recognizing the integrity of his/her predecessors and associates, and the merit of their work.

17. **BY** refusing to make statements or promises as to how s/he will vote on any matter which should properly come before the Board as a whole.

18. **BY** making decisions only after all facts bearing on a question have been presented and discussed.

19. **BY** respecting the opinion of others and by graciously conforming to the principal of "majority rule."

20. **BY** refusing to participate in irregular meetings such as "secret" or "star chamber" meetings, which are not official and which all members do not have the opportunity to attend.

21. **BY** attempting to fairly appraise both the present and future educational needs of the community.

22. **BY** striving to procure, when the vacancy exists, the best professional leader available for the head administrative post.

23. **BY** giving the Superintendent full administrative authority for properly discharging his/her professional duties, and by also holding him/her responsible for acceptable results.

24. **BY** acting only upon the recommendation of the Superintendent in matters of employment or dismissal of school personnel.

25. **BY** having the Superintendent present at all meetings of the Board except when his/her contract and salary are under consideration.

26. **BY** referring all complaints to the proper administrative office and by discussing them only at a regular meeting after failure of administrative solution.

27. **BY** striving to provide adequate safeguards around the Superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis.

28. **BY** presenting personal criticisms of any employee directly to the Superintendent.

B. **National School Boards Association**
AS A MEMBER OF MY LOCAL BOARD OF EDUCATION, I WILL STRIVE TO IMPROVE PUBLIC EDUCATION, AND TO THAT END I WILL:

1. Attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

2. Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;

3. Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

4. Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;

5. Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent;

6. Communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;

7. Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my State and National School Boards Associations;

8. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

9. Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;

10. Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law; and

11. Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

Indiana School Boards Association

A Board member shall maintain a safe and healthy environment for students by:

A. maintaining appropriate boundaries with students' personal space and personal life;
B. maintaining appropriate conduct with students, including, but not limited to, refraining from creating or participating in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol, or tobacco;
C. refraining from transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school-sponsored publication or production in accordance with Policy 5722 - School-Sponsored Student Publications and Productions;
D. Policy 8330 - Student Records maintaining the confidentiality of students, in accordance with law (see Policy 8330 - Student Records and Policy 8350 - Confidentiality);
E. modeling and adhering to a high standard of conduct, including refraining from illegal activity.

Revised 9/21/09

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Legal
Indiana School Board Association Code of Ethics

CONFLICT OF INTEREST

0144.3 - **CONFLICT OF INTEREST**

Board members shall utilize the authority of their position solely for the benefit of the school community. To this end:

A. Conflict of Interest Disclosure

If a Board member or a spouse or dependent has a pecuniary interest in a contract or purchase to be approved by the Board, or a Board member or a spouse or dependent will profit from a contract or purchase to be approved by the Board, the Board member shall submit a written Conflicts of Interest disclosure on State Board of Accounts Form 236.

When a Board member makes a Conflicts of Interest disclosure as provided above, the disclosure shall be submitted for approval by the Board before the Board considers approval of the contract or purchase addressed in the disclosure, provided the contract or purchase will be funded entirely by funds other than those received from a Federal grant or award.

The Board member shall not participate in the discussion or vote on the acceptance of his/her disclosure or approval of the contract or purchase, and the role played by this Board member shall be described in the minutes of the meeting.

A written conflict of interest disclosure on State Board of Accounts Form 236 that is approved by the Board shall be filed by the Superintendent with the State Board of Accounts and the Clerk of the Circuit Court within fifteen (15) calendar days after approval by the Board. I.C. 35-44-1-3

B. Profiteering from Public Service

For one (1) year after leaving the Board, a member of the Board shall not obtain a pecuniary interest in any contract or purchase which was approved by the Board during his/her Board service unless the former member:

1. was screened from any participation in the contract or purchase
2. has not and will not receive a part of any profit from the contract or purchase by the Board; and
3. promptly gives notice to the Board of his/her interest in the contract or purchase.

This limitation does not apply if the Board member receives less than $250.00 of the profits from the contract or purchase.

Revised 4/23/12
Revised 2/23/15

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Legal
I.C.35-44.1-1-4
I.C.35-44.1-1-5
2 C.F.R. 200.112, 200.113, 200.318

DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS

0144.4 - **DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS**

This bylaw is applicable to all types of civil claims under law including tort claims, civil rights claims, and contract claims.

The Board will pay all costs and fees incurred by or on behalf of any Board member in the defense of any claim under law if the Board by resolution determines that the Board member's actions upon which the claim is based arise out of the performance of the member's duties as a Board member, and taken in good faith.

The Board shall, subject to the provisions of Indiana law, also pay any judgment, compromise, or settlement of a claim, or suit when the Board determines by resolution that it is in the best interest of the Corporation to do so, the act or omission upon which the claim is based occurred within the scope of the Board member's duties as a Board member, and the member did not act in bad faith, or with malfeasance in office. The intent of this bylaw is to hold the Board member harmless from any liability, cost, or damages in connection such a claim, including but not limited to the payment of legal fees and court costs, except where the liability, cost, damage, or fees are predicated on, or arises out of, the bad faith of the Board member or the claim or judgment is based on the member's malfeasance in office.

If a present or former Board member is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of the member's duties which violates the civil rights laws of the United States, the Board shall, subject to limitations established by Indiana, pay the judgment, compromise, or settlement of the claim or suit if the Board determines by resolution that paying the judgment, compromise or settlement is in the best interests of the Corporation. The Board shall also pay all costs and fees incurred by or on behalf of Board member in defense of any such claim or suit.

A Board member shall not be personally liable on contracts entered into within the scope of the member's duties as a Board member unless the contract clearly states otherwise in writing.

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Legal
I.C. 20-26-5-4(17)
I.C. 34-13-2-1
I.C. 34-13-3-5
I.C. 34-13-3-20
I.C. 34-13-4-1
I.C. 35-44-1-3
I.C. 35-44-1-7

GIFTS AND GRATUITIES

0144.5 - **GIFTS AND GRATUITIES**

A Board member or a Corporation employee making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44-1-3.

A Board member who has accepted a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision may return the gift or gratuity or its value to the source and thereafter participate in the process of consideration of the matter, and the Board vote on the matter.

If a Board member taking part in evaluating a proposal to be considered by the Board, or a dependent of that Board member, has accepted a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision, the Board member shall abstain from all involvement in the formulation of a recommendation to the Board, Board discussion on the matter, and the Board vote on the matter.

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Legal
I.C. 35-44.1-1-2
I.C. 35-44.1-1

ORGANIZATIONAL MEETING

0151 - **ORGANIZATIONAL MEETING**

The School Board shall organize annually on or before January 15th at a meeting held in accordance with law. The meeting shall be called to order by the ranking officer of the preceding Board who shall serve as presiding officer until the election of a temporary chairperson, who shall in turn serve until the election of a President.

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Legal
I.C. 20-26-4-1
I.C. 5-14-1.5-2(b) Definition of "governing body"
I.C 5-14-3 Access to Public Records Act

BOARD OF FINANCE OF THE NEW PRAIRIE UNTIED SCHOOL CORPORATION

0151.1 - **BOARD OF FINANCE OF THE NEW PRAIRIE UNITED SCHOOL CORPORATION**

The School Board shall establish a Board of Finance for the Corporation consisting of the members of the School Board. The Corporation's Board of Finance shall meet at least once each calendar year during the period after the first Monday and on or before the last day of January. At the first meeting in each calendar year, the Board of Finance shall elect a President and a Secretary from its membership. These officers shall hold office until their successors are elected and qualified.

In addition to its annual meeting in January of each calendar year, the President of the Board of Finance shall convene the Board whenever requested to do so by one (1) of the members of the Board, and as necessary to perform the Board's statutory duties. A majority of the Board shall constitute a quorum for the transaction of the Board's business. All meetings of the Board of Finance shall be open to the public and the Secretary shall keep a record of the proceedings of the Board which shall be approved and signed by the President and attested to by the Secretary. This record of proceedings shall be a public record covered by I.C. 5-13-1.

During the annual meeting of the Board of Finance in January of each calendar year, the Corporation's investment officer shall make a written report to the Board summarizing the Corporation's investments during the preceding calendar year and naming each institution or entity in which the Corporation's money was deposited in the preceding year. The Board of Finance shall receive and review the report and the overall investment policy of the Corporation.

Also, during the annual meeting, the Board of Finance shall review the report submitted by the Superintendent which must assess the financial condition of the School Corporation using the fiscal and qualitative indicators determined under I.C. 20-19-7-4.

The Board of Finance shall designate and commission one or more financial institution(s) meeting the statutory standards for a depository of Corporation funds to serve as a depository for these funds. The Board is authorized to revoke the commission of a depository for Corporation funds. In its consideration of a proposal to revoke the commission of a depository to receive and hold Corporation funds, the Board of Finance shall apply the statutory standards and follow the statutory procedure for its consideration of this decision.

Revised 7/22/13
Revised 5/1914

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Legal
State Board of Accounts Public Schools Part 14
I.C. 5-13-7-5, 5-13-7-6, 5-13-7-8, 5-13-8-9

OFFICERS

0152 - **OFFICERS**

The School Board shall elect from its members a President, Vice-President, and a Secretary all of whom are separate members.

The Board shall also appoint a Treasurer of the Board and of the School Corporation who is not the Superintendent or a Board member.

Election of officers shall be by a majority of the full Board. Where no such majority exists on the first vote, a second vote shall be cast for the two (2) candidates who received the greatest number of votes.

Officers shall serve for one (1) year and until their respective successors are elected and shall qualify. An officer may be removed for cause by a majority vote of the full Board. The Board shall fill a vacancy in either office within thirty (30) days of the occurrence of the vacancy.

Revised 11/23/20
T.C. 12/18/23

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Legal
I.C. 20-26-4-1
I.C. 5-14-1.5-2(b) Definition of "governing body"
I.C 5-14-3 Access to Public Records Act

MOTIONS

0154 - **MOTIONS**

The School Board shall, at the organizational meeting on or before January 15th:

A. Elect a:

1. president
2. vice president; and
3. secretary

each of whom is a different member;

B. Appoint a treasurer of the Board and of the School Corporation who is a person, other than the Superintendent, who is not a member of the Board;

The Treasurer may appoint a deputy who must be a person other than the Superintendent and who is not a member of the Board, subject to approval by the Board of the individual appointed, who has the same powers and duties as the Treasurer.

C. designate a day, place, and time for regular meetings which shall be held at least once every month;

D. authorize the President of the Board to appoint individual Board members to any necessary committees or as representatives to various organizations;

E. appoint a legal counsel;

F. name with model legislative policy;

G. appoint a Board member as legislative liaison to the Indiana School Boards Association.

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Legal
I.C. 5-14-1.5-2(b) Definition of "governing body"
I.C 5-14-3 Access to Public Records Act
I.C. 5-13-7-6 Local board of finance meetings
I.C. 20-26-4-1 Organization
I.C. 20-26-4-3 Regular, statutory and special meetings

COMMITTEES

0155 - **COMMITTEES**

Committees appointed directly by the School Board or the President shall constitute a "governing body" as defined in the Open Door Law. When specifically charged to do so by the Board or President, a committee shall conduct studies, receive information, make recommendations to the Board, and act in an advisory capacity, but shall not take action on behalf of the Board.

Meetings of committees appointed directly by the Board or its President and given authority to take official action upon public business are subject to the Open Door Law and shall give notice of meetings and hold public meetings as required by that statute. "Official action" includes receiving information, deliberating, and making recommendations. A committee subject to the Open Door Law shall keep minutes of its meetings.

Meetings of committees appointed by the Superintendent that report to the Superintendent shall not be subject to the Open Door Law, but records of committees appointed by the Superintendent shall be subject to the Access to Public Records Act.

The President shall, as soon after the organizational meeting as practicable, appoint members of the Board to standing committees where they shall serve a term of one (1) year.

Ad hoc committees may be created and changed at any time by the President or the Superintendent with the approval of the Board.

A member may request (or refuse) appointment to a committee.

Refusal to serve on any one committee shall not be grounds for failure to appoint a member to another committee.

Each Board committee shall be convened by a chairperson who shall report for the committee and shall be appointed by the President.

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Legal
I.C. 5-14-1.5-2(b) Definition of "governing body"
I.C 5-14-3 Access to Public Records Act

SCHOOL BOARD MEETINGS

0160 - **SCHOOL BOARD MEETINGS**

Regular meetings of the Board shall be established each year at the January Organizational Meeting. Meetings will be held at locations authorized by the Board. The Board may change the time/date of a regularly scheduled meeting to increase attendance of members by the majority vote of the Board. All meetings of the Board, except executive sessions, shall be open to the public.

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PARLIAMENTARY AUTHORITY

0161 - **PARLIAMENTARY AUTHORITY**

Rules of Order

Except as otherwise provided by law, Board meetings shall be conducted in accordance with Robert's Rules of Order, Revised. The school attorney shall serve as the parliamentarian and will advise the Board as to the proper procedures under said rules.

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QUORUM

0162 - **QUORUM**

At any meeting of the Board, a majority of the members shall constitute a quorum. No action may be taken unless a quorum is present. Except where a larger vote is required by law with respect to any matter, a majority of the quorum are required to adopt any resolution or take official action.

"Official Action" means:

1. To receive information or to deliberate on public business;
2. To make recommendations pursuant to statute, ordinance, or executive order;
3. To establish policies;
4. To make decisions on public business;
5. To take final action; i.e., a vote by the Board on any motion, proposal, resolution, rule, regulation, ordinance, or order.

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NOTICE OF MEETINGS

0164 - **NOTICE OF MEETINGS**

The School Board shall give notice of regular, special, and emergency Board meetings to Board members, the news media, and the general public in compliance with Indiana law on the organization and operation of the governing body of a school corporation, the Open Door Law, and as provided herein.

Definitions

As used in this bylaw, "legal holiday" means a day listed in I.C. 1-1-9-1.

As used in this bylaw, "regular meeting" means a meeting of the Board held in compliance with a schedule of meetings approved by the Board at its annual organizational meeting.

As used in this bylaw, "special meeting" of the Board is a meeting other than a regular meeting on a schedule of regular meetings established at the Board's annual organizational meeting. At a special meeting, the Board may take any action permitted at a regular meeting. Executive sessions are excluded from this definition.

Notice Required

Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where the announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda. This requirement also does not apply to regular meetings of the Board held in compliance with a schedule of meetings approved by the Board at its annual organizational meeting if the Board has public notice of its annual notice of scheduled regular meetings for the next year on or before December 31 of the preceding calendar year.

The Board shall give public notice by posting a copy of the notice at the administrative offices of the Corporation and by delivering notice to all news media that submit an annual written request for such notice for the next calendar year to the Board on or before December 31 of the preceding calendar year.

Notice to the news media shall be given by depositing the notice in the United States mail with first-class postage prepaid, transmitting the notice by e-mail, or transmitting the notice by facsimile (fax).

In addition to notice of regular meetings to the news media, the Board shall give public notice to persons who give the Board a written request for notice of meetings not later than December 31 of the preceding calendar year. The Board shall give this notice by e-mail or by publishing notice of regular meetings on the Corporation's Internet website at least forty-eight (48) hours in advance of the meeting, excluding Saturdays, Sundays, and legal holidays.

Notice of any meeting of the Board shall contain the following statement:

"The Board's meeting site is fully accessible to all persons. Any person requiring further accommodation should contact the School Corporation's administrative office at 574-654-7273 or 219-778-2814."

In the event of an Executive Order issued by the Governor or guidance provided by the Public Access Counselor, notice of a Board meeting may be provided using alternative means than is required by the Open Door Law. For example, permitting notice to be made through electronic means, e.g., on the Corporation website or social media site rather than by posting and publication.

Any notice requirement for a Board meeting or hearing before the Board established by the Open Door Law (I.C. 5-14-1.5) or this bylaw shall not serve to shorten or otherwise modify the content or timing of notice required by another statute or policy. For example, I.C. 5-3-1-2 establishes a ten (10)-day minimum notice period for public hearings held by the Board on certain contract matters.

If the Board utilizes an agenda for the meeting, a copy of the agenda shall be posted at the entrance to the location of the meeting prior to the meeting.

Notice of Regular Board Meetings

Notice need not be given to a Board member for holding or taking any action at a regular meeting.

Public notice of regular Board meetings shall be given only once a year by posting a copy of the notice at the administrative offices of the Corporation and delivering notice to all news media which submit an annual written request for such notice for the next calendar year to the Board on or before December 31 of the preceding calendar year.

In addition to notice of regular meetings to the news media, the Board shall give public notice to persons who give the Board a written request for notice of meetings not later than December 31 of the preceding calendar year. The Board shall give this notice by e-mail or by publishing notice of regular meetings on the Corporation's Internet website at least forty-eight (48) hours in advance of the meeting, excluding Saturdays, Sundays, and legal holidays.

Additional notice of a regular meeting shall be given by the Board if the date, time, or place of a regular meeting is changed. Notice to the public of a change in the date, time, or place of a regular Board meeting, executive session, or any rescheduled or reconvened meeting shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting is to convene by posting a copy of the notice at the administrative offices of the Corporation and delivering notice to all news media which submit an annual written request for such notice for the next calendar year to the Board on or before December 31st of the preceding calendar year. With the exception of executive sessions, this requirement does not apply to reconvened meetings where the announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes of the meeting if there is no change in the agenda.

Notice of Executive Sessions

Notice of an executive session shall include the purpose(s) of the session as enumerated in I.C. 5-14-1.5-6.1(b) (see Policy 0167.2 - Executive Session).

Notice of Special Board Meetings

A special meeting of the Board shall be held when called by the President or Superintendent. The call shall be evidenced by a written notice specifying the date, time, and place of the special meeting. Special meetings shall be held at the regular meeting place of the Board.

A copy of the notice of a special meeting shall be served upon each member of the Board so that it is received by the Board member at least seventy-two (72) hours before the special meeting is to convene. This notice shall be given by delivering written notice to the member personally or by mail or telegram. Notice may be given by e-mail or facsimile if the member agrees to receive notice in this form. If each member of the Board has waived notice of the special meeting, notice of the meeting to Board members is not necessary.

Waiver of notice of a special meeting by a Board member may be given by the member's presence at the special meeting or the member's execution of a written waiver of notice of the date, time, and place of the special meeting, executed either before or after the special meeting. If a waiver of notice of a special meeting is executed by a Board member after the meeting, the waiver also shall state in general terms the purpose of the special meeting. If a waiver specifies that the waiver was executed before the meeting, third persons are entitled to rely on the statement.

Notice to the public and news media of a special meeting shall state the date, time, and place of the special meeting and the business to be transacted, as well as the name, address, and telephone number of the Corporation's administrative office. This notice shall be given at least forty-eight (48) hours before the special meeting convenes, excluding Saturdays, Sundays, and legal holidays.

Notice of Emergency Board Meetings

The Board may meet to address an actual or threatened emergency involving injury to person or property or actual or threatened disruption of the operation of the Corporation. The notice requirements of the Open Door Law do not apply to a Board meeting convened to address such an emergency, but news media which have requested notice of meetings shall be given the same notice as is given to Board members without charge, and the public shall be notified by posting a copy of the notice at the administrative offices of the Corporation and on the Corporation's Internet website.

T.C. 3/24/25

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Legal
I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings
I.C. 5-14-1.5-3.1
I.C. 20-26-4-3 Notice of meetings to Board members

BOARD MEETINGS

0165 - **BOARD MEETINGS**

Meeting Defined

As used in these bylaws, 'meeting' means a gathering of a majority of School Board members for the purpose of taking 'official action' as defined at I.C. 5-14-1.5-2(d) on public business. The term 'meeting' does not include the following:

A social or chance gathering not intended to avoid the principles of the Indiana Open Door law set forth in I.C. 5-14-1.5-1 et seq.

A. An on-site inspection of a project, program, or facility of applicants for incentives or assistance from the Board.

B. Traveling to and attending meetings of organizations devoted to the betterment of government.

C. A caucus as defined at I.C. 5-14-1.5-2(h).

D. A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.

E. An orientation of members of the Board on their role and responsibilities as public officials, but not for any other official action.

F. A gathering of Board members for the sole purpose of administering the oath of office specified in I.C. 20-26-4-2 to a Board member or members.

G. Collective bargaining discussions that the Board engages in directly with the exclusive representative of a bargaining unit consisting of School Corporation employees. This exception from the definition of a 'meeting' of the Board applies only when the Board has not appointed an agent or agents to conduct collective bargaining on behalf of the Board. A committee appointed by the Board or the Board President to conduct collective bargaining shall not constitute a 'governing body' subject to the Open Door Law (I.C. 5-14-1.5-2(b)(3) and (c)(8)).

Regular Meetings

The Board shall hold a meeting on a date and at a time and place determined annually by a resolution of the Board.

In the event the date, time, or place of a meeting needs to be changed, which change is in the best interest of the Board and/or the Corporation, such change may be made by action of the Board, provided that the proper notice is given pursuant to Bylaw 0164 - Notice of Meetings.

Special Meetings

A "special meeting" of the Board is a meeting other than a regular meeting on a schedule of regular meetings established at the Board's annual organizational meeting. At a special meeting, the Board may take any action permitted at a regular meeting. Executive sessions are excluded from this definition.

Special meetings of the Board may be called by the President or the Superintendent provided there is compliance with the notice provision contained in Bylaw 0164 - Notice of Meetings.

Emergency Meetings

In the event of a local disaster emergency posing severe and imminent threat to the health, safety, or welfare of the Corporation, its employees, or students, including but not limited to a disaster emergency or local disaster emergency, the President or the Superintendent may call an emergency session if it can be shown that delay would be detrimental to efforts to lessen or respond to the threat. No formal notice to Board members of any emergency meeting shall be required, but the press and public shall be notified.

The following provisions apply if:

A. the Governor declares a disaster emergency under I.C. 10-14-3-12; or
B. the executive (as defined in I.C. 36-1-2-5) of a political subdivision declares a local disaster emergency under I.C. 10-14-3-29.

Until the disaster emergency or local disaster emergency is terminated, Board members shall not be required to be physically present at a Board meeting if:

A. meeting in person would present an imminent risk to the health or safety of the members of the public and the Board members who attend the meeting because of the particular danger, threat, or emergency conditions that is/are the basis for the declaration of the disaster emergency or local disaster emergency; and
B. one (1) or more schools within the Corporation are closed at the time of the meeting because of the particular danger, threat, or emergency conditions that is/are the basis for the declaration of the disaster emergency or local disaster emergency.

During the disaster emergency or local disaster emergency, Board members may meet by any means of electronic communication, if the following are satisfied:

A. At least a quorum of the Board members participate in the meeting by means of electronic communication or in person.

B. The public is able to simultaneously attend and observe the meeting, unless held in executive session.

All votes taken in a meeting conducted with at least one Board member participating through an electronic means of communication during a declared disaster emergency or local disaster emergency shall be by roll call. The Board minutes prepared for meetings in which at least one Board member participates by an electronic means of communication during a declared disaster emergency or local disaster emergency must state the name of each Board member who:

A. was physically present at the place where the meeting was conducted;

B. participated in the meeting by using any electronic means of communication; and

C. was absent.

The Board minutes also shall identify the electronic means of communication by which:

A. Board members participated in the meeting; and

B. the public attended and observed the meeting if it was not an executive session.

Location of Meetings

The Board's meetings normally shall be held at a location within the Corporation boundaries that may accommodate public attendance. In such meetings, some members may participate through electronic communication in accordance with this bylaw. The Board further authorizes the Superintendent and Board President acting in concert to determine that it is necessary or appropriate to hold a regular, special or emergency Board meeting by means of remote or virtual participation by all Board members and remote or virtual public access, considering whether and how public comment shall be allowed and in compliance with the Open Door Law, to the extent required by the Governor or the Public Access Counselor, or pursuant to provisions of this policy pertaining to meetings during declared disaster emergencies only in the event that circumstances justify such a meeting. Notice of such meetings shall be made as required by the Open Door Law or as modified by the Governor or the Public Access Counselor and include information regarding public access to the remote or virtual Board meeting (See Policy 0164 - Notice of Meetings). Any meeting held under this provision may include voting by Board members (see Policy 0167.1 - Voting), and such votes shall not be invalid merely because of the remote or virtual nature of the meeting if a legal exception exists to requirements under the Open Door law regarding remote voting, for example, by Executive Order of the Governor or guidance provided by the Public Access Counselor or pursuant to provisions of this bylaw pertaining to meetings during declared disaster emergencies.

The Board President shall conduct the meeting so as to facilitate public understanding, including requiring Board members to identify themselves before speaking and limiting instances of multiple Board members speaking at the same time, to the extent possible.

Member Participation in Meetings Through Electronic Means of Communication

Subject to the limitations listed below, the Board shall permit Board members to participate in a meeting by an electronic means of communication if it allows all Board members participating in the meeting to simultaneously communicate with each other and allows the public to simultaneously attend and observe the meeting if it is not an executive session.

A Board member participating by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the Board member can be seen and heard. At least fifty percent (50%) of the Board members must be physically present at a meeting, except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above.

The number of Board members who may participate in any given meeting through an electronic means of communication is limited to two (2) Board members, except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above.

A Board member may attend two (2) consecutive meetings (a set of meetings) by electronic communication, except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above. A Board member shall physically attend at least one (1) meeting between sets of meetings that the Board member attends by electronic communication unless the Board member's absence is due to:

A. military service;

B. illness or other medical condition;

C. death of a relative; or

D. an emergency involving actual or threatened injury to persons or property

or except where a disaster emergency or local disaster emergency has been declared as indicated above.

A Board member may not attend more than fifty percent (50%) of any Board meetings in a calendar year by an electronic means of communication unless the Board member's electronic participation is due to:

A. military service;

B. illness or other medical condition;

C. death of a relative; or

D. an emergency involving actual or threatened injury to persons or property

or except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above.

The limitations listed above shall apply separately to each category of Board meetings, including regular meetings, special meetings, emergency meetings, executive sessions, and work sessions. Thus, for example, the 50% limitation means that a Board member may not attend more than fifty percent (50%) of regular meetings, fifty percent (50%) of special meetings, fifty percent (50%) of emergency meetings, fifty percent (50%) of executive sessions, and 50% of work sessions in a calendar year by an electronic means of communication unless one of the listed exceptions applies.

All votes taken during a meeting conducted with at least one Board member participating through an electronic means of communication shall be by roll call. The Board minutes prepared for meetings in which at least one Board member participates by an electronic means of communication shall state the name of each Board member who:

A. was physically present at the place where the meeting was conducted;

B. participated in the meeting by using any electronic means of communication; and

C. was absent.

The Board minutes also shall identify the electronic means of communication by which:

A. Board members participated in the meeting; and

B. the public attended and observed the meeting if it was not an executive session.

Board members may not participate in a Board meeting by electronic communication if the Board is attempting to take final action to:

A. adopt a budget;

B. make a reduction in personnel;

C. initiate a referendum;

D. establish or increase a fee;

E. establish or increase a penalty;

F. use the Board's power of eminent domain authority; or

G. establish, raise, or renew a tax,

except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above.

Subject to the limitations listed above, a Board member who plans to attend a meeting by any electronic means of communication shall notify the Board President and Superintendent no less than forty-eight(48) hours before the meeting so that arrangements can be made for the Board member's participation by electronic means. Such notice is not required where a disaster emergency or local disaster emergency has been declared, under the circumstances indicated above, and the entire Board is participating in the meeting by means of electronic communication.

A technological failure in an electronic means of communication that disrupts or prevents:

A. the simultaneous communication between a Board member who is not physically present at the meeting and the Board; or
B. a member of the public who is not present at the meeting from attending and observing the meeting

does not prevent the Board from conducting the meeting or affect the validity of an action taken by the Board at the meeting if the sum of the Board members physically present at the meeting and the Board members participating by electronic communication without technological failure satisfies the quorum and, if a final action is taken, the Board's voting requirements.

Series of Meetings (Gatherings)

Members of the Board may not participate in a series of meetings (gatherings) if the series consists of at least two (2) gatherings and the series of gatherings meets all of the following criteria:

A. one (1) of the gatherings is attended by at least three (3) Board members but less than a quorum, and the other gathering includes at least two (2) Board members;

B. the sum of the number of different members attending any of the gatherings equals at least a quorum of the Board;

C. all gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days; and

D. the gatherings are held to take official action on public business.

A Board member attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

Revised 12/16/13
Revised 7/27/20
Revised 8/26/24

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Legal
I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings
I.C. 10-14-3-12 Disaster emergency; emergency gubernatorial powers
I.C. 10-14-3-29 Local Disaster Emergency
I.C. 20-26-4-2 Oath of Members
I.C. 20-26-4-3 Regular, Statutory and Special Meetings (notice of meetings to Board members)
I.C. 36-1-2-5 (definition of) "Executive"

AGENDA

0166 - **AGENDA**

Board Meeting Procedures

Agenda Preparation

The Superintendent shall prepare all agendas for all meetings of the Board. Prior to completion of the preparation of the agenda, the Superintendent shall consult the President of the Board as to matters relative to the agenda. Items of business may be entered by any Board member or suggested by staff members, students or patrons of the Corporation. The inclusion of items in the agenda shall be at the discretion of the President of the Board. However, an item not included on the agenda by the Superintendent or Board President may be discussed and acted upon by the Board if a majority of the Board members present at any such regular meeting of the Board vote to consider such item.

In order to be placed on the agenda, an individual or group must submit in writing to the Superintendent such information as they wish to discuss in order that the material may be duplicated and presented to the Board prior to the regularly scheduled meeting. This material must be submitted to the Superintendent by noon on the Tuesday preceding the Board meeting. The School Board may discuss, act upon, or table the information.

Agenda Posting

The Superintendent will post a copy of the agenda at the entrance to the location of the meeting prior to each regular or special meeting of the Board.

Agenda Dissemination

The Superintendent shall make reasonable efforts to cause the agenda to be distributed to Board members no less than three (3) days prior to the regularly scheduled Board meeting. The Superintendent shall also make reasonable efforts to make the agenda available for inspection by any interested news media representative and the public as prescribed by Indiana Code.

The Board packet is prepared for review by School Board members, Legal Counsel and school administrators as deemed appropriate and as excepted as per Indiana Code 5-14-3-4.

Agenda Format

The Superintendent will be responsible for arranging the order of items on meeting agendas so that the Board can accomplish its business as expeditiously as possible. The particular order of business may vary from meeting to meeting in keeping with the business at hand. The following shall be the order of business to be observed at regular meetings unless otherwise noted:

Let’s Talk Session

A. Call to Order/Pledge

B. Adopt Agenda

C. Instructional Presentation

D. Reasons We're Proud

E. Consent Items

    1. Minutes
    2. Financial Reports
    3. Claims
    4. Personnel Report

F. Reports

G. Action Items

H. Discussion Items

I. Board Comments

J. Adjournment

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I.C. 5-14-1.5-4

CONSENT AGENDA

0166.1 - **CONSENT AGENDA**

The School Board shall use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board.

A. minutes of prior meetings;

B. bills for payment;

C. hiring of personnel;

D. resolutions that require annual adoption, such as bank signatories, Indiana High School Athletic Association membership, etc.;

E. resignations and leaves;

F. technical corrections.

A member of the Board may request that any item on the Consent Agenda be removed and considered separately. Upon such a request, the item may be:

A. Moved to a separate action item for open discussion and vote;
B. Discussed as a non-action item; or
C. Deferred for further study and placed on the agenda of a subsequent Board meeting either in the consent agenda or as a separate action item as directed by the Board President - provided that a majority of Board members agree the item warrants further discussion.

A request by a single Board member to remove an item from the consent agenda must be seconded and approved by a majority vote of the Board.

Additionally, any item on the consent agenda may be discussed prior to the vote to approve the consent items without requiring formal removal or deferral.

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I.C. 20-26-4-3 Notice of meetings to Board members
I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings

VOTING

0167.1 - **VOTING**

All regular and those special meetings of the School Board at which the Board is authorized to take official action shall be conducted in compliance with the Indiana Open Door Law (I.C. 5-14-1.5). Except with respect to the approval or modification of a contract, no action shall be valid unless approved at a public meeting of the Board by a majority vote of a quorum of the Board and a proper record made of the vote. Board action to approve or modify a contract shall require an affirmative vote of a majority of all members of the Board. A Board member must be physically present in order to cast a valid vote unless otherwise permitted to participate in and vote during Board meetings remotely or virtually pursuant to an Executive Order ("EO") of the Governor or guidance issued by the Public Access Counselor ("PAC") or as provided in Bylaw 0164.5 or Bylaw 0164.6.

A Board member who is not physically present at a meeting of the Board, may participate in the meeting through electronic communications in accordance with Bylaw 0164.5. A member participating electronically shall be considered present for purposes of establishing a quorum, but may participate in any final action taken at the meeting only if the member can be seen and heard, except for meetings authorized by Bylaw 0164.6. All votes taken during a meeting conducted with at lease one member participating through electronic communication shall be by roll call.

The minutes of a meeting must state each member who was physically present, each member who participated by using electronic means of communication, and each member who was absent.

Abstentions shall not be counted as votes, but shall be recorded in the minutes of a meeting and are deemed to acquiesce in the outcome of the vote. In situations in which a specific number of affirmative votes are required and abstentions have been recorded, the motion shall fail if the specified number of affirmative votes have not been cast. In the case of a tie vote in which a member abstains, the motion shall fail for lack of a majority.

All actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member be recorded; however, when Board members are permitted to participate in and vote during Board meetings remotely or virtually pursuant to an EO of the Governor or guidance issued by the PAC, voting shall be conducted as required by the Governor's EO or PAC's Guidance. Additionally, voting must comply with Bylaw 0164.5 or Bylaw 0164.6 if one of those bylaws is implicated. Proxy voting shall not be permitted. Any member may request that the Board be polled.

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Revised 7/27/20

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I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings

I.C. 20-26-4-8
I.C. 20-26-4-3 Notice of meetings to Board members

EXECUTIVE SESSION

0167.2 - **EXECUTIVE SESSION**

The School Board may meet in an executive session, one closed to the public (except the Board may admit those persons determined to be necessary to carry out the purpose of the executive session) after giving proper notice, for the following purposes:

A. where authorized by Federal or State statute;

B. discussion of strategy with respect to 1)collective bargaining, which does not include a discussion or meeting under I.C. 20-29-6-7, 2) initiation of litigation, or litigation which is pending or has been threatened in writing, 3)implementation of security system, 4) a real property transaction, including a purchase, a lease as a lessor, a lease as a lessee, a transfer, an exchange or a sale by the governing body, up to the time a contract or option is executed by the parties, 5) or school consolidation, providing that the strategy is necessary for bargaining or competitive reasons, and the meeting does not include the competitive bargaining adversaries;

C. for discussion of the assessment, design, and/or implementation of school safety and security measures, plans, and systems;

D. to receive information about and interview prospective employees;

E. with respect to any individual over whom the Board has jurisdiction, receive information concerning the individual's alleged misconduct, and to discuss, prior to determination, that individual's status as an employee, student, or independent contractor who is a physician or a school bus driver;

F. discussion of records classified as confidential by Federal or State statute;

G. discussion, before any placement decision, or an individual student's abilities, past performance, behavior, and needs;

H. discussion of an employee's job performance evaluation;

I. when considering the appointment of a public official, to develop a list of prospective appointees, to consider applications, and make one (1) initial exclusion of prospective appointees from further consideration (the remaining list of prospective appointees shall not be less than three (3);

J. training of Board members by an outside consultant on the performance of their role as public officials and/or discussion with or between county officials, Board members, and an outside consultant concerning the performance of Board members;

K. to discuss information and intelligence intended to prevent, mitigate, or respond to a threat of terrorism;

L. to discuss either of the following:

    1. Employee health care options with respect to special exceptions for coverage
    2. Employee handbook changes

M. to review negotiations on the performance of publicly bid contracts when public knowledge regarding the review would cause a likelihood of increased costs;
N. to discuss soliciting proposals for the purpose of awarding of contracts for goods and services, when:

    1. proprietary data, trade secrets, or other information is contained in the bidder's proposal relating to the bidder's unique method of:

        a. conducting business, or
        b. determining prices or premium rates to be charged for services under the terms of the proposal; and
    2. public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of information described in N.1. above.

A final action shall be taken at a meeting open to the public.

The Board shall not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting shall not be recessed and reconvened with the intent of circumventing this provision.

Requirements for minutes of an executive session shall be a specific reference to instances or instances from the above-listed purposes for an executive session. The Board shall certify by a statement in the minutes that no other business was discussed in the executive session other than the subject matter specified in the public notice.

In keeping with the confidential nature of executive sessions, no member of the Board shall disclose the content of discussions that take place during such sessions.

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Revised 8/25/25

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I.C. 5-14-1.5-5 Open Door Law notice to the public and news media of executive sessions
I.C. 5-14-1.5-6.1 Executive sessions
I.C. 20-26-4-3 Regular, statutory and special meetings, including notice of meetings to Board members
I.C. 20-29-6-7

PUBLIC PARTICIPATION AT BOARD MEETINGS

0167.3 - **PUBLIC PARTICIPATION AT BOARD MEETINGS**

The School Board may solicit the advice and counsel of citizens in planning and operating the School Corporation. All regular meetings of the Board of School Trustees shall be open to the public.

The presiding officer will inform the public of the following guidelines:

Call to Order/Pledge

The School Board recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on Corporation matters. Community members requesting permission to address the Board are required to complete a registration form prior to a motion to approve a specific agenda item. Individuals will be permitted to speak during the specific agenda item before a vote takes place. All statements shall be directed to the presiding officer; no person may address or question Board members individually. Any questions on personnel should be directed to the Superintendent by contacting his office. No participant may speak more than once, are limited to three (3) minutes and may not pass their minutes to another participant.

Let's Talk Session

The New Prairie United School Corporation and administration invites the public to participate in a talk session with them at the end of each monthly school business meeting, held usually on the fourth Monday of each month.

The purpose of this "Let's Talk Session" is to provide you and other members of the community with the opportunity to speak to the Board and/or administration about your interests, concerns and comments pertaining to District operations, policies and procedures. We more than welcome your input, suggestions and questions that will help make us become a better school system serving the needs of our District students.

Should you wish to speak at a "Let's Talk Session", please contact the Superintendent of Schools or the Board President within one (1) week of the scheduled Board meeting, so you may be placed on the agenda. The "Let's Talk Sessions" will be held in the designated Board Room following the regularly scheduled Board meeting. The session will last approximately one-half (1/2) hour.

This is also a time for Board members to ask questions of the administrators and a chance for administrators to direct questions to Board members. We are all a part of the education community. Should we have concerns, questions, or ideas that may give us a better educational system, "Let's Talk". This may also be a springboard for future School Board meeting agenda items.

Call To Order/Pledge (Let's Talk Session)

The purpose of this "Let's Talk Session" is to provide you and other members of the community with the opportunity to speak to the Board and/or administration about your interests, concerns and comments pertaining to District operations, policies and procedures. We more than welcome your input,

suggestions and questions that will help make us become a better school system serving the needs of our District students.

The School Board recognizes the value of public comment on educational issues. Community members requesting permission to address the Board are required to complete a registration form prior to speaking on the topic of the Let's Talk Session. All statements shall be directed to the presiding officer; no person may address or question Board members individually. No participant may speak more than once, are limited to three (3) minutes, may not pass their minutes to another participant and must only speak on the topic in which the Let's Talk Session is addressing.

Following are some of the reasons to "Let's Talk":

A. A chance for community people to give input and address concerns about the school system. Personnel and students will not be discussed at these meetings.
B. A chance for Board to inquire and get response from other administrators, not just always from the Superintendent.
C. A chance for administrators to ask Board members questions.
D. May lead to better School District policy-making process.
E. A better understanding and updating of School District operations.
F. Paradigm shifts may be instituted through open discussion of specific items.

Employees of the District should go through the proper chain of command.

The presiding officer may prohibit public comments which are frivolous, repetitive, or harassing and may request any individual to leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct of the meeting.

Proper Behavior Expected

Remarks by any person addressing the Board which reflect adversely upon the character or motives of any other person or group are considered out of order and will not be tolerated.

Rules of Order

Except as otherwise provided by law or by policies of this Board, meetings of the Board will be conducted in accordance with Robert's Rules of Order, Newly Revised.

The President of the Board, or in his/her absence, the Vice-President will conduct all meetings. If the President and Vice-President are absent, the Secretary shall preside. If all of the officers are absent, the members shall select a presiding officer. The presiding officer may recognize members of the Board who wish to be heard in the order that s/he deems advisable. No member of the Board will speak without having first been recognized.

Each Board member will be allowed a maximum of five (5) minutes, per agenda item or topic, to express his/her views without interruption.

Other persons may speak with permission of the presiding officer. Each delegation or organization appearing before the Board will select one (1) person in advance as its spokesperson. Each speaker may have three (3) minutes to express his/her views or the views of the group. If there are proponents and opponents to an item, the proponents will be heard first, followed by the opponents. If possible,

presentations and factual information should be in writing for the study and consideration of the Board and staff.

All remarks or questions will be addressed to the presiding officer; no person may address or question Board members individually.

Where there is a difference of opinion among Board members, the presiding officer shall ask for the vote of each member and have the votes recorded.

A refusal to vote or an abstention from voting is considered as assent to the will of the majority voting.

The presiding officer votes with the majority unless s/he specifically states that the vote is to the contrary.

The presiding officer may initiate or second a motion.

The act and process of adjournment shall terminate Board authority.

The School Board recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on Corporation matters.

Such requests shall be approved by the Superintendent and the Board President.

To permit fair and orderly public expression, the Board may provide a period for public participation at those public meetings of the Board during which action may be taken and publish procedures to govern such participation in Board meetings.

The presiding officer of each Board meeting at which public participation is permitted shall administer the procedures of the Board for its conduct.

The presiding officer shall be guided by the following rules:

A. Public participation shall be permitted as indicated on the order of business before the Board takes official action on any issue of substance.
B. Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting.
C. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, group affiliation, if and when appropriate.
D. Each statement made by a participant shall be limited to three (3) minutes duration.
E. No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.
F. All statements shall be directed to the presiding officer; no person may address or question Board members individually.
G. The presiding officer may:

    1. prohibit public comments which are frivolous, repetitive, or harassing;
    2. interrupt, warn, or terminate a person's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
    3. request any individual to leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct of the meeting;

4. request the assistance of law enforcement officers in the removal of a disorderly person when that person's behavior interferes with the orderly conduct of the meeting;
5. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

Digital, audio or video recordings are permitted. The person operating the recorder should contact the Superintendent prior to the Board meeting to review possible placement of the equipment, and agrees to abide by the following conditions:

A. No obstructions are created between the Board and the audience.
B. No interviews are conducted during the Board meeting.
C. No commentary is made that would distract either the Board or members of the audience.

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Revised 7/27/20
Revised 5/23/22

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Legal
I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings
I.C. 20-26-4-3 Notice of meetings to Board members

USE OF SCHOOL CORPORATION ELECTRONIC MAIL BY BOARD

0167.5 - **USE OF SCHOOL CORPORATION ELECTRONIC MAIL BY BOARD**

Each Board member shall have the option to be assigned a School Corporation e-mail address for their use in communicating about School Corporation business. A School Corporation e-mail account shall not be used in a manner which suggests Board or school corporation endorsement of the content of the message and may not be used to communicate concerning a campaign for partisan or School Corporation office.

Board members may include their School Corporation e-mail address in communications with the public about matters of School Corporation business but shall not be used to support a campaign for election/re- election to the Board.

A list of students, employees, parents, voters, or persons expressing interest in favor or in opposition to any action by the Board shall not be passed on to a non-school user or used for commercial or campaign purposes. As used in this bylaw, "campaign purposes" includes messages in support of or opposition to a school referendum.

If a Board member sends an e-mail message to a School Corporation employee, the Superintendent shall be sent a copy of the message at the time the original message is sent.

E-mail messages to and from Board members using their School Corporation e-mail account are subject to production in response to an Indiana Access to Public Records Act ("APRA") request and each e-mail message from a Board member sing their School Corporation account shall include a warning that messages to and from Board members using a School Corporation e-mail address shall be subject to production in response to a request under that Act.

Information about a specific identified or identifiable student such as information concerning an appeal of an expulsion may be sent in or attached to a message to Board members.

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MINUTES

0168 - **MINUTES**

Written minutes of all official action at all regular and special meetings of the Board shall be recorded by the Superintendent and/or his/her designee. Said minutes shall be kept on file in the Superintendent's Office.

As a regular or special Board meeting progresses, the following memoranda shall be kept:

A. The date, time and place of the meeting;

B. The members of the Board recorded as either present or absent;

C. The general substance of all matters proposed, discussed or decided;

D. A record of all votes taken by individual members if there is a roll call.

The above memoranda from special and regular Board meetings are to be available within ten (10) days after said meeting for the purpose of informing the public of the Board's proceedings. The minutes, if any, are to be open for public inspection and copying at public expense.

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I.C. 5-14-1.5-4

EXECUTIVE SESSION

0168.2 - **EXECUTIVE SESSION**

The minutes of an executive session shall show the date, time, and place of the session; the members either present or absent; and the identification of the subject matter considered by specific reference to the enumerated instance(s) for which public notice was given. The Board shall certify in the minutes that it discussed no subject matter in the executive session other than the subject matter specified in the public notice.

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OFFICERS

0171 - **OFFICERS**

The officers of the Board shall be a President, Vice-President, and Secretary. The President, Vice-President and Secretary shall each be a different member of the Board.

PRESIDENT

0171.1 - **PRESIDENT**

The President of the School Board shall preside at all Board meetings and shall call special meetings as required by law or Board policy or at the request of other members. S/He shall perform the legal duties of the office and such other functions as are designated by the Board. S/He shall appoint all Board committees unless otherwise provided by the Board.

If the President is absent, the Vice-President shall preside. If the Vice- President is absent, the Secretary shall preside. If all of the officers are absent, the members present shall select a presiding officer. A majority of the members shall constitute a quorum. No official business shall be transacted unless a quorum is present.

When directed to do so by members of the Board at a regular or special Board meeting, the President shall speak for the Board of School Trustees.

VICE-PRESIDENT

0171.2 - **VICE-PRESIDENT**

The Vice-President shall, in the absence of the President, perform all duties and functions of the President.

SECRETARY

0171.3 - **SECRETARY**

The Secretary shall maintain records of all regular and special Board meetings. S/He shall perform the legal duties of the office and such other functions as are designated by the Board.

TREASURER

0171.4 - **TREASURER**

The School Board shall appoint a person, other than the Superintendent or a member of the Board, to serve as treasurer of the Corporation.

The Treasurer shall be the official custodian of all funds of the Corporation and responsible for the proper safeguarding of and accounting for all such funds.

In addition, the Treasurer shall issue a receipt for all funds coming into his/her hands as well as deposit money and issue all warrants in accordance with the law.

The Treasurer also may transact Corporation financial business through the use of electronic funds transfer.

The Treasurer may appoint a deputy who must be a person other than the Superintendent and who is not a member of the Board, subject to approval by the Board of the individual appointed, who has the same powers and duties as the Treasurer.

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CORPORATION ORGANIZATION

11100 - **CORPORATION ORGANIZATION**

The School Board recognizes that the grouping of grades and services within the facilities of the Corporation can assist the efficient operation of the Corporation and help achieve a more effective instructional program.

The Superintendent shall continually monitor the effectiveness of the Corporation organizational plan and recommend to the Board such modifications in the plan which are in the best interests of the students, make wisest use of Corporation resources, and serve the educational goals of the Board.

Modifications in the organizational plan of the schools may be made by the Board upon the recommendation of the Superintendent.

The Superintendent shall be the chief executive officer of the School Corporation. The Superintendent shall define and recommend those administrative positions required to implement the educational system and program of learning established by the Board. In each case, the Board will approve the broad purpose and function of the position in harmony with State law and administrative guidelines.

Responsibility shall flow clearly from the Superintendent through the administrative staff to the operational personnel.

It shall be the responsibility of the Superintendent to determine the need for and define operational requirements sufficient to ensure the smooth functioning of the Corporation. Maintenance of an efficient, skilled operational staff is essential to the effective performance of the system.

On occasion, the Superintendent may find it necessary to recommend to the Board the employment of specialists or consultants to maintain or support programs implemented by the Corporation in areas requiring specialized knowledge. These positions will be considered by the Board on the merits of their potential contribution to the School Corporation and the specific conditions of the stated contract or agreement.

SCHOOL BUILDING ADMINISTRATION

1100.02 - **SCHOOL BUILDING ADMINISTRATION**

The principal of each school shall be regarded as the chief administrative officer of that building and have the authority to establish rules governing the conduct of persons and operation of functions under the supervision of the principal. No rule established shall be inconsistent with any contrary to law, Board policy, administrative regulation, or other rule established by any supervisor of said principal.

The principal may delegate to school employees under his/her supervision the authority to establish rules governing the conduct and operation of persons and functions under the supervision of the principal, provided that the principal shall not be deemed to have relieved himself/herself of any of the responsibilities of any such authority so delegated.

The rules concerning the management of operation of the school as developed may not be inconsistent with or contrary to law, Board policy, administrative regulation or other rule established by any supervisor of said principal.

No delegation of any kind of authority to a school employee who is not an administrator, or who is a member of any bargaining unit and who is covered under a collective bargaining agreement with the Board, shall be made that would result in delegating to such person the authority to:

A. hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline school employees; or

B. direct school employees and adjust their grievances; or

C. effectively to recommend the action set out in these categories, provided that exercise of the foregoing authority is not of a merely routine or clerical nature but requires the use of independent judgment.

All rules governing student conduct applying to any group of students or to students generally, shall not be effective until they are reviewed by the Superintendent and be presented to the Board for approval. This pertains primarily to the Indiana Code School Behavior pamphlet, elementary, secondary and transportation codes.

All rules of the School Corporation as well as co-curricular and extra-curricular activities shall be provided to all parties concerned; i.e., students, parents/guardians, teachers and administrative personnel.

ASSESSMENT OF CORPORATION GOALS

1110 - **ASSESSMENT OF CORPORATION GOALS**

One of the major functions of the Board of School Trustees is to work with the administration to establish the goals by which the Corporation can accomplish its mission and to provide the resources necessary for their accomplishment. Because of the importance the Board places on accomplishing goals, it has established the following policy for effective assessment of the Corporation's progress toward their realization.

In conjunction with its annual evaluation of the Superintendent, the Board shall also provide the time for both the Board and the administration to assess the progress of the Corporation, during the previous year, toward the achievement of current goals. Both the Superintendent's evaluation and the progress-assessment of goals shall take place at a time of the year when the following conditions are most favorable to assure this policy operates as intended.

OPERATIONAL GOALS

In accordance with the general philosophy of the Board, the Board will seek to achieve the following operational goals:

A. Maintain financial solvency Review budgets

B. Develop and maintain a school facility plan Look at long-range plan

C. To improve and increase the effectiveness of school and community relations through "Let's Talk" on the Board Agenda, Town Hall meetings, newspaper articles and the Website

   Progress report to the Board at the end of the school year verifying community relations efforts

D. The Board of School Trustees will address, support and create policies for the District, adhering to all legal requirements established by the State of Indiana

   Annual review of Board policy that is affected through legislation

E. To seek to improve the Board's capabilities and Board training, each Board member will have the opportunity and be encouraged to attend at least one (1) of either the National or State core meetings and one (1) non-core meeting, excluding Spring and Fall ISBA Region meetings within each two-year (2) period

   Monitored by ISBA's reports. Keep track of conferences and meeting opportunities throughout the year

F. To develop and review annually the School Corporation's educational goals and objectives Annual School Board Retreat

G. To evaluate the Board and Superintendent annually Annual evaluation

1. The Board annually evaluates the Superintendent with input from the administration team
2. The Board will be evaluated annually through input from the administrative team
3. Both parties will do a self-evaluation

SCHOOL DIRECTORY

1113 - **SCHOOL DIRECTORY**

The School Board authorizes the Superintendent to prepare a school directory annually, and it shall contain the names, assignments, addresses, and telephone numbers of all professional and support staff as well as the Board and Superintendent.

Directories shall be distributed to all Corporation personnel, but shall not be available to individuals and/or firms for commercial or private gain unless, in the judgment of the Superintendent, such distribution will be of a direct educational benefit to the staff or students.

CONFLICT OF INTEREST

1130 - **CONFLICT OF INTEREST**

A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School Corporation employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the School Corporation.

To accomplish this, the School Board has adopted the following guidelines which apply to all Corporation employees, officers, agents, and Board members, to assure that conflicts of interest do not occur. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all Corporation employees, officers, agents, and Board members.

An employee, officer, agent, or Board member of the Corporation making a recommendation to the Board on a matter to be considered by the Board shall not accept any gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1- 1-4.

1. No employee, officer, agent, or Board member shall engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with the individual's Corporation responsibilities.

2. Employees, officers, agents and Board members shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the School Corporation.

   Included, by way of illustration rather than limitation are the following:

   a. the provision of any private lessons or services for a fee

   b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or professional relationship with the Corporation through their access to Corporation records

   c. the referral of any student or client for lessons or services to any private business or professional practitioner; if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals

   d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer, agent, or Board member or any business or professional practitioner with whom any employee, officer agent, or Board member has a financial relationship, as a

condition of receiving any grades, credits, promotions, approvals, or recommendations

3. Employees, officers, agents, and Board members shall not make use of materials, equipment, or facilities of the School Corporation in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

4. Employees, officers, agents, and Board members of the Corporation may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors.

5. No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, or any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.

B. No conflict of interest will be deemed to be present if the individual's interest in the contract or purchase and all other contracts and purchases made by the Corporation during the twelve (12) months before the date of the contract or purchase was less than $250.

C. Should exceptions to this policy be necessary in order to provide mandatory services through a private relationship to students or clients of the Corporation, all such exceptions will be made known to the individual's supervisor, or to the School Board if there is no supervisor, and will be disclosed to the Superintendent **before** entering into any private relationship.

D. To the extent that the Corporation has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the Corporation may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the Corporation is unable, or appears to be unable, to be impartial.

E. Employees, officers agents, and Board members must disclose any potential conflict of interest that may lead to a violation of this policy to the Corporation. Upon discovery or notification of any potential conflict of interest, the Corporation will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Corporation will promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity. The Corporation is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200.

F. Employees, officers, agents, and Board members found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

Revised 1/28/08
Revised 12/14/15
Revised 2/25/19

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Legal
I.C. 20-26-3-4
I.C. 20-26-5-4
I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5
2 C.F.R. Part IV
2 C.F.R. 200.112, 200.113, 200.318
7 C.F.R. 3016.36(b)(3) and 3019.42

ADMINISTRATOR ETHICS

1200 - **ADMINISTRATOR ETHICS**

The proper performance of school business and administration of an effective educational program requires the services of individuals of integrity, high ideals, and human understanding. To maintain and promote these essentials, the School Board expects all administrators to maintain high standards in their working relationships, provide professional leadership in the Corporation and community, and in the performance of their duties, to:

A. recognize basic dignities of all individuals with whom they interact in the performance of duties;

B. represent accurately their qualifications;

C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;

D. seek and apply the knowledge and skills appropriate to assigned responsibilities;

E. keep in confidence legally-confidential information;

F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;

G. avoid accepting anything of value offered by another for the purpose of influencing judgment;

H. refrain from using his/her position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. (This will in no way limit constitutionally or legally protected rights as a citizen.)

In addition, the Board believes that each administrator should maintain standards of exemplary professional conduct and conform his/her behavior to the code of ethics set forth below as adopted from the American Association of School Administrators' *Statement of Ethics for School Administrators* by:

A. making the well-being of students the fundamental value of all decision making and actions;

B. fulfilling professional responsibilities with honesty and integrity;

C. supporting the principle of due process and protecting the civil and human rights of all individuals;

D. obeying local, State and national laws and not knowingly joining or supporting organizations that advocate, directly or indirectly, the overthrow of the government;

E. implementing the Board's policies and administrative rules and regulations;

F. pursuing appropriate measure to correct those laws, policies, and regulations that are not consistent with sound educational goals;

G. avoiding the use of his/her position for personal gain through political, social, religious, economic, or other influences;

H. accepting academic degrees or professional certification only from duly accredited institutions;

I. maintaining the standards and seeking to improve the effectiveness of the profession through research and continuing professional development;

J. honoring all contracts until fulfillment, release or dissolution mutually agreed upon by all parties to the contract.

BOARD - SUPERINTENDENT RELATIONSHIP

1210 - **BOARD - SUPERINTENDENT RELATIONSHIP**

The School Board believes that, in general, it is the primary duty of the Board to establish policies and that of the Superintendent to administer such policies. Policy should not be originated or changed without the recommendation of the Superintendent. The Superintendent should be given the latitude to determine the best method of implementing the policies of the Board.

The Superintendent, as the chief administrator of the School Corporation, is the primary professional advisor to the Board. S/He is responsible for the development, supervision, and operation of the school program and facilities. His/Her methods should be made known to the staff through the administrative guidelines of the Corporation.

The Board shall retain oversight supervision of such guidelines.

In order to expedite negotiation procedures, the Superintendent is appointed the chief representative of the School Board for the purpose of determining negotiation strategies and members of negotiation teams for collective bargaining with recognized unions and employee units.

The Board is responsible for determining the success of the Superintendent in meeting the goals established by the Board through annual evaluations of the Superintendent's performance. The Board, in formulating its position with regard to the performance of the Superintendent, shall rely, whenever possible, on the objective outcomes of its evaluations rather than on subjective opinions.

STAFF-STUDENT RELATIONS

1213.01 - **STAFF-STUDENT RELATIONS**

The School Board wants to maintain a safe and healthy educational environment for students attending the School Corporation. The interactions between Corporation employees and its students are of paramount concern. This policy addresses appropriate boundaries between Corporation employees and its students.

Sexual Relationships with Students Prohibited

Sexual conduct with or sexual relationships with students by a Corporation employee are prohibited. Any teacher, administrator, coach, school official, or staff member who engages in sexual conduct with a student may be disciplined, up to and including termination. That person's conduct also may constitute the crime of:

A. 'sexual battery,' under I.C. 35-42-4-8; or
B. 'child molesting' under I.C. 35-42-4-3 in the case of a child under fourteen (14) years of age; or
C. "child seduction" under I.C. 35-42-4-7; or
D. 'sexual misconduct with a minor' under I.C. 35-42-4-9 in the case of a child between the ages of fourteen (14) and sixteen (16).

The issue of consent is irrelevant in regard to the latter three (3) criminal charges. Any conduct that may constitute a crime shall be reported to local law enforcement.

Any employee accused of sexual conduct or a sexual relationship with a student may be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student, regardless of the age of the student, shall initiate the termination process for the employee.

Allegations Constituting Criminal Conduct or Child Abuse/Sexual Misconduct

The Corporation's administrators, including a Compliance Officer or designee, shall report to local law enforcement any conduct that may constitute a crime upon receiving a report of such conduct.

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to report that knowledge or suspicion to the Department of Child Services ("DCS") immediately.

Allegations made during harassment investigations:

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the alleged conduct may constitute abuse or neglect of a child, a report shall be made to DCS in accordance with State law and Board Policy.

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the conduct reported may constitute a crime, a report shall be made to local law enforcement.

Reports made to DCS or to local law enforcement do not terminate a Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Inappropriate Boundary Invasions by Corporation Employees

The Board prohibits inappropriate boundary invasions by a Corporation employee into a student's personal space and personal life.

Examples of inappropriate boundary invasions include but are not limited to the following:

A. kissing, or other inappropriate physical conduct with a student;
B. telling sexual jokes to students;
C. engaging in talks containing sexual innuendo or banter with students;
D. talking about sexual topics that are not related to curriculum;
E. showing pornography to a student;
F. taking an undue interest in a student to develop a romantic or inappropriate personal relationship;
G. initiating or extending contact with students beyond the school day for personal purposes;
H. using email, text messaging, websites, or other social media services to discuss personal topics or interests with students;
I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrator approval;
J. invading a student's privacy (e.g., walking in on the student in the bathroom or locker room or asking about bra sizes or previous sexual experience);
K. going to a student's home or vice versa for romantic or inappropriate personal reason;
L. being overly touchy with students;
M. providing advice to or counseling a student regarding a personal problem (e.g., problems related to sexual behavior, substance abuse, mental or physical health, or family relationships) unless properly licensed and authorized to do so;
N. talking to a student about problems that normally would be discussed with adults (e.g., marital issues);
O. being alone with a student behind closed doors without a legitimate educational purpose;
P. telling a student "secrets" and having "secrets" with a student.

Disciplinary action, up to and including termination, may result from the violation of the above-stated boundary invasions.

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

The Superintendent shall report to the Indiana Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members convicted of sexual battery and, in accordance with Policy 3121 - Personal Background Checks, References, and Mandatory Reporting, shall suspend such employee from all duties that concern or involve the care, custody, or control of a child during the pendency of any criminal action for which that person has been arrested, summoned and/or indicted in that regard.

Revised 12/18/23
T.C. 3/24/25

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Legal
I.C. 31-33-5
I.C. 35-42-4-3
I.C. 35-42-4-7
I.C. 35-42-4-8
I.C. 35-42-4-9

STAFF GIFTS

1214 - **STAFF GIFTS**

The School Board discourages the presentation of gifts to administrators.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

Administrators shall not accept any form of compensation from vendors that might influence their recommendations on or raise a conflict of interest with respect to the eventual purchase of equipment, supplies, or services. See also Board Policy 1130 - Conflict of Interest. Furthermore, administrators shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, administrators who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the Corporation or a vendor with whom the Corporation is doing business, whereby an individual administrator receives compensation in any form for services rendered.

Such compensation includes, but is not limited to cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an administrator receives such compensation, albeit unsolicited, from a vendor, the administrator shall notify the Superintendent, in writing, that s/he received such compensation and the compensation has been returned to the vendor.

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Legal
I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5
2 C.F.R. 200.318
7 C.F.R. 3016.36(b)(3) and 3019.42

DRESS AND APPEARANCE

1216 - **DRESS AND APPEARANCE**

The School Board believes that administrative staff members set an example for their staff and students to follow.

The Board authorizes the development of standards for administrator dress and appearance that promote a professional educational atmosphere that gives consideration to the impact on the educational process and the diversity of the School Corporation's administrators.

When assigned to Corporation duty, all administrators shall:

A. be physically clean and neat;
B. dress in a manner consistent with their administrative responsibilities;
C. dress in a manner that communicates pride in personal appearance;
D. dress in a manner that does not cause damage to Corporation property;
E. appear in such a way that does not disrupt the educational process or cause a health or safety hazard.

The established standards for dress and appearance shall be upheld in a nondiscriminatory and uniform manner.

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EMPLOYMENT OF THE SUPERINTENDENT

1220 - **EMPLOYMENT OF THE SUPERINTENDENT**

The School Board vests the primary responsibility for administration of the School Corporation in the Superintendent of Schools. The appointment of the Superintendent is, therefore, one of the most important functions the Board can perform.

Whenever the position of Superintendent of Schools becomes vacant, the Board shall appoint a Superintendent and fix their salary and term of employment, which shall be for a term of at least one (1) year and not more than three (3) years. However, a contract may be extended for not more than an additional five (5) years beyond the term of the original contract.

The Board shall not enter into a contract with a Superintendent on or after the date of the election of one or more members of the governing body until January 1 of the year immediately following the year of the election. This policy provision does not apply if the membership of the governing body does not change by more than one member as a result of the particular election. (I.C. 20-28-8-6)

If the contract contains a provision that establishes an amount the Board must pay to the Superintendent to buy out the contract, the amount may not be more than an amount equal to the lesser of:

A. the Superintendent‘s salary for any one (1) year under the contract; or

B. $250,000.

A Superintendent’s salary under clause (A) does not include benefits or any other forms of compensation that the Superintendent receives as payment under the contract other than the Superintendent’s salary.

The contract between the Board and the Superintendent shall not provide for the awarding of a monetary bonus or other incentive that is based on the approval of a public question under I.C. 6-1.1-20 or I.C. 20-46 (referendum).

The Board shall actively seek the best-qualified and most capable candidate for the position of Superintendent.

It may be aided in this task by:

A. a committee of Board members;

B. the services of professional consultants;

C. the counsel of the outgoing Superintendent;

D. the participation of members of the community.

Recruitment procedures will be prepared in advance of the search and will include:

A. preparation of a written job specification for the position of Superintendent;

B. preparation of written specifications of qualification in addition to proper State certification;

C. preparation of informative material describing this Corporation and its educational goals;

D. where feasible, the opportunity for applicants to visit the schools of this Corporation;

E. the requirement that each selected candidate for the position be interviewed by Board members in a format that encourages him/her to express his/her educational philosophy;

F. solicitation of applications from a wide geographical area;

G. consideration of all applicants fairly without discrimination on the basis of race, gender, age, religion, ethnic background, disability, or other condition unrelated to the position of Superintendent.

No person may be employed as Superintendent of this Corporation unless they have signed an employment contract with the Board.

At least seven (7) days before a contract for employment is entered into between the Board and the Superintendent, the Board shall hold a public meeting on the proposed contract to hear objections to and support for, and discuss, the proposed contract.

The Board Secretary shall submit notice of the hearing on the proposed contract for publication in a newspaper serving the Corporation in compliance with I.C. 5-3-1 and for posting on the newspaper's Internet website in compliance with I.C. 5-3-1-1.5 at least once, no less than ten (10) days before the date of the hearing. The Board Secretary also shall direct that the published notice be posted on the Corporation's Internet website.

The notice shall:

A. state that on a given day, time, and place, the board will meet to discuss and hear objections to and support for the proposed contract; and

B. set forth the details of the proposed contract, including the actual monetary value of the contract, benefits, and any additional forms of compensation for each year of the contract.

The name of the candidate for the position of Superintendent shall not be included in the notices or discussion of the proposed contract.

Such contract shall be in the basic form of the regular teacher's contract if the Superintendent holds a license under I.C. 20-28-5 and include:

A. the term for which employment is contracted, including beginning and ending dates;

B. the salary that the Superintendent will be paid and the intervals at which they will be paid;

C. the benefits to which they are entitled;

D. such other matters as may be necessary to a full and complete understanding of the employment contract.

See also Policy 8311 – Public Access to Employee Contracts for further posting requirements following the approval of an employment contract with the Superintendent.

Anti-Nepotism:

'Relatives' include: children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents of a Board member or the Superintendent.

Relatives of Board members may be employed by the Corporation as Superintendent, provided the member of the Board involved does not participate in any way in the discussion or vote on the relative's employment. Should the Corporation choose to employ a relative as herein defined, both the relative and the Board member must file a conflict of interest statement.

Relatives of the Superintendent may be employed by the Corporation, provided the staff member being employed is not placed in a position in which the relative staff member would be supervised directly by the Superintendent.

Non-Fraternization:

Corporation employees may not date, develop romantic relationships with, or have sexual relations with individuals who are the employee's supervisor or those whom they supervise. A supervisor's romantic relationship with an employee who is not a subordinate must be disclosed.

Corporation employees may date and develop friendships and relationships with other employees - both inside and outside of the workplace - as long as the relationships do not have a negative impact on their work or the work of others and are not Supervisor-Subordinate Relations.

Any relationship that interferes with the Corporation's culture of teamwork, the harmonious work environment, or the productivity of employees will be subject to discipline, up to and including termination.

Adverse workplace behavior - or behavior that affects the workplace that arises because of personal relationships - will not be tolerated. Corporation employees who disregard this policy will be subject to discipline, up to and including termination.

The Superintendent so appointed shall devote themselves to the duties of their office.

Any candidate's intentional misstatement of fact material to their qualification for employment or the determination of their salary shall be considered by this Board to constitute grounds for their dismissal.

The person selected for the position of Superintendent shall be required to undergo a physical examination reasonably related to the duties they will be required to perform, the cost of which will be borne by the candidate.

The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with I.C. 20-28-8-6, -7, and -8. If the Superintendent holds a license under I.C. 20-28-5, the rights of a Superintendent as a teacher under any other law are not affected by the contract unless those rights conflict with the terms of I.C. 20-28-8-6(b), in which case the provisions of I.C. 20-28-8-6(b) govern.

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Revised 10/27/14
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I.C. 5-3-1
I.C. 5-14-1.5-6.1(b)(5) and (9)
I.C. 6-1.1-20
I.C. 20-28-5
I.C. 20-28-8-6
I.C. 20-28-8-7
I.C. 20-28-8-8
I.C. 20-28-8-13
I.C. 20-46

RESPONSIBILITIES OF THE SUPERINTENDENT

1230 - **RESPONSIBILITIES OF THE SUPERINTENDENT**

The Board recognizes the Superintendent of Schools as the Chief Administrative official of the school system. The professional standards, as defined by the American Association of School Administrators, provide a base reference for the performance of position responsibilities.

The Superintendent of Schools shall:

A. promptly and fully inform the Board of any matter or related matters involving legal expenses reasonably expected to exceed $5,000 (I.C. 20-26-5-44)

B. inform all Board members within five (5) business days, if the Superintendent:

    1. becomes aware of possible criminal activity involving a current or former Corporation employee or contract that:

        a. may have occurred on school property or at a school approved activity or event not on school property; and

        b. may have involved a current or former student who was a student at the time of the possible criminal activity; or

    2. concludes an investigation of a personnel matter that results in or could result in the suspension or termination of a Corporation employee (I.C. 20-26-5-42.3)

C. provide overall leadership and direction for the community's public schools, in accordance with the objectives and policies of the Board of School Trustees.

D. attend all meetings of the Board of School Trustees and its committees (except when the Superintendent's election, tenure, or salary are being considered), and advise the Board of School Trustees on matters of school policy and administration.

E. prepare an agenda for each meeting of the Board of School Trustees, along with related and appropriate informative materials.

F. nominate for election the personnel for all positions authorized by the Board of School Trustees.

G. recommend for suspension or discharge any employee whose services are so unsatisfactory as to warrant such action.

H. recommend, after conferring with administrative officers and teaching staff, the purchase of textbooks and all other supplies and equipment needed for activities of the schools or other agencies under the control of the Board of School Trustees.

I. provide periodic reports to the Board of School Trustees so that the members may be informed of the status of all major functions of the School Corporation's operation, and how their policies are being implemented.

J. keep the Board of School Trustees informed as to school building needs, and recommend such actions as are necessary to meet these needs.

K. guide the development of systems and procedures within the School Corporation to insure legal, effective, efficient and economical operation.

L. prepare for the approval of the Board of School Trustees the bylaws, rules, and regulations needed for the direction and control of the School Corporation.

M. plan for professional growth of all employees.

N. prepare and submit to the Board of School Trustees for approval a plan for interpreting the educational program to the public and direct such procedures as may then be authorized.

O. prepare or have prepared for his/her approval the content of each course of study to be authorized by the Board of School Trustees.

P. determine the boundaries of school attendance areas, subject to approval of the Board of School Trustees.

Q. oversee the general operation and maintenance of school facilities and equipment, and the purchase, storage, distribution, and inventory of all supplies.

R. supervise the assignment and transfer of all employees according to needs of the School Corporation.

S. submit to the Board of School Trustees for approval an annual budget showing in detail the amount of funds necessary to provide for estimated needs during the coming year.

T. assume general control of all purchases and expenditures within limitations of the budget as approved by the Board of School Trustees.

U. assume responsibility for the development of suitable plans in all major areas of the school program to achieve the objectives of the School Corporation.

V. keep the Board of School Trustees informed of the School Corporation's progress toward achieving its goals and objectives.

W. execute for and on behalf of the New Prairie United School Corporation all contracts for teachers whose employment has been authorized and approved by the Board of School Trustees.

X. execute and coordinate on behalf of the New Prairie United School Corporation all work agreements with classified (non- certificated) personnel whose employment has been authorized and approved by the School Board of Trustees.

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I.C. 20-26-5-42.3
I.C. 20-26-5-44

DEVELOPMENT OF ADMINISTRATIVE GUIDELINES

1230.01 - **DEVELOPMENT OF ADMINISTRATIVE GUIDELINES**

The School Board delegates to the Superintendent the function of designing and implementing the guidelines, required actions, and detailed arrangements under which the Corporation will operate. These administrative guidelines shall not be inconsistent with the policies adopted by the Board.

The Board itself will formulate and adopt administrative guidelines and rules only when required by law, and when the Superintendent recommends Board adoption.

The Superintendent may also issue such administrative and student handbooks as s/he may consider necessary for the effective administration of the schools and distribute them to employees and students and/or their parents.

As long as the provisions of these administrative guidelines and handbooks are not inconsistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees and students.

The Superintendent shall maintain a current organizational chart to which immediate reference can be made by the Board or any employee of the Board.

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I.C. 20-23-8

OUTSIDE ACTIVITIES OF ADMINISTRATORS

1231 - **OUTSIDE ACTIVITIES OF ADMINISTRATORS**

Administrators should avoid situations in which their personal interests, activities, and associations conflict with the interests of the Corporation. If such situations threaten an administrator's effectiveness within the School System, the Superintendent and/or School Board shall evaluate the impact of such interest, activity, or association upon the administrator's responsibilities.

Administrators may not dedicate work time to an outside interest, activity, or association.

Administrators may not use school property or school time to solicit or accept customers for private enterprises.

Administrators may not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information that the employee has obtained or may obtain by reason of his/her position or authority.

Administrators may not campaign on school property during working hours on behalf of any political issue, or candidate for local, State, or National office. The constitutional right to express political and other opinions as citizens is reserved to all employees.

Administrators should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials.

Services for Educational Foundations

A Corporation administrator may perform services for an educational foundation which supports the Corporation during normal hours of employment with the approval of the Superintendent. An educational foundation must be an organization that is exempt under Section 501(c)(3) of the Internal Revenue Code.

A Corporation administrator may perform services for another 501(c)(3) entity under the same circumstances.

EVALUATION OF THE SUPERINTENDENT

1240 - **EVALUATION OF THE SUPERINTENDENT**

The School Board believes it is essential that it evaluate the Superintendent's performance periodically in order to assist both the Board and the Superintendent in the proper discharge of their responsibilities and to enable the Board to provide the Corporation with the best possible leadership.

If the Superintendent is a certified employee pursuant to I.C. 20-29-2-4, the Superintendent's evaluation will be in accordance with Policy 1530 - Evaluation of Administrators.

Such performance evaluation shall include an assessment of:

A. objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:

    1. results from all required student assessments;

    2. student growth in areas that are not measured by state-wide assessments; and

    3. results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by state-wide assessments.

B. rigorous measures of effectiveness, including observations and other performance indicators;

C. the progress toward the educational goals of the Corporation (see Policy 1110);

D. the working relationship between the Board and the Superintendent;

E. an annual designation of the Superintendent in one (1) of the following rating categories:

    1. highly effective

    2. effective

    3. improvement necessary

    4. ineffective

F. an explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected;

G. a provision that if student achievement and growth is negatively affected in any year, the Superintendent cannot receive a rating of high effective or effective;

H. a discussion of the evaluation between the Superintendent and the evaluator.

The Board and the Superintendent, jointly, shall, at the outset of each evaluation, determine who shall serve as the evaluator of the Superintendent.

As an outcome of the evaluation of the Superintendent's performance, the Board should be prepared to judge the advisability of retention of the Superintendent and be prepared better to:

A. determine the Superintendent's salary;

B. identify strengths and weaknesses in the operation of the Corporation and determine means by which weaknesses can be reduced and strengths are maintained;

C. establish specific objectives, the achievement of which will advance the Corporation toward its goals;

D. improve its own performance as the public body ultimately charged with the educational responsibility of this Corporation.

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I.C. 20-28-6,7, 8; 20-29-2-4

NON-REEMPLOYMENT OF THE SUPERINTENDENT

1241 - **NON-REEMPLOYMENT OF THE SUPERINTENDENT**

The Board has an obligation to employ professional leadership best trained and equipped to meet the educational needs of the children. It shall meet that obligation by retaining only a highly-qualified person as Superintendent for this Corporation.

If the services of the Superintendent are found to be unsatisfactory to the Board, the Superintendent shall be notified in writing by the President, as approved by the Board, that his/her contract will expire upon the expiration date set forth in the contract. Notification of its intent not to renew his/her services shall be delivered to the Superintendent in person or by registered mail not later than January 1 of the year in which the contract expires.

Further, the Superintendent's contract can terminate on any date that is mutually agreeable to the Board and the Superintendent.

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I.C. 20-28-8-7

JOB DESCRIPTIONS

1400 - **JOB DESCRIPTIONS**

The School Board authorizes the Superintendent to maintain job descriptions which shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.

The job description for the Superintendent shall be defined as a policy of the Board.

All other job descriptions shall be defined as administrative guidelines of the Superintendent and each shall contain the following provision:

"The employee shall remain free of any alcohol or nonprescribed controlled substance in the workplace throughout his/her employment in the Corporation."

Revisions to job descriptions shall be reviewed with the employees affected prior to their use.

Each employee will be provided with a copy of his/her job description at the time of employment and any revisions thereto.

Employees will be evaluated, at least in part, against their job descriptions.

REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS

1411 - **REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS**

The School Board recognizes that its employees teach its students by example and serve as a role model for students. It therefore requires that they exemplify high standards of honesty and integrity and comply with Indiana and Federal law, and Board policies and administrative guidelines in their words and actions. To implement these expectations, the Board requires its employees to report possible violations of these Board standards to their immediate supervisor.

An employee who is aware of words or acts of a Board member or employee that may violate Federal or Indiana law, Board policy, or administrative guidelines shall bring the words or actions to the attention of the employee's immediate supervisor. If the immediate supervisor does not respond within a reasonable time, or the immediate supervisor is the officer or employee whose words or actions are in question, the employee shall make the report required by this policy to the Superintendent. If the words or acts that violate this policy are the Superintendent's words or acts, the report shall be made to the Board President. An employee also may report suspected malfeasance, misfeasance or nonfeasance by a public officer to the State Board of Accounts.

Employees are subject to disciplinary action, up to and including termination, for knowingly or recklessly making a false report under this policy or failing to make a report required by this policy.

After a verbal report of a violation of this policy is made, the immediate supervisor will direct the reporting employee to put the report in writing. If a reporting employee requires assistance in making a written report, the immediate supervisor shall assist the reporting employee.

An employee making a report required by this policy shall be protected from discipline, retaliation, or reprisal for making a report required by this policy as long as the employee had a good faith belief in the truth and accuracy of the information reported at the time of the report. A report in compliance with this policy is not required if the employee confirms that another employee has reported the same words or actions.

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I.C. 5-11-1-9.5
I.C. 36-1-8-8

NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT- DS

1422 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

NONDISCRIMINATION

The School Board (hereinafter referred to as "the Board" or "the Corporation") does not discriminate based on a person's Protected Class(es) in its education programs or activities and does not tolerate unlawful harassment. Protected Classes (which also may be referred to as Protected Categories) include race, color, national origin, sex (including pregnancy, childbirth, and related conditions), disability, age, religion, military status, ancestry, genetic information, or any other legally protected characteristics. The Board is an equal opportunity employer.

The Board is committed to providing a work environment that is free from Prohibited Conduct (as defined below), responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all Corporation operations, and this policy applies to Prohibited Conduct occurring within or as a part of the Corporation's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct ongoing remedies as reasonably necessary to restore or preserve access to the Corporation’s education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the grievance procedures described below.
B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.
C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

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

Complainant:

A. an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or
B. a person other than an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the Corporation's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint: an oral or written request to the Corporation that objectively can be understood as a request for the Corporation to investigate and make a determination about alleged Prohibited Conduct.

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

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

Disciplinary sanctions: consequences imposed on a Respondent following a determination that the Respondent engaged in Prohibited Conduct.

Education programs or activities: all the Corporation's operations including but not limited to in-person and online, remote or virtual educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Corporation on school grounds or on other property owned or occupied by the Corporation. It also includes events and circumstances that take place off school property/grounds but over which the Corporation asserts disciplinary authority (e.g., at off-campus activities sponsored by the Corporation).

Exculpatory evidence: evidence that is favorable to a Respondent because it helps excuse, justify, or absolve a Respondent of alleged wrongdoing and tends to establish that a Respondent did not engage in Prohibited Conduct.

Genetic information: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment**: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.
B. **Disability Harassment**: harassment based upon a person's disability, including harassment based upon stereotypes about individuals with disabilities in general or about an individual's particular disability. It also includes harassment based on traits or characteristics linked to an individual's disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.
C. **National Origin/Ancestry Harassment**: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).
D. **Race/Color Harassment**: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.
E. **Religious (Creed) Harassment**: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.
F. **Sexual Harassment** (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

    1. Sexual Harassment covered by Policy 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 2266.
    2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual

harassment include, but are not limited to:

a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching, and obscene gestures.
b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).
c. Rape, sexual assault, or other acts of sexual violence.
d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work environment; asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).
e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).
h. Harassment based on pregnancy, childbirth, or related medical conditions, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment or creates a hostile or abusive employment environment.

Inculpatory evidence: evidence that links a Respondent to alleged wrongdoing and tends to establish that a Respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of the Indiana organized militia. It further includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

Party: a Complainant or Respondent.

Pregnancy, childbirth, or related medical conditions:

A. "Pregnancy" and "childbirth" refer to the pregnancy or childbirth of a specific employee and include but are not limited to current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).
B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee and may include: termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Relevant: related to the allegations of Prohibited Conduct under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged Prohibited Conduct occurred.

Remedies: measures provided, as appropriate, to a Complainant or any other person the Corporation identifies as having had their equal access to the Corporation's education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the Corporation's education program or activity after the Corporation determines that Prohibited Conduct occurred.

Respondent: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation: intimidation, threats, coercion, or discrimination against any person by the Corporation, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or

service under the Corporation's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

Supportive measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the Complainant or the Respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the Corporation's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Corporation's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings, training related to Prohibited Conduct, and other similar measures.

Third Parties: 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).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth or because the person uses birth control or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the Corporation undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information.

Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with GINA, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Corporation's application process.

The Corporation recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. However, the Corporation prohibits its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information while working.

If the Corporation either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The Corporation Compliance Officer (see below) shall be responsible for overseeing the Corporation's compliance with applicable Federal regulations and promptly handling any inquiries or complaints. The Corporation Compliance Office or designee also shall verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all Corporation requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the Americans with Disabilities Act ("ADA") or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of School Trustees, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

The Corporation offers health services, including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic

information may be provided to the individual receiving the services and to the person's health services providers, but only genetic information in aggregate form will be provided to the Board.

Corporation Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "Corporation Compliance Officer(s)" or "CO(s)"):

Superintendent
5327 N. Cougar Road, New Carlisle, IN 46552
(765)-654-7273

Superintendent's Designee
New Prairie United School Corporation
5327 N. Cougar Road, New Carlisle, IN 46552
(765) 654-7273

The Board designates the Superintendent as the individual who is ultimately responsible for oversight over the Board's compliance with applicable Federal and State laws and regulations that prohibit discrimination based on the basis of protected classes and retaliation.

The Corporation Compliance Officer may delegate specific duties to one (1) or more designees.

The contact information concerning the Corporation Compliance Officer(s) will be published on the Corporation's website and annually on each individual school's website.

The Corporation Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a Complaint (i.e., either the Complainant or the Respondent). Under such circumstances, the CO(s) shall report directly to the Board President until the matter in which the Superintendent is a party is concluded.

Questions about this policy should be directed to the Corporation Compliance Officer(s).

The CO(s) is/are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act ("GINA"), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Copies of the laws and regulations listed above are available upon request from the CO(s).

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the Corporation community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome

conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the Corporation's education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to: students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the Notice of Nondiscrimination on the Corporation's website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of employees. See Form 1422 F2 - Notice of Nondiscrimination and Complaint Procedures (Including Title II, Title VI, Title VII, Section 504, and ADA).

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours).

All Corporation employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Corporation employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Corporation employee must notify the/a CO within two (2) days of learning the information or receiving the report. The Corporation employee also must comply with mandatory reporting responsibilities pursuant to I.C. 31-33-5-2 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Corporation employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Corporation employee's attention and the reporting individual submitted a written notification/report or complaint to the Corporation employee, the Corporation employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or Complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Board President or another Corporation employee who, in turn, will notify the Superintendent of

the report/complaint. The Board President or Corporation Legal Counsel will then serve in place of the CO for purposes of addressing that report of Prohibited Conduct.

When a Corporation employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged Respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the Complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly (i.e., within two (2) days of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported 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 Complaint, and explain to the Complainant the process for filing a Complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Corporation to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or other individuals who are participating or attempting to participate in the Corporation's education programs or activities (i.e., members of the Corporation community and third parties), or by the CO, alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct, unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievance procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy.

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the Corporation investigate and determine whether Prohibited Conduct occurred:

A. A "Complainant," which includes:

    1. an employee of the Corporation who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or
    2. a person other than an employee of the Corporation who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a time when that individual was participating or attempting to participate in the Corporation's education programs or activities;

B. An authorized legal representative with the legal right to act on behalf of a Complainant;
C. Corporation Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the Corporation; or
B. any person other than an employee who was participating or attempting to participate in the Corporation's education programs or activities at the time of the alleged Prohibited Conduct.

The Corporation may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the Corporation's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The Corporation will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the Corporation Compliance Officer, the investigator, the decision-maker, and the appeal decision-maker, and the facilitator of the informal resolution process, shall be free from any conflicts of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent.

The CO may serve simultaneously as an investigator and/or a decision-maker.

If the CO does not intend to serve as the investigator/decision-maker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decision-maker in a specific case, the CO, the Superintendent or Board President (as appropriate), secure one (1) or more independent third parties to serve as the investigator and/or decision-maker.

The Corporation presumes that the Respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. Evaluation – The Corporation Compliance Officer will determine whether to dismiss a Complaint or investigate it within ten (10) days of receiving the Complaint.
B. Investigation – The CO, or designated investigator/decision-maker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within twenty (20)days of the CO determining the charges require investigation.

   If, however, the CO, or designated investigator/decision-maker, determines that the investigation is going to take longer, the CO will so notify the parties and will thereafter keep the parties informed of the status of the matter on a regular basis.
C. Appeal – A party filing an appeal of the CO's decision to dismiss a Complaint or the Determination must do so within five (5) days of receiving the Dismissal or Determination.

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The Corporation will take reasonable steps to protect the privacy of the parties and witnesses. These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decision-maker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered, except by the Corporation to determine whether one (1) of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily waived the privilege or confidentiality; and
B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Corporation obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the Corporation Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures and informal resolution process associated with claims involving Prohibited Conduct;
B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and
C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a Complaint of Prohibited Conduct if:

A. the Corporation is unable to identify the Respondent after taking reasonable steps to do so;
B. the Respondent is not participating in the Corporation's education program or activity and is not employed by the Board;
C. the Complainant voluntarily withdraws any or all of the allegations in the Complaint, the CO declines to initiate a Complaint, and the Corporation determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Prohibited Conduct even if proven; or
D. the Corporation determines that the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the Complaint, the CO will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the CO will promptly notify, in writing, the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the Respondent of the dismissal and the basis for the dismissal.

The CO will further notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of the Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the CO will also notify the Respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;
B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
B. implement appeal procedures equally for the parties;
C. ensure that the appeal decision-maker did not take part in the original dismissal of the Complaint;
D. ensure that the appeal decision-maker has been trained consistent with this Policy;
E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
F. notify the parties of the result of the appeal and the rationale for the result.

When a Complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the Complainant as appropriate;
B. if the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the Corporation's education programs or activities.

Informal Resolution Process:

In lieu of resolving a Complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The Corporation will not offer an informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law.

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the Corporation decides to investigate additional allegations of Prohibited Conduct by the Respondent toward the Complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different Complaint involving the same Respondent, the CO will notify the parties of the additional allegations.

Investigation:

The Corporation will provide for an adequate, reliable, and impartial investigation of Complaints.

The burden is on the Corporation — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decision-maker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and

not otherwise impermissible.

The CO, or the designated investigator/decision-maker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decision-maker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decision-maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decision-maker will not determine that Prohibited Conduct occurred.
B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal.
C. Not impose discipline on a Respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in Prohibited Conduct.
D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:
    1. coordinate the provision and implementation of remedies to a Complainant and other people the Corporation identifies as having had equal access to the Corporation's education programs or activities limited or denied by the Prohibited Conduct;
    2. coordinate the imposition of any disciplinary sanctions on a Respondent; and
    3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the Corporation's education programs or activities.
E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a Respondent.
F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

Appeal of Determinations:

If a party disagrees with the decision-maker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within five (5) days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;
B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decision-maker, had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that would change the outcome.

The Complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

The CO will designate an appeal decision-maker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained.

The CO has authority, in consultation with and approval of the Superintendent or Board President (as appropriate), to secure an independent third party to serve as the appeal decision-maker.

In designating an appeal decision-maker, the CO will work with the Board to identify and appoint an independent third party to serve as the appeal decision-maker – this individual shall be considered to be the Board's designee and will submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO who will send it simultaneously to the parties.

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;
B. implement appeal procedures equally for the parties;
C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;
D. provide the appeal decision-maker with the relevant and not otherwise impermissible evidence and the Determination; and
E. notify the parties, in writing, of the result of the appeal and the appeal decision-maker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal or Determination

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have five (5) days to provide the appeal decision-maker with a statement in support of their position. Once the decision-maker receives the statement (or the deadline for filing such a statement expires), the appeal decision-maker will have ten (10) days to issue a decision on the appeal.

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe, in detail, the evidence, including how and when it was discovered/obtained, and explain why it was not reasonably available during the investigation (i.e., prior to the Determination). If the appeal decision-maker accepts the proffered explanation, the appeal decision-maker should remand the case back to the investigator/decision-maker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decision-maker.

The appeal decision-maker shall determine the outcome of the appeal based on the appeal decision-maker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence and the written determination) and the appeal decision-maker's application of the law and Board policy to the facts in the record. The appeal decision-maker must give due deference and due weight to the

decision-maker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record, read in its entirety, compels a contrary conclusion. Generally, the appeal decision-maker is expected to uphold the original Determination unless the appeal decision-maker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decision-maker shall simultaneously notify the parties, in writing, of the result of the appeal and the rationale for the outcome.

The appeal decision-maker's decision shall be final.

Supportive Measures:

The Corporation will offer and coordinate supportive measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the Corporation's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the Corporation's provision of support measures does not require the Corporation, Board employees, or any other person authorized to provide aid, benefit, or service on the Corporation's behalf to alter the alleged discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include but are not limited to modifications of work schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings, training related to Prohibited Conduct, and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the Corporation's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The Corporation will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the Corporation may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The Corporation will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the Corporation's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee Respondent on administrative leave from employment

responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the Corporation may impose disciplinary sanctions, which may include:

A. oral or written warning;
B. written reprimands;
C. required training or education;
D. demotion;
E. suspension with pay;
F. suspension without pay;
G. termination; and
H. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The Corporation also may provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report, files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Indiana Constitution, Federal or State law, or this policy or because the individual made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a Code of Conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a Complaint or information reported about possible Prohibited Conduct, for the purpose of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a Complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The Corporation shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a Code of Conduct violation for making a materially false statement in bad

faith in the course of a grievance proceeding under this policy shall not constitute retaliation; provided, however, that a determination that Prohibited Conduct occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations. The Corporation will keep confidential the identity of any individual who has made a Complaint of Prohibited Conduct, any Complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Corporation's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During an investigation, the CO or designated investigator/decision-maker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to other members of the Corporation Community or third parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action, up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the Corporation community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S.

Constitution. In no case will a Respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment.

Training

All employees, investigators, decision-makers, facilitators of informal resolution process, the Corporation Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Training materials will be made available for inspection upon request by members of the public.

Recordkeeping (Including Retention of Investigatory Records and Materials)

The Corporation Compliance Officer(s) is/are responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315 - Information Management) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Files, and Policy 8330 - Student Records for the period set forth below, unless required to be maintained for a longer period pursuant to the Corporation's records retention schedule.

The Corporation shall maintain, for a period of seven (7) calendar years, the following records:

A. for each Complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed, and the resulting outcome;
B. for each notification that the Corporation Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the Corporation took to implement this policy; and
C. all materials used to provide the training referenced above.

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, medical records).

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including but not limited to Corporation Compliance Officer, investigator, decision-maker, appeal decision-maker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Corporation Compliance Officer, investigator, decision-maker, appeal decision-maker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Corporation employee under this policy including but not limited to the functions assigned to the Corporation Compliance Officer, investigator, decision-maker, appeal decision-maker, and facilitator of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time and for any reason. The Board may apply policy revisions to an active case, provided that doing so is not clearly unreasonable.

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Revised 11/22/21

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Fourteenth Amendment, U.S. Constitution
20 U.S.C. 1092(F)(6)(A)(v)
20 U.S.C. 1232g, Family Educational Rights and Privacy Act
20 U.S.C. Section 1681, Title IX of Education Amendments of 1972
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 201 et seq., The Fair Labor Standards Act ("FLSA")
29 U.S.C. 218d, PUMP for Nursing Mothers Act ("PUMP Act")
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
38 U.S.C. Chapter 43, 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act ("USERRA")
42 U.S.C. 1983
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act ("GINA")
42 U.S.C. 2000gg, Pregnant Workers Fairness Act ("PWFA")
42 U.S.C. 6101 et seq., Age Discrimination in Employment Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635 (GINA Regulations)
34 C.F.R. Part 99 (FERPA regulations)
34 C.F.R. Part 110 (7/27/93) (ADEA Regulations)

LEAVES OF ABSENCE

1430 - **LEAVES OF ABSENCE**

All administrative staff members not otherwise covered by the terms of a currently-valid negotiated agreement of this Corporation shall be entitled to the same leave benefits provided in the master agreement with New Prairie Corporation Teachers Association.

All requests for unpaid leaves of absence by administrators shall be presented to the School Board for approval.

Leave of Absence for Members of National Guard or Reserve:

The Board shall grant a leave of absence in addition to a regular vacation period without loss of pay or time to any administrator who is a member of the Indiana National Guard, a reserve component of the U.S. forces, or a retired member of the naval, air, or ground forces of the United States and is on training duty for the State by order of the Governor or under the order of the reserve-component authority for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The administrator's vacation benefits, if any, will not be affected by this type of leave.

Leave of Absence for Active Duty Family Member:

An administrator 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 is entitled to an unpaid leave of absence 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; or

C. during the thirty (30) days after the active duty orders are terminated.

The administrator 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.

The Board shall require the administrator 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 administrator 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 administrator'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.

After an administrator takes a leave of absence, the administrator shall be restored to:

A. the position the administrator held before the leave, or

B. a position equivalent to the position that the administrator held before the leave with equivalent benefits and terms of the negotiated agreement.

The Board is not required to restore an administrator to a position described above if the Board proves that the reason the administrator was not restored to the position is unrelated to the administrator's exercise of his/her rights to request this leave.

The Board shall permit the administrator to continue his/her health care benefits during the leave at the administrator's expense.

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I.C. 10-16-7-1 et seq., 10-17-4, 20-20-4-1, 22-2-13
38 U.S.C. 4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)

FITNESS FOR DUTY EXAMINATION

1460 - **FITNESS FOR DUTY EXAMINATION**

The Board reserves the right to require a current employee or applicant for employment (after a conditional offer of employment), to submit to a fitness for duty examination by a qualified healthcare provider to determine the employee or applicant's ability to meet the qualification standards and perform the essential functions of a position an application is being considered for or an employee is performing ("FFD exam"). A FFD examination shall be done in accordance with the Superintendent's guidelines and the examiner shall be provided with specific essential functions of the position in question.

Reports of all FFD examinations shall be delivered to the Superintendent or a named designee, who shall protect the confidentiality of the FFD exam report and its contents. In agreeing to perform the FFD exam, the healthcare provider and the examinee shall agree that no treatment relationship or privileged communication shall occur between the FFD examiner and the applicant or employee. The report of the examiner may be shared with the employee or candidate and made a part of a personnel record on the examinee maintained by the Board. However, the report shall be filed separately from an applicant/employee's other personnel documents so that the report and related documents are accessible only to the Superintendent and specific designees. Failure to protect the confidentiality of a FFD exam report and related documents shall be a basis for discipline of an employee permitting the disclosure.

In the event of a report of a condition that could adversely impact the examinee's performance of an essential function of the position occupied or applied for, the Superintendent shall base a recommendation to the Board on the examinee's employment on the assessment of the healthcare provider who conducted the FFD exam as to whether the examinee will be able to meet the qualification standards and perform or continue to perform the essential functions of the position in question.

Employees and applicants referred for a FFD exam will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the results of the healthcare provider's FFD exam to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the FFD examination if clarification is needed (see Form 1460 F2).

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, a FFD examiner shall be advised not to seek, collect, or report genetic information, including the candidate's family medical history.

The cost of a FFD exam shall be paid for by the Board. An employee shall be paid for the time required for the FFD exam and for travel at the per mile rate established by the Board. A candidate for employment shall not be eligible for mileage reimbursement.

The report of the healthcare provider performing the FFD exam shall be the property of the Board and shall be exempt from disclosure pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3). A FFD exam report and related documents will be maintained in a separate confidential personnel file in

accordance with the Americans with Disabilities Act, as amended, and the Genetic Information Nondiscrimination Act (GINA).

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29 C.F.R. Part 1630
29 C.F.R. Part 1635
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

UNREQUESTED LEAVES OF ABSENCE

1461 - **UNREQUESTED LEAVES OF ABSENCE**

It is the policy of the School Board to protect students and employees from the professional staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a professional staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the professional staff member will be offered the opportunity for a meeting to discuss these issues.

If a professional staff member refuses to attend the meeting, the Board may order the professional staff member to submit to an appropriate examination by:

A. a physician designated and compensated by the Board;

B. a physician or institution of the professional staff member's choice provided such physician or institution has been approved by the Board.

The professional staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 1422.02, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual’s family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the Corporation inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the professional staff member is found to be unable to perform assigned duties with or without accommodation, the professional staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year. A professional staff member placed on leave without a written request is entitled to a hearing on that action in accordance with I.C. 20-28-7-3,4,5.

Should a professional staff member refuse to submit to the examination requested by the Board and the professional staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the professional staff member to disciplinary action.

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Americans with Disabilities Act of 1990, as amended
42 U.S.C. 12101 etseq.
29 C.F.R. Part 1630
I.C. 20-28-7-3,4,5, 20-28-10-4

EMPLOYMENT OF ADMINISTRATORS IN ADDITION TO THE SUPERINTENDENT

1520 - **EMPLOYMENT OF ADMINISTRATORS IN ADDITION TO THE SUPERINTENDENT**

The School Board recognizes that it is vital to the successful operation of the School Corporation that positions created by the Board be filled with highly qualified and competent administrators.

The Board shall approve the employment, fix the compensation and establish the term of employment for each administrator employed by the Corporation.

In addition to the Superintendent, individuals employed in the following positions shall be considered administrators:

A. Assistant Superintendent

B. Director of Special Education

C. Principal

D. Assistant Principal

E. Director of Finance

F. Athletic Director

An administrator who supervises one (1) or more certificated employees shall not be part of the bargaining unit established for purposes of implementing collective bargaining in compliance with I.C. 20-29.

The contract entered into between the Board and an administrator shall be subject to the following conditions:

A. If the administrator is a certificated employee, the basic contract must be the Regular Teacher's Contract as prescribed by the State Superintendent.

B. The term of the initial contract for principals, and assistant principals entered into after June 30, 2019, must be for a term of at least one (1) year and not more than three (3) years. A contract renewed after June 30, 2019, may be extended for no more than an additional three (3) years beyond the term of the original contract.

C. Unless a provision in a contract between the Board and a principal or an assistant principal entered into or renewed before July 1, 2019, provides otherwise, the Board may not pay to a principal or an assistant principal, to buy out a contract entered into between the Board and the principal or assistant principal, an amount that exceeds the principal's or assistant principal's salary for any one (1) year under the contract. For purposes of this calculation, the principal's or assistant principal's salary does not include benefits or any other forms of compensation that the principal or assistant principal receives as payment under the contract other than the principal's or assistant principal's salary.

D. The term of the initial contract for the Director of Special Education must be for at least two (2) school years.

E. The contract for a principal, assistant principal, or Director of Special Education may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the Board and the administrator if the contract, when reduced to writing is consistent with Indiana law.

F. The term of the initial contract for the assistant superintendent entered into after June 30, 2019 must be for a term of at least one (1) year and not more than three (3) years. A contract renewed after June 30, 2019 may be extended for not more than an additional three years beyond the term of the original contract.

G. Unless a provision in a contract between the Board and an Assistant Superintendent entered into or renewed before July 1, 2019, provides otherwise, the Board may not pay to an Assistant Superintendent, to buy out a contract entered into between the Board and the Assistant Superintendent, an amount that exceeds the lesser of: 1) the Assistant Superintendent's salary for any one (1) year under the contract; or 2) $250,000. For purposes of this calculation, an Assistant Superintendent's salary does not include benefits or any other forms of compensation that the assistant superintendent receives as payment under the contract other than the Assistant Superintendent's salary.

H. The contract between the Board and an assistant superintendent, principal or assistant principal may not provide for the awarding of a monetary bonus or other incentive that is based on the approval of a public question under I.C. 6-1.1-20 or I.C. 20-46 (referendum).

I. Administrators other than the Superintendent, Assistant Superintendent, Director of Special Education, principal, assistant principal, Director of Finance, and Athletic Director shall be one of the following:

    1. at will employees. Their employment may be terminated with or without cause at any time. The following administrators are at will employees:

       Director of Food Service, Director of Buildings and Grounds, Director of Transportation, Director of Health Services, Director of Technology, Athletic Director or employed by specific contract.

    2. The term of the initial contract entered into after June 30, 2019, must be for a term of at least one (1) year and not more than three (3) years. A contract renewed after June 30, 2019, may be extended for not more than an additional three (3) years beyond the term of the original contract. Unless a provision in a contract between the Board and an administrator other than the Superintendent, Assistant Superintendent, Director of Special Education, principal, or assistant principal entered into or renewed before July 1, 2019, provides otherwise, the Board may not pay to an administrator other than the Superintendent, Assistant Superintendent, Director of Special Education, principal, or assistant principal, to buy out a contract entered into between the Board and that administrator, an amount that exceeds the lesser of: 1) the administrator's salary for any one (1) year under the contract; or 2) $250,000. For purposes of this calculation, an administrator's salary does not include benefits or any other forms of compensation that the administrator receives as payment under the contract other than the administrator’s salary. The following administrator other than the Superintendent, Assistant Superintendent, Director of Special Education, principal, and assistant principal are employed by specific contract:

       Director of Finance, and Athletic Director

Only those candidates for employment recommended by the Superintendent will be employed by the Corporation.

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

Should the Board choose to employ a spouse or dependent of an administrator, the administrator shall submit a Uniform Conflict of Interest Disclosure Statement using State Board of Accounts Form 54266 for acceptance by the Board. This disclosure shall be submitted for acceptance by the Board before the Board considers the approval of the employment of the spouse or dependent.

Relatives of administrators may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he would be supervised directly by the relative staff member.

Any administrator's intentional misstatement of fact or omission material to qualifications for employment or the determination of salary shall be considered by this Board as a reason for contract cancellation.

The employment of administrators prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

Wherever possible, positions shall be filled by properly-licensed administrators.

The Board shall review a candidate's previous work experience in determining his/her salary.

Prior to employment, the candidate’s eligibility to work shall be checked using E-Verify and the candidate shall execute the verification of eligibility to work under penalty of perjury as required by I.C. 12-32-1-6. The candidate’s written verification of eligibility to be employed shall be retained in the employee’s personnel file for no less than five (5) years.

In the contract of an administrator the Corporation may provide compensation for services performed for a time, either before or after the school term, as considered necessary by the Board.

All contracts for the employment of administrators shall be approved by a majority of the full Board and, after approval by the Board, they shall be signed by the Board President and Secretary, or the Board Vice-President if either of these officers is unavailable for any reason.

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I.C. 12-32-1-6
I.C. 20-26-5-4(8)
I.C. 20-28-6-2 thru -7
I.C. 20-28-8-13
I.C. 35-44.1-1-4

EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES

1520.08 - **EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES**

The School Board may find it necessary to employ members of the administration as coaches or activity sponsors.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

CPR Certification Requirement-NPUSC Coaches, Sponsors, Volunteers

Beginning January 1st, 2022, it will be NPUSC policy that all extra-curricular and co-curricular programming coaches, sponsors, and approved volunteers will be expected to be CPR certified for grades K-12.

NPUSC may provide CPR training options on-site each semester when possible. The expense of the certification will be the responsibility of NPUSC.

Coaches, sponsors, and volunteers are expected to complete CPR certification as soon as possible. CPR certification will be required as a condition of employment or to be approved as a volunteer. Failure to complete CPR certification in a timely manner as a coach, sponsor, or volunteer may lead to cancellation or non-renewal of an extra-curricular or co-curricular position or being approved as a volunteer.

The Board requires that:

A. Prior to coaching football to students who are less than twenty (20) years of age, all head and assistant football coaches shall complete a certified coaching education course approved by the Indiana Department of Education (IDOE) not less than once during a two (2) year period that:

    1. is sport-specific;
    2. contains player safety content, including content on:
        a. concussion awareness;
        b. equipment fitting;
        c. head emergency preparedness; and
        d. proper technique;
    3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
    4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the School Corporation that new information has been added to the course before the end of the two (2)-year period, the coach shall complete instruction and successfully complete a test concerning the new information.

B. Prior to coaching students in grades 5-12, all head and assistant coaches of interscholastic sports other than football, including cheerleading, shall complete a certified coaching education course approved by the IDOE at least once during a two (2) year period that:

    1. contains player safety content on concussion awareness;

    2. includes content for prevention of or response to heat-related medical issues that may arise from a student athlete's training;

    3. requires a coach to complete a test demonstrating comprehension of the content of the course; and

    4. awards a certificate of completion to a coach who successfully completes the course.

    If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach shall complete instruction and successfully complete a test concerning the new information.

C. A head or assistant coach of an intramural sport other than football who is coaching students in grades 5-12 may elect to complete the above-referenced certified coaching education course. If compliance with I.C. 20-34-7 is required by the coaching certification requirements for the intramural sport that the head or assistant coach is coaching, the coach shall complete the above-referenced certified coaching education course.

D. A 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 as determined by the IDOE shall complete the sudden cardiac training course offered by a provider approved by the IDOE. The sudden cardiac arrest training course shall include training in the use of an automated external defibrillator. The coach, marching band leader or extracurricular activity sponsor must complete this required sudden cardiac arrest training prior to coaching or leading the activity.

    The Corporation shall receive a certificate of completion from the provider for each coach, band leader or extracurricular activity sponsor successfully completing the required sudden cardiac arrest training. The Corporation shall maintain all certificates of completion awarded for each individual who completes the sudden cardiac arrest training. A 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 who provides coaching or leadership services in good faith is not personally liable for damages in a civil action as a result of sudden cardiac arrest incurred by a student participating in an event in which students have an increased risk of sudden cardiac arrest except for an act or omission by the individual coach, leader or sponsor that constitutes gross negligence or willful and wanton misconduct.

Additionally, the Board requires that:

A. All head and assistant coaches of students of any age participating in interscholastic or intramural sports other than football, including cheerleading, shall complete a certified coaching education course approved by the IDOE at least once during a two (2)-year period that:

1. contains player safety content on concussion awareness;
2. includes content for prevention of or response to heat-related medical issues that may arise from a student athlete's training;
3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach shall complete instruction and successfully complete a test concerning the new information.

B. All coaches and athletic activity sponsors of interscholastic or intramural sports for students of any age shall receive training about concussions and sudden cardiac arrest and heat-related medical issues at least once during a two (2)-year period.

The Superintendent shall require that each person employed as a coach or athletic activity sponsor is qualified, has cleared a background check required by State law and Policy 1521- Personal Background Checks, References and Mandatory Reporting or Policy 8120 Volunteers, and has received the training required by State law and this policy. Additionally, before the Corporation hires or allows an individual to coach an Indiana High School Athletic Association (IHSAA) recognized sport, the Corporation shall take the following steps:

A. ask the individual:
    1. whether the individual is or has been accredited by the IHSAA; and
    2. if the individual is or has been accredited by the IHSAA, whether the individual's accreditation has ever been suspended or revoked;
B. request references from the individual;
C. contact the references that the individual provides to the Corporation; and
D. contact the IHSAA to determine whether the individual's accreditation has ever been suspended or revoked.

The Corporation shall make a report to the Department of Child Services if a professional staff member who is a coach has engaged in suspected child abuse or neglect.

The Corporation shall report to the IHSAA when a professional staff member who is a coach accredited by the IHSAA has been convicted of an offense described in I.C. 20-28-5-8(c) I.C. 20-26-5-11.2(b) or of a known comparable offense in another state.

The Corporation shall report to local law enforcement any suspected misconduct by a professional staff member who is a coach that may constitute a crime.

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I.C. 20-26-5-11.2(b)
I.C. 20-26-14-9
I.C. 20-28-5-8(c)
I.C. 20-34-7
I.C. 20-34-8

PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING

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

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the School Corporation's administrative staff.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as an administrator which shall include the following:

A. an expanded criminal history check as defined by I.C. 20-26-2-1.5

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

C. an expanded child protection index check in other states where live or work

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

E. beginning July 1, 2017, a search of the State child abuse registry

F. telephone inquiry with former employer(s)

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

H. 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

I. a detailed background history including all prior employment and volunteer positions

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

Eligibility

Each applicant shall certify under penalty of perjury their eligibility to be employed by the Board as a United States citizen or a qualified alien.

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

The Board may deny employment to an applicant who is: The Board requires that an expanded criminal history check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of his/her employment before or not later than thirty (30) days after the start of the applicant’s employment by the Corporation.

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 shall 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 Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of the applicant's employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation.

The Board shall deny employment to an individual who has been 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. In implementing this requirement, the Corporation shall conduct the updated expanded criminal history checks for Corporation employees over a period not to exceed five (5) years by annually conducting updated expanded criminal history checks for at least twenty percent (20%) of employees who are employed by the Corporation on July 1, 2017.

The Board also shall deny employment to an individual who has been 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. Likewise, the Board shall terminate the employment of an individual who has been 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.

The employee shall bear costs associated with first checks upon employment.

The Corporation shall pay the costs associated with conducting the expanded criminal history check for all employees each subsequent five (5) years, provided the exclusive representatives of the Corporation's employees do not object.

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.

In implementing this requirement, the Corporation shall obtain the updated expanded child protection index checks for Corporation employees over a period not to exceed five (5) years by annually obtaining updated child protection index checks for at least twenty percent (20%) of employees who are employed by the Corporation on July 1, 2017.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the applicant or employee:

Per I.C. 20-26-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item:

A. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.

B. Battery (I.C. 35-42-2-1), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).

C. Domestic battery (I.C. 35-42-2-1.3), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).

D. Contributing to the delinquency of a minor (I.C. 35-46-1-8).

E. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5.

F. An offense relating to controlled substances under I.C. 35-48-4, other than: 1) an offense involving marijuana or paraphernalia used to consume marijuana, or 2) an offense requiring license revocation under I.C. 20-28-5-8(c).

Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the applicant.

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.

Any costs associated with obtaining the expanded criminal history check are to be borne by the employee at initial hiring unless otherwise agreed upon through an agreement reached following negotiations with the exclusive representative of the employees.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the applicant or employee:

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

B. has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b).

References

The Board requires that all references and, if applicable, the most recent employer provided by an applicant be contacted before the Corporation may hire the applicant.

Notwithstanding any confidentiality agreement entered into by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee committed an act resulting in a substantiated report of abuse or neglect.

Notwithstanding any confidentiality agreement entered into or amended after June 30, 2023, by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the school in which the employee or former employee was:

A. arrested;
B. charged with a criminal offense;
C. convicted of a criminal offense;

D. under court supervision or the supervision of a community correction program as the result of a conviction for a criminal offense (including being placed on home detention, work release, or intermittent incarceration);
E. the subject of a protection order; or
F. named as a defendant in a civil action if the civil action could affect the safety of students.

Information and records obtained from inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee or any other mandatory State reporting requirements.

Mandatory Reporting

During the course of employment with the School Corporation, each administrator shall be required to report the arrest or the filing of criminal charges against the administrator; conviction of the administrator in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c); conviction of the administrator in Indiana or another jurisdiction for an offense listed in I.C. 20-26-5-11.2(b) or I.C. 20-26-5-11.2(c); and substantiated report of child abuse or neglect of which the administrator is the subject to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction or substantiated report of child 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 convicted or the subject of a substantiated report of child abuse or neglect.

Revised 3/22/10
Revised 4/23/12
Revised 6/20/16
Revised 4/24/17
Revised 2/26/18
Revised 2/25/19
Revised 5/22/23

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I.C. 5-2-22
I.C. 10-13-3
I.C. 20-26-5-10
I.C. 20-26-5-10.5
I.C. 20-26-5-11.2
I.C. 20-26-5-11.5
I.C. 20-28-5-8
I.C. 20-28-5-8(C)

EVALUATION OF ADMINISTRATORS

1530 - **EVALUATION OF ADMINISTRATORS**

Policy 3220 provides for annual performance evaluations as required by I.C. 20-28-11.5-4 for each "certificated employee" as defined in I.C. 20-29-2-4. This definition of "certificated employee" is a person whose contract with the Board requires that the person hold a license or permit from the division of professional standards of the Indiana Department of Education under I.C. 20-28.

Because the Board's administrative staff is covered by the definition of "certificated employee", the evaluation plan developed pursuant to Policy 3220 shall include the evaluation of administrators. The evaluation plan for administrators may be combined with or separate from the plan for the evaluation of "school employees" as defined in I.C. 20-29-2-13 and may be amended as necessary to accomplish its purpose.

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I.C. 20-28-11.5-4, 20-29-2-4, 20-29-2-13

MILITARY SERVICE

1537 - **MILITARY SERVICE**

The School Board recognizes that military service by administrative staff members is a service benefiting the entire school community and the Board is committed to supporting this service by providing military leave to eligible administrative staff members. The Board reserves the right to establish conditions for leaves of absence for military service and reemployment in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as amended and Indiana law.

As used in this policy, "military service" means the performance of duty on a voluntary or involuntary basis in a uniformed service of the United States, including:

A. Federal active duty including Reserve and Guard members who have been called up;

B. Federal active duty for training;

C. Initial federal active duty for training;

D. Inactive duty drills and annual training;

E. State active duty for the Indiana National Guard;

F. Absence from work for an examination to determine a person's fitness for Federal or State duty; and

G. Funeral honors duty.

An administrative staff member on leave for military service shall receive compensation in accordance with applicable law during the period of leave and shall continue to accrue seniority subject to any applicable collectively bargained agreement during the period of leave for military service. Administrative staff members on leave for military service are entitled to continued health insurance coverage as if they were not on leave during absences for drills and absences for annual training. During leave for drills and annual training of not more than fifteen (15) consecutive or non-consecutive days per calendar year the administrative staff member shall be entitled to continue to receive their pay from the School Corporation and retain their military pay.

For other absences for military service, an administrative staff member may elect to continue health insurance coverage for the administrative staff member and dependents under to the following conditions. For periods of up to thirty (30) days of military training or service, the administrative staff member shall be required to pay only the normal administrative staff member's share of the premium for this continued coverage. For longer periods of military service, the administrative staff member shall have the option to continue health insurance coverage by paying 102% of the full employer and employee premium. If the administrative staff member elects to take this coverage, the right to that coverage ends on the earlier of the day after the deadline for the administrative staff member to apply for reemployment or twenty-four (24) months after the absence for military leave began. An

administrative staff member on leave for military service is entitled to all additional rights provided to administrative staff members for non-military leaves of absence.

An administrative staff member's right to re-employment under USERRA is subject to a cumulative five (5) year total for all federal active duty except where the administrative staff member's military obligation is involuntarily extended. Annual training and drills for reserve component and National Guard members are not included in computing the service for purposes of the five (5) year cap.

Where an administrative staff member has options as to when to take military leave, the administrative staff member shall make every effort to schedule the leave to minimize the absence from their duties for the School Corporation. Administrative staff members shall include a copy of any applicable military orders in their application for leave for military service. The administrative staff member shall submit notice of the need for this leave to the Superintendent or a designee as soon as the administrative staff member learns of the need for the leave unless giving advance notice is impossible, unreasonable, or precluded by military necessity as determined by the Department of Defense.

Credit for periods of leave for military service by administrative staff members for purposes of the Indiana State Teachers' Retirement Fund shall be governed by the statutes applicable to that retirement fund and the rules adopted by the Fund. See Ind. Code 5-10.4-4- 8(b).

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I.C. 10-16-7
I.C. 10-17-4
USERRA 38 USC 4301 et seq.

NON-RENEWAL OF ADMINISTRATIVE CONTRACTS

1543 - **NON-RENEWAL OF ADMINISTRATIVE CONTRACTS**

Before March 1st of the year in which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire and before February 1st of the year in which the contract of a local director of special education is due to expire, the Board or an attorney at its direction shall give written notice of renewal or refusal to renew the individual's contract for the following school year.

At least thirty (30) days before giving written notice of refusal to renew a contract, the Board or an attorney, at its direction shall inform the administrator by written preliminary notice that:

A. the Board is considering a decision not to renew the contract; and

B. if the administrator files a request for a private conference not later than five (5) days after receiving the notice, the administrator is entitled to a private conference with the Superintendent.

If the administrator files a request with the Board for an additional private conference not later than five (5) days after the initial conference with the Superintendent, the administrator is entitled to an additional private conference with the Board before being given written notice of refusal to renew the contract.

Revised 10/27/14

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Legal
I.C. 20-28-8-3
I.C. 20-28-8-4
I.C. 20-28-8-11
I.C. 20-28-8-12

STUDENT SUPERVISION AND WELFARE

1613 - **STUDENT SUPERVISION AND WELFARE**

Administrators shall maintain a standard of care for the supervision, control, protection of students commensurate with their assigned duties and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards:

A. Each administrator shall report immediately to the Superintendent any accident, safety hazard, or other potentially harmful condition or situation s/he detects.

B. Each administrator shall immediately report to the Superintendent any knowledge of threats or violence by students.

C. An administrator shall not send students on any personal errands.

D. An administrator shall not associate or fraternize with students at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any sexual or other inappropriate conduct with a student by any administrator will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.

E. If a student approaches an administrator to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationship, etc., the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the Corporation or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such administrator inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.

F. An administrator shall not transport students in a private vehicle without the approval of the Superintendent.

G. A student shall not be required to perform work or services that may be detrimental to his/her health.

H. Staff members shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.

I. Staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as

Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school- sponsored publication or production in accordance with Policy 5722.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, alleged child abuse, and any other record information.

Pursuant to the laws of the State and Board Policy 8462, each professional staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

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I.C. 31-33-5

TOBACCO USE PREVENTION

1615 - **TOBACCO USE PREVENTION**

The School Board recognizes that the use of tobacco presents a health hazard that can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For the purposes of this policy "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; split tobacco, also known as smokeless, dip, chew, nicotine pouch and snuff, in any form; and all electronic nicotine delivery systems (ENDS) such as e-cigarettes, vape, and hookah pens.

The use of tobacco products poses health issues for the user and second-hand smoke is a threat to the personal health of others. In addition, nicotine is a powerfully addictive substance and the use of tobacco products could lead to nicotine addiction.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by administrators at all times within any facility owned or leased or contracted for by the Board. The Board also prohibits the use of tobacco anywhere 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 and will remain in effect at all times. Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, special purpose buses, vans, trucks, and cars.

Employees who violate this policy shall be subject to disciplinary action in accordance with the applicable policies of the Board.

Revised 10/27/14

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I.C. 16-41-37
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

WEAPONS

1617 - **WEAPONS**

Except for a person who legally may possess a firearm and has been authorized by the School Board to carry a firearm in or on School Corporation property, the Board prohibits administrators 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 an administrator is not prohibited from possessing a firearm or ammunition that is locked in the trunk of the administrator's vehicle, kept in the glove compartment of the administrator's locked vehicle, or stored out of plain sight in the administrator'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 legally may 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, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, or endangering the health or 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 (such as bombs, incendiary devices, grenades, Molotov cocktails, rockets with a propellant charge of more than four (4) ounces, etc.). A "knife" is defined as "an instrument that: 1) consists of a sharp edged 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)).

The Superintendent will report an administrator who violates this policy to law enforcement officials. The administrator also will be subject to disciplinary action, up to and including termination, for violation of this policy.

This prohibition does not apply to weapons under the control of law enforcement personnel.

Exceptions to this policy include:

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.

Staff members must report knowledge of weapon"s possession and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

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I.C. 10-21-3
I.C. 20-33-9-1 et seq.
I.C. 34-28-7-2
I.C. 35-47-5-2.5
I.C. 35-47-9

GROUP HEALTH PLANS

1619 - **GROUP HEALTH PLANS**

The School Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. Group health plans, as the term is used in this policy, may include, but would not be limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefits to employees and eligible dependents as permitted by law.

The Board has elected to provide major medical coverage that provides minimum value coverage under the Affordable Care Act for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

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The Patient Protection and Affordable Care Act, 42 U.S.C. 18001 et seq.

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

1619.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The School Board provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

A. Medical Plan

B. Prescription Drug Plan

C. Health Flexible Spending Accounts (FSA)

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Superintendent to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement after adoption policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans.

The Security Official is responsible for monitoring Federal law pertaining to HIPAA and recommending any revisions to the policies and procedures that are needed to comply with Federal law. The Security Official is responsible for conducting a risk analysis and developing, proposing to the Board, and implementing policies and procedures adopted by the Board for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official is responsible for monitoring Federal law pertaining to HIPAA and recommending any revisions needed to comply with Federal law.

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

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29 U.S.C. 1181 et seq.
42 U.S.C. 300gg
42 U.S.C. 300jj et seq.
42 U.S.C. 1320d et seq.
42 U.S.C. 17901 et seq.
45 C.F.R. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)
45 C.F.R. 164.308
45 C.F.R. 164.530

PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

1619.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The School Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Dental Plan

B. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Fully insured group health plans generally are exempt from many of the requirements imposed upon self- funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans.

All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The fully insured group health plans established by the Board shall:

A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with HHS, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the HHS, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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42 U.S.C. 1320D-5(a)(1)
45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404
45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)

PATIENT PROTECTION AND AFFORDABLE CARE ACT

1619.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The School Board acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the School Corporation. Such obligations may include the following:

A. The Corporation shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

   http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html

B. Employees of the Corporation have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the Corporation enrolls in the Health Insurance Marketplace and receives a subsidy, then the Corporation may be liable for a penalty.

   In the event that the Corporation concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the Corporation shall incur the potential penalty.

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29 U.S.C. 218B
26 U.S.C. 4980H

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

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

The School Board prohibits discrimination against any employee or applicant based upon disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

Words used in this policy 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 unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who is alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Corporation community means students, Corporation employees (i.e., administrators, and professional and support 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).

An individual with a disability means a person who has a record of, or is regarded as having a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are 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.

Impairment That Substantially Limits a Major Life Activity

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 aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability

A qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

No qualified person with a disability will be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies because the Corporation's facilities are inaccessible to or unusable by persons with disabilities.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is

committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the Corporation's Compliance Officer(s) (also known as Section 504b Compliance Officer(s)/ADA Coordinators (hereinafter referred to as the "COs"):

Superintendent
5327 Cougar Road
New Carlisle, IN 64552
574-654-7273
574-654-7274 (fax)

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and on each individual school's website.

The COs are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Investigation and Complaint Procedures (See Form 1623 F2)

Any employee 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 below. 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 below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process, and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one of the COs; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one of the COs, who either will facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation’s informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve but is not limited to one or more of the following:

A. Advising the Complainant about how to communicate concerns to the Respondent.

B. Distributing a copy of Policy 1623 - Section 504/ADA Prohibition Against Disability Discrimination in Employment to the individuals in the school building or office where the Respondent works/attends school.

C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a principal, the CO, the Superintendent, or other Corporation official.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the formal complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1623 - Section 504/ADA

Prohibition Against Disability Discrimination in Employment. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

A. interview(s) with the Complainant;

B. interview(s) with the Respondent;

C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the Board’s legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Superintendent.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR, EEOC or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a Corporation employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All

disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

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 this policy, 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 this policy 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 above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy 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 this policy. All individuals charged with conducting investigations under this policy 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 this policy;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

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/or the Corporation's response to the alleged violation of this policy;

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 this policy (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 this policy;

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 this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and 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 this policy (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.

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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FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

1630.01 - **FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

In accordance with Federal law, the School Board shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible professional staff members for the following reasons:

A-1. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;

B-1. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;

C-1. the staff member is needed to care for a spouse, son, daughter, or parent if such individual has a serious health condition; or

D-1. the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2. A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; and 8) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

B-2. To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre- existing illness or injury while in the line of duty while on covered active duty as described more fully in AG 1630.01.

Duration of Service Member FMLA

A. When leave is due to a "qualifying exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.

B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member 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. This is a one time benefit per service member. Leave to care for an

injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General Provisions

Professional staff members are "eligible" if they have worked for the Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time professional staff members are presumed to meet the 1,250 hour requirement if they were employed by the Corporation in this capacity for the preceding twelve (12) months. Months and hours that employees who performed USERRA-covered service would have worked if they had not been called up for military service count towards the staff member's eligibility for FMLA leave/Service Member Family Leave. Employment service time may be aggregated when the break in employment service is less than seven (7) years, is for fulfillment of military obligations, or if the employee is subject to recall under a written agreement (NOTE: this includes a collective bargaining agreement).

Twelve (12) month period is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

For Service Member Family Leave, the use of the twenty-six (26) weeks will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

B. continuing treatment by a healthcare provider, including:

    1. a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves either in-person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity, absent extenuating circumstances beyond the employee's control, or in-person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;

       The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.

    2. any incapacity due to pregnancy or for prenatal care;

    3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

    4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;

    5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three (3)

consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent or his/her designee may allow a staff member to take FMLA leave intermittently or on a reduced schedule for the birth, adoption, or foster care placement of a child (see A-1 or B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one). Service Member Family Leave may also be taken on an intermittent or reduced-leave schedule when medically necessary.

The taking of such leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment or the staff member is taking Service Member Family Leave, the Superintendent or his/her designee may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule because of reasons (C-1) or (D-1) above or pursuant to Service Member Family Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent or his/her designee for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

Staff Member Notice Requirement

Whenever the leave is foreseeable, the staff member shall provide the Superintendent or his/her designee with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment or taking leave pursuant to Service Member Family Leave, the staff member must consult with the Superintendent or his/her designee and make a reasonable effort to

schedule the leave so as not to unduly disrupt the regular operation of the Corporation, subject to the approval of the healthcare provider.

Substitution of Paid Leave

The Board shall require the staff member to substitute (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. sick leave, personal leave, vacation leave, family leave) (per the applicable collective bargaining agreement) for unpaid FMLA leave (see A-1, B-1, and A-2).

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for either reason (C-1) or (D-1) on page one and B-2 on page two.

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation, personal leave, family leave or sick leave (per the applicable collective bargaining agreement) for unpaid Service Member Family Leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) week period of FMLA leave or twenty-six (26) week period of Service Member Family Leave, the additional weeks of leave to obtain the twelve (12) weeks of FMLA leave or twenty-six (26) weeks of Service Member Family Leave, the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Service Member Family Leave, such leave counts toward the twelve week/twenty-six (26) week maximum leave allowance provided by this policy.

Corporation Notice Requirement

The Superintendent or his/her designee will notify the staff member when the Corporation intends to designate leave as FMLA- qualifying. Such notice may be given orally or in writing and should be given within five (5) business days of the request. When verbal notice is given, it will be followed by written notice within five (5) business days. In the case of intermittent or reduced schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent or his/her designee does not have sufficient information about the reason for the staff member's use of paid leave, the Superintendent or his/her designee may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent or his/her designee learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent or his/her designee will notify the staff member within five (5) business days that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement. The notification will indicate whether the employee is required to provide a fitness-for-duty certification to return to work.

Limits

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child. Additionally, the aggregate number of work weeks of leave to which both the husband and wife may be entitled pursuant to this policy is limited to twenty-six (26) work weeks during the single twelve (12) month period provided for in the Service Member Family Leave provision if the leave is taken pursuant to Service Member Family Leave or a combination of general FMLA leave and Service Member Family Leave.

Certification

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one), or Service Member Family Leave is taken, the staff member must provide medical certification from the healthcare provider of the eligible staff member, his/her immediate family member, or the next of kin of the individual.

The staff member may either:

A. submit the medical certification to the Superintendent or his/her designee; or

B. direct the healthcare provider to transfer the medical certification directly to the Superintendent or his/her designee, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

Staff members are not eligible for leave pursuant to this policy if they work elsewhere during leave pursuant to this policy.

In the event the staff member fails to provide medical certification, any leave taken by the employee is not FMLA leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days' notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent or his/her designee within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent or his/her designee. The Corporation shall be responsible for maintaining a record of those communications.

The Board reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent or his/her designee; or

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent or his/her designee, which will generally require the staff member to furnish the healthcare provider with a HIPAA- compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the staff member is not FMLA leave.

A staff member who takes leave for reason (D-1) on page one, prior to returning to work, must provide the Superintendent or his/her designee with a statement from his/her healthcare provider that s/he is able to resume work.

A staff member seeking to take leave pursuant to reason (A-2 or B--2) above must submit, in a timely manner to the Superintendent or his/her designee, an appropriate certification as described by Federal regulations.

Return from Leave

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent or his/her designee to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C-1) or (D-1) above or Service Member Family Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent or his/her designee shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Superintendent or his/her designee shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the Corporation has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent or his/her designee.

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Legal
29 U.S.C. 2601 et seq.
29 C.F.R. Part 825
P.L. 110-181, Sec. 585 – National Defense Authorization Act (January 28, 2008)
P.L. 111-84, Sec. 565 - National Defense Authorization Act (October 28, 2009)

THREATENING AND/OR INTIMIDATING BEHAVIOR TOWARD STAFF MEMBERS

1662.01 - **THREATENING AND/OR INTIMIDATING BEHAVIOR TOWARD STAFF MEMBERS**

The School Board believes that educational staff should be able to work in an environment free of threatening or intimidating speech or actions.

Threatening behavior consisting of any words or deeds that intimidate educational staff or cause anxiety concerning their physical well-being is strictly forbidden. Any threat to staff made by a student, parent, visitor, staff member, or agent of this Board shall be reported to the principal or, if the administrator is located in the School Corporation's central office or administration center, to the Superintendent and to local law enforcement, and the individual making the threat may be subject to discipline or further action.

State law requires that any member of the staff of a school who has reason to believe that a school employee:

A. has received a threat;
B. is the victim of intimidation;
C. is the victim of battery;
D. or is the victim of harassment

by any individual immediately shall notify the principal, and the principal immediately shall make an oral report to the local law enforcement agency. Where the administrator is located in the Corporation's central office or administration center, any Corporation employee with a duty to report that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment, including the Superintendent if a report has been made to the Superintendent, shall make an oral report immediately to the local law enforcement agency. An administrator further is obligated to report to local law enforcement a threat to, intimidation of, battery of, or harassment of the administrator on the administrator's own behalf, unless a report has already been made to the best of the administrator's belief.

Harassment based on a protected class shall be investigated under Policy 2266 - Nondiscrimination on the Basis of Sex Education Programs or Activities or Policy 3362 - Anti-Harassment, as applicable. Related policies can be found at Policy 1662 - Anti-Harassment, Policy 4362 - Anti-Harassment, and Policy 5517 - Anti-Harassment.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

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Legal
I.C. 20-33-9-1 et seq.
I.C. 35-42-2-1
I.C. 35-45-2-1
I.C. 35-45-2-2

PROGRAM
p02110

STATEMENT OF PHILOSOPHY EDUCATIONAL PHILOSOPHY

2110 - **STATEMENT OF PHILOSOPHY**

EDUCATIONAL PHILOSOPHY

The Board believes that children will receive the best educational opportunities that the community can provide within the limits of resources.

VISION STATEMENT

The New Prairie United School Corporation will provide a quality educational program that emphasizes a commitment to excellence for all students.

MISSION STATEMENT

The mission of the New Prairie United School Corporation is to challenge all students to realize their highest educational, social, emotional and physical potential.

NPUSC EDUCATIONAL GOALS

A. All students will be provided the fundamental processes of learning and the opportunity for mastery of State standards Use of standardized tests and teacher appraisal summative by the principal

B. Establish assessment and evaluation measures for schools and school district Monitored through Curriculum Committee

C. To provide instructional staff and administrative personnel the opportunity to gain knowledge through training and skills that will directly support and enhance the student educational process

   Review development programs from each school

D. To prepare and teach students and staff in the area of technology relating to literacy, practical applications and lifelong skills

   Review staff development programs and school improvement plans

E. To insure students are provided a safe, healthy, nurturing, and disciplined school environment Review each year, discipline referrals and school safety crisis plans

F. To provide the opportunity for the most educationally appropriate co-curricular and extra-curricular activities that benefit all students

   Follow-up of number of students participating in these programs each year

PROGRAM
p02131

EDUCATIONAL OUTCOMES FOR STUDENTS

2131 - **EDUCATIONAL OUTCOMES FOR STUDENTS**

Since the mission of the School Corporation is to provide a quality education for all of the students, the School Board believes the mission is being accomplished when students confirm that they have achieved the following educational goals.

During and upon completion of the educational program of the Corporation, an educated student should achieve the following learning outcomes at desired levels of quality.

A. **Communication and Collaboration Skills**

The student demonstrates that they:

1. are independently efficient in solving life problems that require the use of both oral and written language;
2. an logically examine and subsequently use information from various appropriate resources;
3. understand and respond appropriately to the communication of others and to their feelings and attitudes;
4. are capable of selecting, adopting, and using the most appropriate language forms to achieve their communication purpose.;
5. are able to give and receive constructive feedback;
6. can apply empathic listening skills to enhance their understanding of what the other person is saying;
7. can work as part of a team to achieve a common objective;
8. can exchange information and intentions in a way that is clear and understood by the intended audience.

B. **General Education**

The student demonstrates that they:

1. have sufficient fundamental knowledge and skills in traditional school subjects to enable them to meet their responsibilities as a participating member of society;
2. can establish and pursue educational, vocational, and/or avocational goals of their own, including choosing a pathway based on enrollment, employment, or enlistment and service;
3. develop good work and study habits, including attendance, communication skills, collaboration skills, and work ethic;
4. seek to learn continuously using appropriate informational resources.

C. **Pride and Ethics**

The student demonstrates that they:

1. have pride in their work, based on a realistic assessment of their abilities and accomplishments;

2. display responsible, ethical, and moral behavior consistent with societal standards and reflecting a commitment to use their capabilities to achieve and maintain a purposeful and productive life.

D. **Interaction and Cooperation**

The student demonstrates that they:

1. interact effectively with individuals, treating their ideas and ideals with thoughtfulness and respect;
2. are willing to cooperate with others to accomplish endeavors beneficial to society.

E. **Citizenship**

The student demonstrates that they:

1. understand and are committed to the ideas and ideals upon which our democratic society was founded;

2. Consider it a responsibility and a privilege to participate, in appropriate ways, in democratic processes at local, State, and National levels.

F. **Arts and Culture**

The student demonstrates that they:

1. appreciate and support artistic endeavors and natural beauty;

2. cultivating their own creative self-expression and talents in one or more art forms.

G. **Social Change**

The student demonstrates that they:

1. understand the nature of societal change;
2. adust to change by evaluating current social conditions and events; assessing alternative courses of action in terms of feasibility and potential consequences, and selecting or recommending those actions that permit them and others to function appropriately in society.

H. **Health**

The student demonstrates that they:

understand and care about their own and other persons' physical and mental well-being through selected involvement in personal and public programs which promote acceptable levels of health and safety.

I. **Resource Management**

The student demonstrates that they:

effectively manage money, property, and resources to meet their needs so as to contribute positively to meeting the economic and environmental needs of society.

J. **Career Planning**

The student demonstrates that they:

1. effectively use a variety of personal and public resources to further their knowledge of career opportunities;

2. are committed to developing the knowledge, attitudes, and skills needed to qualify for and perform effectively in his/her chosen employment.

K. **Leisure Time**

The student demonstrates that they:

use leisure time constructively to fully realize their physical, intellectual, and/or creative potentials.

The Board believes that all students in the Corporation will be able to demonstrate these applied learnings, at a level commensurate with their age and capabilities.

The Superintendent is charged with the responsibility for providing, through the Corporation's curriculum and appropriate administrative guidelines, opportunities for each student to accomplish these goals as well as a valid means for assessing the extent to which each is accomplished.

Student achievement of these educational goals represents the Board's highest priority. It should be the highest priority, as well, for the administration and for all members of the staff.

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Legal
I.C. 20-26-5-1
I.C. 20-33-8-4
511 IAC 6-7.1-4
511 IAC 6-7.2

EDUCATIONAL PROCESS GOALS

2132 - **EDUCATIONAL PROCESS GOALS**

General Policy Statement

The Board of School Trustees recognizes its right and responsibilities, under the laws of Indiana, to determine curriculum and to provide an instructional program equally available to all patrons of the School Corporation. The Board reflects the needs and expectations of the community through its Statements of Philosophy, Goals and Objectives, while delegating to the staff the responsibility of planning, designing, implementing and evaluating the instructional program to achieve these goals.

The Board of School Trustees believes that all children shall have the opportunity to be educated to the fullest extent of their abilities, aptitudes, capabilities and interests through a program that recognizes and provides for the individual differences of all children of the School Corporation. Innovation and change, based upon thorough research, study, collaboration and evaluation shall be encouraged.

Further, the Board will ensure consistency of delivery of the curriculum across the Corporation by the following:

A. when planning for delivery of instruction, teachers will develop units and lessons that are based on alignment with the Indiana Academic State Standards and the District's written curriculum documents;

B. building principals will be held accountable for the planning phase of instruction in their building, in addition to monitoring the delivery of curriculum instruction and assessment.

The Superintendent shall ensure consistent implementation of this policy in all schools. The administrative guidelines, which pertain to the implementation of this policy, shall be communicated to all staff.

Legal
I.C. 20-33-8-4
511 IAC 6-1-1 et seq.

PROGRAM
p02210

CURRICULUM DEVELOPMENT

2210 - **CURRICULUM DEVELOPMENT**

The School Board recognizes its responsibility for the quality of the educational program of the School Corporation's schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum growth established by the Superintendent.

For purposes of this policy, curriculum shall be defined as:

A. the courses of study, subjects, classes, and organized activities provided by the school;

B. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group;

C. the plan for learning is necessary to accomplish the educational goals of the Corporation.

The Board directs that the curriculum of the Corporation will:

A. provide instruction in courses required by statute and the State Department of Education regulations necessary for performance-based accreditation;

B. be consistent with the Corporation's philosophy and goals and result in their achievement;

C. provide for continuous and cumulative learning through effective articulation at all school and grade levels.

As educational leader of the Corporation, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and preparation of courses of study. They shall establish administrative guidelines for the curriculum that ensure proper development, implementation, and evaluation.

The Superintendent shall make progress reports to the Board periodically.

The Superintendent may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program.

The Superintendent shall report to the Board on each innovative program periodically.

Unless the Board disapproves, the Superintendent may proceed to conduct the program.

Each such program must be approved by the Board before it may be instituted.

The Board encourages, where it is feasible and in the best interest of the Corporation, participation in programs of educational research.

The Board directs the Superintendent to actively pursue State and Federal aid in support of research activities in this Corporation.

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I.C. 20-30-5
I.C. 20-30-10
I.C. 20-37
511 IAC 6-7.1
511 IAC 6-7.2

PROGRAM
po2221

MANDATORY CURRICULUM

2221 - **MANDATORY CURRICULUM**

In compliance with the Indiana Code, the School Board directs the Superintendent to prepare, implement, and supervise courses of instruction in the following areas as stipulated in the Indiana Code and the regulations of the State Department of Education:

A. The Constitution of the United States and Indiana in grades 6 through 12;

B. the system of government in Indiana and the United States, methods of voting, party structures, election laws, and the responsibilities of citizen participation in government and in elections in grades 6 through 12;

C. American History in high school;

D. safety education in grade 8;

E. the principles of hygiene and sanitary science in grade 5, at a minimum;

F. the spread of disease by rats, flies, and mosquitoes, and its effects, and of disease prevention by the proper selection and consumption of food;

G. the nature of alcoholic beverages, tobacco, prescription drugs, controlled substances, and their effects on the human system and society at large in grades K through 12;

H. Human Immunodeficiency Virus (HIV), and to the extent possible, instruction on other serious communicable diseases;

I. instruction on human sexuality or sexually transmitted infections in grades 4 through 12, including: 1) abstinence from sexual activity outside of marriage as the expected standard for all school-age children, 2) abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted infections, pregnancy, and other associated health problems, 3) 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) age appropriate instruction concerning the importance of consent to sexual activity between two (2) individuals, and 5) an in-person presentation on human growth and development during pregnancy that is medically accurate and age appropriate and includes the ultrasound video and computer generated rendering or animation outlined in I.C. 20-30-5-13; however, if the course is 100% virtual, a virtual presentation that meets these requirements may be provided instead.
Instruction on human sexuality shall be provided only to students in grades 4 through 12. However, a School Corporation employee is not prohibited from responding to a question from a student in pre-kindergarten through grade 3 regarding human sexuality.

J. instruction regarding breast and testicular cancer, including the significance of early detection through self-examination, and, in the case of breast cancer, regularly scheduled mammograms in high school;

K. career awareness and career development in grades 1 - 12;

L. human organ donor program and blood donor program as part of the high school health education curriculum;

M. good citizenship instruction;

N. instruction in cardiopulmonary resuscitation and use of an automated external defibrillator as part of the high school health education curriculum;

O. bullying prevention instruction not later than October 15 of each school year in grades 1 through 12 (see also Policy 5517.01 - Bullying);

P. child abuse and child sexual abuse education for grades K through 12 by December 15 of each school year (see also Policy 8462 - Child Abuse and Neglect);

Q. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications (see Policy 7540.03 - Student Technology Acceptable Use and Safety);

R. the dangers inherent with the online disclosure of personally identifiable information (see Policy 7540.03 - Student Technology Acceptable Use and Safety);

S. the consequences of unauthorized access (e.g., 'hacking'), cyberbullying, and other unlawful or inappropriate activities by students online (see Policy 7540.03 - Student Technology Acceptable Use and Safety);

T. morals instruction;

U. instruction in Language Arts, Mathematics, Social Studies and Citizenship, Sciences, Fine Arts, Health Education and Physical Fitness, and Computer Science;

V. a course in personal financial responsibility in high school for all students expected to graduate in 2028 or after;

W. a course in personal financial responsibility in high school for students expected to graduate in 2026 or 2027 from schools that opt into the New Indiana Diploma, if the student elects to pursue the New Indiana Diploma requirements;

X. instruction in cardiopulmonary resuscitation and use of an automated external defibrillator as part of the high school health education curriculum;

Y. daily physical activity, which may include recess for students in full-day kindergarten programs and other students in elementary school;

Z. Indiana studies is an elective course in high school;

AA. ethnic studies as an elective course in high school;

BB. civics in grade 6, 7, or 8.

The Superintendent shall prepare appropriate guidelines relative to the planning, teaching, and evaluation of these courses and ensure that each teacher present their instruction with special emphasis on honesty, morality, courtesy, obedience to the law, respect for the national flag, the Constitutions of the United States and Indiana, respect for parents and the home, the dignity and necessity of honest labor, and other lessons of a steadying influence, which tend to promote and develop upright and desirable citizenry.

The Superintendent is prohibited from offering, supporting, or promoting 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.

When required by law, the Board shall approve the course of instruction prior to its use in the classroom.

Before a school may provide a student with instruction on human sexuality, the school shall 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 pursuant to I.C. 20-30-5-17(d) and (e). The consent form must include the following information: 1) an accurate summary of the contents and nature of the instruction on human sexuality that will be provided, 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, and 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. If the consent form is sent in an electronic format, the form must include a link to the list of instructional materials published on the Corporation's website. Before a student can be administered a personal analysis, evaluation, or survey by a third-party vendor under I.C. 20-26-21, the school shall 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 that complies with I.C. 20-26-21-4(b) and (c). Before a student can be administered a personal analysis, evaluation, or survey by a school that meets the criteria listed in I.C. 20-30-5-17(c), the school shall provide the parent of the student or the student, if the student is an adult or emancipated minor, with a written request for consent for administration that complies with I.C. 20-30-5-17(c).

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.

The parent of a student or the student, if the student is an adult or an emancipated minor, has the right to inspect instructional materials and all materials related to personal analyses, evaluations, or surveys. The Superintendent shall establish procedures for a student's parent or the student, if the student is an adult or an emancipated minor, to inspect instructional materials and all materials related to personal analyses, evaluations, or surveys.

The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term includes teachers' manuals, curricular materials, films or other video materials, tapes, and other materials used in instruction. The term does not include academic tests or assessments.

The Board shall publish on the Corporation's website a list of all instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes and other materials, used in the instruction on human sexuality. No Corporation school shall use curricular materials to provide instruction on human sexuality that have not been approved by the Board under I.C. 20-26-12-24.

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

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 and Policy 9130 - Public Complaints and Concerns.

If the Corporation contracts with a third-party vendor to provide a personal analysis, survey, or evaluation described above, the contract shall include a provision stating that if the third-party vendor does not comply with the requirements in I.C. 20-26-21, the third-party vendor has committed a breach of contract.

See also Policy 2414 - Reproductive Health and Family Planning and Human Sexuality Instruction and Policy 2416 - Student Privacy and Access to Parental Information.

The Superintendent shall establish and maintain procedures related to the provision of human sexuality instruction and the administration of personal analyses, evaluations, or surveys to students.

Revised 3/22/10
Revised 10/27/14
Revised 2/23/15
Revised 6/20/16
Revised 2/26/18
Revised 2/25/19
Revised 5/22/23
Revised 12/18/23
Revised 8/25/25

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Legal
I.C. 20-19-3-10 and 11
I.C. 20-26-21
I.C. 20-30-5
I.C. 20-30-17
511 I.A.C. Article 6
47 U.S.C. 254(h), (l), Communications Act of 1934, as amended (2003)
15 U.S.C. 6551, Title II of the Broadband Data Improvement Act (aka Protecting Children in the 21st Century Act)
18 U.S.C. 2246
18 U.S.C. 2256
20 U.S.C. 1232h
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)
20 U.S.C. 6777
20 U.S.C. 9134 (2003)
20 U.S.C. 7131, Internet Safety
34 C.F.R. 98.3
47 C.F.R. Part 54

PROGRAM
p02240

CONTROVERSIAL ISSUES

2240 - **CONTROVERSIAL ISSUES**

The School Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the School Corporation.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion and/or likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

A. is related to the instructional goals of the course of study and level of maturity of the students;

B. does not tend to indoctrinate or persuade students to a particular point of view;

C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry; and

D. does not cause a substantial disruption in the school environment.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction, relate to the topic of instruction, and it do not cause substantial disruption into the school environment.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal.

When controversial issues have not been specified in the course of study, the Board will permit the instructional use of only those issues which have been approved by the principal.

In the discussion of any issue, a teacher may express a personal opinion, but shall identify it as such, and must not express such an opinion for the purpose of persuading students to the teacher's point of view. Teachers should be mindful that this does not permit them to offer opinions on topics which should not be the subject of discussion in the classroom due to their inappropriateness for the age(s) of the students involved. As always, teachers are expected to demonstrate good judgment as professionals in introducing controversial issues and expressing personal opinions in the classroom as exemplars for their students.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either the content or activities conflicts

with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from a particular class for specified reasons. The student, however, will not be excused from participating in the course and will be provided alternate learning activities during times of such parent-requested absences.

The Superintendent shall develop administrative guidelines for dealing with controversial issues and with parental concerns about program content or the use of particular materials.

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PROGRAM
po2250

INNOVATIVE PROGRAMS

2250 - **INNOVATIVE PROGRAMS**

The School Board wishes to promote the continued improvement of the instructional and curricular program of the schools through all appropriate means. The Board will encourage members of the school staff and of the student body who wish to pursue a promising program for school improvement.

An innovative program design shall address the steps below when appropriate to the project:

A. rationale

B. specific objectives

C. supportive research

D. cost factors

E. in-service requirements

F. plans for broader implementation

G. methods for evaluation

Each innovative program shall be consistent with the Corporation's objectives and long rang plans. Programs designed for special education students must comply with Federal and State guidelines.

PROGRAM
po2260

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY- DS

2260- **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship, and/or personal sense of self-worth.

As such, the School Board of the New Prairie United School Corporation does not discriminate on the basis of race, color, national origin, sex (including gender, status, sexual orientation or gender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students and does not tolerate harassment of any kind.

The Corporation will identify, evaluate, and provide a free appropriate public education to students with disabilities who are determined eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504).

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, including age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the Corporation, or social or economic background, to learn through the curriculum offered in this Corporation. Educational programs shall be designed to meet the varying needs of all students.

The Corporation's educational programs include the academic and nonacademic setting. Each qualified student with a disability shall be educated with students without disabilities to the maximum extent appropriate. In the nonacademic setting, a student with a disability shall participate with students without disabilities to the maximum extent appropriate.

Notice of the Board's policy on nondiscrimination and the identity of the Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Principal's Responsibilities

Each Principal shall verify that the procedures used with students and parents for selection of and participation in any part of the Corporation's academic, co-curricular, or extra-curricular programs do not discriminate on the basis of the Protected Classes.

Superintendent's Responsibilities

In order to achieve the aforesaid goal, the Superintendent shall:

A. **Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. **Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

C. **Student Access**

1. review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 – Use of School Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;
3. verify that the educational programs of this Corporation are accessible to all students. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise qualified student with a disability the opportunity to participate in the academic or other school programs on the same basis as students without disabilities;
4. require that service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the Corporation.

D. **Corporation Support**

verify that like aspects of the Corporation program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. **Student Evaluation**

verify that tests, procedures, and guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

Definitions

Words used in this policy 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 unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who is alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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).

"Military status" refers to a person’s status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from school for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Corporation Compliance Officer(s)

The Board designates the following individuals to serve as the Corporation's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Superintendent
New Prairie United School Corporation
5327 N. Cougar Road, New Carlisle, IN 46552
(574) 654-7273

Superintendent’s Designee
5327 N. Cougar, New Carlisle, IN 46552
(574) 654-7273

The names, titles, and contact information of these individuals will be published annually on the Corporation’s website.

The COs are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation, or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the Corporation but do not receive public education.

The Board is committed to educating (or providing for the education of) each qualified individual with a disability with individuals without disabilities to the maximum extent appropriate. Generally, the Corporation will place an individual with a disability in the general education environment unless it is demonstrated that the education of the individual in the general education environment, even with the use of supplementary aids and services, cannot be achieved satisfactorily. If the Board operates a separate class or facility that is identified as being provided for individuals with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without disabilities.

In addition, the Superintendent shall establish procedures to identify English Learner (EL) students, including immigrant children and youth, to assess their ability to participate in Corporation programs and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the Corporation will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing on an annual basis (see AG 2260F).

Reports and Complaints of Unlawful Discrimination and Retaliation

Students, Board members, Corporation employees, all other members of the Corporation community, and Third Parties are required to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other Corporation official so that the 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 are entitled to utilize the complaint process set forth below. 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.

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 a Protected Class, the Principal shall report the act to one (1) of the COs, who shall investigate the allegation in accordance with this policy. 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 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. The COs shall accept reports of unlawful discrimination/retaliation directly from any member of the Corporation community or a Third Party and 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 this policy 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 of 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 F2)

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any student who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. 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 below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR")or the Indiana Civil Rights Commission ("ICRC"). The Denver Office of the OCR can be reached at Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582; Telephone: 303-844-5695; FAX: 303-844-4303; TDD: 800-877-8339; Email: OCR.Denver@ed.gov; Web: http://www.ed.gov/ocr.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process, and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community and a student will be investigated formally.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to approach the Respondent directly about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator in the school the student attends; 2) directly to one of the COs; or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one (1) of the COs, who either will facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of Complainant's concerns. Depending upon the nature of the complaint and the Complainant wishes, informal resolution may involve but is not limited to one or more of the following:

A. Advising the Complainant about how to communicate concerns to the Respondent.

B. Distributing a copy of Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity to the individuals in the school building or office where the Respondent works or attends school.

C. If both parties agree, the Co may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint from the outset, or the CO determines the allegations are

not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a Principal, the CO, the Superintendent, or other Corporation-level official.

Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, or other Corporation official at the student's school, Superintendent, or other Corporation employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to prioritize the safety of and protect the Complainant from further discrimination or retaliation, including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation. The Principal will not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Respondent also must be informed of the opportunity to submit a written response to the formal complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent either must issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation against the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the School Board.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies, such as the filing of a complaint with the OCR or the ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, the opportunity to complete assignments missed due to absences related to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a Corporation employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

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 or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws 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 this policy that can result in the 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 above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy 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 the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and 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 this policy;
B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
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/or the Corporation's response to the alleged violation of this policy;

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 this policy (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 this policy;
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 this policy;
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 this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination, harassment, or retaliation;
N. documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy;
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 this policy;
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.

The information, 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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Revised 11/22/21

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Legal
I.C. 20-33-1-1
I.C. 20-33-8-13.5
Fourteenth Amendment, U.S. Constitution
20 U.S.C. 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
42 U.S.C. 2000 et seq., Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 1973, as amended
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
29 C.F.R. Part 1635
34 C.F.R. Part 110, The Age Discrimination Act Regulations
Guidelines for Vocational Education Programs, Department of Education, Office for Civil Rights, March 21, 1979

SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY-DS

2260.01 - **SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990, as amended (ADA), and the implementing regulations (collectively Section 504/ADA), no otherwise qualified individual with a disability shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance solely by reason of disability. The School Board does not discriminate in admission or access to, participation in, treatment in, or employment in its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, and the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities. Discrimination will not be permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices of the Board.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Free Appropriate Public Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students with disabilities within its jurisdiction who are determined eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities (see Definitions below), the Board shall provide the student a FAPE. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of students without disabilities are met shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians (parents) are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities shall be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified student with a disability within its jurisdiction with students without disabilities to the maximum extent appropriate. Generally, the Corporation will place a student with a disability in the general education environment unless it is demonstrated that the education of the student in the general education environment, even

with the use of supplementary aids and services, cannot be achieved satisfactorily. If the Corporation places a student in a setting other than the general education environment, it shall take into account the proximity of the alternate setting to the student's home. If the Board operates a separate class or facility that is identified as being provided for students with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without disabilities.

The Corporation will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the Corporation, referrals to agencies that provide assistance to individuals with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods and nonacademic and extracurricular services and activities, including those listed above, the Corporation will verify that students with disabilities participate with students without disabilities in such services and activities to the maximum extent appropriate.

In accordance with Section 504, parents and students shall be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, students and their parents shall be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). Finally, students and parents shall 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. (See also AG 2260.01B - Section 504/ADA - Complaint and Due Process Procedures)

Definitions

Words used in this policy 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 unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who is alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Corporation community means students, Corporation employees (i.e., administrators and professional and support 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).

Individual with a disability means a person who has, has a record of, or is regarded as having a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are 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.

Impairment That Substantially Limits a Major Life Activity

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.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability

With respect to public preschool, elementary and secondary educational services, a qualified individual with a disability means a student with a disability:

A. who is of an age during which persons without disabilities are provided educational services;

B. who is of any age during which it is mandatory under Indiana law to provide educational services to persons with disabilities; or

C. to whom the State is required to provide a free appropriate public education pursuant to the IDEA.

With respect to vocational education services, a qualified individual with a disability means a student with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Board will not deny a student with a disability access to its vocational education programs or courses due to architectural and/or equipment barriers or because the student needs related aids or services to receive an appropriate education.

With respect to employment, a qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

With respect to employment, the Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

No qualified person with a disability will be denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under any program or activity to which Section 504/ADA applies because the Corporation's facilities are inaccessible to or unusable by persons with disabilities.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Compliance Officer

The Board designates the following individual(s to serve as the Corporation's Compliance Officers (Also known as Section 504 Compliance Officers/ADA Coordinators) (hereinafter referred to as the COs).

Superintendent
New Prairie United School Corporation
5327 Cougar Road, New Carlisle, IN 64552
(765) 654-7273

Superintendent Designee
New Prairie School Corporation
5327 Cougar Road, New Carlisle, IN 64552
(765) 654-7273

The names, titles, and contact information of these individuals will be published annually on the Corporation's website.

The COs are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below. The Board further will establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing, for parents of students with disabilities.

Reports and Complaints of Unlawful Discrimination and Retaliation

Students, Board members, Corporation employees, 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 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 are entitled to utilize the complaint process set forth below. 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 internal complaint procedure when they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following 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 internal 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 a Protected Class, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with this policy. 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 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 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 this policy 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 of 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 below. 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 below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or the Equal Employment Opportunity Commission (EEOC).

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an individual who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process, and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community and a student will be investigated formally.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this

initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to approach the Respondent directly about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint either orally or in writing to: 1) a building administrator; 2) one of the COs; or 3) the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one of the COs, who either will facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve but is not limited to one or more of the following:

A. Advising the Complainant about how to communicate concerns to the Respondent.
B. Distributing a copy of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability to the individuals in the school building or office where the Respondent works/attends school.
C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint either orally or in writing with a Principal, the CO, the Superintendent, or other Corporation-level official.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, the Superintendent, or other Corporation-level official either orally or in writing about any complaint of

discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to prioritize the safety of and protect the Complainant from further discrimination or retaliation, including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the formal complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability. The Respondent also must be informed of the opportunity to submit a written response to the formal complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

A. interview(s) with the Complainant;
B. interview(s) with the Respondent;
C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and
D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides

recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

[X] The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation against the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Board President.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, the opportunity to complete assignments missed due to absences related to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a Corporation employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Impartial Due Process Hearing

A student and/or parent may request an impartial due process hearing regarding the identification, evaluation, or placement of a student with a disability. The student and/or parent may but are not required to first exhaust the above complaint procedure before requesting an impartial due process hearing. The parent of a student with a disability and a student over 18 years old (if not under

guardianship) or an emancipated student has the right to: (1) examine records or documents that the school relied on in making its decision about the student; (2) request an impartial due process hearing that provides the parent and/or student with an opportunity to participate and permits representation by an attorney; and (3) have an opportunity for review of the decision made at the hearing.

A request for an impartial due process hearing should be made as soon as possible following a dispute in order to ensure that witnesses are available but no more than two years following the date of the matter in dispute. A request for an impartial due process hearing 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 due process hearing must be filed with a Corporation CO within the time limits specified above. The CO is available to assist individuals in filing a request for an impartial due process hearing.

When a request for an impartial due process hearing is received, the aggrieved party will have the opportunity to receive a hearing conducted by an IHO (i.e., by a person not employed by the Corporation, not involved in the education or care of the child, and not having a personal or professional interest that would conflict with the IHO's objectivity in the hearing). The Corporation will maintain a list of trained IHOs that may include IDEA/Article 7 hearing officers, attorneys, and Directors of Special Education outside the Corporation. The Corporation CO will appoint an IHO from that list, and the Corporation will bear the costs of the hearing. The appointment of an IHO will be made within fifteen (15) school days after the request for an impartial due process hearing is received.

A party to an impartial due process hearing has the right to:

A. be accompanied and advised by legal counsel and individuals with special knowledge or training with respect to the problems of students with disabilities at the party's own cost;
B. present evidence and confront, cross-examine and compel the attendance of witnesses;
C. a written or electronic verbatim record of the hearing; and
D. written findings of fact and conclusions of law setting forth the reasons for the decision.

The IHO shall conduct the impartial due process hearing within a reasonable period of time (i.e., not to exceed ninety (90) calendar days from the request for a hearing, unless this time-frame is mutually waived by the parties or is determined by the IHO to be impossible to comply with due to extenuating circumstances). The IHO will give the parent and/or student written notice of the date, time and place of the hearing. Notice will be given no less than twenty-one (21) calendar days prior to the date of the hearing, unless otherwise agreed to by the parent and/or student. The notice shall include:

A. a statement of the time, place and nature of the hearing;
B. a statement of the legal authority and jurisdiction under which the hearing is being held;
C. a reference to the particular section(s) of the statutes and rules involved;
D. a statement of the availability of relevant records for examination;
E. a short and plain statement of the matters asserted; and
F. a statement of the right to be represented by counsel.

The IHO shall conduct the hearing in a manner that will afford all parties a full and fair opportunity to present evidence and otherwise to be heard. The parent and/or student may be represented by another

person of the parent or student's choice, including an attorney. The IHO shall make a full and complete record of the proceedings.

The IHO shall render a decision in writing to the parties within thirty (30) calendar days following the conclusion of the hearing. The decision will be based solely on the testimony and demonstrative evidence presented at the hearing and include a summary of the evidence (i.e., findings of fact) and the reason for the decision (conclusions of law). The IHO's decision shall include a statement that either party may appeal the decision.

Appeal of the IHO's decision may be made to a Federal court of competent jurisdiction.

OCR Complaint

At any time, if a student or parent believes that the student has been subjected to discrimination based upon disability in violation of Section 504 or the ADA, the student or parent may file a complaint with the OCR. The Denver Office of the OCR can be reached at Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582; Telephone: 303-844-5695; FAX: 303-844-4303; TDD: 800-877-8339; Email: OCR.Denver@ed.gov; Web: http://www.ed.gov/ocr.

Except in extraordinary circumstances, the OCR does not review the result of individual placement and other educational decisions, so long as the Corporation complies with the process requirements of Subpart D of Section 504.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/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 or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws 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 this policy 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 above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy 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 this policy. All individuals charged with conducting investigations under this policy 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 this policy;
B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
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 this policy;
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 this policy (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 this policy;
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 this policy;
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 this policy (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 this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy;
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 this policy;
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.

Revised 12/16/10

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Revised 4/23/12

Revised 11/22/21

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Legal
I.C. 20-33-1-1
I.C. 20-33-8-13.5
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1630
34 C.F.R. Part 104

TITLE I SERVICES

2261 - **TITLE I SERVICES**

The School Board elects to augment the educational program of educationally disadvantage students by the use of Federal funds and in accordance with Title I of the Amendments to the Elementary and Secondary School Improvement Act of 1965.

Title I Plan

The Superintendent shall prepare and present to the State Department of Education a plan for the delivery of services which meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who will be served by the plan. The Corporation will periodically review and revise the plan, as necessary.

A. **Assessment**

   The Corporation shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. Such assessment shall include performance measures mandated by the Department of Education as well as those determined by the Corporation's professional staff that will assist in the diagnosis, teaching, and learning of the participating students.

B. **Scope**

   Each school shall determine whether the funds will be used to upgrade the educational program of an entire school in Title I schools that qualify as schoolwide schools and/or to establish or improve programs that provide services only for eligible students in greatest need of assistance. The schoolwide program, for an entire school and/or a Targeted Assistance School, shall include the components required by law as well as those agreed upon by participating staff and parents.

C. **Participation**

   The Title I program shall be developed and evaluated in consultation with parents and professional staff members, including teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders [in a corporation that has charter schools], administrators and other appropriate school personnel involved in its implementation. Appropriate training will be provided to staff members who provide Title I services. Parent participation shall be in accord with Board Policy 2261.01 and shall meet the requirements of Section 1116 of the Act.

D. **Supplement Not Supplant and Comparability of Services**

   Title I funds will be used only to augment, not to replace, State and local funds. The Corporation will document its compliance with the supplement not supplant provisions by using a written methodology that ensures State and local funds are allocated to each school on the same basis, regardless of whether a school receives Title I funding.

   The Superintendent shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance. The determination of the

comparability of services may exclude State and local funds expended for language instruction educational programs and the excess costs of providing services to children with disabilities as determined by the Corporation.

The determination of comparability of services will not take into account unpredictable changes in student enrollments or personnel assignments that occur after the beginning of a school year.

In order to achieve comparability of services, the Superintendent shall assign teachers, administrators, and auxiliary personnel and provide curriculum materials and instructional supplies in such a manner as to ensure equivalence throughout the Corporation.

E. **Professional Development**

Members of the professional staff may participate in the design and implementation of staff development activities that:

1. involve parents in the training, when appropriate;
2. combine and consolidate other available Federal and Corporation funds;
3. foster cooperative training with institutions of higher learning and other educational organizations including other school corporations;
4. allocate part of the staff development to the following types of strategies:
    a. performance-based student assessment
    b. use of technology
    c. working effectively with parents
    d. early childhood education
    e. meeting children's special needs
    f. fostering gender-equitable education
5. provide opportunities for paraprofessionals to work toward certification as professional educators.

Complaints

If a parent/legal guardian or an eligible student has a complaint about Title I services, s/he may submit that complaint pursuant to the complaint procedure described in Policy 2260 Nondiscrimination and Access to Equal Educational Opportunity. If the matter cannot be resolved or if the parent/legal guardian or eligible student prefers not to access that complaint procedure, the Corporation Compliance Officer shall advise the individual of the Complaint Procedure available through the Indiana Department of Education (IDOE) for Title I complaints.

A parent/legal guardian or an eligible student always has the option of pursuing the Complaint Procedure available through the IDOE for Title I complaints rather than the Corporation complaint procedure.

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Legal
20 U.S.C. 6301 et seq.
34 C.F.R. Part 200, et seq.

PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS

2261.01 - **PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS**

In accordance with the requirement of Section 1118 of Title I, as amended by Section 1010 of the Every Student Succeeds Act (ESSA), programs supported by Title I funds must be designed and implemented in consultation with parents and family members of the students being served.

The Superintendent shall require that the Title I plan contain a written statement of guidelines which has been developed with, approved by, and distributed to parents and family members of participating students. The guidelines shall describe:

A. the School Corporation's expectations and objectives for meaningful parent and family involvement in the program, including their participation in jointly developing the Corporation Title I plan and the development of support and improvement plans;
B. how the Corporation will provide coordination, technical assistance and other support necessary to assist and build the capacity of all participating schools within the Corporation in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations or individuals with expertise in effectively engaging parents and family members in education;
C. an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all Title I schools to be conducted with meaningful involvement of parents and family members that includes:

    1. identifying any barriers to greater parental involvement (such as limited English proficiency, limited literacy, economic disadvantage, disability, racial or ethnic minority background, etc.);
    2. determining the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
    3. devising strategies to support successful school and family interactions.

D. how the Corporation will coordinate and integrate parent and family engagement strategies under Title I with parent and family engagement strategies, to the extent feasible and appropriate, under other Federal, State, and local laws and programs;
E. use of the findings of the annual evaluation referenced above to:

    1. design evidence-based strategies for more effective parental/family member involvement; and
    2. revise the parent and family engagement guidelines, if necessary;

F. involvement of parents and family members in the activities of Title I schools, which may include establishing a parent and family member advisory council comprised of a sufficient number and representative group of parents or family members served by the Corporation to adequately represent the needs of the population served by the Corporation for purposes of developing, revising and reviewing the parent and family engagement guidelines; and
G. provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency and/or disabilities, and parents and family members of migratory children), including providing

information and school reports in a format, and to the extent practicable in a language, such parents can understand;

H. conduct meetings with parents and family members, including provisions for flexible scheduling and assistance to parents and family members to better assure their attendance at meetings;
I. develop agendas for parent/family member meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;
J. provide opportunities for parents and family members to formulate suggestions, interact and share experiences with other parents/family members, and participate appropriately in the decision-making about the program and revisions in the plan;
K. involve parents and family members in the planning, review, and improvement of the Title I program;
L. communicate information concerning school performance profiles and their child's individual performance to parents and family members;
M. assist parents and family members in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework, guiding nutritional and health practices, and the like;
N. provide timely responses to parental/family member questions, concerns, and recommendations;
O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent and family member participation activities to improve academic achievement;
P. conduct other activities as appropriate to the Title I plan and State and Federal requirements;
Q. other activities to be conducted as appropriate to the plan and State or Federal requirements.

The School Board will reserve the requisite percent of its allocation of Federal Title I funds to carry out the above-described activities. Parents and family members of children receiving Title I services shall be involved in the decisions regarding how the reserved funds are allotted for parent and family member involvement activities. Reserved funds shall be used to carry out activities and strategies consistent with the Board's parent and family engagement policy (Policy 2281), including at least one (1) of the following:

A. Supporting schools and nonprofit organizations in providing professional development for the Corporation and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.
B. Supporting programs that reach parents and family members at home, in the community, and at school.
C. Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.
D. Collaborating, or providing sub-grants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.
E. Engaging in any other activities and strategies that the Board determines are appropriate and consistent with its parent and family engagement policy.

The Superintendent also shall require that each Title I participating school develops a specific plan, with parent and family engagement, to:

A. convene an annual meeting at a convenient time to which parents and family members of low-income students are invited and encouraged to attend, to inform the parents/family members that the school receives Title I funds, receipt of these funds subjects the school to certain requirements, and the parents/family members have a right to be involved;
B. offer a flexible number of engagement meetings at convenient times for families and describe assistance to encourage parental/family member involvement, such as child care, transportation, home visits, or similar aid and/or reasonable support requested by parents;
C. involve parents and family members in an organized, on-going and timely way in the development, review and improvement of parent/family member involvement activities, including the planning, review and improvement of the school parent and family engagement policy, and the joint development of the schoolwide program plan, if appropriate;
D. provide parents and families with:
    1. timely information about Title I program and the school's parent and family engagement policy;
    2. an explanation of the curriculum and achievement levels the school uses;
    3. opportunities for regular meetings, upon request, to participate in decisions relating to their student's education and receive responses regarding the parents' and family members' suggestions about their student's education as soon as practicably possible;
E. submit any parents' and family members' comments to the Superintendent when a written plan is not satisfactory to the parents/family members of participating children;
F. develop jointly with parents of low-income students a school-parent agreement which outlines the responsibilities of families, the school, staff, and students for improved student academic achievement and develop a partnership to help students achieve the State's high standards, including:
    1. a description of the school's responsibility to provide high quality curriculum, and instruction in a supportive, effective learning environment that enables students to meet the academic achievement standards and the ways in which each parent and family member will be responsible for supporting learning, including volunteering in their child's classroom and participating in decisions related to the education of their children;
    2. the importance of communication between families and staff through, at a minimum, parent-teacher or family member-teacher conferences in elementary schools, at least annually, during which the agreement/compact will be discussed as it related to the individual child's achievement; frequent progress reports to the parents/family members; and opportunities to volunteer in or observe their student's class;
    3. ensuring regular two-way meaningful communication between family members and school staff in a language they understand;
G. ensure the effective involvement of parents and family members and support a partnership among the school, parents/family members and the community to improve student academic achievement by the following activities:

    1. providing assistance to parents and family members in understanding the State's academic standards, State and local academic assessments, the requirements of Title I, and how to monitor a student's progress and work with educators;
    2. providing materials and training to help parents and family members to work with their students to improve their achievement;
    3. educating school personnel, with the assistance of parents and family members, in the value an utility of the contributions of parents/family members, and in

how to reach out to, communicate with, and work with parents/family members as equal partners;
4. integrating engagement strategies with other Federal and State programs, including preschool programs;
5. ensuring that information related to programs, meetings, and other activities is sent to parents and family members in a format and a language they can understand;
6. providing other reasonable support for engagement activities;
7. providing opportunities for the informed participation of families with limited English proficiency or disabilities and families of migratory children in a format and language they understand;
8. providing reasonable support for parental/family member involvement activities as parents and family members request them;
9. arranging school meetings or conducting in-home conferences, when appropriate, between teachers and parents/family members who are unable to attend such conferences at school;
10. implementing model approaches to improving parental/family member involvement;
11. developing roles for community-based organizations and businesses in activities.

H. Parents and family members of children receiving Title I services must be notified about their school's parent and family engagement policy in an understandable and uniform format, and, to the extent practicable, in a language the parents/family members can understand. These policies also must be made available to the community.
I. School-level parent and family engagement policies must be updated periodically to meet the changing needs of parents/family members and the schools.

In order to involve parents and family members in the education of their children and to support a partnership among the school, parents/family members and the community for improving student academic achievement, the Superintendent and building principals must include provisions in the Corporation and school-level parent and family engagement policies regarding:

A. assisting parents and family members of children served under Title I in understanding such topics as the State academic standards, State and local academic assessments, Title I, and how to monitor their child's progress and how to work with educators to improve their child's achievement;
B. providing materials and training to help parents and family members work with their children to improve achievement, such as literacy training and using technology (including education about the harms of copyright privacy);
C. educating teachers, specialized instructional support personnel, school leaders (including principals), and other staff, with the assistance of parents and family members, about the value and utility of contributions of parents/family members, how to reach out to, communicate with, and work with parents/family members as equal partners, how to implement and coordinate parent/family member programs, and how to build ties between parents/family members and the school;
D. to the extent feasible and appropriate, coordination and integration of parent/family member involvement programs and activities with other Federal, State and local programs (including public preschool programs), and conducting other activities that encourage and support parents and family members to more fully participate in the education of their children (e.g., parent resource centers);
E. providing information related to school and parent/family member programs, meetings, and other activities to parents and family members of participating children in a format, and, to the extent practicable, in a language they can understand;
F. providing such reasonable support for parent involvement activities as parents may request.

In order to build the Corporation's capacity for parent involvement, the Superintendent and building principals also may:

A. involve parents and family members in the development of training for teachers and administrators and other educators to improve the effectiveness of such training;
B. provide necessary literacy training from Title I funds if the Corporation has exhausted all other reasonably available sources of funding for such training;
C. pay reasonable and necessary expenses associated with parental/family member involvement activities to enable parents to participate in school-related meetings and training sessions, including transportation and child care costs;
D. train parents/family members to enhance the involvement of other parents and family members;
E. arrange school meetings at a variety of times, or conduct in-house conferences between teachers or other educators who work directly with participating children, with parents and family members who are unable to attend such conferences at school, in order to maximize parental/family member involvement and participation;
F. adopt and implement model approaches to improving parental/family member involvement;
G. establish a Corporation-wide parent and family member advisory council to provide advice on all matters related to parental/family member involvement in Title I programs;
H. develop appropriate roles for community-based organizations and businesses in parental/family member involvement activities.

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Revised 5/24/10
Revised 10/30/17

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Legal
20 U.S.C. 6318 et seq., Elementary and Secondary Education Act of 1965
Section 1010 of the Every Student Succeeds Act (ESSA)
34 C.F.R. Part 200 et seq.

TITLE I – PARENTS' RIGHT TO KNOW

2261.02 - **TITLE I – PARENTS' RIGHT TO KNOW**

In accordance with the requirement of Section 1111 of Title I, for each school receiving Title I funds, the Superintendent shall make sure that all parents of students in that school are notified that they may request, and the Corporation will provide the following information on the student's classroom teachers:

A. whether the teacher(s) have met the State qualification and licensing criteria for the grade level and subject areas they are teaching

B. whether the teacher(s) is teaching under any emergency or provisional status in which the State requirements have been waived

C. the undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned

D. the qualifications of any paraprofessionals providing services to their child(ren)

In addition, the parents **shall** be provided:

A. information on the level of achievement of their child(ren) on the required State academic assessments;

B. timely notice if the student is assigned to a teacher who is not "highly qualified" as required, or if the student is taught for more than four (4) weeks by a teacher who is not highly qualified.

The notices and information shall be provided in an understandable format, and to the extent possible, in a language the parent(s) understand.

Legal
20 U.S.C.6311, Elementary and Secondary Education Act of 1965
34 C.F.R. Part 200 et seq.

LATCH-KEY PROGRAMS

2262 - **LATCH-KEY PROGRAMS**

The School Board shall provide a school-aged child care program (Latch-Key Program) so that care, nurture, or supervision can be provided for students who are enrolled in Kindergarten through Grade 5 before the school day Monday through Friday beginning at 6:00 am, and after the school day Monday through Friday until 6:00 pm.

The Latch-Key Program provided by the School Corporation shall meet the standards established by the Indiana Department of Education (IDOE) and the Division of Family and Children.

The fees to be charged shall be sufficient to cover the Corporation's costs for security, maintenance, utilities, school personnel, and other costs directly attributable to the use of the facility for the Latch-Key Program. The Board shall annually approve the fees to be charged on a per-participant basis for the Corporation's Latch-Key Program.

The Board shall establish a minimum number of participants required if a Latch-Key Program is to be provided by the Corporation. If that minimum number is not attained, the Superintendent shall apply for a waiver from the IDOE.

The maximum staff-child ratios in the child care program, whether operated by the Corporation or another organization, shall be as follows:

If the program is limited to students in Kindergarten through Grade 6, the maximum number of children to be supervised by one (1) staff person is:

A. fifteen (15) if there are children who are five (5) years of age in the group;

B. twenty (20) for groups containing only children who are six (6) years of age or older.

Revised 2/26/18

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Legal
I.C. 12-17.2-2-8
I.C. 20-26-5-1 thru -3
470 I.A.C. 3-4.6

PROGRAM
po2266

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES-DS

2266 – **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

Introduction

The School Board of the New Prairie United School Corporation (hereinafter referred to as "the Board" or "the Corporation") does not discriminate on the basis of sex (including sexual orientation or gender identity) in its education programs or activities and is required by Title IX of the Education Amendments of 1972 and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the Corporation has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the Corporation Community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third Parties who engage in Sexual Harassment also are subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Corporation's education programs and activities.

Coverage

This policy applies to Sexual Harassment that occurs within the Corporation's education programs and activities and that is committed by a member of the Corporation Community or Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the Corporation's education programs and activities; such Sexual Misconduct / Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee / Administrator Handbook(s) if committed by a Corporation employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the Corporation's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student or by Board policies and administrative guidelines, applicable State and/or Federal laws if committed by a Corporation employee.

Complaints alleging sexual harassment and/or discrimination on the basis of sex also are covered by and subject to the investigation procedures in Board Policy 5517 - Anti-Harassment. Complaints not covered by this policy still may be governed by and subject to the procedures in Policy 5517 - Anti-Harassment.

Definitions

Terms used in this policy shall have those meanings defined herein; terms not defined herein shall be construed according to their plain and ordinary meanings.

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 conduct 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 assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the 'nonforcible' sex offenses of Incest and Statutory Rape. Sexual assault includes rape, sodomy, sexual assault with an object, criminal sexual contact (f.ka. fondling), incest, and statutory rape.

1. Rape is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. Sodomy is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. Sexual Assault with an Object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. Criminal Sexual Contact (f.k.a. Fondling) is the intentional touching of the clothed or unclothed body parts, without consent, of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

5. Incest is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
6. Statutory Rape is nonforcible sexual intercourse with a person who is under the statutory age of consent as defined by State law.
7. Consent refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person 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.
8. Incapacitated refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

A. A current or former spouse or intimate partner of the victim;
B. A person with whom the victim shares a child in common;
C. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
D. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
E. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Corporation investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the Corporation, a Complainant must be participating in or attempting to participate in the Corporation's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the Corporation's Title IX Coordinator, or any Corporation official who has authority to institute corrective measures on behalf of the Board, or any Corporation employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Corporation. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only Corporation official with actual knowledge is the Respondent.

Supportive Measures: "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures 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. 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.

Education Program or Activity: "Education program or activity" refers to all operations of the Corporation, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement, and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Corporation. It also includes locations, events, and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

Corporation Community: "Corporation Community" refers to students and Corporation employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, and other persons subject to the control and supervision of the Board.

Third Parties: "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).

Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

Exculpatory Evidence: "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

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 Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

Eligible Student: "Eligible Student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Superintendent
New Prairie United School Corporation
5327 N. Cougar Road, New Carlisle, IN 46552
(574) 654-7273

Superintendent's Designee
New Prairie United School Corporation
5327 N. Cougar Road, New Carlisle, IN 46552
(574) 654-7273

The Title IX Coordinator shall report directly to the Superintendent except when the Superintendent is a Respondent. In such matters, the Title IX Coordinator shall report directly to the Board Attorney. Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Corporation employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

> The Board of the New Prairie United School Corporation does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Corporation's Title IX Coordinator(s) is/are:
>
> Superintendent
>
> New Prairie United School Corporation
>
> 5327 N. Cougar Road, New Carlisle, IN 46552
>
> (574) 654-7273
>
> Superintendent's Designee
>
> New Prairie United School Corporation
>
> 5327 N. Cougar Road, New Carlisle, IN 46552
>
> (574) 654-7273
>
> Any inquiries about the application of Title IX and its implementing regulations to the Corporation may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: www.npusc.k12.in.us. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the Corporation will respond.

The Superintendent also shall prominently display the Title IX Coordinator's(s') contact information – including Name(s) and/or Title(s), Phone Number(s), Office Address(es), and Email Address(es) – and this Policy on the Corporation's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Corporation employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The Corporation's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the Corporation's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies also may be disciplinary or punitive in nature and may burden the Respondent.

The Process described herein relates exclusively to complaints brought under this Policy. The Corporation will continue to handle complaints subject to the Corporation's other nondiscrimination and anti-harassment policies, including Policy 5517 - Anti-Harassment; Policy 5517.01 - Bullying; Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity; Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability; Policies 1422/3122/4122 - Nondiscrimination and Equal Employment Opportunity; and Policies 1662/3362/4362 - Anti-Harassment.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, 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-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Students, Board members, Corporation employees, all other Corporation Community members, and Third Parties are required to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Corporation employee, who will, in turn, notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the School Board President, or another Board employee who, in turn, will notify the School Board President of the report. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with Third Parties who are not students or employees of the Board. Notwithstanding any rights that a given Third Party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or Third Party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any Third Party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies and/or administrative guidelines, the applicable Student Code of Conduct, or Employee / Administrator Handbook(s).

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Corporation employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Corporation employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Corporation employee must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment or neglect of a child pursuant to I.C. 31-33-5-1 and Policy 8462– Student Abuse and Neglect, if applicable. If the Corporation employee's knowledge is based on another individual bringing the information to the Corporation employee's attention and the reporting individual submitted a written complaint to the Corporation employee, the Corporation employee must provide the written complaint to the Title IX Coordinator.

If a Corporation employee fails to report an incident of Sexual Harassment of which the Corporation employee is aware, the Corporation employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the

Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) 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. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Corporation to provide the supportive measures. The Title IX Coordinator shall consider whether any action should be taken to prioritize the safety of and protect the Complainant from further harassment or retaliation.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the Corporation may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine 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 Corporation determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5605 – Suspension and Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion of Students, Policy 5611 – Due Process Rights, and Policy 5620 – Court Assisted Resolution of Suspension and Expulsion.

If the Respondent is a non-student employee, the Corporation may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the Corporation Community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the School Board President, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the Corporation will follow its Grievance Process, as set forth herein. Specifically, the Corporation will undertake an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and will not make credibility determinations based solely on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal

Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The Corporation will seek to conclude the grievance process, including resolving any appeals, within ninety (90) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as: the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

A. Notice of the Board's grievance process, including any informal resolution processes;
B. Notice of the allegations of misconduct that potentially constitute Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include 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. The written notice must:

    1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
    2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
    3. inform the parties of any provision in the Student Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator, and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The Corporation shall investigate the allegations in a Formal Complaint, unless the conduct alleged in the Formal Complaint:

A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
B. did not occur in the Corporation's education program or activity; or
C. did not occur against a person in the United States.

If one of the preceding circumstances exists, the Title IX Coordinator shall dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the Corporation may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee / Administrator Handbook.

The Title IX Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation:

A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
B. the Respondent is no longer enrolled in the Corporation or employed by the Board; or
C. specific circumstances prevent the Corporation from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator promptly must send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

A. the allegations;
B. the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that otherwise would occur are stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Corporation employee or another adult member of the Corporation Community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations regarding a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the Corporation, not the parties.

In making the determination of responsibility, the decision-maker(s) is/are directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The Corporation is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the Corporation with voluntary, written consent to do so; if a student party is not an Eligible Student, the Corporation must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The Corporation may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

The Corporation establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings:

Advisors can caucus with clients at any time, but the advisor is not allowed to speak during investigatory meetings.

C. Board Policy 2461 – Recording of Corporation Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The investigator(s) and decision-maker(s) must provide a minimum of three (3) days' notice with respect to investigative interviews and other meetings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Corporation does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence;
C. Findings of fact supporting the determination;
D. Conclusions regarding the application of the applicable code of conduct to the facts;
E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the Corporation impose on the Respondent(s) and whether remedies designed to restore or preserve equal access to the Corporation's education program or activity should be provided by the Corporation to the Complainant(s); and
F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

Informal or formal disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion of Students, Policy 5610.02 – In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Act (IDEA), as amended, and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

Disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy including but not limited to (i.e., engaging in Sexual Harassment):

A. oral or written warning;
B. written reprimands;
C. performance improvement plan;
D. required training or education;
E. demotion;
F. suspension with pay;
G. suspension without pay;
H. termination;
I. any other sanction authorized by any applicable Employee/Administrator Handbook and/or applicable collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent

of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual. If the Superintendent is the Respondent, the Title IX Coordinator will notify the Board of the recommended remedies for consideration and, if necessary and appropriate, implementation in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Disciplinary sanctions/consequences may be imposed on a non-student / non-employee member of the Corporation Community or a Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment), including but not limited to:

A. oral or written warning;
B. suspension or termination/ cancellation of the Board's contract with the Third Party vendor or contractor;
C. mandatory monitoring of the Third Party while on school property and/or while working/interacting with students;
D. restriction/prohibition on the Third Party's ability to be on school property; and
E. any combination of the same.

If the decision-maker(s) determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately imposing a disciplinary sanction/consequence, the Superintendent (or the Board when the Superintendent is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is a Member of the Board, s/he shall be excluded from any determination regarding the imposition of a disciplinary sanction/consequence by the remaining School Board members.

The Corporation's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process and procedures, the Superintendent (or the Title IX Coordinator if the Superintendent is the Respondent) may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.
D. The recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Sexual Harassment).

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent (or the Board when the Superintendent is the Respondent) from implementing appropriate remedies, excluding disciplinary sanctions, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies / disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitute(s) retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The Corporation will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ('FERPA'), 20 U.S.C. 1232g, or FERPA's regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Corporation's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant’s and Respondent’s receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The Corporation's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

A. the definition of Sexual Harassment (as that term is used in this policy);

B. the scope of the Corporation's education program or activity;
C. how to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and
D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Corporation employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

Recordkeeping

As part of its response to alleged violations of this policy, the Corporation shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the Corporation shall document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the Corporation's education program or activity. If the Corporation does not provide a Complainant with supportive measures, then the Corporation will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Corporation in the future from providing additional explanations or detailing additional measures taken.

The Corporation shall maintain for a period of seven (7) calendar years the following records:

A. Each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the Corporation's education program or activity;
B. Any appeal and the result therefrom;
C. Any informal resolution and the result therefrom; and
D. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The Corporation will make its training materials publicly available on its website.

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Corporation employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Corporation employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to

any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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Legal
I.C. 31-33-5-1
I.C. 20-33-8
20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Act of 2004 (IDEA), as amended
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
34 C.F.R. Part 106
OCR's Revised Sexual Harassment Guidance (2001)
20 U.S.C. 1092(F)(6)(A)(v)
34 U.S.C. 12291(a)(10)
34 U.S.C. 12291(a)(8)
34 U.S.C. 12291(a)(30)

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RELIGION IN THE CURRICULUM

2270 - **RELIGION IN THE CURRICULUM**

Based on the First Amendment protection against the establishment of religion in the schools, no Corporation employee will promote religion in the classroom or in the Corporation's curriculum, or compel or pressure any student to participate in devotional exercises. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion in general.

The School Board believes that an understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include, as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the school frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use by the Corporation. The Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the Corporation's students, not for its conformity to religious principles. Students should receive unbiased instruction in the schools so they may accept or reject privately the knowledge thus gained, in accordance with their own religious tenets.

Accordingly, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion.

The Superintendent shall prepare administrative guidelines regarding observances and activities which have religious overtones. Such guidelines are to be in compliance with State laws and First Amendment rights.

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U.S. Constitution, Amendment 1

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COLLEGE AND UNIVERSITY PROGRAMS

2271 - **COLLEGE AND UNIVERSITY PROGRAMS**

The School Board recognizes the value to students and to the Corporation for students to participate in programs offered by accredited colleges and universities in Indiana.

The Board will allow students in grades 11 and 12 who meet the criteria, to enroll in approved postsecondary programs while in attendance in the Corporation. Students will be eligible to receive dual credit or be provided dual enrollment programs that meet the educational objectives of the School Corporation and are offered by State educational institutions as defined in I.C. 20-12-0.5-1.

Postsecondary Credit

A State educational institution may establish a high school fast track to college programs that offer qualified students an opportunity to earn a high school diploma while earning credits for a degree. To be eligible to earn a high school diploma under this program, the student must be either:

A. at least nineteen (19) years of age and not enrolled in a school or;

B. at least seventeen (17) years of age and have consent from the principal of the high school most recently attended.

The School Corporation in which the student resides shall pay the tuition for high school level courses taken at the state educational institution each year the student is included in the School Corporation's ADM.

The Superintendent will establish the necessary administrative guidelines to ensure that eligibility criteria are clearly defined and properly communicated to both the students and the institutions offering such programs to students of this Corporation. The Superintendent will also establish guidelines and procedures for the awarding of credit and the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

Legal

I.C. 20-12-13-6, 20-12-75-14, 20-30-11, 20-30-11.5, 23-13-18-19
511 I.A.C. 6-10-4

PROGRAM
po2281

PARENT AND FAMILY ENGAGEMENT

2281 - **PARENT AND FAMILY ENGAGEMENT**

The School Board recognizes that each student's education is a responsibility shared by the school and the family. Meaningful family support is critical if a student is to achieve his/her potential.

In order to foster meaningful family involvement, the Board directs the Superintendent to establish a program that both encourages and facilitates parent/family members involvement in their child's educational program. This policy shall serve as the School Corporation policy, as well as the Parent and Family Engagement policy for each school in the Corporation

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), defines the term "parent" to include a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

In accordance with statute, the term "family" is used in order to include a child's primary caregivers, who are not the biological parents, such as foster caregivers, grandparents, and other family members and responsible adults who play significant roles in providing for the well-being of the child.

In developing the program, the Superintendent should ensure that the following factors are addressed:

A. As appropriate to the situation, opportunities are available for the parents and family members to participate in making decisions about their child's educational program and procedural matters that affect the way the child functions in school.
B. When family issues arise that affect the child's effective participation at school, assistance is provided to help the family establish a relationship with special service agencies and support groups in the community.
C. Mechanisms are incorporated for identifying those in the family or associated with the family who have a significant influence on the child's educational performance and progress.
D. Information is provided to parents and family members through the parent-student handbooks regarding their legal rights and responsibilities.
E. Relevant staff members are provided the type of professional development activities that will enhance their effectiveness with parents and family members.
F. Outreach procedures are in place for encouraging parents and family members who may have limited literacy skills and/or those for whom English is not the primary language.

The following practices, organized under six (6) categories, are based on the State Board of Education's Parent and Family Involvement Policy, the National PTA's National Standards for Family-School Partnerships.

BEST PRACTICES BY CATEGORY

A. Create a welcoming school climate.
B. Establish effective school-to-home and home-to-school communication.
C. Strengthen families' knowledge and skills to support and extend their children's learning at home and in the community.

D. Provide families information related to child development and creating supportive learning environments.
E. Engage families in school planning, leadership and meaningful volunteer opportunities.
F. Connect students and families to community resources that strengthen and support students' learning and well-being.
G. Provide high ability services and collaboration – Counselors/Teachers and Parents/Family Members.
H. Provide family engagement efforts and community participation.

CREATE A WELCOMING SCHOOL CLIMATE

A. Provide a personal greeting and welcome packet for all parents and family members visiting the school, including a community services directory, important school contact information, school calendar and coupons to local businesses.
B. Have teachers make personal contacts with families through e-mail, phone calls or home visits.
C. Hold an open house, prior to school opening, at which families can meet their children's teachers, tour the school building and meet other parents/family members.
D. Offer translators to welcome and assist families during school activities.

ESTABLISH EFFECTIVE SCHOOL-TO-HOME AND HOME-TO-SCHOOL COMMUNICATION.

A. Provide printed information for parents and family members on homework policies and on monitoring and supporting student work at home.
B. Send home folders of student work weekly or monthly for parent/family member review and comment.
C. Develop electronic grade booklets so families can frequently monitor their children's progress.
D. Clearly communicate school policies to all families in their home language.
E. Establish formal mechanisms for families to communicate to administrators and teachers as needed (e.g., direct phone numbers, e-mail addresses, weekly hours for families to call or meet).

STRENGTHEN FAMILIES' KNOWLEDGE AND SKILLS TO SUPPORT AND EXTEND THEIR CHILDREN'S LEARNING AT HOME AND IN THE COMMUNITY

A. Provide training and materials for parents and family members on how to improve children's study skills or learning in various academic subjects.
B. Make regular homework assignments that require students to discuss with their families what they are learning in class.
C. Provide a directory of community resources and activities that link to student learning skills and talents, including summer programs for students.
D. Offer workshops to inform families of the high expectations and standards children are expected to meet in each grade level. Provide ways for families to support the expectations and learning at home.
E. Engage families in opportunities to work with their children in setting their annual academic, college and career goals.

PROVIDE FAMILIES WITH INFORMATION RELATED TO CHILD DEVELOPMENT AND CREATING SUPPORTIVE LEARNING ENVIRONMENTS

A. Provide workshops and materials for parents and family members on typical development and appropriate family and school expectations for various age groups.
B. Print suggestions for parents and family members on home conditions that support learning at each grade level.
C. Partner with local agencies to provide regular parenting workshops on nutrition, family recreation or communication.
D. Have school personnel make home visits at transition points such as preschool and elementary, middle and high school to help families and students understand what to expect.

ENGAGE FAMILIES IN SCHOOL PLANNING, LEADERSHIP AND MEANINGFUL VOLUNTEER OPPORTUNITIES

A. Create roles for parents and family members on all decision-making and advisory committees, properly training them for the areas in which they will serve (e.g., curriculum, budget or school safety).
B. Provide equal representation for parents and family members on school governing bodies.
C. Conduct a survey of parents and family members to identify volunteer interests, talents and availability, matching these resources to school programs and staff-support needs.
D. Create volunteer recognition activities such as events, certificates and thank-you cards.
E. Structure a network that links every family with a designated family representative.

CONNECT STUDENTS AND FAMILIES TO COMMUNITY RESOURCES THAT STRENGTHEN AND SUPPORT STUDENTS' LEARNING AND WELL-BEING

A. Through school-community partnerships, facilitate families' access to community-based programs (e.g., health care and human services) to ensure that families have resources to be involved in their children's education.
B. Establish school-business partnerships to provide students mentoring, internships and onsite, experiential learning opportunities.
C. Connect students and families to service-learning projects in the community. Invite community partners to share resources at annual open houses or parent-teacher conferences.

PROVIDE HIGH ABILITY SERVICES AND COLLABORATION – COUNSELORS/TEACHERS AND PARENTS/FAMILY MEMBERS

A. School counselor and the high ability services coordinator or teacher of high ability students can plan and conduct a series of family education opportunities that will help parents and family members understand and support these children.
B. Provide families information regarding programs or services available for high ability and/or gifted learners in the district or region.
C. Provide families information about gifted children, their needs and characteristics.
D. Create a guided discussion forum for families to enhance their parenting skills and discuss social, emotional and academic needs of high ability children.

PROVIDE FAMILY ENGAGEMENT EFFORTS AND COMMUNITY PARTICIPATION

A. Support the establishment of a parent/family member advisory council, committee, task force or group.
B. Support students and family membership in the school community.
C. Foster effective communication with families focused on student learning and developing.

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PROGRAM
p02330

HOMEWORK

2330 - **HOMEWORK**

The School Board acknowledges the educational validity of out-of-school assignments as adjuncts to and extensions of the instructional program of the schools in grades K-12.

"Homework" shall refer to those assignments to be prepared outside of the school by the student or independently while in attendance at school.

The Superintendent shall develop administrative guidelines for the assignment of homework according to these guidelines:

A. Homework should be a properly planned part of the curriculum to extend and reinforce the learning experience of the school or to complete work not completed in class.

B. Homework should help students learn by providing practice in the mastery of skills, experience in data gathering, and integration of knowledge, and an opportunity to remediate learning problems.

C. Homework should help develop the student's sense of responsibility by providing an opportunity for the exercise of independent work and judgment.

D. The number, frequency, and degree of difficulty of homework assignments should be based on the ability and needs of the student and take into account other activities which make a legitimate claim on the student's time.

E. As a valid educational tool, homework should be assigned with clear direction and its product carefully evaluated.

F. The schools should recognize the role of parents by suggesting ways in which parents can assist the school in helping a student carry out assigned responsibilities.

G. Homework should always serve a valid learning purpose; it should never be used as a punitive measure.

Legal
511 IAC 6-2-1(c)(9)

PROGRAM
p02340

FIELD AND OTHER CORPORATION-SPONSORED TRIPS

2340 - FIELD AND OTHER CORPORATION-SPONSORED TRIPS

The School Board recognizes the value of organized trips or other excursions away from the classroom as a valuable part of the School Corporation's educational programming and a valuable opportunity to obtain additional educational experiences not offered directly in the curriculum offerings. These opportunities occur in four (4) primary forms addressed in this policy: a) field trips; b) extra-curricular/co-curricular program-related trips; c) overnight trips; and d) other Corporation-sponsored trips.

Field Trips

For purposes of this policy, a field trip shall be defined as any planned journey for one or more students away from Corporation premises, which is under the supervision of a professional staff member, approved by the Superintendent or designee, and furthers or supplements an integral part of a course of study as planned and incorporated into that course of study by the teacher.

Properly planned and executed field trips should cultivate new interests among students, help students relate school experience to the reality of the world outside of school, bring the resources of the community within the students' learning experience, and afford students the opportunity to study real things and processes in their actual environment.

Field trips to destinations more than two hundred (200) miles from the Corporation must be approved by the Board.

Extra-Curricular/Co-Curricular Trips

The Board recognizes that student trips will occur for reasons that are not directly incorporated into the curriculum as part of a class, but rather are part of the extra-curricular/co-curricular activities offered by the Corporation. For example, a Corporation athletic team may travel to away games or take a trip to an out-of-town tournament. Any such trips must be identified at the beginning of the activity for the school year or for the particular season. Extra-curricular or co-curricular trips shall be approved by the Superintendent and athletic director in accordance with the same procedures used for approving field trips. In cases where such advance notice is not possible (such as travel to a State tournament competition), the staff member responsible for such activity shall notify the athletic director and building administrator of the activity and pertinent information.

Overnight Travel

Overnight travel is defined as a field trip that involves one or more overnight stays. The Corporation views overnight travel outside of the Corporation related to the curriculum/program as an adjunct to that curriculum/program. As such, it is an important feature of the overall educational program. The Corporation recognizes the importance of overnight travel outside of the Corporation to amplify and enhance studies that occur in the schools' classrooms through unique enrichment opportunities that are

not available locally. Overnight travel shall be approved first by the Superintendent in accordance with the Corporation's overnight travel guidelines, and then must be submitted to the Board for final approval.

Other Corporation-Sponsored Trips

Other Corporation-sponsored trips shall be defined as any planned student-travel activity that is approved as part of the Corporation's total educational program, but not a part of a particular course and not expressly connected to an established extra-curricular/co-curricular activity. These trips may include such trips as summer trip programs, youth service trips, and other types of day trips that are organized by or through school staff or facilitated in some fashion through the Corporation.

Trip Approval Process

No staff member may offer or lead any trip as a Corporation-sponsored trip unless the trip has been approved in the manner prescribed in this policy.

Proposals shall include the details and the cost of the trip, identify any third-party entities that will be involved in the trip, identify the curriculum-based purpose of the trip, identify who students will be eligible to participate, and any other pertinent information. If overnight, the proposal must describe how accommodations will be provided and how such arrangements will be supervised properly.

Any trip included in curriculum guides shall be considered to have been approved in advance. Each field trip not listed in the curriculum guide must be approved.

General Trip Provisions

The Superintendent shall approve all other such trips.

The Board shall assume the costs of curriculum-adopted field trips; no regularly enrolled student shall be charged a fee for participation in field trips that are a part of the Corporation's curriculum guides. Students may be charged reasonable fees for field trips, but no student shall be denied participation for financial inability, nor shall nonparticipation be penalized academically.

Students on all Corporation-sponsored trips remain under the supervision of this Board and are subject to the Corporation's policies and administrative guidelines.

All trips must be well-planned, properly timed, and related to regular learning activities or to the Corporation's goals and objectives. There cannot be "free time" assigned on any single day or overnight field trip; students must be accountable to a chaperone at all times; students must be accounted for and in their assigned rooms each evening.

For overnight field trips, the following lodging rules shall apply:

A. Students (and their parents/guardians) shall be held liable for any damage or loss of property at all times while on the trip.

B. There are to be NO MIXED GROUPS in hotel/lodging rooms or short-term housing rental rooms; that is, no males in females' rooms or vice versa. If students want to be in mixed-gender groups, they will need to do so in the lobby or public area of the hotel or short-term housing rental. This does not apply to married chaperones.

C. Students shall be in their rooms by curfew, which will be announced each night. Students may not leave their rooms after bed check. No exceptions will be made unless there is an emergency.

D. Students must be considerate and respectful of other hotel guests or the host/owner of the short-term housing rental. Unnecessary and loud noises, such as slamming doors, running in the hallways, and loud music, are forbidden.

E. No room service is allowed.

F. Students will neither open hotel/lodging or short-term housing rental windows nor hang/throw objects out of hotel/lodging or short-term housing rental windows.

G. Students are not permitted to change assigned hotel/lodging or short-term housing rental rooms.

H. Students are not permitted to invite or solicit unknown person(s) or anyone not associated with the tour to the hotel.

I. Students are not permitted to use facilities such as the pool or jacuzzi/hot tub unless a chaperone is present at all times.

J. Students are not allowed to leave hotel/lodging or short-term housing rental grounds without a chaperone.

K. Hotel/lodging rooms and short-term housing rental rooms are rented by and in the name of the school, not the individual students.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the Corporation who takes students on trips not approved by the Board or Superintendent. No staff member may solicit students of this Corporation for such trips within the facilities or on the school grounds of the Corporation without Board permission. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with this policy and the Corporation's administrative guidelines.

The Superintendent shall prepare administrative guidelines for the operation of both field and other Corporation-sponsored trips, including athletic trips, which shall ensure:

A. the safety and well-being of students;

B. parental permission is sought and obtained before any student leaves the Corporation on a trip;

C. each trip is properly monitored;
D. student behavior while on all trips complies with the Student Code of Conduct;
E. the staff member in charge shall have access to each student's Emergency Medical Authorization Form;
F. provisions have been made for the administration of medication to those students for whom medications are administered routinely while at school;
G. provisions have been made at the trip destination and in transportation, if and when required, to accommodate students and/or chaperones with disabilities;
H. provisions have been made for the selection of lodging (for overnight trips) that provide a safe and secure environment.

A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in their charge is imperiled, or where changes or substitutions beyond their control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify their administrative superior immediately.

Trips Not Sponsored by the Corporation

No staff member, volunteer, coach, or other individual acting in some capacity for the Corporation may

solicit students of this Corporation to participate in any trip not sponsored by the Corporation unless that individual has received approval from the principal to promote such trips within the facilities or on the school grounds. This includes summer trips abroad or other trips offered through a third-party organizer in which a staff member, volunteer, coach, or other individual acting in some capacity for the Corporation is participating, as well as athletic activities outside the Corporation's athletic program.
If approval is granted to solicit students to participate, that individual must communicate clearly to parents that the trip is not Corporation-sponsored and that the individual is not participating within the staff member's role representing the Corporation. Coordination and/or participation in such a program shall be consistent with Policy 3210 - Staff Ethics.

Transportation for Field and Other Corporation-Sponsored Trips

Regular or special-purpose school vehicles shall be used for transportation on field and other Corporation-sponsored trips.
Transportation for all field and other Corporation-sponsored trips shall use vehicles owned or approved by the Corporation and driven by approved drivers. Exceptions must have the approval of the Superintendent.
The Corporation shall assume transportation costs for all field trips.

It shall assume the vehicle cost for all other trips, including co-curricular, athletic, and other extracurricular trips, but a mileage charge will be assessed to cover the cost of the driver and fuel. This charge is to be paid by the sponsoring organization if over 150 miles.
Transportation may be limited by the availability of vehicles, drivers, and scheduling, and will not be available when needed for general school purposes.
All field trips shall be supervised by members of the staff. All other Corporation-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are on the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle and to supervise students upon return to the Corporation and while they are waiting for rides home.
All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.
Corporation students not affiliated with the trip activity, incorporation students, and/or children of preschool age shall not be permitted to ride on the trip vehicle without prior approval from the principal.
No student is allowed to drive on any trip. An exception may be made by the principal on an individual basis, provided the student has written parental permission.
The Superintendent shall prepare administrative guidelines to ensure that all transportation is in compliance with Board policy on the use of Corporation vehicles and/or the use of private vehicles.
Pursuant to State law, school buses may be used if the trip does not involve more than 200 miles of out-of-state travel.
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PROGRAM
p02370

EDUCATIONAL OPTIONS

2370 - **EDUCATIONAL OPTIONS**

The School Board recognizes the need to provide alternative means by which students achieve the goals of the School Corporation.

Educational options are learning experiences or activities that are designed to extend, enhance, supplement, or serve as an alternative to classroom instruction.

An optional plan to meet the recognized educational needs of a student shall be approved by the Superintendent. The Superintendent shall prepare a plan of educational options for use in meeting special needs.

Such options may include, but are not limited to, tutorial programs, independent study, correspondence courses, educational travel, mentorship programs, summer school, early college entrance, distance learning, online coursework, etc.

Prior approval of the educational option by the Superintendent or administrative designee shall be required before a student participates in one (1) of the available educational options. Prior permission of a parent or guardian shall also be required before a student under age eighteen (18) participates in one of the available educational options.

Participation in an educational option shall be in accordance with an instructional and performance plan, which will be developed based on the individual student's needs. The instructional plan will include:

A. instructional and performance objectives that align with the Corporation's curriculum requirements;

B. a description of the criteria and method for assessing student performance; and

C. an outline of specific instructional activities, materials, and learning environments.

Participation must be subject to the oversight of a credentialed teacher who will review the instructional plan, which may include providing, supervising, or reviewing instruction or learning experiences, and the evaluation of student performance.

Credit will be granted to the student upon complete evaluation of the program.

Credit for approved educational options shall be assigned according to student performance relative to stated objectives of the approved instructional and performance plan and in accordance with Corporation policy and established administrative guidelines. Online coursework is available to grade 6-12 students on a limited basis only.

The credit shall be placed on the student's transcript. The amount of credit counting toward graduation shall comply with the Corporation's graduation requirements.

The Corporation shall recognize the training and experience a student obtained in the United States Armed Forces in meeting high school graduation requirements. Examples include:

A. Basic Training - A maximum of four (4) credits may be recognized in the following areas:

    1. Physical Education (two [2] credits); and

    2. Health and Wellness (two [2] credits).

For basic training, a maximum of one (1) credit may be granted for every three (3) months of service.

B. Service Training School - Credit may be granted in accordance with recommendations made by the American Council on Education in the publication Guide to the Evaluation of Education Experience in the Armed Forces.

C. Armed Services Institutes - Credit may be awarded for courses completed in the:

    1. United States Armed Forces Institute;

    2. Marine Corps Institute; and
    3. Coast Guard Institute;

provided that the courses are validated by terminal examinations as recommended by the American Council on Education. Credit may be awarded in recognition of satisfactory achievement on examinations in established high school courses, not including GED tests, offered by the United States Armed Forces Institute and the American Council on Education.

D. Credit may be awarded for courses completed through accredited colleges and universities, as recommended by the respective colleges and universities.

The Corporation may allow an eligible student in grade 11 or 12 to complete an instructional day that consists of three (3) hours of instructional time if the student participates in the school flex program. See po2370.02 - Flex Program.

The Corporation shall communicate information and procedures related to educational options available in the Corporation to students, parents, and interested stakeholders.

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FLEX PROGRAM

2370.02 - **FLEX PROGRAM**

The School Board recognizes that the normal instructional program might not be appropriate for all students; therefore, it authorizes the Superintendent to provide a flexible school program for select students.

In order to qualify to be enrolled in this program, the student must be in grades 6-12 and meet any of the following:

A. is not on track to complete a postsecondary readiness competency;

B. has been determined to be chronically absent by missing ten percent(10%) or more of a school year for any reason;

C. has been determined to be a habitual truant;

D. has been significantly behind in credits for graduation, as identified by the school principal;

E. has had at least a second suspension from school during the same school year;

F. has been expelled from school previously; or

G. has been determined by the principal and the student's parent to benefit from participating in the school flex program.

An eligible student who participates in a school flex program must:

A. attend at least three (3) hours of instructional time per school day through in-person and/or online formats;

B. pursue a timely graduation;

C. provide evidence of college or technical career education enrollment and attendance, or proof of employment and labor that is aligned with the student's career academic sequence under rules established by the Bureau of Youth Employment;

D. not be suspended or expelled while participating in the school flex program;

E. pursue course and credit requirements for an Indiana diploma with a general designation; and

F. maintain a ninety-five percent (95%) attendance rate.

The instructional day shall consist of a minimum of three (3) hours of instructional time.

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I.C. 20-30-2-2
I.C.20-30-2-2.2

PROGRAM
p02370.03

INDIANA COURSE ACCESS PROGRAM

2370.03 - **INDIANA COURSE ACCESS PROGRAM**

The School Corporation shall permit eligible students to enroll in course access program ("iCAP") courses offered by a course provider that is authorized by the Indiana Department of Education ("IDOE") with limited exceptions, as provided below.

Definitions

For purposes of this policy and pursuant to I.C. 20-30-16, the following definitions apply:

Course access program catalog means a list of approved course access program courses provided by authorized course providers that is maintained by the IDOE.

Course provider means a provider that offers course access program courses that provide for the delivery of instruction through any method, including use of online technologies.

"Eligible student" means a student pursuing:

A. an Indiana diploma with any designation available for students to receive in Indiana; or
B. an industry certification that appears on the state board's approved industry certification list.

iCAP Participation Requirements

Eligible students may not enroll in iCAP courses if the same course is offered in the Corporation's curriculum.

Eligible students may not enroll in more than one (1) iCAP courses per semester.

Eligible students may enroll in iCAP courses only for the following reasons:

A. enrichment;
B. when discipline or other problems make participating in a face-to-face course problematic, even when other options are available.

Eligible students wishing to enroll in iCAP courses must complete the Corporation's local enrollment process, including a statement of commitment to completion of the online course.

Requests to enroll in iCAP courses must be approved or denied by the Principal, school counselor or guidance counselor.

Onsite orientation shall be offered to assist students in getting started on iCAP courses.

The student's school shall provide a scheduled class period outside of the regular school day to complete online work and connect with their Mentor.

Credit for Successfully Completed Coursework

The Corporation shall count successfully completed iCAP courses approved by IDOE toward the requirements of a diploma and include credits earned and grades received for such courses on a student's transcript.

Tuition Payments

Transfers of tuition payments for enrollment of an eligible student currently enrolled in the Corporation in an iCAP course shall be made to the authorized course provider by the Corporation. The amount of the tuition payment for enrollment of an eligible student in an iCAP course must be paid from the total amount of state tuition support that otherwise would be received by the Corporation on account of the student. Provided, however, that payment may not exceed the tuition fee established by IDOE for an iCAP course in which an eligible student is enrolled. The Corporation shall pay fifty percent (50%) of the tuition fee upon an eligible student's enrollment in an iCAP course. The Corporation shall pay the remaining amount if the measured student outcomes for the course access program course meet requirements set by the IDOE.

Dropped Courses

All requests to drop an iCAP course must be made to the Principal of the student's school. Corporation policy for dropping classes shall be followed with respect to iCAP courses.

Lead Point of Contact

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 IDOE. The Lead Point of Contact is responsible for: (1) the appeal process; (2) updating the Point of Contact for all schools in the Corporation; and (3) maintaining accurate information. The Principal of a school with eligible students participating in iCAPshall 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 course access program iCAP providers and (2) ensure final grades and credits are reflected on report cards and transcripts. Each eligible student enrolled in a course access program course will be assigned a course access program iCAP Mentor. Mentors work closely with students to facilitate a positive and successful experience.

The Lead Point of Contact is responsible for determining if a student's request to enroll in an iCAP course will be approved or denied and notifying the parent or emancipated student of the determination and the appeal process for denials within fifteen (15) calendar days of the student's request to enroll in an iCAP course.

The Guidance Counselor/Principal is responsible for determining if a student's request to enroll in an iCAP course will be approved or denied and notifying the Parent or emancipated student of the determination and the appeal process for denials within fifteen (15) calendar days of the student's request to enroll in an iCAP course. The Guidance Counselor must notify the Lead Point of Contact of the denial of a student's request to enroll in an iCAP course, identifying the reason for denial, within seven (7) calendar days of the student's request to enroll in an iCAP course.

Denial of Enrollment

The Corporation may deny an eligible student's enrollment in a course access program only for the following reasons:

A. The eligible student's enrollment in the course access program course would exceed the requirements for a normal full course load at the Corporation.
B. The cost of the course access program is unreasonable.

However, the Corporation may not deny enrollment of an eligible student if the eligible student agrees to pay the cost of tuition for the applicable iCAP course. Parents of eligible students or emancipated students who choose to pay the cost of tuition for an iCAP course should contact the student's school to make payment arrangements.

If the Corporation denies a student's enrollment in a course access program course for one of the reasons listed above, the Lead Point of Contact shall notify the IDOE, on the prescribed IDOE form, along with the reason for the denial.

Appeal Process

If an eligible student requests to enroll in a course offered through the course access program, the school shall, not later than fifteen (15) calendar days after the date the request was submittted, notify the eligible student's parent or emancipated eligible student of the following:

A. whether the school approves or denies the request; and
B. if the request is denied, information explaining that the parent or emancipated student may appeal the decision to the IDOE and the appropriate appeal form.

Failure of the school to notify the parent or emancipated student within fifteen (15) calendar days of the request to enroll in an iCAP course results in the automatic approval of the eligible student's enrollment in the requested iCAP course.

Upon receipt of the school's response and the student appeal, appropriate personnel from IDOE will review both forms and make a final enrollment decision. This appeal decision and explanation will be sent to the emancipated student/parent and the school within seven (7) calendar days of the receipt of the appeal.

Students with IEPs and Section 504 Plans:

Prior to the enrollment of a Corporation student with a disability into one or more 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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Legal
I.C. 20-30-16

PROGRAM
p02410

AUDIO, VIDEO, AND DIGITAL RECORDING OF MEETINGS

2410 - **AUDIO, VIDEO, AND DIGITAL RECORDING OF MEETINGS**

The School Board believes that the education of children is a joint responsibility, one it shares with the parents of the school community. The Board realizes it has the responsibility of protecting the rights of students in keeping and sharing student records.

Pursuant to State law, the Board shall not adopt a policy or otherwise prevent the parent of a student from recording a meeting concerning the student's individualized education program (IEP). Parents may record an IEP Team meeting or case conference. See Policy 2461 - Recording of IEP Team Meetings/Case Conferences for the procedure for such recordings.

In order to facilitate the parent's ability to fully participate in the educational process, parents ordinarily are permitted to record meetings, such as parent-teacher conferences, meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like, in accordance with the procedures set forth below.

A. Parent(s) wishing to record such a meeting shall utilize their own recording device and tapes or disks and provide notice to the School Corporation that they will record the meeting prior to the date of the scheduled meeting.

B. If the parent(s) elect(s) to record such a meeting, the Corporation also shall record the meeting.

For purposes of this policy, a recording is defined as the capture of a person's individual voice through audio, digital, or other electronic means.

Video recording of meetings, such as parent-teacher conferences, meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like is strictly prohibited unless a video recording has been requested due to a hearing impairment of a parent, authorized representative of a parent or other meeting participant.

The requirements of this policy shall not be interpreted to be in conflict with the provisions of Policy 5136 - Use of Personal Communication Devices as it pertains to recordings. Nor shall the requirements of this policy be interpreted to extend to school-sponsored public events, where there can be no expectation of privacy. A school-sponsored public event is any school-related activity, whether free or at which an admission fee is charged, that members of the public may attend. These include but are not limited to athletic competitions, plays, musical performances, awards ceremonies, and graduation ceremonies. See Policy 9160 - Public Attendance at School Events for additional information about restrictions on recording at such events.

If the School Corporation audio or video records or otherwise digitally records meetings, such as parent-teacher conferences, meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like, the resulting recording shall become a part of the student's educational record and shall be maintained in accordance with State and Federal law.

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Legal
I.C. 20-26-5-4
I.C. 20-26-5-45

PROGRAM
p02411

GUIDANCE AND COUNSELING

2411 - **GUIDANCE AND COUNSELING**

The School Board requires that a planned program of guidance and counseling be an integral part of the educational program of the School Corporation. Such a program should:

A. assist students in achieving educational goals;

B. enable students to derive benefit from the offerings of the instructional program of the school;

C. aid students in identifying options and making choices in vocational and academic course areas;

D. assist students in career awareness and planning;

E. help integrate all the students' experiences so that s/he can better relate school activity to life outside the school;

F. help students learn to make their own decisions and solve problems independently;

G. assist students with mental health or addiction concerns.

A program of guidance and/or counseling will be offered to all students and will:

A. be limited to the services of a professional staff of fully certificated guidance personnel;

B. include the services of professional guidance personnel and other designated faculty and staff members who provide employment counseling and placement services to students who do not intend to enroll in an institution of higher learning after graduation or desire employment in conjunction with their continued education;

C. include the possibility of a referral to a community mental health center (CMHC) or a provider certified or licensed by the division of mental health and addiction Division of Mental Health and Addiction. Any such referral shall be made pursuant to a memorandum of understanding between the Corporation and the CMHC or provider and with the written consent of the student’s parent or guardian. If a referral is made, the referral may be noted in the student’s cumulative record, but may not include a possible diagnosis or information regarding the student’s mental health, other than medication(s) taken. All student records containing medical information shall be kept confidential. A school counselor or other Corporation employee shall not diagnose a student as having a mental health condition unless the individual's scope of practice includes diagnosing a mental health condition.

The Superintendent is directed to implement the counseling and guidance program, which carries out these purposes and:

A. involves appropriate staff members at every level;

B. honors the individuality of each student;

C. integrates with the total educational program;

D. coordinates with the available resources of the community;

E. cooperates with parents and recognizes their concerns and ideas for the development of their children;

F. provides means for the sharing of information among appropriate staff members as may be in the best interests of the student;

G. provides an appropriate amount of time and effort to be given to providing guidance and counseling services to those students sixteen (16) to nineteen (19) years of age who do not intend to enroll in an institution of higher education after graduating from high school or who require or desire employment in connection with their continued education;

H. establishes a referral system that utilizes all the aid the schools and community offer, guards the privacy of the student, and monitors the effectiveness of such referrals.

A student's guidance counselor, in consultation with the student and his/her parent, will review the student's career plan annually to determine if the student is progressing toward fulfillment of the plan.

If the student is not progressing toward fulfillment of the graduation plan, the school counselor shall provide counseling services to advise the student of credit recovery options and services to help make progress toward graduation. If the student is not progressing toward fulfillment of the graduation plan due to failing to meet a postsecondary (college or career) readiness competency, the school counselor shall meet with the teacher assigned to the student for remediation of the particular competency area, the parents, and the student to discuss available remediation and to plan to meet graduation requirements.

Each year, the Corporation shall use the model notice prepared by the Commission for Higher Education to notify each student and parent who is in grade 12 of 1) the existence, availability of, and the State deadline to complete the Free Application for Federal Student Aid (FAFSA); 2) a description of the process for and benefits of completing a FAFSA; 3) a statement regarding the most recent labor market trends, including the number and percentage of State minimum wage jobs that do not require education beyond high school and require additional education or training after obtaining a high school diploma; 4) a statement that Indiana offers guaranteed financial aid options for high school graduates, regardless of family income, including information on Indiana's high value workforce ready credit-bearing grants, such as Indiana's Next Level Jobs Workforce Ready Grant; 5) a statement that eligibility for many merit based and needs based scholarships, grants and other financial aid opportunities require the FAFSA to be completed by a certain date; and 6) a statement that each student is required to complete and submit the FAFSA in the student's senior year unless the parent or guardian (or emancipated minor) submits a signed waiver that the student understands what the FAFSA is and declines to complete it or the high school principal or school counselor waives the requirement due to being unable to reach the parents or guardians by April 15 after two (2) reasonable attempts to contact the parents; and 7) a website link to the online FAFSA affirmation form.

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Legal
I.C. 20-26-5-39
I.C. 20-26-5-42.2

I.C. 20-30-4-6
I.C. 20-34-3-21
I.C. 21-12-8
I.C. 21-18-6-6
511 I.A.C. 4-1-5

HOMEBOUND INSTRUCTION PROGRAM

2412 - **HOMEBOUND INSTRUCTION PROGRAM**

The School Board may provide, pursuant to rules of the State Board of Education, individual instruction to students of legal school age who are not able to attend classes because of accident, illness, or disability.

Documentation of the disabling condition must be done by a physician licensed to practice in this State who must:

A. certify the nature of the medical disability;

B. state the probable duration of the confinement;

C. certify the student's ability to participate in an educational program.

The program of home bound instruction given each student will be in accordance with rules of the State Board of Education with such exceptions as may be recommended by the school medical inspector or Case Conference. Teachers must hold an Indiana teaching certificate appropriate for the level of instruction for which the assignment is made.

Instruction may be withheld when:

A. the instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher;

B. a parent or other adult in authority is not at home with the student during the hours of instruction;

C. the condition of the student prevents him/her from benefiting from such instruction.

Legal
I.C. 20-26-3, 20-35-4-1
511 I.A.C. 7-27-11

PROGRAM
p02414

REPRODUCTIVE HEALTH AND FAMILY PLANNING AND HUMAN SEXUALITY INSTRUCTION

2414 - **REPRODUCTIVE HEALTH AND FAMILY PLANNING AND HUMAN SEXUALITY INSTRUCTION**

The School Board believes that provision should be made for the teaching of reproductive health, family planning, human sexuality, and the recognition, prevention, and treatment of sexually-transmitted infections, as essential ingredients in a comprehensive school health education curriculum in grades 4 through 12. Instruction on human sexuality shall be provided only to students in grades 4 through 12. However, a School Corporation employee is not prohibited from responding to a question from a student in prekindergarten through Grade 3 regarding human sexuality. As required by State law, 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.

The Corporation shall 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 shall post a list of the in instructional materials used on the Corporation's website. Before providing instruction on human sexuality, the Corporation shall comply with State law requirements to provide a written request for consent to instruction to a parent of a student or the student, if the student is an adult or an emancipated minor.

A consent form provided to a parent of a student or a student shall 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.
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 written consent form may be sent in an electronic format. If the written consent form is sent in an electronic format, the form must include a link to the list of instructional materials published on the Corporation's website.

The Board shall approve all curricular materials used in the instruction of human sexuality, pursuant to I.C. 20-30-5-13(c).

The Superintendent shall prepare administrative guidelines to implement these curriculum components.

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Revised 12/18/23

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Legal
I.C. 20-30-5-12
I.C. 20-30-5-13
I.C. 20-30-5-17

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STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

2416 - **STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION**

The School Board respects the privacy rights of parents and their children. No student shall be required as a part of the school program or the School Corporation's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, the student's parent, to submit to or participate in any personal, analysis, evaluation or survey 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, anti-social, 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 such a program).

The written consent form for a personal analysis, an evaluation, or a survey described above shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey. The Board directs the Superintendent to develop a procedure for distribution of the written consent form.

Additionally, no student shall be required, without prior written consent of the student, if an adult or emancipated minor, or the student's parent if an unemancipated minor, to submit to or participate in any personal analysis, evaluation, or survey administered by a third party vendor that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings. A request for written consent shall include an explanation of the reasons for a personal analysis, evaluation, or survey administered by a third party vendor. The Corporation or school shall post a copy of a personal analysis, evaluation, or survey administered by a third party vendor on the Corporation or school website.

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 shall 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.

The parent of a student or the student, if the student is an adult or an emancipated minor, has the right to inspect instructional materials used in connection with and all materials related to personal analyses, evaluations, or surveys. The Superintendent shall establish procedures for a student's parent or the student, if the student is an adult or an emancipated minor, to inspect instructional materials and all materials related to personal analyses, evaluations, or surveys.

The term instructional materials means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term includes teachers' manuals, curricular materials, films or other video materials, tapes, and other materials used in instruction. The term does not include academic tests or assessments.

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

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 and Policy 9130 - Public Complaints and Concerns.

If the Corporation contracts with a third party vendor to provide a personal analysis, survey, or evaluation described above, the contract shall include a provision stating that if the third party vendor does not comply with the requirements in I.C. 20-26-21, the third party vendor has committed a breach of contract.

See also Policy 2221 - Mandatory Curriculum

The Board prohibits the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Superintendent is directed to provide notice to parents of students enrolled in the Corporation of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the Corporation, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

Parental Notification Regarding Identification

The Corporation shall, in compliance with I.C. 20-33-7.5, notify at least one (1) parent, if the student is an unemancipated minor, of a request made by the student to change the student's name or the pronoun, title, or word used to identify the student. This notification shall be made within five (5) business days after a school receives the request from the student.

This notification provision may not be construed to require a school psychologist, a school nurse, a school social worker, or a school counselor to violate a Federal law or regulation.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives or a person who is legally responsible for the welfare of the child).

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Legal
I.C. 20-26-21
I.C. 20-30-5-17
I.C. 20-33-7.5
20 U.S.C. 1232g
20 U.S.C. 1232h
34 C.F.R. 98.3

PROGRAM
p02421

CAREER AND TECHNICAL EDUCATION PROGRAM

2421 - **CAREER AND TECHNICAL EDUCATION PROGRAM**

The School Board supports an education program designed to provide students with learning experiences to develop knowledge and skills to enter the labor force or career and technical post-secondary programs.

For purposes of this policy, "career and technical education" shall be defined as a program designed to provide educational experiences, work experiences, and guidance for students to plan and prepare for a future.

The Board shall provide, in cooperation with AK Smith Area Career Center and Ivy Tech, a vocational education program.

A. Agricultural Education;

B. Business, Marketing, and Information Technology Education;

C. Engineering and Technology Education;

D. Family and Consumer Science;

E. Health Science Education;

F. Trade and Industrial Education;

G. Work-Based Learning;

H. Career and Technical Education Pilot Programs (non-standard course waiver required).

Specific courses in each subject area are to conform with the prescribed courses outlined in the Indiana Department of Education State Approved Course Titles and Descriptions. All instructors shall meet the requirements established by State law for teaching a course for which graduation credit is awarded.

Students may receive dual credit for any course in the career and technical education program that has been approved for such credit and is in compliance with Indiana Statutes and Policy 2271 - College and University Programs.

The Board directs that any efforts to recruit students to participate in a particular career and technical education program must include literature and comparable recruitment efforts
for disabled students with disabilities in a format and context in which they can communicate.

The career and technical education program may include:

A. a shared-time program outside of school;

B. a work-study program involving the employment of qualified students.

The work-study programs are available to students without regard for race, color, national origin, sex, age, or disability. The Superintendent is to ensure that application forms for work-study programs contain a notice of nondiscrimination and that each employer associated with a work-study program has provided an assurance of nondiscrimination on the basis of race, color, national origin, sex, age, and disability prior to the time the students are selected and/or assigned.

Any course that meets the requirements of a career and technical education program under I.C. 20-43-8-7.5 may be taught virtually by a virtual provider if:

A. The program of study leads to an industry-recognized credential;

B. The course was approved by the State board under I.C. 20-43-8-7.5; and

C. All instructions required to be in person by the agency that receives, distributes, and accounts for all funds received for career and technical education under the Carl D. Perkins Vocational and Applied Technology Act (20U.S.C. 2301 et seq.) as described in I.C. 20-19-2-19 are conducted through:

    1. an employer-provided work-based learning program; or

    2. a career and technical education center.

Students entering high school beginning with the 2025-2026 school year shall have the opportunity to earn a diploma with an Employment Honors Seal when they choose to pursue those options.

To be eligible for an Employment Honors Seal, a student must:

A. complete one (1) of the following:

    1. earn an industry-recognized or a postsecondary credential. Only credentials designated as approved Employment Honors Seal credentials by the department may be used to satisfy this requirement;

    2. complete three (3) career and technical education courses in a program of study;

    3. complete a career scholarship account program approved under I.C. 20-51.4-4.5-6; or

    4. complete a locally created graduation pathway approved by the State board.

B. complete at least 150 hours of work-based learning;

C. demonstrate communication and collaboration or work-ethic skills that have been verified by an individual or entity recognized by either the student's high school or the State board using the verification forms established by the department. The department shall establish model verification forms and other documentation requirements pertaining to the verification requirements specified in this subdivision; and

D. complete one (1) of the following:

1. at least one (1) school year with no more than three (3) days of unexcused absences; or

2. at least 150 hours of work-based learning experience with no more than three (3) unexcused absences.

If a student completes the requirements for one or more of these Indiana Diploma seals, the seal shall be specified in the student's high school transcript.

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Legal
I.C. 20-19-2-17
I.C. 20-37-2-1 et seq.
I.C. 20-37-4
511 IAC 6-7.2-21
511 IAC 6-10
511 IAC 8

PROGRAM
p02421.01

STUDENTS AS TRAINEES

2421.01 - **STUDENTS AS TRAINEES**

The School Board recognizes the value of providing students with experiences as part of their preparation for productive employment and appreciates the cooperation of local employers in accommodating such training activities at their places of business.

The Board authorizes the Superintendent to develop work-site training programs as part of the vocational education curriculum. S/He shall develop administrative guidelines whereby all such programs are reviewed to determine whether or not an employer relationship has been established according to criteria established by the Supreme Court in adjudicating cases related to the Fair Labor Standards Act. Particular attention should be paid to community-based programs for special education students and to vocational education programs in which students are producing goods or services for sale and the Corporation is the recipient of the income therefrom.

Legal
I.C. 22-2-9
20 U.S.C. 6101 et seq.
29 USC 201-219

PROGRAM
p02430

CORPORATION-SPONSORED CLUBS AND ACTIVITIES

2430 - **CORPORATION-SPONSORED CLUBS AND ACTIVITIES**

The School Board believes that the goals and objectives of this Corporation are best achieved by a diversity of learning experiences, including those that are not conducted in a regular classroom but are directly related to the curriculum.

The purpose of curricular-related activities shall be to enable students to explore a wider range of individual interests than may be available in the Corporation's courses of study but are directly related to accomplishing the educational outcomes for students as adopted by the Board in Policy 2131.

For purposes of this policy, curricular-related activities are defined as those activities in which:

A. the subject matter is actually taught or will be taught in a regularly offered course;

B. the subject matter concerns the Corporation's composite courses of study;

C. participation is required for a particular course;

D. participation results in academic credit.

No curricular-related activity shall be considered to be under the sponsorship of this Board unless it meets one or more of the criteria stated above and has been approved by the Superintendent.

Such activities, as well as extra-curricular or activities not directly related to courses of study, may be conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board, and directed by a staff advisor.

The Board shall allow noncorporation-sponsored, student clubs and activities during noninstructional time, in accordance with the provisions in Policy 5730 -- Equal Access For Noncorporation-Sponsored, Student Clubs and Activities.

Noncurricular activities for students that are initiated by parents or other members of the community may be allowed under the provisions of Policy 7510 - Use of Corporation Facilities. The Board, however will not:

A. assume any responsibility for the planning, conduct, or evaluation of such activities;

B. provide any funds or other resources;

C. allow any member of the Corporation's staff to assist in the planning, conduct, or evaluation of such an activity during the hours s/he is functioning as a member of the staff.

No noncorporation-sponsored organization may use the name of the School Corporation or any other name which would associate an activity with the Corporation.

Any student desiring to participate in an interscholastic athletic activity must meet the eligibility requirements established by the Indiana High School Athletic Association (IHSAA). The Athletic Director is assigned the responsibility of verifying the eligibility of each student participant in the interscholastic athletic program. Students must attend in person or be enrolled in the NPUSC online school to participate in NPUSC sponsored co-curricular or extra-curricular programs. Students enrolled in the NPUSC online school must attend in person at least one class period to participate in athletics per IHSAA guidelines.

Students shall be fully informed of the curricular-related and extra-curricular activities available to them and of the eligibility standards established for participation in these activities. Corporation-sponsored activities shall be available to all students who elect to participate and who meet eligibility standards. Whenever a student becomes a member of a Corporation-established student group or national organization such as the National Honor Society, in order to remain a member, s/he must continue to meet all of the eligibility criteria and abide by the principles and practices established by the group or the organization. Waiver of liability forms are required to be on file with NPUSC for any student to participate in voluntary Corporation sponsored or approved extra-curricular activities that occur outside normal school hours.

The Superintendent shall prepare administrative guidelines to implement a program of curricular-related clubs and activities and of extra-curricular activities. Such guidelines should ensure that the needs and interests of the students are assessed properly and procedures are established for continuing evaluation of each club and activity.

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Revised 3/24/25

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Legal
20 U.S.C. 4071 et seq.
I.C. 20-26-5-4; 20-30-15-6,7,8

PROGRAM
po2431

INTERSCHOLASTIC ATHLETICS

2431 - **INTERSCHOLASTIC ATHLETICS**

The School Board recognizes the value to the School Corporation and to the community of a program of interscholastic athletics for as many students as feasible.

The program of interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by a school or the School Corporation alone.

The program should foster the growth of school loyalty with the student body as a whole and stimulate community interest in athletics.

Game activities and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship.

The Board subscribes to the administrative guidelines of the Indiana High School Athletic Association so long as the Association complies with the requirements of I.C. 20-26-14-5 but maintains responsibility for enforcement of all rules. The Board believes that it is the purpose of an interscholastic program to provide the benefits of an athletic experience to as large a number of students as feasible within the Corporation.

Since the primary purpose of the athletic program is to enhance the education of participating students as indicated in this policy, the Board places top priority on maximum student participation and the values of good sportsmanship, team play, and fair competition, rather than on winning, particularly at sub-varsity levels. The Superintendent is to develop guidelines for coaches to follow which will ensure that as many students as possible have the opportunity to play so they have the opportunity to benefit from the learning experience.

The Superintendent shall develop appropriate administrative guidelines for the operation of the Athletic Program and a Code of Conduct for those who participate. Such guidelines should provide for the following safeguards:

A. Prior to enrolling in the sport, each participant shall submit to a thorough physical examination by a Corporation-approved physician; and parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation.

B. Any student who is found to have a life-threatening health condition such as a heart defect, respiratory dysfunctions, and the like, must have authorization in writing by the student's physician and parents in order to participate in any athletic activities.

C. Any student who incurs an injury requiring a physician's care is to have the written approval of a physician prior to the student's return to participation.

In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches should never dispense, supply, recommend, or

permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes.

The Superintendent is also to and then review periodically guidelines so that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate. Such guidelines should provide a set of behavioral expectations for each type of participant. The Superintendent is authorized to implement suitable disciplinary procedures against those who do not abide by these expectations.

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I.C. 20-26-5.4, 20-26-14-5, 20-30-15-6,7,8

CHILD FIND AND SPECIAL EDUCATION

2460 - **CHILD FIND AND SPECIAL EDUCATION**

The Board shall provide for the location, identification and evaluation of all students at least three (3) years of age but less than twenty-two (22) years of age, who are in need of special education and related services, regardless of the severity of their disabilities, including students who:

A. have legal settlement within the service area of the Board;

B. attend a nonpublic school, are served by the Board, or live in an institution located within the service area of the Board;

C. are homeless students, as defined at 511 IAC 7-32-46;

D. are wards of the State;

E. are highly mobile students, including migrant students; and

F. are suspected of being students, with disabilities in need of special education even though they are advancing from grade to grade.

The Board directs the Superintendent to establish, maintain and implement written procedures to ensure the location, identification and evaluation of these students.

The Board shall provide a free and appropriate public education ("FAPE") to all students who are at least three (3) years of age, have legal settlement in the Board's service area, have been identified as s student with a disability, and have not been enrolled in a charter school or parentally-placed in a non-public school until they graduate with a high school diploma, or the end of the school year in which they become twenty-two (22) years of age, unless the case conference committee determines that the student will leave school earlier.

The Board also shall provide special education and related services such supplemental aids and services as may be necessary for a student with a disability to receive a FAPE in the general education classroom, if that is the least restrictive environment, appropriate for the student.

The Board directs the Superintendent to plan, implement, and coordinate a comprehensive special education program in accordance with Federal and State law.

The Board may enter into an agreement with other school boards to form a special education cooperative to provide all or any part of the special education program. required by this policy.

The Superintendent shall prepare whatever administrative guidelines are necessary to ensure effective implementation of the special education program. maintained pursuant to this policy.

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Legal
20 U.S.C.A. 1400 et seq.

I.C. 20-19-2-8,9
I.C. 20-26-5-1
I.C. 20-26-10
I.C. 20-35-4
I.C. 20-35-5
511 IAC 7

PROGRAM
po2460.01

SURROGATE PARENTS FOR DISABLED STUDENTS

2460.01 - **SURROGATE PARENTS FOR DISABLED STUDENTS**

The School Board establishes the following policy to assure procedural safeguards of disabled students with regard to the involvement of their parents.

This policy affects disabled students of the Corporation whose parents are unknown, or cannot be identified, or whose parents are unavailable or cannot be located. (A student's parents are considered to be "unavailable" if they cannot be located after a "reasonable effort" on the part of the Corporation). It also affects disabled students who are wards of the State and whose parent or guardian has not retained the right to make educational decisions for the student.

Upon determination that a student is in need of a surrogate parent, the Superintendent shall, within thirty (30) days, appoint a surrogate parent who will be sent a formal letter of appointment. A copy of the appointment shall be placed in the student's permanent records.

Legal
20 U.S.C. 1415(b)(1)(B)
511 IAC 7-24-1

PROGRAM
p02460.02

LEAST RESTRICTIVE ENVIRONMENT

2460.02 - **LEAST RESTRICTIVE ENVIRONMENT**

It is the philosophy and position of the School Board and its administration that the primary responsibility for the administration and delivery of special education programs and services should be within the Corporation and at the school a student would regularly attend, whenever appropriate.

Further, the Board endorses a commitment to the provision of a continuum of special education programs and services to disabled students in cooperation with the South LaPorte Special Education Cooperative.

Placement options shall follow a continuum of services model to ensure that each disabled person is provided a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). To that end, every attempt will be made to first serve disabled students in the context of a regular education classroom. Other more restrictive environments such as: resource rooms, self-contained categorical classrooms, or settings outside of a Corporation school will be considered only when placement in the regular classroom has been documented by the Case Conference to be inappropriate for the student's educational needs.

Legal
20 U.S.C. 1400 et seq.
511 IAC 7-27-9

PROGRAM
p02461

RECORDING OF IEP TEAM MEETINGS/CASE CONFERENCES

2461 - **RECORDING OF IEP TEAM MEETINGS/CASE CONFERENCES**

Pursuant to State law, the School Board shall not adopt a policy or otherwise prevent the parent of a student from recording a meeting concerning the student's individualized education program (IEP).

In order to facilitate the parent's ability to fully participate in the IEP process, parents of students with disabilities are permitted to record IEP Team meetings or case conferences in accordance with the procedures set forth below.

A. Parent(s) wishing to record an IEP Team meeting or case conference shall utilize their own recording device and tapes or disks and are requested to provide notice to the School Corporation that they will record the meeting prior to the date of the scheduled IEP Team meeting or case conference.

B. If the parent(s) elect(s) to record an IEP Team meeting or case conference, the Corporation also shall record the meeting/case conference.

For purposes of this policy, a recording is defined as the capture of a person’s or a group of persons' voice(s) and/or image(s) through audio and/or video tape, digital, or other electronic means.

The requirements of this policy shall not be interpreted to be in conflict with the provisions of Policy 5136 - Use of Personal Communication Devices as it pertains to recordings. Nor shall the requirements of this policy be interpreted to extend to school-sponsored public events, where there can be no expectation of privacy. A school-sponsored public event is any school-related activity, whether free or at which an admission fee is charged, that members of the public may attend. These include but are not limited to athletic competitions, plays, musical performances, awards ceremonies, and graduation ceremonies. See Policy 9160 - Public Attendance at School Events for additional information about restrictions on recording at such events.

If the Corporation audio or video records or otherwise digitally records an IEP Team meeting or case conference, the resulting recording shall become a part of the student's educational record and shall be maintained in accordance with State and Federal law.

T.C. 12/18/23

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Legal
I.C. 20-26-5-45

PROGRAM
p02462

DYSLEXIA SCREENING AND INTERVENTION

2462 - **DYSLEXIA SCREENING AND INTERVENTION**

The School Corporation shall provide dyslexia screening and intervention as required by State law. The following procedures shall be utilized in complying with State law.

Screening Process:

The Corporation's reading plan developed under 511 IAC 6.2-3.1 shall include indicators to screen for risk factors of dyslexia, using a screening tool approved by the Indiana Department of Education that screens for characteristics of dyslexia. The mandatory universal screener approved by the IDOE that includes indicators for dyslexia shall be reported in the Corporation's kindergarten through grade 2 reading plan. Until the IDOE approves the mandatory universal screener, the School Board directs the Superintendent to develop and utilize an appropriate screener that includes indicators for dyslexia which shall include, as developmentally appropriate, the following:

A. Phonological and phonemic awareness
B. Sound symbol recognition
C. Alphabet knowledge
D. Decoding skills
E. Rapid naming skills
F. Encoding skills

Students shall be screened for risk factors for dyslexia using the aforementioned screening tool:

A. in kindergarten, grade 1, and grade 2;
B. when a student in kindergarten through grade 2:
    1. transfers to a new school; and
    2. has not been screened previously during the school year;
C. when a student in grade 3 or higher has difficulty, as noted by a classroom teacher, in:
    1. phonological and phonemic awareness;
    2. sound symbol recognition;
    3. alphabet knowledge;
    4. decoding skills;
    5. rapid naming skills; and
    6. encoding skills;

D. when a student from another state enrolls for the first time in kindergarten through grade 2 in Indiana unless the student presents documentation that the student:

    1. had the dyslexia screening or a similar screening during the school year; or

    2. is exempt from screening.

If a student is determined to be at risk, or at some risk, for dyslexia after this screening, the Corporation shall administer a level I dyslexia screening of the student, as defined below. If the Corporation determines that a level II dyslexia screening should be administered, the Corporation may administer a level II dyslexia screening to the student, as defined below. A level II dyslexia screening shall be completed consistent with the Indiana dyslexia resource guide developed by the IDOE.

The level I dyslexia screening and the level II dyslexia screening of a student shall include the following components, as developmentally appropriate:

A. Phonological and phonemic awareness.

B. Sound symbol recognition.

C. Alphabet knowledge.

D. Decoding skills.

E. Rapid naming skills.

F. Encoding skills.

If a universal screener, level I dyslexia screening, or level II dyslexia screening indicates that a student has characteristics of dyslexia, the Corporation shall use the response to intervention process to address the needs of the student.

Exceptions:

The Corporation is not required to administer a universal screener to a student if:

A. the parent of the student objects to the screening; or

B. the student is receiving intervention services for dyslexia.

Before the Corporation administers a level I dyslexia screening or level II dyslexia screening to a student, the parent of the student shall consent to the screening.

If a parent objects to an initial dyslexia screening or does not consent to a level I dyslexia screening or level II dyslexia screening, the Corporation may not administer the initial dyslexia screening, level I dyslexia screening, or level II dyslexia screening, whichever is applicable, to the student.

Notification and Services:

If a student's performance on an initial dyslexia screening, level I dyslexia screening, or level II dyslexia screening indicates a need for dyslexia intervention services, the Corporation shall:

A. Notify the student's parent of the results of the dyslexia screening.

B. Provide the student's parent with information and resource material that includes the following:

    1. Characteristics of dyslexia.

    2. Appropriate classroom interventions and accommodations for students with dyslexia.

    3. A statement that the parent may elect to have the student receive an educational evaluation by the school.

Instructional Approaches:

If a student's level I dyslexia screening or level II dyslexia screening indicates the need for dyslexia intervention services for the student, the dyslexia intervention may include:

A. explicit, direct instruction that is systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the student without presuming prior skills or knowledge of the student;

B. individualized instruction to meet the specific needs of the student in a setting that uses intensive, highly concentrated instruction methods and materials that maximize student engagement;

C. meaning based instruction directed at purposeful reading and writing with an emphasis on comprehension and composition;

D. instruction that incorporates the simultaneous use of two or more sensory pathways during teacher presentations and student practice; and

E. other instructional approaches as determined appropriate by the Corporation.

Reporting:

In accordance with the Corporation's reading plan developed under 511 IAC 6.2-3.1, the Superintendent shall report annually to the IDOE the number of students who were:

A. administered an initial dyslexia screening during the school year; and

B. determined to be at risk, or at some risk, for dyslexia.

Before July 15, 2019, and before July 15 of each year thereafter, the Corporation shall report on its Internet website the following information:

A. The dyslexia intervention programs that were used during the previous school year to assist students with dyslexia.

B. The number of students during the previous school year who received dyslexia intervention under this article.

C. The total number of students identified with dyslexia during the previous school year.

Reading Specialist Trained in Dyslexia:

Not later than the 2019-2020 school year, the Corporation shall employ at least one individual to serve as an authorized reading specialist trained in dyslexia. The Corporation may enter into an agreement

with a service provider or another school corporation or charter school to obtain or share services provided by an authorized reading specialist trained in dyslexia.

The Corporation may petition the secretary of education, or the secretary's designee, for a waiver necessary to hire an individual that does not meet the training requirements established by the IDOE to be an authorized reading specialist trained in dyslexia. The written petition shall be submitted to the IDOE on a form and in a manner prescribed by the IDOE and shall specify the reasons the Corporation is seeking the waiver. A waiver may be sought if:

A. the individual is unable to meet the training requirements to become an authorized reading specialist trained in dyslexia within the required time period; or

B. an authorized reading specialist trained in dyslexia leaves the specialist's position with the Corporation and the Corporation is not able to timely employ or designate another authorized reading specialist trained in dyslexia.

Definitions:

"Authorized reading specialist trained in dyslexia" means an employee of a school corporation or public school, including a charter school, who has successfully completed training in a dyslexia program approved by the IDOE. The term includes:

A. a reading specialist trained in dyslexia;

B. a teacher who has successfully completed the training in a dyslexia program approved by the IDOE; and

C. a tutor or paraprofessional working under the supervision of a teacher described in section (2) above.

"Dyslexia program" means explicit, direct instruction that is:

A. systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of a student without presuming prior skills or knowledge of the student;

B. research based; and

C. offered in a setting to teach a student the components of reading instruction, including:

1. phonemic awareness to enable a student to detect, segment, blend, and manipulate sounds in spoken language;

2. graphophonemic knowledge for teaching the letter sound plan of English;

3. the structure of the English language that includes morphology, semantics, syntax, and pragmatics;

4. linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and

5. strategies that a student uses for decoding, encoding, word recognition, fluency, and comprehension.

"Level I dyslexia screening" means a process, as determined by the Corporation, for gathering additional information to determine if characteristics of dyslexia are present.

"Level II dyslexia screening" means a detailed process, as determined by the Corporation, for identifying a pattern of strengths and weaknesses documenting the characteristics of dyslexia and includes the administration of diagnostic tools designed to measure the underlying cause, characteristics, and outcomes to identify the characteristics of dyslexia.

"Reading specialist trained in dyslexia" means a professional who:

A. has expertise in and either has or is working toward an endorsement or certification, as determined by the IDOE, in providing training for:

    1. phonological and phonemic awareness;
    2. sound and symbol relationships;
    3. alphabet knowledge;
    4. decoding skills;
    5. rapid naming skills; and
    6. encoding skills;

B. is fluent in the response to intervention process; and

C. has been trained in the identification of and intervention for dyslexia.

"Universal screener" means a diagnostic assessment used to aid educators in understanding the causes for student performance, learning strengths, and the needs that underlie student performance. The diagnostic assessment is conducted to identify or predict students who may be at risk for poor learning outcomes and is typically brief and conducted with all students at a particular grade level.

T.C. 12/18/23

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Legal
I.C. 20-35.5-1-1 et seq.

PROGRAMS FOR HIGH ABILITY STUDENTS

2464 - **PROGRAMS FOR HIGH ABILITY STUDENTS**

In accordance with State law, the School Board shall develop and periodically update a plan to provide appropriate educational experiences to high ability students in the School Corporation in grades kindergarten through twelve (12).

The plan must include the following components:

A. A broad based planning committee that meets periodically to review the Corporation's plan for high ability students with committee representatives selected from diverse groups representing the school and community.

B. A student identification system's multifaceted assessments to ensure students not identified by traditional assessments due to economic disadvantage, cultural background, underachievement, or disabilities are included. The assessments must identify students with high abilities in the general intellectual domain and specific academic domains.

C. Professional development.

D. Development and implementation of local services for high ability students including appropriately differentiated curriculum and instruction in core academic areas for each grade.

E. Evaluation of the local program for high ability students.

F. Best practices to increase the number of participants in high ability student programs who are from racial and ethnic groups that have been underrepresented in those programs.

The program must be approved by the School Board and the plan must be available for public inspection as well as filed with the Indiana Department of Education.

High ability students shall be considered those who, through valid assessment:

A. perform at or show potential for performing at an outstanding level of accomplishment in at least one (1) of the following domains: general intellectual, general creative, specific academic, technical and practical arts, visual and performing arts, and interpersonal, and

B. is characterized by exceptional gifts, talents, motivation, or interests.

The Superintendent shall develop administrative guidelines which shall include those for valid identification, curriculum development and implementation, and assessment of the learning outcomes.

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Legal
511 IAC 6-9.1
I.C. 20-36-2

ADOPTION OF CURRICULAR MATERIALS

2510 - **ADOPTION OF CURRICULAR MATERIALS**

For purposes of this policy, "curricular materials" means systematically organized materials designed to provide a specific level of instruction in a subject matter category including:

A. books;

B. hardware that shall be consumed, accessed, or used by a single student during a semester or school year;

C. computer software; and

D. digital content.

Curricular materials used as part of the educational program of the School Corporation shall be approved by the School Board, and the Board shall make approved curricular materials available for rental or purchase by each student enrolled in a public school located in the attendance area served by the Board if that school is in compliance with the minimum certification standards established by the State Board of Education.

The annual rental rate for curricular materials shall not exceed twenty-five percent (25%) of the retail price of the curricular materials. The Board may charge a student the cost of the student's use of disposable materials, software copyright licenses, and hardware to utilize software provided. If a software site license is not charged on a per student per school year basis, the Board shall approve a sum to be paid by each student that divides the cost of the license between all students expected to use the licensed software. If hardware such as a laptop computer or a tablet is required to access the curricular materials approved by the Board, the Board shall approve a sum to be paid by each student expected to use the hardware.

If a student has paid rental or use fees for curricular materials, such as textbooks, electronic textbooks, consumable hardware, computer software, digital content, disposable materials, software copyright licenses, hardware to utilize software provided, or other curricular materials, and the student transfers, withdraws, is expelled, or is unable to complete or continue to participate in a class or activity or utilize a school service for which the student or the student's parents have paid the applicable rental or use fee, the Corporation shall refund an amount equal to the total fee multiplied by the percentage of the semester, grading period, or activity season remaining at the time the student transfers, withdraws, is expelled from the class, quits, or is cut from the activity, so long as one-third (1/3) or more of the semester, grading period, or activity season remains and the amount of refund, rounded up to the nearest dollar amount, equals or exceeds $5.00.

If a student transfers, withdraws, or is expelled from school, or withdraws or is cut from a school activity for which the student or the student's parents have paid fees for curricular materials and are owed a refund of all, or a proportionate share of any fees amounting to at least $5.00, the Corporation shall promptly refund such fees if the address of the student or the student's parent is known or if requested by the student or the student's parents by the end of the school year in which the fees were

paid, or within ninety (90) days, whichever is longer. The right to a refund fee shall be forfeited if not requested by the end of the school year in which the right to a refund accrues, or within ninety (90) days, whichever is longer. Parents and students shall be given written notice of this policy at the time of school enrollment.

The Corporation may write off any outstanding unpaid fees for rent or use of curricular materials of $5.00 or less, if not paid by October 31 of the school year following the school year or activity season in which the debt for nonpayment of fees for curricular materials was incurred.

Unpaid fees for rent or use of curricular materials in excess of $5.00 may, at the discretion of the school treasurer or designee, be written off one (1) year after the end of the school year or activity season in which the debt for nonpayment of fees for curricular materials was incurred. Fees in excess of $5.00 may be written off at any time if the principal or designee determines the student's parents, or the student, if age eighteen (18) or older or an emancipated minor, is unable to pay.

The Board shall prescribe reasonable rules and regulations for the care, custody, and return of curricular materials and hardware.

If a student or a student's parent has purchased textbooks and/or electronic textbooks and then moved from the Corporation, the Corporation shall, pursuant to I.C. 20-26-12-26, evaluate the student's curricular materials and offer to purchase the curricular materials at a reasonable price for resale to any family that moves into the Corporation during the school term.

The curricular materials approved by the Board shall include a research-based core reading program.

Supplementary materials required by a special education student's Individualized Education Program shall be provided without additional charge. The supplemental materials provided to students receiving special education services shall be in a format that allows the student to utilize the materials. When necessary for a special education student to benefit from curricular materials, the materials shall be provided in NIMAS (National Instructional Materials Accessibility Standard) format and shall be certified by NIMAC (National Instructional Materials Access Center), or the publisher of the materials may authorize the Board to reproduce the curricular materials in a format such as large type or audio that allows the special education student to benefit from the materials.

The Superintendent shall implement administrative guidelines for the selection of curricular materials that include effective consultation with an Advisory Committee of parents and professional staff members at all appropriate levels. Textbooks determined to be obsolete shall be disposed of in accordance with Policy 7310 - Disposition of Surplus Property and Superintendent's administrative guidelines. See AG 7310 - Disposition of Surplus Property. Guidelines for the collection of delinquent textbook rental fees are included in AG2510B - Collection of Textbook Rental Fees. Additionally, please refer to Policy 6152 - Student Fees and Charges.

Revised 6/20/16

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Legal
I.C. 20-18-2-2.7 - Curricular materials defined
I.C. 20-20-5.5 - Curricular materials
I.C. 20-26-12 - Textbooks

511 IAC 6.2-3.1 - Research based core reading program requirement
511 IAC 9 - Textbook adoption
IDOE Memo dated 2/8/2012 - "Updates to Textbook Adoption Procedures"
IDOE - FAQs Regarding New State Textbook Adoption Procedures, Textbook Rental Fees, and 1:1 Device Initiatives
IDOE Memo - Textbook and Computer Scenarios
Indiana State Board of Accounts, Public Schools Audit Manual
Indiana State Board of Accounts, School Administrator

PROGRAM
p02520

SELECTION OF CURRICULAR MATERIALS, SCHOOL LIBRARY MATERIALS AND EQUIPMENT

2520 - **SELECTION OF CURRICULAR MATERIALS, SCHOOL LIBRARY MATERIALS AND EQUIPMENT**

The School Board shall provide curricular materials and equipment, within budgetary constraints, to implement the School Corporation's educational goals and objectives and to meet students' needs. The primary objective of such curricular materials and equipment shall be to enrich, support, and implement the educational program of the school.

The Superintendent shall establish a procedure for each school to prepare a catalogue of materials available in the school library. The catalogue shall be published on the website of each school. A hard copy of the catalogue shall be made available on request.

The Corporation shall not make available within the school library any materials that contain: (1) obscene matter (as described in I.C. 35-49-2-1); or (2) matter harmful to minors (as described in I.C. 35-49-2-2). The procedure for a parent of a student enrolled in the school or a community member residing within the Corporation to submit a request to remove material that is obscene or harmful to minors is included in Policy 9130 - Public Complaints and Concerns (Subsection Matters Regarding Library Materials), including the process for response and appeal.

The Superintendent shall develop administrative guidelines for the selection and maintenance of all curricular materials and equipment and provide for the assessment of fees for lost or significantly damaged curricular materials.

Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

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Legal
I.C. 20-26-3-5
I.C. 20-20-5-4

PROGRAM
p02531

COPYRIGHTED WORKS

2531 - **COPYRIGHTED WORKS**

The School Board directs its staff to use copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public school corporations and the staff must, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent to provide administrative guidelines regarding the copying and distribution of copyrighted materials for instructional purposes.

Legal
17 U.S.C. 101 et seq.

PROGRAM
p02600

SCHOOL ACCOUNTABILITY

2600 - **SCHOOL ACCOUNTABILITY**

In keeping with its philosophy that the purpose of education is to facilitate the development of the potential of each student, the Board encourages the implementation of a strategic and continuous school improvement and achievement plan.

The principal of each school must coordinate the development of an initial three (3) year strategic and continuous school improvement and achievement plan and coordinate an annual review of the plan. The initial plan and annual review must be made with input from a committee of persons interested in the school including administrators, teachers, parents and community and business leaders. Members of the committee shall be appointed by the principal, except teacher representatives shall be appointed according to state statutes.

The committee must submit a school's initial plan to the Superintendent by March 1st prior to the school year of implementation. The Superintendent:

A. shall review the plan to ensure it aligns with the School Corporation's goals, objectives, and expectations;

B. may make written recommendation for modifications to the plan;

C. return the plan and any recommendations to the committee by April 1st.

The school committee may modify the plan to comply with the recommendations of the Superintendent and submit the final recommended plan to the Superintendent for Board approval by May 1st.

The plan shall lay out objectives for a three (3) year period and must be reviewed annually and revised to accomplish the achievement objectives of the school. The achievement objectives must be consistent with State academic standards and include improvement in at least the following areas:

A. attendance rate

B. the percentage of students meeting academic standards under the State-mandated assessment program

C. the graduation rate

The plan must address the learning needs of all students, including programs and services for exceptional students.

The plan must specify how and to what extent the school expects to make continuous improvement in all educational areas where results are measured by setting benchmarks on an individual school basis.

The plan is to note specific areas where improvement is needed immediately.

In developing a school's plan, the school's committee shall consider methods to improve the cultural competency of the school's teachers, administrators, staff, parents, and students.

The committee shall:

A. identify the racial, ethnic, language-minority, cultural, exceptional learning, and socioeconomic groups that are included in the school's population;

B. incorporate culturally appropriate strategies for increasing educational opportunities and educational performance for each group in the school's plan;

C. recommend areas in which additional professional development is necessary to increase cultural competency in the school's educational environment.

The committee shall update annually the information identified in (A) above.

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 mandated plan.

The Superintendent shall establish administrative guidelines for use in the development of the strategic and continuous school improvement and achievement plan.

T.C. 5/22/23

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Legal
I.C. 20-29-1-1, 20-32-2-2, 20-31-5-4

PROGRAM
po2603

SCHOOL PERFORMANCE INTERNET DASHBOARD

2603 - **SCHOOL PERFORMANCE INTERNET DASHBOARD**

Each school in the School Corporation shall publish on its website the following:

A. Indicators of student performance in elementary school, middle school and high school.
B. The school's graduation rate, as applicable.
C. The percentage of high school graduates who earned college credit before graduating, as applicable.
D. The pass rate of the statewide assessment program tests (as defined in I.C. 20-32-2-2.3), as applicable.
E. The growth data of the statewide assessment program tests (as defined in IC 20-32-2-2.3), as applicable.
F. The attendance rate.
G. State, national, and international comparisons for the indicators, if applicable.
H. Any other data indicating school performance success that the State Board of Education determines is relevant.

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Legal
I.C. 20-31-8-5.5

PROGRAM ACCOUNTABILITY

2605 - **PROGRAM ACCOUNTABILITY**

The School Board believes that effective education includes proper evaluation of the results produced from the educational resources provided by the community and the government. As the governing body of the Corporation, the Board has the responsibility for assessing how well goals are being accomplished.

The Board shall fulfill this responsibility by complying with the standards established by the State Department of Education.

Legal
I.C. 20-1-1-6.3

EVALUATION OF THE INSTRUCTIONAL PROGRAM

2610 - **EVALUATION OF THE INSTRUCTIONAL PROGRAM**

The School Board directs the Superintendent to develop and implement a systematic plan for the continuous evaluation of the educational program against the educational goals established by this Board. To this end, s/he shall employ such tests and methods as may be indicated by sound professional judgment. Wherever possible, the assessment program shall follow evaluation administrative guidelines set forth in the courses of study and course guides.

The Superintendent shall maintain a calendar of assessment activities and shall make periodic evaluation reports to the Board. Findings of the assessment program may be used to evaluate the progress of students and:

A. the effectiveness of the curriculum;

B. the effectiveness of staff members;

C. the effectiveness of the school/delivery system.

The Superintendent shall recommend improvements in the educational program based on the evaluation of the Corporation's program.

The Board reserves the right to employ experts from outside the School Corporation to serve in the evaluation process.

The Board will annually make available to the public the progress of the student body toward the goals of the Corporation.

Assessment results obtained under this policy shall not be used for comparison purposes except as required by statute and State Department of Education administrative guidelines or internally, as authorized by the Superintendent or Board.

Legal
511 IAC 5, 511 IAC 6-2-1

PROGRAM
po2623

STUDENT ASSESSMENT

2623 - **STUDENT ASSESSMENT**

The School Board, in compliance with law and rules of the State Board of Education, shall implement the State Board-approved statewide achievement test to assess student achievement and needs in English/language arts, mathematics, social studies, science, and other designated subjects in order to determine the progress of students and to assist them in attaining School Corporation and Indiana Department of Education (IDOE) goals.

Student test scores on statewide assessments may be utilized in making placement decisions; provided, however, a student's score on the state assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.

Additionally, the Board shall administer any end-of-course exams as may be required by the State Board in grades 9 through 12.

IREAD-3 Assessment

The Board shall comply with the requirements of the State Board of Education in administering the Indiana Reading Evaluation and Determination (IREAD-3) Assessment to students enrolled in grades 2 and 3.

A student in grade 2 who is at risk of not being reading proficient, as indicated on the IREAD-3 Assessment, shall be offered summer school participation in reading remediation. In grade 3, the student will be administered the IREAD-3 Assessment again. A student in grade 3 who is not reading proficient, as indicated on the IREAD-3 Assessment, shall be offered summer school participation in reading remediation. All grade 3 students failing the IREAD-3 Assessment will have an opportunity to retake the IREAD-3 Assessment at least two (2) times in the summer before the grade 3 retention requirements listed below apply.

The student will be retained in grade 3 if the student has not achieved a passing score on the IREAD-3 Assessment after the student has had an opportunity to retake it in the summer, unless:

A. the student was subject to retention and has been retained in grade 3 for one (1) school year;

B. the student has an intellectual disability or the student's individualized education program specifies that retention is not appropriate, and the student's case conference committee has determined that promotion to another grade is appropriate;

C. the student is an English learner who has received services for fewer than two (2) years, and a committee consisting of the student's parent, a building level administrator or designee, a classroom teacher of service, an English learner teacher of record, if o ne exists, and an English learner Corporation administrator, if one exists, determines that promotion is appropriate based on the implementation of research based instructional practices outlined in the student's individual learning plan;

D. the student received a score of proficient or above proficient in grade 3 math on Indiana's Learning Evaluation and Assessment Readiness Network (ILEARN);

E. the student has received intensive intervention as determined by the IDOE in reading for two (2) or more years and was retained more than one (1) time throughout kindergarten, grade 1, or grade 2.

Appeal Process

The parent of a student who has been retained in grade 3 pursuant to I.C. 20-32-8.5-2(a)(2)(A) because the student has not achieved a passing score on the IREAD-3 and who would not have been retained for other reasons may appeal the student's retention if the parent believes that one of the following exceptions applies:

A. the student was subject to retention and has been retained in grade 3 for one (1) school year;
B. the student has an intellectual disability or the student's individualized education program specifies that retention is not appropriate, and the student's case conference committee has determined that promotion to another grade is appropriate;
C. the student is an English learner who has received services for fewer than two (2) years and a committee consisting of 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) determines that promotion is appropriate based on the implementation of research based instructional practices outlined in the student's individual learning plan;
D. the student received a score of proficient or above proficient in grade 3 math on the statewide summative assessment; or
E. the student has received intensive intervention as determined by the IDOE in reading for two (2) or more years and was retained more than one (1) time throughout kindergarten, grade 1, or grade 2.

The parent must submit the appeal in writing, along with supporting documentation, to the Curriculum Director prior to the beginning of the school year in which the student is to be retained. Once received, the Curriculum Director will consider the documentation submitted by the parent and issue a determination, in writing, within five (5) business days from receipt of the appeal about whether the student meets one of the criteria in A-E above that excepts the student from retention, which will be provided to the parent via electronic mail (if authorized by the parent), U.S. First Class mail, or hand delivery.

This determination is final, and the Board will not hear appeals from this determination.

Exemption for English Language Learner Students

The Corporation may apply for an exemption from compliance with the retention requirements for grade 3 students who do not pass the IREAD-3 Assessment for an English language learner who:

A. does not achieve a passing score on the IREAD-3 Assessment; and
B. attends a school that has a student population comprised of at least fifty percent (50%) of English learners in grade 3, as determined by the Indiana Department of Education

until the beginning of the 2027-2028 school year.

Participation in the Indiana Literacy Cadre

Subject to available funding, a Corporation school in which fewer than seventy percent (70%) of students of the school achieved a valid passing score on the IREAD-3 Assessment shall participate in the Indiana literacy cadre.
The Superintendent shall develop and implement a plan that complies with guidelines established by the IDOE.

Mathematics Proficiency Screener

The Board shall comply with the requirements of I.C. 20-32-6.5 in administering the mathematics proficiency screener approved by the IDOE to identify students at risk of not achieving grade level proficiency in mathematics to students in kindergarten, grade 1 and grade 2 beginning with the 2026-2027 school year.

Mathematics Interventions

Beginning with the 2026-2027 school year, if a Corporation school determines that a student in kindergarten through grade 8 is at risk of not achieving grade level proficiency in mathematics as determined by an analysis of the student's data from: 1) a grade level screener approved by the IDOE; or 2) a through-year statewide assessment; the school must provide intervention that meets the following requirements:

A. The intervention includes a multitiered system of support that progresses from less to more intensive support based on the student's individual needs.
B. The intervention is aligned to daily Tier I instruction and standard level learning progressions.
C. The intervention is:

    1. targeted;
    2. differentiated; and
    3. supplemental to Tier I instruction.

D. The intervention:

    1. is aligned with evidence based instructional strategies to promote conceptual understanding, procedural fluency, and real world problem solving; and
    2. allows a student opportunities to interact, show progress, and demonstrate understanding through rigorous grade level content.

E. The intervention includes continual assessment and in depth analysis of each student's data to inform the flexible movement in and out of Tiers II and III.

The Superintendent shall establish administrative guidelines to implement this policy.

Revised 11/26/12
Revised 4/24/17
Revised 3/22/21
Revised 3/24/25
Revised 8/25/25

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Legal
I.C. 20-32-6.5

I.C. 20-32-2
I.C. 20-32-8
I.C. 20-32-8.5
I.C. 20-30-7-13
511 IAC 5
511 IAC 6.2-3.1

TEST SECURITY PROVISIONS FOR STATEWIDE ASSESSMENTS

2623.01 - **TEST SECURITY PROVISIONS FOR STATEWIDE ASSESSMENTS**

It is the intent of the School Board that all School Corporation and school staff comply with the requirements of the Indiana Department of Education (IDOE) regarding test security of the statewide assessments (tests).

The Assistant Superintendent or designee is designated as the Corporation Test Coordinator (CTC) and the individual to whom the test materials are to be delivered. Test materials include examiner's manuals, assessment books, answer documents, practice tests, test tickets and online test access codes.

The CTC shall:

A. establish a testing schedule or require the School Test Coordinator (STC) to establish a testing schedule within the testing window;

B. inventory and track all test materials that are received from IDOE;

C. securely store the test materials upon receipt at a locked central location and ensure that the test materials are not available to any unauthorized parties at any time while under the Corporation's control;

D. arrange for the distribution of the test materials to the appropriate schools and require the storage administration, collection, and return of the test materials as set forth below;

E. notify, in writing, all staff involved in the administration of the tests that copying a test, or any part thereof, is a violation of the Indiana Code of Ethical Practices and Procedures;

F. require that principals and all staff involved in the administration of the tests strictly follow all procedures described in the testing manuals and those outlined by the IDOE;

G. require that principals review with all staff involved in the administration of the tests the Indiana Code of Ethical Practices and Procedures, and require the principals and all staff involved with the administration of the tests acknowledge that they understand their responsibility to adhere to the procedures to secure, administer, and handle the test materials while in their possession;

H. provide staff development annually so that all staff in the Corporation that are involved in the administration of the tests have the knowledge and skills necessary to make ethical decisions related to preparing students for the tests, administering the tests, and interpreting the results from the tests and planning academic interventions as a result of the tests;

I. require the review of the practices and materials used in the Corporation to prepare students for the tests by all staff in the Corporation that are involved in the administration of the tests and communicate this requirement annually to all principals and appropriate staff;

J. arrange for the preparation of a written notice that Corporation and school staff shall communicate to students, parents, and guardians regarding appropriate practices for the maintenance of ethical testing practices, test security, and test integrity;

K. ensure that any concerns about testing practices considered to be inappropriate or allegations of test security violations or test integrity violations are reported to IDOE pursuant to the Protocol for Reporting and Investigating Alleged Assessment Breaches or Irregularities (Protocol) for reporting and investigating alleged breaches or irregularities, as required by 511 IAC 5-5-4. The Protocol is provided below.

As set forth above, the CTC is responsible for the secure distribution of the test materials to each school building. The test materials will be delivered to school buildings no more than one (1) week in advance of the designated test window.

The Superintendent, CTC, and each principal, STC, examiner, proctor and any other applicable staff at the Corporation or school level shall receive Indiana Testing Security & Integrity Training and sign the Indiana Testing Security and Integrity Agreement. The CTC shall provide for a system by which all signed agreements are retained on file.

Each building principal or designee is designated as the School Test Coordinator (STC).

The STC responsibilities include, but are not limited to, the following:

A. establishing a testing schedule within the testing window; At a minimum, the schedule should include the assessment name, the testing dates and times, applicable grade levels, content areas, and testing room locations. Local testing schedules must be developed prior to the start of the state testing window.

B. prohibiting the review of any secure test questions before, during, or after an administration session;

C. establishing a process to ensure that all test materials are secure stored at a central location under lock and key when not being administered;

D. involve all appropriate staff in the annual review of the school materials and practices related to preparing students for the tests, administering the tests, securing the tests before and after administration, and interpreting the results from the tests. This review will ensure that the test preparation materials are appropriate and do not violate test security protocols;

E. informing all staff who will administer the tests of the Indiana Code of Ethical Practices and Procedures;

F. ensuring that all staff who will administer the tests have received training regarding test administration and test security prior to administering the test;

G. requiring all staff who will administer the tests to students with testing accommodations to review each student's Individual Education Program (IEP), Individual Learning Plan (ILP), and/or Section 504 Plan prior to testing;

H. ensuring that focused training on providing the necessary accommodations during testing is provided prior to testing to all staff who will administer the tests to students with testing accommodations;

I. provide any other information and professional development necessay to ensure that all appropriate staff have the knowledge and skills necessary to administering the assessment;

J. permitting only staff who will administer the tests to have access to examiner's manuals prior to the administration of the tests and prohibiting the review of any secure test questions before, during, and after the tests are administered;

K. monitoring testing in his/her school to ensure that all staff administer the tests with fidelity in terms of testing protocols/procedures and staff appropriately provide students with accommodations included in their IEPs, ILPs, or Section 504 Plans; and

L. arranging for the secure transport of the test materials to the CTC at the end of the testing window following procedures outlined in the Examiner's Manual.

Whether in the possession of the CTC, STC or other Corporation or school staff member, all test materials must be secured in a central location in a locked drawer or cabinet before during and after testing, except those test materials needed for the administration of the test. Each person designated as an examiner is responsible for ensuring that all assessment security provisions are met while each administration session is in progress. Additionally, each examiner is responsible for accounting for all assessment booklets (by serial number), answer documents, and other test materials until they are returned to the STC at the conclusion of the administration session.

Each examiner, monitor, and other school personnel authorized to be present in the room during an administration session shall be informed of prescribed assessment administration and assessment security procedures as well as ethical testing practices.

A. No person shall reveal, cause to be revealed, release, cause to be released, reproduce or cause to be reproduced any secure test materials through any means or medium including, but not limited to, electronic, photographic, photocopied, written, paraphrased, or oral.

B. Except for accommodations made in accordance with the rules adopted by the IDOE, only materials specifically designated by the IDOE shall be provided to students or permitted in the assessment room during an administration session.

C. Testing, including make-up testing, must occur during the testing window. With the exception of permitted practice tests, student access to test materials shall be restricted to the state-scheduled dates of test administration.

D. The Corporation prohibits all Corporation and school staff from engaging in any violations of test security. Violations of test security include but are not limited to the following:

    1. giving examinees access to test questions prior to testing

    2. copying, reproducing or using in any manner any portion of any secure assessment book for any reason

    3. altering answer documents prior to, during or after a testing session

    4. sharing or posting actual or paraphrased test items or student responses in a public forum

    5. commenting on test content in a public forum, social media, text, or e-mail

    6. posting actual test content or paraphrasing test content on social media

    7. taking pictures of test materials

    8. emailing, texting, or instant messaging actual or paraphrased test content

9. deviating from the prescribed administration procedures specified in the Examiner's Manual
10. making answer keys available to examinees
11. reviewing test questions prior to, during or after test administration
12. scoring student responses on the test locally before submitting the assessment for scoring to the test contractor, as designated by the IDOE
13. participating in, directing, aiding, counseling, assisting, encouraging, or failing to report any of the above acts prohibited in this section or any other acts violating this policy or the Indiana Code of Ethical Practices and Procedures

All Corporation and school staff are responsible for test security. Maintaining test security includes:

A. adhering to the Code of Ethical Practices and Procedures;

B. adhering to the Indiana Assessment Program Manual;

C. participating in required training; and

D. following the Protocol for Reporting and Investigating Alleged Assessment Breaches or Irregularities for reporting and investigating alleged breaches or irregularities, as required by 511 IAC 5-5-4. The Protocol is provided below.

Any individual who administers, handles, or has access to secure test materials at the Corporation or school shall complete assessment training and shall annually sign no later than the last day of September a Testing Security and Integrity Agreement, which shall remain on file in the appropriate Corporation-level office for a period of no fewer than three years. Training shall be provided at the building level by the CTC (or designee), who has completed the required IDOE-provided training.

Under no circumstances may Corporation or school staff view student test materials prior to administering the assessment. Teachers and other school staff members shall not be provided access to secure test materials (except for the Examiner's Manual) more than four (4) hours in advance of test administration.

Corporation and school staff and/or students may not alert examinees to the correct answer choice by pointing to the correct answer, eliminating answer choices, mouthing the correct answer, or using any other mechanism designed to indicate a correct or incorrect answer.

If an interruption of testing occurs, the test examiner shall immediately notify the test coordinator, who will determine appropriate action. Following the interruption, a written report (using the *Testing Irregularity Report* form) detailing the interruption must be submitted to the IDOE according to the Protocol. The *Testing Irregularity Report* form must be submitted for all incidents and events that might invalidate any scores, including disruptions and illness.

All Corporation and school staff and students are prohibited from compromising test security or the accuracy of the test data score results by manipulating the test administration, demographic data, or the students' answers or data.

Student test scores or test performance are confidential and shall not be disclosed to unauthorized persons.

Corporation and school staff are responsible for advising students, parents, and guardians regarding appropriate practices for the maintenance of ethical testing practices, test security, and test integrity.

Teachers, administrators, students, parents, and other community members may voice their concerns about practices they consider inappropriate by filing a complaint with the CTC.

In accordance with the IDOE established procedures set forth in the "Protocol for Reporting and Investigating Alleged Assessment Breaches":

Any complaint alleging cheating or a security breach, testing administration breach, an intellectual property right infringement (see item I for full definitions of each of these terms), or any breach that undermines the integrity and/or inhibits the effectiveness of Indiana's State-Mandated Assessments (see definition in Bylaw 0100) shall be immediately reported to the Indiana Department of Education ("Department").

A. The complaint shall be submitted via the completion of the "Testing Concerns and Security Violations Report" form located in Appendix C of the Indiana Assessment Policies, Administration, & Security Manual. This form is located on the Office of Student Assessment's website (http://www.doe.in.gov/assessment).
B. All complaints must be submitted to the Department's Office of Student Assessment by fax or mail:

    1. Fax Number 317-233-2196
    2. Mailing Address:
       Indiana Department of Education
       Office of Student Assessment
       ATTN: Test Security Concern
       115 W. Washington Street, South Tower, Suite 600
       Indianapolis, IN 46204

C. Upon receipt of a complaint, the Department will log the complaint.
D. After logging the complaint, the Department will review the complaint to determine next steps. Depending on the results of this review, the Department may:

    1. contact the complainant to request clarification or additional information;
    2. contact the complainant to explain that based on the information provided, it does not appear a cheating, integrity breach, security breach, testing administration breach, or intellectual property right infringement occurred;
    3. determine that the complaint does not provide sufficient information to investigate the complaint; or
    4. determine a formal investigation is warranted.

E. If the Department determines that a formal investigation is warranted, the Department will provide notice of the allegations to the affected Superintendent as well as a written request that the School Corporation conduct an internal investigation.

    However, in the event that the allegations involve the Superintendent, central office staff, an entire school, or multiple schools in a school corporation, the Department has the discretion to identify a third party agency/entity to conduct the investigation.

    1. The investigation must:

        a. be completed within ten (10) business days of the Department's request that an internal investigation be conducted (unless the Department has provided an alternate deadline);

b. be kept confidential in order to maintain the authenticity and integrity of the investigative process; and
c. include the completion and/or collection of any and all documents requested by the Department.

2. The Department also may request that the investigation include interview(s) with the following:

a. the individual who filed the complaint ("complainant");
b. the individual(s) against whom the allegation(s) is/are filed;
c. any other individual(s) who may have been involved or that the School entity believes may have knowledge that will assist with the investigation.

All interviews shall be documented, and the School entity shall provide the Department with copies of said documentation, including any and all notes, recordings, and/or transcripts.

F. The School entity must submit an Investigation Report to the Department within ten (10) business days of the Department's request for an investigation. The investigation report should include all of the documents requested by the Department as well as the School entity's determination of whether misconduct occurred, did not occur, or whether the allegations could not be substantiated. The School entity's determination, however, shall not be binding on the Department or any action that the Department may take.
G. The Department will review the Investigation Report and contact the school entity if additional clarification is needed. The Department may also request additional documents or interviews.
H. If the Department determines that a violation occurred, the Department may take the following actions:

1. Invalidate the test scores of student(s), school(s), corporation(s), and/or State;
2. Retrain administrator(s) and/or other school personnel at the school's cost;
3. Prohibit administrator(s) and/or other personnel from handling Indiana Assessment System secure materials;
4. Suspend or revoke any license issued or granted by the Department to any school personnel who has committed a breach;
5. Report any suspected criminal offense to the proper authorities;
6. Take other corrective action.

I. Any of the following issues are considered "Test Security concerns" as defined in 511 IAC 5-5-2:

1. "Integrity breach" means any action that undermines the integrity and/or inhibits the effectiveness of the State-mandated test from achieving the purposes set forth in I.C. 20-32-5-1. An integrity breach includes but is not limited to, any security breach, testing irregularity, testing administration breach, and violation of the code of ethical practices and procedures.
2. "Intellectual property right" means any applicable copyright or trademark that may be contained in test and test preparation materials.
3. "Security breach" means the failure to observe/follow the documented procedures established to protect, maintain, and implement the testing process, such as the code of ethical practices and procedures, testing security and integrity agreement, and procedures prescribed in the testing manuals by any person administering or assisting with the administration of a systematic assessment.
4. "Testing administration breach" means the failure to follow the documented test administration procedures that could alter the results or testing environment of

the assessment for one or more students, including but not limited to, timing an untimed test and not implementing required accommodations.

Any “Testing Irregularity” that is not a testing security concern should be reported by using the Testing Irregularity Report form found in Appendix C of the Indiana Assessment Policies, Administration, & Security Manual. “Testing irregularity” is defined under the administrative regulation to mean “any unexpected event that significantly disrupts the testing environment of two or more students, including but not limited to, the sounding of the fire alarm or a power outage.”

Revised 1/16/17
Revised 12/18/17
Revised 10/28/19

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Legal
I.C. 20-28-5-7
511 I.A.C. 5-5-3
511 I.A.C. 5-5-4
2018-19 Indiana Assessment Policies, Administration and Security Manual
Code of Ethical Practices and Procedures (Indiana Department of Education)
Protocol for Reporting and Investigating Alleged Assessment Breaches (Indiana Department of Education)

CREATING A POSITION

3111 - **CREATING A POSITION**

The School Board recognizes the need to establish positions which, when filled by competent, qualified professional staff members, will assist the Corporation in achieving the education goals set by the Board. The Corporation employs only U.S. citizens and others lawfully authorized to work in the United States.

The Board reserves the right to create new positions and provide each with a job description clearly descriptive of the duties for which the position was created and provide each with a title that conforms with the appropriate certification insofar as possible.

The Board shall seek the advice of its administrative staff in creating a new position or increasing the number of professional staff members in an existing position, but the Board reserves the right to act unilaterally.

The Board shall, upon the advice of the Superintendent, consider the advisability of creating a new position or of increasing the number of professional staff members in an existing position.

Legal
I.C. 20-26-5-4
Federal Immigration Reform and Control Act of 1986, 8 U.S.C. 1255a

BOARD-STAFF COMMUNICATIONS

3112 - **BOARD-STAFF COMMUNICATIONS**

The School Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

A. **Staff Communications to the Board**

All communications from staff members to the Board or its committees shall be submitted through the Superintendent. This procedure is not intended to deny any staff member the right to appeal to the Board on important matters through established procedures.

B. **Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's problems, concerns, and actions.

C. **Social Interaction**

Both staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the Corporation. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, discussions between staff and Board members of personalities or personnel grievances will be considered to be unethical conduct.

CONFLICT OF INTEREST

3113 - **CONFLICT OF INTEREST**

A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School Corporation employees, officers (that is, all members of the School Board), and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the Corporation.

To accomplish this, the School Board has adopted the following guidelines which apply to all Corporation employees, officers (that is, all members of the Board), and agents, to assure that conflicts of interest do not occur. These guidelines are not intended to be all inclusive; nor are they intended to substitute for good judgment.

An employee, officer (that is, any member of the Board), or agent of the Corporation making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-4.

1. No employee, officer (that is, any member of the Board), or agent shall engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his/her Corporation responsibilities.

2. Employees, officers (that is, all members of the Board), and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Corporation.

   Included, by way of illustration rather than limitation are the following:

   a. the provision of any private lessons or services for a fee

   b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or professional relationship with the Corporation through his/her access to Corporation records

   c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals

   d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer (that is, any member of the Board), or agent or any business or professional practitioner with whom any employee, officer (that is, any member of the Board), or agent has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

3. Employees, officers (that is, any member of the Board), or agent shall not make use of materials, equipment, or facilities of the Corporation in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

4. Employees, officers (that is, any member of the Board), or agent shall not solicit gifts, travel packages, and other incentives from prospective contractors.

5. Employees, officers (that is, any member of the Board), or agent shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee, officer (that is, any member of the Board), or agent has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee, officer (that is, any member of the Board), or agent provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee, officer (that is, any member of the Board), or agent or the employee's, officer's (that is, any member of the Board), or agent dependent who is under the direct or indirect administrative control of the employee, officer (that is, any member of the Board), or agent or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee, officer (that is, any member of the Board), or agent.

B. No conflict of interest will be deemed to be present if the Corporation employee's, officer's (that is, any member of the Board), or agent interest in the contract or purchase and all other contracts and purchases made by the Corporation during the twelve (12) months before the date of the contract or purchase was $250 or less.

C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the Corporation, all such exceptions will be made known to the employee's supervisor, or to the School Board if there is no supervisor and will be disclosed to the Superintendent **before** entering into any private relationship.

D. To the extent that the Corporation has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the Corporation may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the Corporation is unable, or appears to be unable, to be impartial.

E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the Corporation. Upon discovery of any potential conflict of interest, the Corporation will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

   The Corporation also will disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

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I.C. 20-26-3-4
I.C. 20-26-5-4
I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5
2 C.F.R. 200.112, 200.113, 200.318
7 C.F.R. 3016.36(b)(3) and 3019.42

EMPLOYMENT OF PROFESSIONAL STAFF

3120 - **EMPLOYMENT OF PROFESSIONAL STAFF**

The School Board recognizes that it is vital to the successful operation of the Corporation that positions created by the Board are filled with qualified and competent personnel.

The Board shall approve the employment of and also, when not covered by the terms of a negotiated agreement, fix the compensation and establish the term of employment for each professional staff member employed by this Corporation.

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

Relatives of staff members may be employed by the Corporation, provided the relative being employed is not placed in a position in which s/he would be supervised directly by the staff member.

Non-Fraternization

Corporation employees may not date, develop romantic relationships with, or have sexual relations with individuals who are the employee's supervisor or those whom they supervise.

Any relationship that interferes with the Corporation's culture of teamwork, the harmonious work environment, or the productivity of employees will be subject to discipline, up to and including termination.

Adverse workplace behavior—or behavior that affects the workplace that arises because of personal relationships—will not be tolerated. Corporation employees who disregard this policy will be subject to discipline, up to and including termination.

Any professional staff member's intentional misstatement of fact or omission of material to qualifications for employment or the determination of salary shall constitute grounds for dismissal.

The employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

Wherever possible, positions shall be filled by properly-licensed professionals.

No candidate for employment as a professional staff member shall receive a recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification. Such certification must indicate all of the areas in which the candidate has been certified. No deletions are acceptable.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

VOLUNTEER FIREFIGHTERS

If a staff member is a volunteer firefighter and has notified the Corporation in writing, the Corporation may not discipline the staff member for: absence from duty by reason of responding to a fire or emergency call that was received prior to the time the staff member was to report to duty; leaving to respond to a fire or an emergency call if the staff member has prior supervisor authorization from his/her supervisor to leave duty in response to a call received after reporting to work; However, when an emergency call is received while the staff member is on duty, the staff member should notify the principal before leaving so coverage can be arranged.

The Corporation shall require that the staff member present a written statement from the officer in charge of the volunteer fire department at the time of the absence confirming the staff member was engaged in an emergency call at the time of his/her absence.

The Corporation shall require that the staff member who was injured while engaged in emergency firefighting or other emergency response provide evidence from a physician or other medical authority confirming treatment for the injury at the time of the absence and a connection between the injury and the employee's emergency response activities. Any such evidence shall be retained in a separate medical file created for the staff member and treated as a confidential medical record.

REQUIREMENTS FOR TITLE I TEACHERS

All teachers newly hired for a Title I-supported program must be "highly qualified."

"Highly Qualified" means:

A. Full State certification as a teacher or passed State teacher licensing exam and holds current license to teach; certification or license requirements may not be waived on an emergency, temporary, or provisional basis;

B. For elementary teachers new to the profession, this also requires:

    1. at least a bachelor's degree;

    2. passing a rigorous State test on subject knowledge and teaching skills in reading, writing, math, and other areas of the elementary curriculum (State certification test may suffice);

C. For secondary or middle school teachers new to the profession, this also requires:

    1. at least a bachelor's degree, and

    2. passing a rigorous State test in each of the subject areas s/he will teach (State certification test may suffice), or

    3. for each academic subject taught, having an academic major, coursework equivalent to an undergraduate major, a graduate degree, or advanced certification or credentialing;

D. For elementary, middle, or secondary school teachers with prior experience, this also requires:

    1. at least a bachelor's degree, and

    2. meets standards for new teachers (above), or

3. demonstrates competence in all academic subjects s/he teaches based on a uniform State standard of evaluation (standard for academic subject matter and teaching skills set by the State).

REQUIREMENTS FOR TEACHERS GENERALLY

The highly qualified status requirements under the No Child Left Behind Act have been replaced by the requirements of the Every Student Succeeds Act (ESSA). Although the reporting of highly qualified teacher status by the Corporation is no longer required, teachers in Title I programs must be highly qualified. Additionally, ESSA requires teachers to be "properly licensed." In order to ensure teachers are properly licensed, refer to https://www.doe.in.gov/licensing/what-can-i-teach-my-indiana-license for the most recent "assignment code" language.

Although the requirements concerning highly qualified teachers have been removed from the IDEA and Article 7 regulations, the requirement that students be taught by teachers appropriately licensed to teach the subject area remains.

A special education teacher must hold the appropriate licensure based on a student's disability to be assigned as the student's teacher of record. A special education teacher may teach a core academic subject only if the student is being taught to alternate achievement standards. A teacher who holds any special education license is properly licensed to teach any applied course

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Revised 11/22/21

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Legal
I.C. 20-23-4-21.6
I.C. 20-26-5-4
I.C. 35-44.1-1-4
I.C. 36-8-12-10.5
511 IAC 7-36-2
511 IAC 7-36-3
20 U.S.C. 7801

ADJUNCT TEACHERS

3120.02 – **ADJUNCT TEACHERS**

The School Board supports filling all teaching positions in the School Corporation with certificated employees, but recognizes that there may be times when it is necessary to employ persons who have not completed their certification to teach. In an effort to fill a vacant teaching position, offer a new program or class, or supplement a program currently being offered, the Board may issue an adjunct teacher permit to an individual if the following minimum requirements are met:

A. The individual has at least four (4) years of experience in the content area in which the individual intends to teach.
B. The Corporation conducts an expanded criminal history check and expanded child protection index check concerning the individual as required under Policy 3121 - Personal Background Checks, References, and Mandatory Reporting.
C. The individual has not been convicted of an unemployable offense as identified in Policy 3121 - Personal Background Checks, References, and Mandatory Reporting.

The Corporation may enter into an employment agreement with an individual to whom the Board has issued an adjunct teacher permit as a part-time or full-time teacher of the Corporation. The individual who holds the adjunct teacher permit may teach in any content area in which the Corporation allows the individual to teach and in which the individual has at least four (4) years of experience. Provided, however, that:

A. The individual shall be assigned a teacher mentor for support in pedagogy; and
B. The individual shall complete the following training within the first ninety (90) days of employment:

    1. I.C. 20-26-5-34.2 (bullying prevention).
    2. I.C. 20-28-3-4.5 (training on child abuse and neglect).
    3. I.C. 20-28-3-6 (youth suicide awareness and prevention training).
    4. I.C. 20-28-3-7 (training on human trafficking).

An adjunct teacher shall not provide special education instruction.

Except as otherwise provided in a collective bargaining agreement entered into or renewed before July 1, 2022, an employment agreement entered into between the Corporation and an individual to whom the Board has issued an adjunct teacher permit is not subject to a collective bargaining agreement entered into under I.C. 20-29. Furthermore, it is not an unfair practice for the Corporation to enter into an employment agreement with an individual to whom the Board has issued an adjunct teacher permit.

The Corporation shall report the following information to the State Department of Education if it hires an adjunct teacher:

A. The number of adjunct teachers who hold an adjunct teacher permit that the Corporation has hired each school year, disaggregated by grade level and subject area taught by the adjunct teacher.

B. The following information is for each adjunct teacher:

1. The name of the adjunct teacher.
2. The subject matter that the adjunct teacher is permitted to teach.
3. A description of the adjunct teacher's experience that qualifies the adjunct teacher for the adjunct teacher permit.
4. The adjunct teacher's total salary and any other compensation paid to the adjunct teacher during the school year.
5. The number of previous adjunct teaching employment agreements the adjunct teacher has entered into with the Corporation or any other school corporation.

The Corporation shall post a vacant adjunct teacher position on the State Department of Education's online adjunct teacher portal.

The Corporation may notify the parents of students enrolled in the Corporation of a vacant adjunct teacher position.

The Board shall announce any vacant adjunct teacher positions at Board meetings.

An individual who holds an adjunct teacher permit issued by the Board is not required to be employed on a uniform teacher's contract or a supplemental service teacher's contract. An employment agreement entered into between the Corporation and an individual who holds an adjunct teacher permit issued by the Board shall:

A. be in writing;
B. be signed by both parties; and
C. contain the following:

1. the total salary and any other compensation to be paid to the adjunct teacher during the school year;
2. the method and frequency of salary payments;
3. the number of classes the adjunct teacher is to teach;
4. the classes and subject matter areas that the adjunct teacher will be teaching;
5. an expiration date that is not later than the end of the school year.

This employment agreement is a public record open to inspection. An adjunct teacher may enter into employment agreements with more than one (1) school corporation. An employment agreement between an adjunct teacher and the Corporation is not subject to I.C. 20-28-9-1.5, which governs salary increases for a teacher employed by the Corporation.

An adjunct teacher holding a permit issued by the Board is not a "school employee" within the meaning of I.C. 20-29-2-13, for purposes of collective bargaining. The Corporation may discuss the use of adjunct teachers with a certificated employee or a group of certificated employees at one or more meetings open to all certificated employees.

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Legal
I.C. 10-13-3-39
I.C. 20-19-3-25
I.C. 20-26-5-10
I.C. 20-26-5-11.2

I.C. 20-28-5-27
I.C. 20-28-6-7.3
I.C. 20-28-9-1.5(m)
I.C. 20-29-6-7

EMPLOYMENT OF SUBSTITUTES

3120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Board recognizes the need to procure the services of substitute teachers in order to continue the operation of the schools as a result of the absence of regular personnel.

The Superintendent shall employ substitute teachers as services are required to replace temporarily-absent regular staff members. Such assignment of substitute teachers may be terminated when their services are no longer required. The Corporation shall not employ persons holding a substitute teacher permit/license when licensed teachers are available.

Substitute teachers must possess a valid Indiana substitute teacher permit/license kept on file in the Office of the Superintendent or hold a valid Indiana initial practitioner, proficient practitioner, or accomplished practitioner license, emergency permit, visiting teacher permit, or transition to teaching permit, which shall be kept on file in the Office of the Superintendent.

In order to obtain proper licensure for substitute teaching, the Superintendent shall submit, on a yearly basis, to the Indiana Department of Education a substitute plan consisting of the following elements, at a minimum:

A. the Corporation's requirements for a substitute permit;

B. the minimum of a high school diploma earned from an accredited school;

C. a plan for reciprocity with other Indiana corporations providing for their utilization of substitute teachers who were licensed by the Corporation submitting the plan, if applicable;

D. training and mentoring procedures for first year substitute teachers; and

E. any additional documentation, as may be required by the Indiana Department of Education.

Any changes to the substitute plan shall be submitted to the Indiana Department of Education at least thirty (30) days prior to the implementation of any changes to the plan. The Superintendent shall sign and submit a completed application form for a substitute teacher permit approved by the Indiana Department of Education and a nonrefundable fee in the form of a cashier's check, certified check, or money order in the amount required under 515 IAC 9-1-31 to the Indiana Department of Education for each substitute teacher not otherwise licensed as provided herein.

This licensure requirement applies to all substitute teachers. Provided, however, that any person who holds a valid Indiana initial practitioner, proficient practitioner, or accomplished practitioner license, emergency permit, visiting teacher permit, or transition to teaching permit may serve as a substitute teacher without first obtaining a substitute permit/license.

Substitute teachers will be paid according to the Board adopted pay schedule and any revisions thereto.

An individual who holds a professional license, provisional license, limited license, or an equivalent license issued by the Indiana Department of Education and serves as an occasional substitute teacher shall be compensated on the Corporation's substitute teacher pay schedule. Provided, however, that an

individual who holds a professional license or provisional license and serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days shall be compensated on the regular pay schedule for Corporation teachers.

A substitute teacher may be employed without a written contract.

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I.C. 20-18-2-22, 20-28-5-2, 20-28-5-3, 20-28-9-6
I.C. 20-28-9-7, 20-28-9-8
515 I.A.C. 5-1-1, 515 I.A.C. 5-1-2, 515 I.A.C. 5-1-3, 515 I.A.C. 5-1-4

SELECTING STUDENT TEACHERS/ADMINISTRATIVE INTERNS

3120.06 - **SELECTING STUDENT TEACHERS/ADMINISTRATIVE INTERNS**

The School Board encourages cooperation with State approved colleges and universities in the training of student teachers and administrative interns, because the public school offers an essential ingredient - direct experience with students and teachers at work in the classroom, but certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of a student teacher or administrative intern.

The Superintendent shall, with the approval of the Board, make the final placement of student teachers or administrative interns.

The supervising staff member shall hold no less than a standard certificate and shall have had no less than three (3) years of successful teaching experience in the area of assignment.

A professional staff member who supervises a student teacher or administrative intern must have been rated as either highly effective or effective on his/her most recent annual performance evaluation. Professional staff members who agree to serve as supervisors of student teachers or administrative interns may accept honoraria or stipends directly from the college/university for those services rendered outside the regular school day and above and beyond the duties and responsibilities specified in their contract.

The following conditions also shall be met:

A. The institution making the assignment shall provide adequate follow-up supervision.

B. The institution making the assignment shall provide the School Corporation with an extended criminal background check on the candidate prior to the placement of the student teacher/administrative intern with the Corporation.

C. The supervising teacher or administrator must agree to work effectively with both the student teacher or administrative intern and the institutional supervisor.

D. If at any time the quality of teaching or administrative internship is judged to be inferior or s/he is disruptive to the on-going program, the Superintendent may request withdrawal of that person from the program.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate a teaching program if one or more aspects of the program are not of high quality or meeting Corporation needs or expectations.

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I.C. 20-26-5-23 and -24

EMPLOYMENT OF CASUAL RESOURCE PERSONNEL

3120.07 - **EMPLOYMENT OF CASUAL RESOURCE PERSONNEL**

It is the purpose of this policy to allow the casual employment of personnel in a consulting capacity for administration, in-service, or instruction.

In the operations and educational funds of the School Board, money is appropriated annually for special services. This might include resource persons in specialized fields of education that could offer consulting advice on the administration or instructional processes. The Superintendent shall negotiate a reasonable payment with the resource person.

Specialists from industry, business, agriculture, or health occupation fields may be employed in a consulting capacity to assist with program planning, in-services, 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.

The Superintendent shall prepare administrative guidelines to ensure proper implementation of this policy.

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EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES

3120.08 - **EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES**

The School Board may find it necessary to employ members of the professional staff as coaches or activity sponsors.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

The Board requires that:

A. Prior to coaching football to students who are less than twenty (20) years of age, all head and assistant football coaches shall complete a certified coaching education course approved by the Indiana Department of Education (IDOE) not less than once during a two (2)-year period that:

    1. is sport specific;
    2. contains player safety content, including content on:
        a. concussion awareness;
        b. equipment fitting;
        c. heat emergency preparedness; and
        d. proper technique;
    3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
    4. awards a certificate of completion to a coach who successfully completes the course.

    If the coach receives notice from the School Corporation that new information has been added to the course before the end of the two (2)- year period, the coach shall complete instruction and successfully complete a test concerning the new information.

B. Prior to coaching students in grades 5-12, all head and assistant coaches of interscholastic sports other than football, including cheerleading, shall complete a certified coaching education course approved by the IDOE at least once during a two (2)-year period that:

    1. contains player safety content on concussion awareness;
    2. includes content for prevention of or response to heat-related medical issues that may arise from a student athlete's training;
    3. requires a coach to complete a test demonstrating comprehension of the content of the course; and

4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach shall complete instruction and successfully complete a test concerning the new information.

C. A head or assistant coach of an intramural sport other than football who is coaching students in grades 5-12 may elect to complete the above-referenced certified coaching education course. If compliance with I.C. 20- 34-7 is required by the coaching certification requirements for the intramural sport that the head or assistant coach is coaching, the coach shall complete the above-referenced certified coaching education course.

D. A 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 as determined by the IDOE The sudden cardiac arrest training course shall include training in the use of an automated external defibrillator (AED). The coach, marching band leader or extra-curricular activity sponsor shall complete this required sudden cardiac arrest training prior to coaching or leading the activity.

The Corporation shall receive a certificate of completion from the provider for each coach, marching band leader, drama or musical leader, or sponsor of an extracurricular activity sponsor successfully completing the required sudden cardiac arrest training.
The Corporation shall maintain all certificates of completion awarded for each individual who completes the sudden cardiac arrest training. A 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 who provides coaching or leadership services in good faith is not personally liable for damages in a civil action as a result of sudden cardiac arrest incurred by a student participating in an event in which students have an increased risk of sudden cardiac arrest except for an act or omission by the individual coach, leader or sponsor that constitutes gross negligence or willful and wanton misconduct.

Additionally, the Board requires that:

A. All head and assistant coaches of students of any age participating in interscholastic or intramural sports other than football, including the cheerleading, shall complete a certified coaching education course approved by the IDOE at least once during a two (2)-year period that:

1. contains player safety content on concussion awareness;

2. includes content for prevention of or response to heat-related medical issues that may arise from a student athlete's training;

3. requires a coach to complete a test demonstrating comprehension of the content of the course; and

4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach shall complete instruction and successfully complete a test concerning the new information.

B. All coaches and athletic activity sponsors of interscholastic or intramural sports for students of any age shall receive training about concussions, sudden cardiac arrest, and heat-related medical issues at least once during a two (2)-year period.

The Superintendent shall require that each person employed as a coach or athletic activity sponsor is qualified, has cleared a background check required by State law and Policy 3121 - Personal Background Checks, References and Mandatory Reporting or Policy 8120 -Volunteers, and has received the training required by State law and this policy. Additionally, before the Corporation hires or allows an individual to coach an Indiana High School Athletic Association (IHSAA) recognized sport, the Corporation shall take the following steps:

A. ask the individual:

    1. whether the individual is or has been accredited by the IHSAA; and
    2. if the individual is or has been accredited by the IHSAA, whether the individual's accreditation has ever been suspended or revoked;

B. request references from the individual;
C. contact the references that the individual provides to the Corporation; and
D. contact the to determine whether the individual's accreditation has ever been suspended or revoked.

The Corporation shall make a report to the Department of Child Services if a professional staff member who is a coach has engaged in suspected child abuse or neglect.

The Corporation shall report to the IHSAA when a professional staff member who is a coach accredited by the IHSAA has been convicted of an offense described in I.C. 20-28-5-8(c) or I.C. 20-26-5-11.2(b) or of a known comparable offense in another state.

The Corporation shall report to local law enforcement suspected misconduct by a professional staff member who is a coach that may constitute a crime.

Revised 12/14/15
Revised 4/24/17
Revised 2/25/19
Revised 6/22/20
Revised 11/22/21
Revised 5/22/23

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I.C. 20-26-5-11.2(b)
I.C. 20-26-14-9
I.C. 20-28-5-8(c)
I.C. 20-34-7
I.C. 20-34-8

PUBLIC HEARING BEFORE COMMENCEMENT OF COLLECTIVE BARGAINING AND PUBLIC MEETING BEFORE RATIFICATION OF TENTATIVE AGREEMENT

3120.11 – **PUBLIC HEARING BEFORE COMMENCEMENT OF COLLECTIVE BARGAINING AND PUBLIC MEETING BEFORE RATIFICATION OF TENTATIVE AGREEMENT**

The School Board establishes the following policy for the public hearing that State law requires to be held prior to the commencement of collective bargaining with the exclusive representative of the School Corporation's teachers.

A. Before the Corporation may negotiate privately with the exclusive representative of its teachers regarding teacher compensation, a public hearing shall be held that meets the following criteria:

    1. The public hearing shall not take place prior to the expiration of the current collective bargaining agreement;
    2. The Corporation employer and the exclusive representative shall jointly determine the time and place of the public hearing;
    3. Written notice of the public hearing that meets the requirements of the Open Door Law shall be provided to the public;
    4. The public hearing shall be held in a room large enough to accommodate the number of attendees reasonably expected to attend;
    5. One representative from both the Corporation employer and the exclusive representative shall host the public hearing;
    6. At the public hearing, the parties should begin the meeting with an opening statement explaining the purpose and procedure of the meeting;
    7. The parties must then take public testimony, either written or oral, to discuss matters relating to teacher compensation and collective bargaining in the Corporation and preserve the testimony to provide it to the Board;
    8. The Corporation employer and/or the exclusive representative do not need to comment or answer questions during the public hearing.

B. The public hearing may take place at a regular or special meeting of the Board.
C. The Corporation shall not engage in formal collective bargaining with the exclusive representative of the Corporation's teachers until after a public hearing is held that meets the requirements of Section A above.
D. A public hearing need not be held in the second year of a two (2) year contract if the parties do not open the contract for bargaining in the second year of the budget biennium.

In addition to the public hearing described above that is required prior to the commencement of collective bargaining, the Board must conduct a public meeting to discuss a tentative collective bargaining agreement at least seventy-two (72) hours before it is ratified by the Board. The Board must allow for public comment at the meeting at which a tentative collective bargaining agreement is ratified.

Board members or the public may participate in this public meeting by means of electronic communication.

A ratified collective bargaining agreement shall include a provision specifying the date on which the public hearing and the public meeting described above occurred, as well as an attestation signed by both parties attesting that the public hearing and the public meeting described above occurred on the dates specified in the ratified collective bargaining agreement. The Board shall indicate as part of the attestation whether Board members or members of the public were allowed to participate in the public hearing or public meeting by means of electronic communication.

Not later than fourteen (14) business days after the parties have reached an agreement, the Board shall post the contract upon which the parties have agreed on the Corporation's website.

Board members may not participate in the public hearing by means of electronic communication. Caution should be taken when multiple Board members attend the public hearing, as it could then constitute a Board meeting.

Members of the public may not participate in the public hearing by means of electronic communication.

Board members may not participate in the public meeting by means of electronic communication unless otherwise authorized by Bylaw 0164.6.

Members of the public may not participate in the public meeting by means of electronic communication.

Revised 5/22/23

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I.C. 20-29-6-1(b)
I.C. 20-29-6-19

PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING

3121 - **PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING**

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the Corporation's professional staff. Such an inquiry also shall be made for all substitutes.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as a professional staff member which shall include the following:

A. an expanded criminal history check (as defined by I.C. 20-26-2-1.5

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

C. an expanded child protection index check in other states where employed or lived

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

E. beginning July 1, 2017, a search of the State child abuse registry

F. telephone inquiry with former employer(s)

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

H. 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

I. a detailed background history including prior employment and volunteer positions

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

Eligibility

Each applicant shall certify under penalty of perjury their eligibility to be employed by the Board as a United States citizen or a qualified alien.

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

The Board requires that an expanded criminal history check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of the applicant's employment before or not later than thirty (30) days after the start of the applicant’s employment by the Corporation.

If a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one type of expanded criminal history check, the Board shall 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 Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of the applicant's employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation.

The Board shall deny employment to an individual who has been 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.

The Board also shall deny employment to an individual who has been 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. Likewise, the Board shall terminate the employment of an individual who has been 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.

The Board may deny employment to an applicant who is the subject of a substantiated report of child abuse or neglect.

Should it be necessary to employ an individual in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute or employ the applicant as a substitute.

Per I.C. 20-26-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item:

A. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.
B. Battery (I.C. 35-42-4-1), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
C. Domestic battery (I.C. 35-42-2-1.3), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
D. Contributing to the delinquency of a minor (I.C. 35-46-1-8).
E. An offense involving a weapon under I.C. 35-57 or I.C. 35-47.5.
F. An offense relating to controlled substances under I.C. 35-48-4, other than: 1) an offense involving marijuana or paraphernalia used to consume marijuana; or 2) an offense requiring license revocation under I.C. 20-28-5-8(c).

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.

Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the applicant upon hiring.

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 at the Board's expense.

In implementing this requirement, the Corporation shall conduct the updated expanded criminal history checks for Corporation employees over a period not to exceed five (5) years by annually conducting updated expanded criminal history checks for at least twenty percent (20%) of employees who are employed by the Corporation on July 1, 2017.

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.

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.

In implementing this requirement, the Corporation shall obtain the updated expanded child protection index checks for Corporation employees over a period not to exceed five (5) years by annually obtaining updated child protection index checks for at least twenty percent (20%) of employees who are employed by the Corporation on July 1, 2017.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the applicant or employee:

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) or has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b).

References

The Board requires that all references and, if applicable, the most recent employer provided by an applicant be contacted before the Corporation may hire the applicant.

Notwithstanding any confidentiality agreement entered into by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee committed an act resulting in a substantiated report of abuse or neglect.

Notwithstanding any confidentiality agreement entered into or amended after June 30, 2023, by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee was:

A. arrested;
B. charged with a criminal offense;
C. convicted of a criminal offense;

D. under court supervision or the supervision of a community correction program as the result of a conviction for a criminal offense (including being placed on home detention, work release, or intermittent incarceration);
E. the subject of a protection order; or
F. named as a defendant in a civil action if the civil action could affect the safety of students.

Information and records obtained from inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee or any other mandatory State reporting requirements.

Mandatory Reporting

During the course of employment with the Corporation, each professional employee and substitute teacher shall be required to report the arrest or the filing of criminal charges against the employee; conviction of the employee in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c); conviction of the employee in Indiana or another jurisdiction for an offense listed in I.C. 20-26-5-11.2(b) or I.C. 20-26-5-11.2(c); and substantiated report of child abuse or neglect of which the employee is the subject to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction or substantiated report of child 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 employee who was convicted or the subject of a substantiated report of child abuse or neglect.

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Revised 3/22/10
Revised 4/23/12
Revised 6/20/16
Revised 4/24/17
Revised 2/26/18
Revised 2/25/19
Revised 5/22/23

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Legal
I.C.5-2-22
I.C.10-13-3
I.C.20-26-2-1.3
I.C.20-26-2-1.5
I.C. 20-26-5-10, -10.5, -11 and -11.5
I.C. 20-28-5-8

NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

3122 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

NONDISCRIMINATION

The School Board (hereinafter referred to as "the Board" or "the Corporation") does not discriminate based on a person's Protected Class(es) in its education programs or activities and does not tolerate unlawful harassment. Protected Classes (which also may be referred to as Protected Categories) include race, color, national origin, sex (including pregnancy, childbirth, and related conditions), disability, age, religion, military status, ancestry, genetic information, or any other legally protected characteristics. The Board is an equal opportunity employer.

The Board is committed to providing a work environment that is free from Prohibited Conduct (as defined below), responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all Corporation operations, and this policy applies to Prohibited Conduct occurring within or as a part of the Corporation's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct ongoing remedies as reasonably necessary to restore or preserve access to the Corporation’s education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the grievance procedures described below.
B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.
C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

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

Complainant:

A. an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or
B. a person other than an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the Corporation's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint: an oral or written request to the Corporation that objectively can be understood as a request for the Corporation to investigate and make a determination about alleged Prohibited Conduct.

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

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

Disciplinary sanctions: consequences imposed on a Respondent following a determination that the Respondent engaged in Prohibited Conduct.

Education programs or activities: all the Corporation's operations including but not limited to in-person and online, remote or virtual educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Corporation on school grounds or on other property owned or occupied by the Corporation. It also includes events and circumstances that take place off school property/grounds but over which the Corporation asserts disciplinary authority (e.g., at off-campus activities sponsored by the Corporation).

Exculpatory evidence: evidence that is favorable to a Respondent because it helps excuse, justify, or absolve a Respondent of alleged wrongdoing and tends to establish that a Respondent did not engage in Prohibited Conduct.

Genetic information: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment:** harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.
B. **Disability Harassment:** harassment based upon a person's disability, including harassment based upon stereotypes about individuals with disabilities in general or about an individual's particular disability. It also includes harassment based on traits or characteristics linked to an individual's disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.
C. **National Origin/Ancestry Harassment:** harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).
D. **Race/Color Harassment:** unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.
E. **Religious (Creed) Harassment:** harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.
F. **Sexual Harassment** (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

    1. Sexual Harassment covered by Policy 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 2266.
    2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual

harassment include, but are not limited to:

a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching, and obscene gestures.
b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).
c. Rape, sexual assault, or other acts of sexual violence.
d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work environment; asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).
e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).
h. Harassment based on pregnancy, childbirth, or related medical conditions, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment or creates a hostile or abusive employment environment.

Inculpatory evidence: evidence that links a Respondent to alleged wrongdoing and tends to establish that a Respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of the Indiana organized militia. It further includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

Party: a Complainant or Respondent.

Pregnancy, childbirth, or related medical conditions:

A. "Pregnancy" and "childbirth" refer to the pregnancy or childbirth of a specific employee and include but are not limited to current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).
B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee and may include: termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Relevant: related to the allegations of Prohibited Conduct under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged Prohibited Conduct occurred.

Remedies: measures provided, as appropriate, to a Complainant or any other person the Corporation identifies as having had their equal access to the Corporation's education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the Corporation's education program or activity after the Corporation determines that Prohibited Conduct occurred.

Respondent: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation: intimidation, threats, coercion, or discrimination against any person by the Corporation, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or

service under the Corporation's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

Supportive measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the Complainant or the Respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the Corporation's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Corporation's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings, training related to Prohibited Conduct, and other similar measures.

Third Parties: 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).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth or because the person uses birth control or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the Corporation undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information.

Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with GINA, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Corporation's application process.

The Corporation recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. However, the Corporation prohibits its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information while working.

If the Corporation either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The Corporation Compliance Officer (see below) shall be responsible for overseeing the Corporation's compliance with applicable Federal regulations and promptly handling any inquiries or complaints. The Corporation Compliance Office or designee also shall verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all Corporation requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the Americans with Disabilities Act ("ADA") or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of School Trustees, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

The Corporation offers health services, including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic

information may be provided to the individual receiving the services and to the person's health services providers, but only genetic information in aggregate form will be provided to the Board.

Corporation Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "Corporation Compliance Officer(s)" or "CO(s)"):

Superintendent
5327 N Cougar Road, New Carlisle, IN 46552
574-654-7273

Superintendent's Designee/New Prairie United School Corporation
5327 N Cougar Road, New Carlisle, IN 46552
574-654-7273

The Board designates the Superintendent as the individual who is ultimately responsible for oversight over the Board's compliance with applicable Federal and State laws and regulations that prohibit discrimination based on the basis of protected classes and retaliation.

The Corporation Compliance Officer may delegate specific duties to one (1) or more designees.

The contact information concerning the Corporation Compliance Officer(s) will be published on the Corporation's website.

The Corporation Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a Complaint (i.e., either the Complainant or the Respondent). Under such circumstances, the CO(s) shall report directly to the Board President until the matter in which the Superintendent is a party is concluded.

Questions about this policy should be directed to the Corporation Compliance Officer(s).

The CO(s) is/are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act ("GINA"), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Copies of the laws and regulations listed above are available upon request from the CO(s).

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the Corporation community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have

not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the Corporation's education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to: students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the Notice of Nondiscrimination on the Corporation's website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of employees. See Form 3122 F2 - Notice of Nondiscrimination and Complaint Procedures (Including Title II, Title VI, Title VII, Section 504, and ADA).

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours).

All Corporation employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Corporation employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Corporation employee must notify the/a CO within two (2) days of learning the information or receiving the report. The Corporation employee also must comply with mandatory reporting responsibilities pursuant to I.C. 31-33-5-2 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Corporation employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Corporation employee's attention and the reporting individual submitted a written notification/report or complaint to the Corporation employee, the Corporation employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or Complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Board President or another Corporation employee who, in turn, will notify the Superintendent of

the report/complaint. The Board President or Corporation Legal Counsel will then serve in place of the CO for purposes of addressing that report of Prohibited Conduct.

When a Corporation employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged Respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the Complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly (i.e., within two (2) days of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported 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 Complaint, and explain to the Complainant the process for filing a Complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Corporation to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or other individuals who are participating or attempting to participate in the Corporation's education programs or activities (i.e., members of the Corporation community and third parties), or by the CO, alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct, unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievance procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy.

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the Corporation investigate and determine whether Prohibited Conduct occurred:

A. A "Complainant," which includes:

    1. an employee of the Corporation who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or
    2. a person other than an employee of the Corporation who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a time when that individual was participating or attempting to participate in the Corporation's education programs or activities;

B. An authorized legal representative with the legal right to act on behalf of a Complainant;
C. Corporation Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the Corporation; or
B. any person other than an employee who was participating or attempting to participate in the Corporation's education programs or activities at the time of the alleged Prohibited Conduct.

The Corporation may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the Corporation's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The Corporation will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the Corporation Compliance Officer, the investigator, the decision-maker, and the appeal decision-maker, and the facilitator of the informal resolution process, shall be free from any conflicts of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent.

The CO may serve simultaneously as an investigator and/or a decision-maker.

If the CO does not intend to serve as the investigator/decision-maker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decision-maker in a specific case, the CO shall, and Board President (as appropriate), secure one (1) or more independent third parties to serve as the investigator and/or decision-maker.

The Corporation presumes that the Respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. Evaluation – The Corporation Compliance Officer will determine whether to dismiss a Complaint or investigate it within ten (10) days of receiving the Complaint.
B. Investigation – The CO, or designated investigator/decision-maker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within twenty (20) days of the CO determining the charges require investigation.

   If, however, the CO, or designated investigator/decision-maker, determines that the investigation is going to take longer, the CO will so notify the parties and will thereafter keep the parties informed of the status of the matter on a regular basis.
C. Appeal – A party filing an appeal of the CO's decision to dismiss a Complaint or the Determination must do so within five (5) days of receiving the Dismissal or Determination.

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The Corporation will take reasonable steps to protect the privacy of the parties and witnesses. These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decision-maker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered, except by the Corporation to determine whether one (1) of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily waived the privilege or confidentiality; and
B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Corporation obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the Corporation Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures and informal resolution process associated with claims involving Prohibited Conduct;
B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and
C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a Complaint of Prohibited Conduct if:

A. the Corporation is unable to identify the Respondent after taking reasonable steps to do so;
B. the Respondent is not participating in the Corporation's education program or activity and is not employed by the Board;
C. the Complainant voluntarily withdraws any or all of the allegations in the Complaint, the CO declines to initiate a Complaint, and the Corporation determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Prohibited Conduct even if proven; or
D. the Corporation determines that the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the Complaint, the CO will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the CO will promptly notify, in writing, the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the Respondent of the dismissal and the basis for the dismissal.

The CO will further notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of the Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the CO will also notify the Respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;
B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
B. implement appeal procedures equally for the parties;
C. ensure that the appeal decision-maker did not take part in the original dismissal of the Complaint;
D. ensure that the appeal decision-maker has been trained consistent with this Policy;
E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
F. notify the parties of the result of the appeal and the rationale for the result.

When a Complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the Complainant as appropriate;
B. if the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the Corporation's education programs or activities.

Informal Resolution Process:

In lieu of resolving a Complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The Corporation will not offer an informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law.

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the Corporation decides to investigate additional allegations of Prohibited Conduct by the Respondent toward the Complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different Complaint involving the same Respondent, the CO will notify the parties of the additional allegations.

Investigation:

The Corporation will provide for an adequate, reliable, and impartial investigation of Complaints.

The burden is on the Corporation — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decision-maker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and

not otherwise impermissible.

The CO, or the designated investigator/decision-maker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decision-maker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decision-maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decision-maker will not determine that Prohibited Conduct occurred.
B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal.
C. Not impose discipline on a Respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in Prohibited Conduct.
D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:

    1. coordinate the provision and implementation of remedies to a Complainant and other people the Corporation identifies as having had equal access to the Corporation's education programs or activities limited or denied by the Prohibited Conduct;
    2. coordinate the imposition of any disciplinary sanctions on a Respondent; and
    3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the Corporation's education programs or activities.

E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a Respondent.
F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

Appeal of Determinations:

If a party disagrees with the decision-maker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within five (5) days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;
B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decision-maker, had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that would change the outcome.

The Complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

The CO will designate an appeal decision-maker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained.

The CO has authority, in consultation with and approval of the Superintendent or Board President (as appropriate), to secure an independent third party to serve as the appeal decision-maker.

In designating an appeal decision-maker, the CO will work with the Board to identify and appoint an independent third party to serve as the appeal decision-maker – this individual shall be considered to be the Board's designee and will submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO who will send it simultaneously to the parties.

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;
B. implement appeal procedures equally for the parties;
C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;
D. provide the appeal decision-maker with the relevant and not otherwise impermissible evidence and the Determination; and
E. notify the parties, in writing, of the result of the appeal and the appeal decision-maker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal or Determination

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have five (5) days to provide the appeal decision-maker with a statement in support of their position. Once the decision-maker receives the statement (or the deadline for filing such a statement expires), the appeal decision-maker will have ten (10) days to issue a decision on the appeal.

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe, in detail, the evidence, including how and when it was discovered/obtained, and explain why it was not reasonably available during the investigation (i.e., prior to the Determination). If the appeal decision-maker accepts the proffered explanation, the appeal decision-maker should remand the case back to the investigator/decision-maker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decision-maker.

The appeal decision-maker shall determine the outcome of the appeal based on the appeal decision-maker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence and the written determination) and the appeal decision-maker's application of the law and Board policy to the facts in the record. The appeal decision-maker must give due deference and due weight to the

decision-maker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record, read in its entirety, compels a contrary conclusion. Generally, the appeal decision-maker is expected to uphold the original Determination unless the appeal decision-maker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decision-maker shall simultaneously notify the parties, in writing, of the result of the appeal and the rationale for the outcome.

The appeal decision-maker's decision shall be final.

Supportive Measures:

The Corporation will offer and coordinate supportive measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the Corporation's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the Corporation's provision of support measures does not require the Corporation, Board employees, or any other person authorized to provide aid, benefit, or service on the Corporation's behalf to alter the alleged discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include but are not limited to modifications of work schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings, training related to Prohibited Conduct, and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the Corporation's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The Corporation will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the Corporation may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The Corporation will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the Corporation's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee Respondent on administrative leave from employment

responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the Corporation may impose disciplinary sanctions, which may include:

A. oral or written warning;
B. written reprimands;
C. required counseling;
D. required training or education;
E. demotion;
F. suspension with pay;
G. suspension without pay;
H. termination; and
I. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The Corporation also may provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report, files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Indiana Constitution, Federal or State law, or this policy or because the individual made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a Code of Conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a Complaint or information reported about possible Prohibited Conduct, for the purpose of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a Complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The Corporation shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation; provided, however, that a determination that Prohibited Conduct occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations. The Corporation will keep confidential the identity of any individual who has made a Complaint of Prohibited Conduct, any Complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Corporation's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During an investigation, the CO or designated investigator/decision-maker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to other members of the Corporation Community or third parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action, up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the Corporation community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment.

Training

All employees, investigators, decision-makers, facilitators of informal resolution process, the Corporation Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Training materials will be made available for inspection upon request by members of the public.

Recordkeeping (Including Retention of Investigatory Records and Materials)

The Corporation Compliance Officer(s) is/are responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315 - Information Management) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Files, and Policy 8330 - Student Records for the period set forth below, unless required to be maintained for a longer period pursuant to the Corporation's records retention schedule.

The Corporation shall maintain, for a period of seven (7) calendar years, the following records:

A. for each Complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed, and the resulting outcome;
B. for each notification that the Corporation Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the Corporation took to implement this policy; and
C. all materials used to provide the training referenced above.

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, medical records).

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including but not limited to Corporation Compliance Officer, investigator, decision-maker, appeal decision-maker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Corporation Compliance Officer, investigator, decision-maker, appeal decision-maker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Corporation employee under this policy including but not limited to the functions assigned to the Corporation Compliance Officer, investigator, decision-maker, appeal decision-maker, and facilitator of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time and for any reason. The Board may apply policy revisions to an active case, provided that doing so is not clearly unreasonable.

Revised 2/27/12
Revised 7/22/13
Revised 6/20/16
Revised 11/22/21

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Legal
Fourteenth Amendment, U.S. Constitution
20 U.S.C. 1092(F)(6)(A)(v)
20 U.S.C. 1232g, Family Educational Rights and Privacy Act
20 U.S.C. Section 1681, Title IX of Education Amendments of 1972
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 201 et seq., The Fair Labor Standards Act ("FLSA")
29 U.S.C. 218d, PUMP for Nursing Mothers Act ("PUMP Act")
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
38 U.S.C. Chapter 43, 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act ("USERRA")
42 U.S.C. 1983
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act ("GINA")

42 U.S.C. 2000gg, Pregnant Workers Fairness Act ("PWFA")
42 U.S.C. 6101 et seq., Age Discrimination in Employment Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635 (GINA Regulations)
34 C.F.R. Part 99 (FERPA regulations)
34 C.F.R. Part 110 (7/27/93) (ADEA Regulations)

DRUG-FREE WORKPLACE

3122.01 - **DRUG-FREE WORKPLACE**

The School Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is free from the use of any controlled substance and alcohol.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance and alcohol, and any drug paraphernalia, by any member of the Corporation's professional staff at any time while on Corporation property or while involved in any Corporation-related activity or event. An employee who reports for duty or attends a Corporation-sponsored function after using a controlled substance or consuming alcohol is in violation of this prohibition. Any staff member who violates this policy shall be subject to disciplinary action in accordance with Corporation guidelines and the terms of any collective bargaining agreements, if applicable.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful manufacture, possession, use, distribution, or dispensing of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement, if applicable.

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Legal
41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
20 U.S.C. 3224a, The Safe and Drug-Free Schools and Communities Act
34 C.F.R. Part 86
I.C. 20-34-2-1 et seq.

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

3123 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The School Board prohibits discrimination against any employee or applicant based upon disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

Words used in this policy 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 unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who is alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Corporation community means students, Corporation employees (i.e., administrators, and professional and support 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).

An individual with a disability means a person who has a record of or is regarded as having a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are 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.

Impairment That Substantially Limits a Major Life Activity

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 aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability

A qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

No qualified person with a disability will be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies because the Corporation's facilities are inaccessible to or unusable by persons with disabilities.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is

committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the Corporation's Compliance Officers (also known as Section 504 Compliance Officers/ADA Coordinators) (hereinafter referred to as the "COs")."

Superintendent
5327 N Cougar Road, New Carlisle IN 46552
574-654-7273

Superintendent's Designee
5327 N Cougar Road, New Carlisle IN 46552
574-654-7273

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and on each individual school's website.

The COs are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Investigation and Complaint Procedures (See Form 3123 F2)

Any employee 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 below. 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 below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process, and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one of the COs; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one of the COs, who either will facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation’s informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve but is not limited to one or more of the following:

A. Advising the Complainant about how to communicate concerns to the Respondent.
B. Distributing a copy of Policy 3123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment to the individuals in the school building or office where the Respondent works/attends school.
C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be

terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a principal, the CO, the Superintendent, or other Corporation official.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the formal complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

A. interview(s) with the Complainant;
B. interview(s) with the Respondent;
C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Superintendent.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR, EEOC or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a Corporation employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where

unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

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 this policy, 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 this policy 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 above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy 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 this policy. All individuals charged with conducting investigations under this policy 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 this policy;
B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

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/or the Corporation's response to the alleged violation of this policy;
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 this policy (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 this policy;
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 this policy;
J. documentation of any supportive measures offered and/or provided to the Complainant and 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 this policy (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.

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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29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1630
34 C.F.R. Part 104

EMPLOYMENT CONTRACTS WITH PROFESSIONAL EMPLOYEES

3124 - **EMPLOYMENT CONTRACTS WITH PROFESSIONAL EMPLOYEES**

The School Board requires that each employee it employs in a certificated position sign a Regular Teacher's Contract, a Supplemental Service Teacher's Contract, or a Temporary Teacher's Contract using the form contract promulgated by the Secretary of Education pursuant to I.C. 20-28-6-3, unless the teacher is taking a leave of absence or has been employed to serve in the absence of a teacher who is taking a leave of absence.

Contracts employing professional employees shall be approved by a majority of the full Board and shall be signed by the professional employee and the President and Secretary of the Board in compliance with I.C. 20-28-6-5 and I.C. 20-26-4-8. In the absence of either the President or Secretary of the Board, the Vice President shall sign the contracts with the Board officer who is present.

A contract between the Board and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school and the contract is entered into at any time during the school year or less than fourteen (14) days before the day on which the teacher reports for work. Provided, however, that the Board may offer another contract to the teacher that shall be effective if the teacher:

A. furnishes the principal a release by the first employer; or

B. shows proof that thirty (30) days' written notice was delivered by the teacher to the first employer.

A teacher who has entered into a contract with the Board shall provide thirty (30) days' written notice if s/he takes a teaching job with another school corporation after the school year has started or less than fourteen (14) days before the day on which the teacher reports for work.

Revised 10/27/14
Revised 6/20/16
Revised 4/24/17
T.C. 12/18/23

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Legal
I.C. 20-26-4-8
I.C. 20-28-6-2
I.C. 20-28-6-3
I.C. 20-28-6-4
I.C. 20-28-6-5
I.C. 20-28-6-6
I.C. 20-28-6-7

I.C. 20-28-7.5-8
I.C. 20-28-10-1

ASSIGNMENT AND TRANSFER

3130 - **ASSIGNMENT AND TRANSFER**

The School Board believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the Corporation.

The Superintendent shall be responsible for the assignment and transfer of all professional staff members.

When appropriate, the procedures shall be in accordance with the terms of the negotiated agreement.

REDUCTION IN FORCE ("RIF") IN CERTIFICATED STAFF

3131 - **REDUCTION IN FORCE ("RIF") IN CERTIFICATED STAFF**

It is the responsibility of the School Board to employ and retain the certificated staff necessary for the effective and efficient implementation of its educational program and the safe operation of its schools.

The Board shall eliminate certificated positions and reduce the number of certificated staff when the Board finds that curricular changes, changes in enrollment, return to duty from leave of a certificated staff member, closing of schools, territorial changes, fiscal reasons, or other good cause warrants.

Consideration of Alternatives to RIF:

Prior to undertaking a RIF, the Board shall attempt to make adjustments in teaching through:

A. Voluntary retirement
B. Voluntary resignations
C. Voluntary transfer of existing staff
D. Leaves
E. Cancellation of teachers' contracts for other statutory reason(s)

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 Board, the certificated staff members to be dismissed shall be identified on the basis of licensure and merit not years of service or seniority unless Indiana law dictates otherwise.

As used in this policy, "licensure" means the scope of the license issued by the Office of Educator Licensing and Development in the Indiana Department of Education, and "merit" means a performance category assigned to an educator pursuant to I.C. 20-28-11.5, i.e. "highly effective", "effective", "improvement necessary" or "ineffective". Where two (2) certificated staff members are in the same performance category and are required by law to be RIF'd based upon merit, one or more of the following factors may be considered to identify the staff member to be terminated:

A. The academic needs of students in the Corporation.
B. The results of an evaluation conducted under I.C. 20-28-11.5.
C. 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.
D. The assignment of instructional leadership roles, including the responsibility for conducting evaluations under I.C. 20-28-11.5.

E. The number of years of a teacher's experience.

Certificated staff members selected to be terminated pursuant to this policy 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.

Revised 2/26/18

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Legal
I.C. 20-28-7.5-1(d)
I.C. 20-28-7.5-2(a)(2)
I.C. 20-28-9-1.5(b)
I.C. 20-28-11.5
Elliott v. Board of School Trustees of Madison Consolidated Schools, No. 16-4168 (7th Circuit Dec. 4, 2017)

STAFF DISCIPLINE

3139 - **STAFF DISCIPLINE**

The School Board believes that standards of conduct for professional employees are necessary to provide students with a positive example of adult behavior and an orderly instructional environment. To this end, the Board has adopted a policy of progressive discipline to be applied except in cases of gross misconduct. In instances of gross misconduct, the purpose of this policy is to consider if the misconduct warrants suspension with or without pay or termination.

As used in this policy, "progressive discipline" means imposition of the least severe sanction that the Board determines, in its sole discretion, to be likely to prevent a recurrence of the offense. If the Board finds facts that support the use of progressive discipline, the Board may impose a penalty which may include, but not be limited to one or more of the following:

A. Verbal counseling/oral warning in which a verbal conference between the employee and his/her supervisor is held. A follow up email will be sent by the supervisor to the employee for documentation of the warning, but the warning will not be placed in the employee's personnel file at this point.
B. A written warning which is a formal notice of a performance problem or inability to follow established policy. This notice serves as a warning that continued infractions will not be tolerated and may result in recommendation for other discipline including discharge. The previous oral warning will become a part of the employee's personnel file at this point along with the written warning.
C. Probation for a period of time determined by the supervisor in connection with the written warning.
D. Administrative Leave with pay or Suspension with or without pay imposed in compliance with the applicable Indiana statutes.
E. Termination imposed in compliance with applicable Indiana statutes.

NPUSC reserves the right to implement disciplinary measures appropriate for more extreme circumstances. Exceptions to the principle of progressive discipline contained in this policy may be made in cases in which the Board finds that the interests of students and the school community make the application of the principle of progressive discipline inappropriate. Examples include, but are not limited to the following:

A. Reporting for duty under the influence of an alcoholic beverage, an illegal drug, or a prescription drug used other than in accordance with a prescription.
B. Possession or use of alcoholic beverages or drugs on school property or at an event sponsored by the Board.
C. Willful refusal to follow established rules or standards for the conduct of a professional employee, i.e. insubordination.
D. Theft, fraud, or another violation of criminal law.
E. Arrest and subsequent conviction of a crime.
F. Falsification or omission of a material fact in the application for employment by the Board.
G. Threats of and/or acts of violence to a person or substantial property damage.
H. Poor professional judgment resulting in a risk of physical or mental harm to a person.
I. Harassment in violation of Board policy on harassment.

In the event a professional staff member is recommended for suspension without pay or dismissal, the procedures required by Indiana law will be implemented.

Professional employees of the Board shall be paid on a "salary basis" and suspension of a professional employee without pay shall not negate the professional employee's exemption from the Fair Labor Standards Act overtime provisions pursuant to 29 C.F.R. 541.303.

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I.C. 20-28-6
I.C. 20-28-7.5
I.C. 20-28-9-21 and -22
29 C.F.R. 541.303

TERMINATION AND RESIGNATION

3140 - **TERMINATION AND RESIGNATION**

Pursuant to State law, following submission of a resignation to the Superintendent, the employee may not withdraw or otherwise rescind that resignation. The Superintendent shall inform the Board of the submission of that resignation at its next meeting. The Board may choose to accept that resignation, deny that resignation or take any other appropriate action relating to the termination, suspension or cancellation of employment of the person submitting the resignation, suspension or cancellation of employment of the person submitting the resignation. A resignation, once submitted, may not then be rescinded unless the Board agrees.

Revised 12/14/15

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I.C. 5-8-4-1

SUSPENSION OF TEACHERS WITHOUT PAY

3141 - **SUSPENSION OF TEACHERS WITHOUT PAY**

The School Board recognizes its obligation to maintain a working and learning environment that is conducive to the education of students and understands that at times there may be members of the teaching staff who fail to meet the expectation of serving as an exemplar for those students and/or fail to meet their professional responsibilities. In situations in which those charged with supervising professional staff members determine that a suspension of a teacher without pay is needed, whether as part of a system of progressive discipline or for the benefit of students, colleagues, and/or the community, the administration shall provide due process as required by Federal law and comply with the procedure established under State law for the suspension of teachers without pay.

It will be the responsibility of the Superintendent to establish administrative guidelines which ensure that the proper standards have been applied and the proper procedures have been followed when a principal makes a decision to suspend a teacher without pay.

In acting on a principal's preliminary determination that a teacher will be suspended without pay, the Board will be guided by the procedure set out in I.C. 20-28-9-22 and will proceed only for one or more of the reasons stated in I.C. 20-28-9-21.

Revised 2/25/19

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I.C. 20-28-9-22
I.C. 20-28-9-21

CANCELLATION OF A TEACHING CONTRACT

3142- **CANCELLATION OF A TEACHING CONTRACT**

The School Board recognizes its obligation to employ only those professional staff members best trained and equipped to meet the educational needs of the students of this Corporation. The Board will discharge that obligation by retaining in service only those probationary teachers who meet those standards.

Probationary Teacher:

"Probationary teacher" shall mean a teacher serving under contract as a teacher in the School Corporation who:

A. either:
    1. receives two (2) consecutive ratings of ineffective, as determined by the Corporation, on an annual evaluation under I.C. 20-28-11.5; or
    2. is in the teacher's first or second year of full-time teaching in a classroom; and
B. has not at any time before July 1, 2012, entered into a teaching contract for further service with the Corporation.

Professional Teacher:

"Professional teacher" shall mean a teacher who is not a probationary teacher and enters into a contract under I.C. 20-28-6-2 with the Corporation.

Established Teacher:

"Established teacher" shall mean an individual who:

A. serves under contract as a teacher in the Corporation before July 1, 2012; and
B. at any time before July 1, 2012, enters into a teacher's contract for further service with the Corporation.

An employment contract may be terminated, upon a majority vote of the Board, for violation of the policies of the Board or for reasons set forth in law. In such cases, the Board shall abide by due process procedures.

It will be the responsibility of the Superintendent to establish administrative guidelines that ensure that all necessary procedures have been followed when a principal has recommended non-renewal of a non-permanent teacher.

In the case of a semi-permanent or a permanent teacher's indefinite contract, the Board will comply fully with the laws of the State of Indiana.

When performance has not been satisfactory, the Board will notify, in writing, the non-permanent teacher of non-renewal of employment by no later than June 1st in an even-numbered year and the later of June 15th or the date a budget act is enacted by the general assembly in an odd-numbered year.

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Legal
I.C. 20-28-6-7.5
I.C. 20-28-6-8
I.C. 20-28-7.5

FITNESS FOR DUTY EXAMINATION

3160 - **FITNESS FOR DUTY EXAMINATION**

The Board reserves the right to require a current employee or applicant for employment (after a conditional offer of employment), to submit to a fitness for duty examination by a qualified healthcare provider to determine the employee or applicant's ability to meet the qualification standards and perform the essential functions of a position an application is being considered for or an employee is performing ("FFD exam"). A FFD examination shall be done in accordance with the Superintendent's guidelines and the examiner shall be provided with specific essential functions of the position in question.

Reports of all FFD examinations shall be delivered to the Superintendent or a named designee, who shall protect the confidentiality of the FFD exam report and its contents. In agreeing to perform the FFD exam, the healthcare provider and the examinee shall agree that no treatment relationship or privileged communication shall occur between the FFD examiner and the applicant or employee. The report of the examiner may be shared with the employee or candidate and made a part of a personnel record on the examinee maintained by the Board. However, the report shall be filed separately from an applicant/employee's other personnel documents so that the report and related documents are accessible only to the Superintendent and specific designees. Failure to protect the confidentiality of a FFD exam report and related documents shall be a basis for discipline of an employee permitting the disclosure.

In the event of a report of a condition that could adversely impact the examinee's performance of an essential function of the position occupied or applied for, the Superintendent shall base a recommendation to the Board on the examinee's employment on the assessment of the healthcare provider who conducted the FFD exam as to whether the examinee will be able to meet the qualification standards and perform or continue to perform the essential functions of the position in question.

Employees and applicants referred for a FFD exam will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the results of the healthcare provider's FFD exam to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the FFD examination if clarification is needed (see Form 3160 F2).

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 3122.02, a FFD examiner shall be advised not to seek, collect, or report genetic information, including the candidate's family medical history.

The cost of a FFD exam shall be paid for by the Board. An employee shall be paid for the time required for the FFD exam and for travel at the per mile rate established by the Board. A candidate for employment shall not be eligible for mileage reimbursement.

The report of the healthcare provider performing the FFD exam shall be the property of the Board and shall be exempt from disclosure pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3). A FFD exam report and related documents will be maintained in a separate confidential personnel file in

accordance with the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA).

Revised 12/16/10

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29 C.F.R. part 1630
29 C.F.R. Part 1635
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

UNREQUESTED LEAVES OF ABSENCE

3161 - **UNREQUESTED LEAVES OF ABSENCE**

It is the policy of the School Board to protect students and employees from the professional staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a professional staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the professional staff member will be offered the opportunity for a meeting to discuss these issues.

If a professional staff member refuses to attend the meeting, the Board may order the professional staff member to submit to an appropriate examination by:

A. a physician designated and compensated by the Board;

B. a physician or institution of the professional staff member's choice provided such physician or institution has been approved by the Board.

Where the physician designated by the Board disagrees with the physician designated by the professional staff member, the two (2) physicians shall agree in good faith on a third impartial physician who shall examine the professional staff member and whose medical opinion shall be conclusive and binding on the issue of ability to perform assigned duties with or without accommodation. The expenses of a third examination shall be borne by the Board.

The professional staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 3122.02, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual’s family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the Corporation inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the professional staff member is found to be unable to perform assigned duties with or without accommodation, the professional staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year. A professional staff member placed on leave without a written request is entitled to a hearing on that action in accordance with I.C. 20-6.1-4-11.

Should a professional staff member refuse to submit to the examination requested by the Board and the professional staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the professional staff member to disciplinary action.

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Americans with Disabilities Act of 1990, as amended
42 U.S.C. 12101 et seq.
29 C.F.R. Part 1630
I.C. 20-28-7-3,4,5, 20-28-10-4

SUBSTANCE ABUSE

3170 - **SUBSTANCE ABUSE**

The School Board recognizes alcoholism and drug abuse as treatable illnesses.

The responsibility to correct unsatisfactory job performance or behavior resulting from a substance abuse problem rests with the professional staff member. Failure to do so, for whatever reason, will result in appropriate corrective or disciplinary action as determined by the Board.

No professional staff member will have his/her job security or promotion opportunities jeopardized solely on the basis of his/her request for counseling or referral assistance.

Professional staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

Please refer to Board Policy 3122.01 on Drug-Free Workplace for additional requirements for professional staff members.

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I.C. 20-26-5-4
29 U.S.C. 794

STAFF ETHICS

3210 - **STAFF ETHICS**

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. To maintain and promote these essentials, the School Board expects all professional staff members to maintain high standards in their working relationships.

Professional staff members in the performance of their professional duties will:

A. recognize basic dignities of all individuals with whom they interact in the performance of duties;

B. represent accurately their qualifications;

C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;

D. seek and apply the knowledge and skills appropriate to assigned responsibilities;

E. keep in confidence all student related information unless such information needs to be shared in the discharge of their professional responsibilities;

F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;

G. avoid accepting anything of value offered by another for the purpose of influencing judgment;

H. refrain from using their position or public property, or permitting another person to use an employee's position or public property for partisan political or sectarian religious purposes. This will in no way limit constitutionally or legally protected rights as a citizen.

REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS

3211 - **REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS**

The School Board recognizes that its employees teach its students by example and serve as a role model for students. It therefore requires that they exemplify high standards of honesty and integrity and comply with Indiana and Federal law and Board policies and administrative guidelines in their words and actions. To implement these expectations, the Board requires its employees to report possible violations of these Board standards to their immediate supervisor.

An employee who is aware of words or acts of a Board member or employee that may violate Federal or Indiana law, Board policy, or administrative guidelines shall bring the words or actions to the attention of the employee's immediate supervisor. If the immediate supervisor does not respond within a reasonable time, or the immediate supervisor is the officer or employee whose words or actions are in question, the employee shall make the report required by this policy to the Superintendent. If the words or acts that violate this policy are the Superintendent's words or acts, the report shall be made to the Board president. An employee also may report suspected malfeasance, misfeasance, or nonfeasance by a public officer to the State Board of Accounts.

Employees are subject to disciplinary action, up to and including termination for knowingly or recklessly making a false report under this policy or failing to make a report required by this policy.

After a verbal report of a violation of this policy is made, the immediate supervisor will direct the reporting employee to put the report in writing. If a reporting employee requires assistance in making a written report, the immediate supervisor shall assist the reporting employee.

An employee making a report required by this policy shall be protected from discipline, retaliation, or reprisal for making a report required by this policy as long as the employee had a good faith belief in the truth and accuracy of the information reported at the time of the report. A report in compliance with this policy is not required if the employee confirms that another employee has reported the same words or actions.

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I.C. 5-11-1-9.5
I.C. 36-1-8-8

STUDENT SUPERVISION AND WELFARE

3213 - **STUDENT SUPERVISION AND WELFARE**

Professional staff members shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities and are expected to establish and maintain professional staff-student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards:

A. A professional staff member shall immediately report to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.

B. A professional staff member shall provide proper instruction in safety matters as presented in assigned course guides.

C. Each professional staff member shall immediately report to a building administrator knowledge of threats of violence by students.

D. A professional staff member shall not send students on any personal errands.

E. A professional staff member shall not associate inappropriately with students at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.

F. If a student approaches a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationship, etc., the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the Corporation or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. Any staff member who determines that a student is in need of services shall report the matter to appropriate authorities. However, under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should any such staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.

G. A professional staff member shall not transport students in a private vehicle.

H. A student shall not be required to perform work or services that may be detrimental to his/her health.

I. Staff members shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.

J. Staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school- sponsored publication or production in accordance with Policy 5722.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, alleged child abuse, and any other record information.

Pursuant to the laws of the State and Board Policy 8462, each professional staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

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I.C. 31-33-5

STAFF-STUDENT RELATIONS

3213.01 - **STAFF-STUDENT RELATIONS**

The School Board wants to maintain a safe and healthy educational environment for students attending the School Corporation. The interactions between Corporation employees and its students are of paramount concern. This policy addresses appropriate boundaries between Corporation employees and its students.

Sexual Relationships with Students Prohibited

Sexual conduct with or sexual relationships with students by a Corporation employee are prohibited. Any teacher, administrator, coach, school official, or staff member who engages in sexual conduct with a student may be disciplined, up to and including termination. That person's conduct also may constitute the crime of:

A. 'sexual battery,' under I.C. 35-42-4-8; or
B. 'child molesting' under I.C. 35-42-4-3 in the case of a child under fourteen (14) years of age; or
C. "child seduction" under I.C. 35-72-4-7; or
D. 'sexual misconduct with a minor' under I.C. 35-42-4-9 in the case of a child between the ages of fourteen (14) and sixteen (16).

The issue of consent is irrelevant in regard to the latter three (3) criminal charges. Any conduct that may constitute a crime shall be reported to local law enforcement.

Any employee accused of sexual conduct or a sexual relationship with a student may be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student, regardless of the age of the student, shall initiate the termination process for the employee.

Allegations Constituting Criminal Conduct or Child Abuse/Sexual Misconduct

The Corporation's administrators, including a Compliance Officer or designee, shall report to local law enforcement any conduct that may constitute a crime upon receiving a report of such conduct.

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to report that knowledge or suspicion to the Department of Child Services ("DCS") immediately.

Allegations made during harassment investigations:

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the alleged conduct may constitute abuse or neglect of a child, a report shall be made to DCS in accordance with State law and Board Policy.

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the conduct reported may constitute a crime, a report shall be made to local law enforcement.

Reports made to DCS or to local law enforcement do not terminate a Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Inappropriate Boundary Invasions by Corporation Employees

The Board prohibits inappropriate boundary invasions by a Corporation employee into a student's personal space and personal life.

Examples of inappropriate boundary invasions include but are not limited to the following:

A. kissing, or other inappropriate physical conduct with a student;
B. telling sexual jokes to students;
C. engaging in talks containing sexual innuendo or banter with students;
D. talking about sexual topics that are not related to curriculum;
E. showing pornography to a student;
F. taking an undue interest in a student to develop a romantic or inappropriate relationship;
G. initiating or extending contact with students beyond the school day for personal purposes;
H. using email, text messaging, websites, or other social media services to discuss personal topics or interests with students;
I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrator approval;

J. invading a student's privacy (e.g., walking in on the student in the bathroom or locker room or asking about bra sizes or previous sexual experience);
K. going to a student's home or vice versa for romantic or inappropriate personal reasons;
L. being overly touchy with students;
M. providing advice to or counseling a student regarding a personal problem (e.g., problems related to sexual behavior, substance abuse, mental or physical health, or family relationships) unless properly licensed and authorized to do so;
N. talking to a student about problems that normally would be discussed with adults (e.g., marital issues);
O. being alone with a student behind closed doors without a legitimate educational purpose;
P. telling a student "secrets" and having "secrets" with a student.

Disciplinary action, up to and including termination, may result from the violation of the above-stated boundary invasions.

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

The Superintendent shall report to the Indiana Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members convicted of sexual battery and, in accordance with Policy 3121 - Personal Background Checks, References, and Mandatory Reporting of Convictions and Substantiated Child Abuse and Arrests, shall suspend such employee from all duties that concern or involve the care, custody, or control of a child during the pendency of any criminal action for which that person has been arrested, summoned and/or indicted in that regard.

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I.C. 31-33-5
I.C. 35-42-4-3
I.C. 35-42-4-7
I.C. 35-42-4-8
I.C. 35-42-4-9

STAFF GIFTS

3214 - **STAFF GIFTS**

The School Board discourages the presentation of gifts to professional staff members by students and their parents because it could embarrass students with limited means and gives the appearance of currying favor.

It is the policy of the Board that no professional staff member should expect or accept gifts for carrying out the terms of his/her teaching contract.

The Board does recognize, though, that gift-giving to professional staff members at some special holidays fits the spirit of the season and gift-giving at the close of an academic year is a part of tradition. At these times, gifts other than money may be accepted; however, teachers should not open gift(s) in class or comment on item(s) in front of students.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

Professional staff members shall not accept any form of compensation from vendors that might influence their recommendations on or raise a conflict of interest with respect to the eventual purchase of equipment, supplies, or services. See also Board Policy 3113 – Conflict of Interest. Furthermore, professional staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, professional staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the Corporation or a vendor with whom the Corporation is doing business, whereby an individual professional staff member receives compensation in any form for services rendered.

Such compensation includes, but is not limited to cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a professional staff member receives such compensation, albeit unsolicited, from a vendor, the professional staff member shall notify the Superintendent, in writing, that s/he received such compensation and the compensation has been returned to the vendor.

A Corporation employee making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-3.

Revised 12/14/15

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Legal
I.C.35-44.1-1-1,35-44.1-1-2,35-44.1-1-4,35-44.1-1-5
2C.F.R.200.318
7 C.F.R. 3016.36(b)(3) and 3019.42

TOBACCO USE PREVENTION

3215 - **TOBACCO USE PREVENTION**

The School Board recognizes that the use of tobacco presents a health hazard can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For the purposes of this policy "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; spit tobacco, also known as smokeless, dip, chew, nicotine pouch and snuff, in any form; and all electronic nicotine delivery systems (ENDS) such as e-cigarettes and vape and hookah pens.

The use of tobacco products poses health issues for the user and second-hand smoke is a threat to the personal health of others. In addition, nicotine is a powerfully addictive substance and the use of tobacco products could lead to nicotine addiction. In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by professional staff members at all times within any facility owned or leased or contracted for by the Board.

Such prohibition also applies:

A. on school grounds
B. at any school-related event

The Board also prohibits the use of tobacco anywhere 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 and will remain in effect at all times. Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, special purpose buses, vans, trucks, and cars.

Employees who violate this policy shall be subject to disciplinary action in accordance with the applicable policies of the Board.

The Superintendent shall develop administrative guidelines requiring the use of evidenced-based resources by staff who teach about the health hazards inherent in the use of tobacco products as part of the School Corporation's curriculum and who provide counseling to students regarding smoking cessation.

The Superintendent's administrative guidelines shall include a comprehensive plan to communicate the prohibitions set forth in this policy regarding the use of tobacco, as defined herein, by students, staff, parents, vendors and any other individuals in the School Corporation's schools, offices, and/or other Corporation facilities, as well as on the grounds of the schools, offices, and other Corporation facilities. The plan shall also communicate the prohibitions set forth in this policy regarding the use of tobacco as defined herein by those who drive, or are passengers in, Corporation vehicles of any type.

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Revised 10/27/14

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Legal
I.C. 16-41-37
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

STAFF DRESS AND APPEARANCE

3216 **- STAFF DRESS AND APPEARANCE**

The School Board believes that professional staff members set an example for their students to follow.

The Board authorizes the development of standards for staff dress and appearance that promote a professional educational atmosphere that gives consideration to the impact on the educational process and the diversity of the School Corporation's staff.

When assigned to Corporation duty, all staff members shall:

A. be physically clean and neat;

B. dress in a manner consistent with their professional responsibilities;

C. dress in a manner that communicates to students a pride in personal appearance;

D. dress in a manner that does not cause damage to Corporation property;

E. appear in such a way that does not disrupt the educational process nor cause a health or safety hazard.

The established standards for dress and appearance shall be upheld in a nondiscriminatory and uniform manner.

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WEAPONS

3217 - **WEAPONS**

Except for a person who legally may possess a firearm and has been authorized by the School Board to carry a firearm in or on School Corporation property, the Board prohibits professional staff members 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 professional staff member is not prohibited from possessing a firearm or ammunition that is locked in the trunk of the professional staff member's vehicle, kept in the glove compartment of the professional staff member's locked vehicle, or stored out of plain sight in the professional 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 legally may 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, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage or endangering the health or 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 (such as bombs, incendiary devices, grenades, Molotov cocktails, rockets with a propellant charge of more than four (4) ounces, etc.). A "knife" is defined as "an instrument that: 1) consists of a sharp edged 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))

The possession of pocket knives intended for use by the employee in connection with their job will be authorized by the New Prairie United School Corporation Board of Trustees.

The Superintendent will report an employee who violates this policy to law enforcement officials. The staff member also will be subject to disciplinary action, up to and including termination, for violation of this policy.

This prohibition does not apply to weapons under the control of law enforcement personnel.

Exceptions to this policy include:

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.

Staff members must report knowledge of weapon's possession and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

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Revised 11/28/06
Revised 2/27/12
Revised 10/27/14

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Legal
I.C. 10-21-3
I.C. 20-33-9-1 et seq.
I.C. 34-28-7-2
I.C. 35-47-5-2.5
I.C. 35-47-9

TEACHER APPRECIATION GRANTS

3220.01 - **TEACHER APPRECIATION GRANTS**

The School Board adopts this policy for the benefit of the School Corporation's teachers. The Corporation may apply for and distribute teacher appreciation grant funds as described in this policy.

Definitions:

For purposes of this policy, the following definitions apply:

The term "teacher" means a professional person whose position with the Corporation requires a license (as defined in I.C. 20-28-1-7) and whose primary responsibility is the instruction of students.

The term "license" refers to a document issued by the IDOE that grants permission to serve as a particular kind of teacher. The term includes any certificate or permit issued by the Indiana Department of Education (IDOE).

Eligibility for Teacher Appreciation Grants:

To be eligible for a grant under the program, the Corporation must:

A. apply in a manner prescribed by the IDOE;
B. identify not more than twenty percent (20%) of certified teachers as eligible grant recipients annually based on criteria outlined below;
C. report how each recipient met the criteria outlined below; and
D. meet any other requirements established by the IDOE.

Distribution of Annual Teacher Appreciation Grants:

Teacher appreciation grant funds received by the Corporation shall be distributed may be used only to pay stipends within the amounts described below to licensed teachers who meet the following criteria:

A. have instructed students in the Corporation for at least one (1) school year prior to the grant distribution year;

B. rated as Effective or Highly Effective on their most recent performance evaluation; and maintain employment at the Corporation at the time of the grant distribution;

C. are determined to significantly impact student outcomes using National, State, or local assessment measures; and

D. are designated in one (1) of the following categories:

    1. meets the criteria for a recognition stipend;

    2. meets the criteria for an exemplary stipend; or

    3. meets the criteria for an exemplary plus stipend.

The following criteria apply in evaluating a teacher for a stipend designation:

A. For a recognition stipend designation, whether the teacher demonstrates high performance in teaching based on student outcomes.
B. For an exemplary stipend designation whether the teacher:

    1. demonstrates high performance in teaching based on student outcomes; and
    2. meets one (1) of the following:

        a. mentors or coaches another teacher to improve student outcomes, or provides instructional leadership to improve student outcomes across multiple classrooms; or
        b. serves in a high need or geographic shortage area as determined by the IDOE based on educator supply and demand.

C. For an exemplary plus stipend designation, whether the teacher:

    1. demonstrates high performance in teaching based on student outcomes;
    2. mentors or coaches another teacher to improve student outcomes, or provides instructional leadership to improve student outcomes across multiple classrooms; and
    3. serves in a high need or geographic shortage area as determined by the IDOE based on educator supply and demand.

The Corporation establishes the following additional criteria for a recognition stipend designation:

A. The teacher taught a minimum of 120 days the previous school year at New Prairie United School Corporation.
B. The teacher earned a summative evaluation score of at least 3.25 in the previous school year.

The Corporation shall utilize the rubric developed by the IDOE pursuant to I.C. 20-43-16-7.

The Corporation shall distribute the teacher appreciation grant funds as follows.

The amount of the stipend that the Corporation may distribute to a teacher for a State fiscal year under this chapter must be within the following amounts:

A. For a teacher who receives a stipend for a recognition designation, $3,500.
B. For a teacher who receives a stipend for an exemplary designation, $5,000.
C. For a teacher who receives a stipend for an exemplary plus designation, $7,500.

The Corporation shall not allocate a percentage of the Teacher Appreciation Grant funds received to provide a supplemental award to teachers who serve as mentors to teachers who have less than two (2) years of service.

If the Corporation is the local educational agency (LEA) or lead school corporation that administers a special education cooperative or joint services program or a career and technical education program, including programs managed under I.C. 20-26-10, I.C. 20-35-5, I.C. 20-37, or I.C. 36-1-7, then it shall award teacher appreciation grant stipends to and carry out the other responsibilities of an employing school corporation under this section for the teachers in the special education program or career and technical education program with respect to the teacher appreciation grant funds it receives on behalf of those teachers.

A stipend to an individual teacher in a particular year is not subject to collective bargaining and is in addition to the minimum salary or increases in the salary set under I.C. 20-28-9-1.5. The Corporation

may discuss with a certificated employee or a group of certificated employees at one or more meetings open to all certificated employees the policy for distribution of teacher appreciation grants.

The Corporation shall distribute all stipends from a teacher appreciation grant to individual teachers within sixty (60) business days of the date the IDOE distributes the teacher appreciation grant funds to the Corporation.

The Corporation shall return any part of the grant not distributed as stipends to teachers not later than June 30 of the applicable State fiscal year.

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Revised 8/26/19
Revised 9/28/20
Revised 9/27/21
Revised 9/26/22
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Reviewed 9/25/24

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Legal
I.C. 20-18-2-22
I.C. 20-28-1-7
I.C. 20-43-16

OUTSIDE ACTIVITIES OF STAFF

3231 - **OUTSIDE ACTIVITIES OF STAFF**

The School Board directs the Superintendent to promulgate the following guidelines so that staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the School Corporation. If non-school activities threaten a staff member's effectiveness within the school system, the Board reserves the right to evaluate the impact of such activity upon a staff member's responsibility to the students and to the Board.

A. Staff members shall not give school time to an outside activity without valid reason to be excused from assigned duties.

B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.

C. Staff members shall not campaign on school property during duty hours on behalf of any political issue or candidate for local, State, or National office except on election day at election polls on school property.

D. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.

E. Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes in the same subject that they are teaching the student while the student is enrolled in their class.

Research and Publishing

A. Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.

B. 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 shall 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.

Professional staff members who desire to publish or produce materials on their own time shall 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 that 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

T.C. 12/18/23

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I.C. 35-44-2-4(f)

EARLY LEAVE

3231.01 - **EARLY LEAVE**

If a teacher needs to leave the building prior to the end of the regular workday, the following procedure should be used.

If the teacher needs to leave prior to thirty (30) minutes before student dismissal, a half (1/2) Personal Day will be required. If the time needed is less than thirty (30) minutes, the teacher will make up the missed time in a manner mutually agreed upon by the administrator and teacher directly involved so that a total of seven and one-half (7½) hours of work will be completed. The building principal will determine the availability of staff to cover the classroom and will grant permission to leave only if volunteers can staff the classroom or assignment.

PROFESSIONAL MEETINGS

3243 - **PROFESSIONAL MEETINGS**

The School Board encourages opportunities for professional staff members to develop increased competence beyond that which they may attain through the performance of their assigned duties through attendance at professional meetings.

For purposes of this policy, a professional meeting shall be defined as:

A. any meeting that is related to the activities, duties, or responsibilities of professional staff members as determined by the Superintendent.

B. a meeting through which direct value can be derived for the person in attendance for later use in the performance of Corporation duties.

The Superintendent shall prepare administrative guidelines to implement this policy.

Legal
I.C. 20-28-3-4

FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

3310 - **FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS**

The School Board acknowledges the right of its professional staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the Corporation, however, the professional staff member's expression must be balanced against the interests of this Corporation.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the professional staff member's expression could conflict with the Corporation's interests. In situations in which the professional staff member is not engaged in the performance of professional duties s/he should:

A. state clearly that his/her expression represents personal views and not necessarily those of the School Corporation;

B. not discuss with others any individual with whom s/he would normally be in daily contact in the performance of duties, in order to avoid the disruption of cooperative staff relationships;

C. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;

D. not make abusive or personally defamatory comments about co-workers, administrators, or officials of the Corporation;

E. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy;

F. not make threats against co-workers, supervisors, or Corporation officials.

Violations of these guidelines may result in disciplinary action up to and including termination.

Legal
I.C. 20-28-10-14

THREATENING AND/OR INTIMIDATING BEHAVIOR TOWARD STAFF MEMBERS

3362.01 - **THREATENING AND/OR INTIMIDATING BEHAVIOR TOWARD STAFF MEMBERS**

The School Board believes that staff members should be able to work in an environment free of threatening or intimidating speech or actions.

Threatening behavior consisting of any words or deeds that intimidate staff members or cause anxiety concerning their physical well-being is strictly forbidden. Any threat to a member of the staff made by a student, parent, visitor, staff member, or agent of this Board shall be reported to the principal, and the individual making the threat may be subject to discipline or further action.

State law requires that any individual who has reason to believe that a school employee:

A. has received a threat;
B. is the victim of intimidation;
C. is the victim of battery; or
D. is the victim of harassment

by any individual immediately shall notify the principal and the principal immediately shall make an oral report to the local law enforcement agency.

Harassment based on a protected class shall be investigated under Policy 2266 - Nondiscrimination on the Basis of Sex Education Programs or Activities or Policy 3362 - Anti-Harassment, as applicable. Related policies can be found at Policy 1662 - Anti-Harassment, Policy 4362 - Anti-Harassment, and Policy 5517 - Anti-Harassment.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

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T.C. 8/26/24

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Legal
I.C. 20-33-9-1 et seq.
I.C. 35-42-2-1
I.C. 35-45-2-1
I.C. 35-45-2-2

GROUP HEALTH PLANS

3419 - **GROUP HEALTH PLANS**

The School Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. Group health plans, as the term is used in this policy, may include, but would not be limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefits to employees and eligible dependents as permitted by law.

The Board has elected to provide major medical coverage that provides minimum value coverage under the Affordable Care Act for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

Revised 2/23/15

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The Patient Protection and Affordable Care Act, 42 U.S.C. 18001 et seq.

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

3419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The School Board provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

A. Medical Plan

B. Prescription Drug Plan

C. Health Flexible Spending Accounts (FSA)

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Superintendent, or his/her designee, to serve as the Privacy Protection Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement after adoption policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans.

The Security Official is responsible for monitoring Federal law pertaining to HIPAA and recommending any revisions to the policies and procedures that are needed to comply with Federal law. The Security Official is responsible for conducting a risk analysis and developing, proposing to the Board, and implementing policies and procedures adopted by the Board for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official is responsible for monitoring Federal law pertaining to HIPAA and recommending any revisions needed to comply with Federal law.

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals.

Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health

plans, except to the extent that any liability imposed is the result of intentional misconduct or gross negligence, as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

Revised 12/16/10
Revised 5/19/14

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29 U.S.C. 1181 et seq.
42 U.S.C. 300gg
42 U.S.C. 300jj et seq.
42 U.S.C. 1320d et seq.
42 U.S.C. 17901 et seq.
45 C.F.R. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)
45 C.F.R. 164.308
45 C.F.R. 164.530

PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

3419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The School Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Dental Plan

B. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Fully insured group health plans generally are exempt from many of the requirements imposed upon self- funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans.

All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The fully insured group health plans established by the Board shall:

A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with HHS, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the HHS, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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42 U.S.C. 1320D-5(a)(1)
45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404
45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)

PATIENT PROTECTION AND AFFORDABLE CARE ACT

3419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The School Board acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the School Corporation. Such obligations may include the following:

A. The Corporation shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

   http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html

B. Employees of the Corporation have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the Corporation enrolls in the Health Insurance Marketplace and receives a subsidy, then the Corporation may be liable for a penalty.

   In the event that the Corporation concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the Corporation shall incur the potential penalty.

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29 U.S.C. 218B
26 U.S.C. 4980H

LEAVES OF ABSENCE

3430 - **LEAVES OF ABSENCE**

All professional staff members not otherwise covered by the terms of a currently-valid negotiated agreement of this Corporation shall be entitled to the same leave benefits provided in the master agreement with New Prairie Corporation Teachers Association.

All requests for unpaid leaves of absence by professional staff members shall be presented to the School Board for approval.

Leave of Absence for Members of National Guard or Reserve:

The Board shall grant a leave of absence in addition to a regular vacation period without loss of pay or time to any staff member who is a member of the Indiana National Guard, a reserve component of the U.S. forces, or a retired member of the naval, air, or ground forces of the United States and is on training duty for the State by order of the Governor or under the order of the reserve-component authority for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The staff member's vacation benefits, if any, will not be affected by this type of leave.

Leave of Absence for Active Duty Family Member:

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 is entitled to an unpaid leave of absence 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; or

C. during the thirty (30) days after the active duty orders are terminated.

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.

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.

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 shall permit the staff member to continue his/her health care benefits during the leave at the staff member’s expense.

Any professional staff member selected by the State Superintendent of Public Instruction as teacher of the year and who agrees to be "ambassador for education" shall be granted a one (1) year professional leave to serve as ambassador during the ambassador's term. During the term of the leave, the Corporation shall continue to provide the professional staff member all benefits of employment with the Corporation other than salary. Following the term of the leave, the professional staff member may return to the Corporation to the same or a comparable position as the staff member held prior to the leave without loss of accrued benefits or seniority.

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I.C. 10-16-7-1 et seq., 10-17-4, 20-20-4-1, 22-2-13
38 U.S.C. 4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)

FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

3430.01 - **FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

In accordance with Federal law, the Board of Education shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible professional staff members for the following reasons:

A-1. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;

B-1. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;

C. The staff member is needed to care for a spouse, son, daughter, or parent if such individual has a serious health condition;

D-1. the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2. A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; (maximum fifteen (15) calendar days); 7) post-deployment activities; and 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. (See AG 3430.01C). Covered active duty means deployment with the Armed Forces to a foreign country.

B-2. To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre- existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of fifty percent (50%) or greater and is the condition precipitating the need for leave;

or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

Duration of Service Member FMLA

A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.

B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member 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. This is a one time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General Provisions

Professional staff members are "eligible" if they have worked for the Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time professional staff members are presumed to meet the 1,250 hour requirement if they were employed by the Corporation in this capacity for the preceding twelve (12) months. Months and hours that reservists or National Guard members would have worked if they had not been called up for military service count towards the staff member's eligibility for FMLA leave/Service Member Family Leave. Employment service time may be aggregated when the break in employment service is less than seven (7) years, is for fulfillment of military obligations, or if the employee is subject to recall under a written agreement (NOTE: this includes a collective bargaining agreement). All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

For Service Member Family Leave, the use of the twenty-six (26) weeks will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

A. Inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

B. Continuing treatment by a health care provider, including:

    1. a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves either in-person treatment two (2) or more times by a healthcare

provider within thirty (30) days of the first date of incapacity, absent extenuating circumstances beyond the employee's control, or in-person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;

The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.

2. Any incapacity due to pregnancy or for prenatal care;

3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;

5. Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

C. Conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent , or his/her designee, may allow a staff member to take FMLA leave intermittently or on a reduced schedule for the birth, adoption, or foster care placement of a child (see A-1 or B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one). Service Member Family Leave may also be taken on an intermittent or reduced-leave schedule when medically necessary.

The taking of such leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment or the staff member is taking Service Member Family Leave, the Superintendent, or his/her designee, may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule because of reasons (C) or (D) above or pursuant to Service Member Family Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. Transfer temporarily to an available alternative position offered by the Superintendent, or his/her designee, for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

Staff Member Notice Requirement

Whenever the leave is foreseeable, the staff member shall provide the Superintendent, or his/her designee, with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment or taking leave pursuant to Service Member Family Leave, the staff member must consult with the Superintendent, or his/her designee, and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the Corporation, subject to the approval of the healthcare provider.

Substitution of Paid Leave

The Board shall require the staff member to substitute (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. sick leave, personal leave, vacation leave, family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave (see A- 1, B-1, and A-2).

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for either reason (C-1) or (D-1) on page one and B-2 on page two.

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation, personal leave, family leave or sick leave (per the applicable collective bargaining agreement) for unpaid Service Member Family Leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) week period of FMLA leave or twenty-six (26) week period of Service Member Family Leave, the additional weeks of leave to obtain the twelve (12) weeks of FMLA leave or twenty-six (26) weeks of Service Member Family Leave, the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Service Member Family Leave, such leave counts toward the twelve (12) week/twenty-six (26) week maximum leave allowance provided by this policy.

Corporation Notice Requirement

The Superintendent, or his/her designee, will notify the staff member when the Corporation intends to designate leave as FMLA- qualifying. Such notice may be given orally or in writing and should be given within five (5) business days of the request. When verbal notice is given, it will be followed by written notice within five (5) business days. In the case of intermittent or reduced schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the

Superintendent , or his/her designee, does not have sufficient information about the reason for the staff member's use of paid leave, the Superintendent, or his/her designee, may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent, or his/her designee, learns that a paid leave is for an FMLA leave-qualifying reason, the Superintend, or his/her designee, will notify the staff member within five (5) business days that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement. The notification will indicate whether the employee is required to provide a fitness-for-duty certification to return to work.

Limits

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child. Additionally, the aggregate number of work weeks of leave to which both the husband and wife may be entitled pursuant to this policy is limited to twenty-six (26) work weeks during the single twelve (12) month period provided for in the Service Member Family Leave provision if the leave is taken pursuant to Service Member Family Leave or a combination of general FMLA leave and Service Member Family Leave.

Certification

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one), or Service Member Family Leave is taken, the staff member must provide medical certification from the healthcare provider of the eligible staff member, his/her immediate family member, or the next of kin of the individual. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member may either:

A. submit the medical certification to the Superintendent, or his/her designee; or

B. direct the health care provider to transfer the medical certification directly to the Superintendent, or his/her designee,, which will generally require the staff member to furnish the health care provider with a HIPAA- compliant authorization.

Staff members are not eligible for leave pursuant to this policy if they work elsewhere during leave pursuant to this policy.

In the event the staff member fails to provide medical certification, any leave taken by the employee is not FMLA leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days' notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent, or his/her designee, within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent, or his/her designee. The Corporation shall be responsible for maintaining a record of those communications.

The Board reserves the right to obtain, at its expense, the opinion of a second health care provider and, in the event of conflict, the opinion of a third health care provider whose decision shall be binding and final. The staff member may either:

A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the Superintendent, or his/her designee; or

B. direct the second or third health care provider to transfer his/her opinion directly to the Superintendent, or his/her designee, which will generally require the staff member to furnish the health care provider with a HIPAA- compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the staff member is not FMLA leave.

A staff member who takes leave for reason (D-1) on page one, prior to returning to work, must provide the Superintendent, or his/her designee, with a statement from his/her health care provider that s/he is able to resume work.

A staff member seeking to take leave pursuant to reason (A-2 OR B-2) above must submit, in a timely manner to the Superintendent, or his/her designee, an appropriate certification as described by Federal regulations.

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent, or his/her designee, to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C-1) or (D-1) above or Service Member Family Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent, or his/her designee, shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Superintendent, or his/her designee, shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the Corporation has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent, or his/her designee.

Revised 10/27/08
Revised 3/22/10
Revised 12/16/10

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Legal
29 U.S.C. 2601 et seq.
29 C.F.R. Part 825
P.L. 110-181, Sec. 585 – National Defense Authorization Act (January 28, 2008)
P.L. 111-84, Sec. 565 - National Defense Authorization Act (October 28, 2009)

ADMINISTRATIVE LEAVE OF ABSENCE WITH PAY OR TEMPORARY ADMINISTRATIVE REASSIGNMENT OF TEACHERS

3431 - **ADMINISTRATIVE LEAVE OF ABSENCE WITH PAY OR TEMPORARY ADMINISTRATIVE REASSIGNMENT OF TEACHERS**

The School Board recognizes its obligation to maintain a working and learning environment that is conducive to the education of students and understands that at times there may be a need for determining whether members of the teaching staff are meeting the expectation of serving as an exemplar for those students and/or their professional responsibilities. In situations in which those charged with supervising professional staff members determine that an administrative leave of absence with pay or a temporary administrative reassignment of a teacher is needed for the benefit of students, colleagues, and/or the community, including but not limited to investigatory periods, the administration shall provide due process as required by Federal law.

It will be the responsibility of the Superintendent to establish administrative guidelines which ensure that the proper standards have been applied and the proper procedures have been followed when a principal decides to place a teacher on an administrative leave of absence with pay or make a temporary administrative reassignment of a teacher.

Any leave of absence with pay that will exceed fifteen (15) instructional days must be approved by the Board.

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MILITARY SERVICE

3437 - **MILITARY SERVICE**

The School Board recognizes that military service by professional staff members is a service benefiting the entire school community and the Board is committed to supporting this service by providing military leave to eligible professional staff members. The Board reserves the right to establish conditions for leaves of absence for military service and reemployment in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as amended and Indiana law.

As used in this policy, "military service" means the performance of duty on a voluntary or involuntary basis in a uniformed service of the United States, including:

A. Federal active duty including Reserve and Guard members who have been called up;

B. Federal active duty for training;

C. Initial federal active duty for training;

D. Inactive duty drills and annual training;

E. State active duty for the Indiana National Guard;

F. Absence from work for an examination to determine a person's fitness for federal or State duty; and

G. Funeral honors duty.

A professional staff member on leave for military service shall receive compensation in accordance with applicable law during the period of leave and shall continue to accrue seniority subject to any applicable collectively bargained agreement during the period of leave for military service. Staff members on leave for military service are entitled to continued health insurance coverage as if they were not on leave during absences for drills and absences for annual training. During leave for drills and annual training of not more than fifteen (15) consecutive or non-consecutive days per calendar year the staff member shall be entitled to continue to receive their pay from the School Corporation and retain their military pay.

For other absences for military service, a staff member may elect to continue health insurance coverage for the staff member and dependents under to the following conditions. For periods of up to thirty (30) days of military training or service, the staff member shall be required to pay only the normal staff member share of the premium for this continued coverage. For longer periods of military service, the staff member shall have the option to continue health insurance coverage by paying 102 percent of the full employer and employee premium. If the staff member elects to take this coverage, the right to that coverage ends on the earlier of the day after the deadline for the staff member to apply for reemployment or twenty-four (24) months after the absence for military leave began. A professional staff member on leave for military service is entitled to all additional rights provided to professional staff members for non- military leaves of absence.

A professional staff member's right to re-employment under USERRA is subject to a cumulative five (5) year total for all federal active duty except where the staff member's military obligation is involuntarily extended. Annual training and drills for reserve component and National Guard members are not included in computing the service for purposes of the five (5) year cap.

Where a professional staff member has options as to when to take military leave, the staff member shall make every effort to schedule the leave to minimize the absence from their duties for the School Corporation. Professional staff members shall include a copy of any applicable military orders in their application for leave for military service. The staff member shall submit notice of the need for this leave to the Superintendent or a designee as soon as the staff member learns of the need for the leave unless giving advance notice is impossible, unreasonable, or precluded by military necessity as determined by the Department of Defense.

Credit for periods of leave for military service by professional staff members for purposes of the Indiana State Teachers' Retirement Fund shall be governed by the statutes applicable to that retirement fund and the rules adopted by the Fund. See Ind. Code 5-10.4-4- 8(b).

Legal
I.C. 10-16-7
I.C. 10-17-4
USERRA 38 USC 4301 et seq.

CREATING A POSITION

4111 - **CREATING A POSITION**

The School Board recognizes the need to establish positions which, when filled by competent, qualified support staff, will assist the Corporation in achieving the education goals set by the Board. The Corporation employs only U.S. Citizens and others lawfully authorized to work in the United States.

The Board reserves the right to:

A. fix the compensation and prescribe the duties to be performed by all support staff;

B. create new positions.

The Board may create a new position or increase the number of support staff in an existing position.

The Board shall seek the advice of its administrative staff in creating a new support position or increasing the number of support staff in an existing position, but the Board reserves the right to act unilaterally.

The Board shall, upon the advice of the Superintendent, consider the advisability of creating a new support position or of increasing the number of support staff in an existing position.

The Board delegates the right to fix and prescribe the duties of support staff to the Superintendent.

Legal
I.C. 20-26-5-4, 20-23-16-41
Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a

BOARD-STAFF COMMUNICATIONS

4112 - **BOARD-STAFF COMMUNICATIONS**

The School Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

A. **Staff Communications to the Board**

All communications from staff members to the Board or its committees shall be submitted through the Superintendent. This procedure is not intended to deny any staff member the right to appeal to the Board on important matters through established procedures.

B. **Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's problems, concerns, and actions.

C. **Social Interaction**

Both staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general problems of the School Corporation. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, discussions between staff and Board members of personalities or personnel grievances will be considered to be unethical conduct.

CONFLICT OF INTEREST

4113 - **CONFLICT OF INTEREST**

A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School Corporation employees, officers (that is, all members of the School Board), and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the Corporation.

To accomplish this, the School Board has adopted the following guidelines which apply to all Corporation employees, officers (that is, all members of the School Board), and agents to assure that conflicts of interest do not occur. These guidelines are not intended to be all inclusive; nor are they intended to substitute for good judgment.

An employee, officer (that is, all members of the School Board), or agent of the Corporation making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-4.

1. No employee, officer (that is, all members of the School Board), or agent shall engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his/her Corporation responsibilities.

2. Employees, officers (that is, all members of the School Board), and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Corporation.

   Included, by way of illustration rather than limitation are the following:

   a. the provision of any private lessons or services for a fee

   b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or professional relationship with the Corporation through his/her access to Corporation records

   c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals

   d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer (that is, all members of the School Board), or agent or any business or professional practitioner with whom any employee has a financial relationship, as a

condition of receiving any grades, credits, promotions, approvals, or recommendations

3. Employees, officers (that is, all members of the School Board), and agents shall not make use of materials, equipment, or facilities of the Corporation in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

4. Employees, officers (that is, all members of the School Board), and agents shall not solicit gifts, travel packages, and other incentives from prospective contractors.

5. Employees, officer's (that is, all members of the School Board), or agent's shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee, as a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee, officer (that is, all members of the School Board), or agent provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee, officer (that is, all members of the School Board), or agent or the employee's officer's (that is, all members of the School Board), or agent's dependent who is under the direct or indirect administrative control of the employee, officer (that is, all members of the School Board), or agent or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee, officer (that is, all members of the School Board), or agent.

B. No conflict of interest will be deemed to be present if the Corporation employee's, officer's (that is, all members of the School Board), or agent's interest in the contract or purchase and all other contracts and purchases made by the Corporation during the twelve (12) months before the date of the contract or purchase was $250 or less.

C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the Corporation, all such exceptions will be made known to the employee's supervisor, or to the School Board if there is no supervisor, and will be disclosed to the Superintendent **before** entering into any private relationship.

D. To the extent that the Corporation has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the Corporation may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the Corporation is unable, or appears to be unable, to be impartial.

E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the Corporation. Upon discovery of any potential conflict of interest, the Corporation will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Corporation also will disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

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Legal

I.C. 20-26-3-4
I.C. 20-26-5-4
I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5
2 C.F.R. 200.112, 200.113, 200.318
7 C.F.R. 3016.36(b)(3) and 3019.42

EMPLOYMENT OF SUPPORT STAFF

4120 - **EMPLOYMENT OF SUPPORT STAFF**

The School Board recognizes that it is vital to the successful operation of the School Corporation that positions created by the Board be filled with qualified and competent staff.

The Board shall approve the employment and establish the term of employment for each support staff member employed by this Corporation.

All support staff employees not covered by the terms of a negotiated agreement are "at-will" employees. Their employment can be terminated with or without cause at any time. Only the Board has the authority to enter into any agreement for employment for any specified period of time with a support staff employee.

All applications for employment shall be referred to the Superintendent.

Anti-Nepotism

"Relatives" include: children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents/living in the same residence of a staff member.

Relatives of staff members may be employed by the Corporation, provided the relative being employed is not placed in a position in which the relative would be supervised by the staff member.

Non-Fraternization:

Corporation employees may not date, develop romantic relationships with, or have sexual relations with individuals who are the employee's supervisor or those whom they supervise.

Any relationship that interferes with the Corporation's culture of teamwork, the harmonious work environment, or the productivity of employees will be subject to discipline, up to and including termination.

Adverse workplace behavior - or behavior that affects the workplace that arises because of personal relationships - will not be tolerated. Corporation employees who disregard this policy will be subject to discipline, up to and including termination.

Any support staff member's intentional misstatement of fact material to their qualifications for employment or the determination of salary shall constitute grounds for dismissal.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all support staff.

VOLUNTEER FIREFIGHTERS

If a staff member is a volunteer firefighter and has notified the Corporation in writing, the Corporation may not discipline the staff member for: absence from duty by reason of responding to a fire or emergency call that was received prior to the time the staff member was to report to duty; leaving to respond to a fire or an emergency call if authorization to leave duty in response to a call received after reporting to work.

However, when an emergency call is received while the staff member is on duty, the staff member should notify the principal before leaving so coverage class can be arranged; an injury or absence from work because of an injury that occurs while the staff member is engaged in emergency firefighting or other emergency response, provided the staff member's absence from work due to each instance of emergency firefighting activity or other emergency response does not exceed six (6) months from the date of injury.

The Corporation shall require that the staff member who was injured while engaged in emergency firefighting or other emergency response provide evidence from a physician or other medical authority confirming treatment for the injury at the time of their absence and a connection between the injury and the employee's emergency response activities. Any such evidence shall be retained in a separate medical file created for the staff member and treated as a confidential medical record.

The Corporation shall require that the staff member present a written statement from the officer in charge of the volunteer fire department at the time of the absence, indicating the staff member was engaged in an emergency call at the time of his/her absence.

REQUIREMENTS FOR TITLE I PARAPROFESSIONALS

Targeted Assistance Plan (TAP) signifies that Title I funds are used to provide services to a select group of students who have been identified as failing or most at risk of failing to meet the State's challenging content and student performance standards.

Schoolwide Programs (SWP) permit a school to use Title I funds to upgrade the entire educational program of the school in order to raise academic achievement for all students.

Newly hired paraprofessionals – All paraprofessionals hired for a Title I-supported TAP or SWP shall have a secondary school diploma or its recognized equivalent and one of the following:

A. Completed two (2) years of study at an institution of higher education; or

B. Obtained at least an associate's degree; or

C. Met a rigorous standard of quality and demonstrated through a formal State or local academic assessment (ParaPro Assessment):

    1. knowledge of and the ability to assist in instructing, reading, writing, and mathematics; or

    2. knowledge of and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

D. One (1) year or 1,000 hours of previous employment experience in a school or working with children;

E. Passed annual school-level evaluations;

F. Completed forty-eight (48) credit hours of college-level classes;

G. Child Development Associate (CDA) Credentials;

H. Completed Local Educational Agency (LEA) required professional development modules/training;

I. Completed other requirements (LEAs may request approval from IDOE).

Existing paraprofessionals – All current paraprofessionals working for a Title I-supported program must:

A. have a secondary school diploma or its recognized equivalent;

B. not later than January 8, 2006, meet the requirements for newly hired paraprofessionals as described above.

Exceptions – These requirements do not apply to a paraprofessional:

A. who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or

B. whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties – Paraprofessionals working for a Title I-supported program may be assigned to:

A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;

B. assist with classroom management, such as organizing instructional and other materials;

C. provide assistance in a computer laboratory;

D. provide support in a library or media center;

E. conduct parental involvement activities;

F. act as a translator;

G. provide instructional services to students, if working under the direct supervision of a teacher;

H. perform limited duties beyond classroom instruction or duties that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.

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Revised 11/22/21
Revised 12/18/23

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Legal
I.C. 20-26-5-4

I.C. 35-44.1-1-4
I.C. 36-8-12-10.5

EMPLOYMENT OF PERSONNEL FOR EXTRA-CURRICULAR ACTIVITIES

4120.08 - **EMPLOYMENT OF PERSONNEL FOR EXTRA-CURRICULAR ACTIVITIES**

The School Board may find it necessary to employ on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees may be members of the School Corporation's support staff or individuals from the community or nearby areas.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

All part-time employees selected as coaches or activity sponsors who are not members of the professional staff are 'at-will' employees. Their employment can be terminated with or without cause at any time. No other representative of the Corporation has the authority to enter into any agreement for employment for any specified period of time with such an employee.

The Board requires that:

A. Prior to coaching football to students who are less than twenty (20) years of age, all head and assistant football coaches shall complete a certified coaching education course approved by the Indiana Department of Education (IDOE) not less than once during a two (2)-year period that:

    1. is sport specific;
    2. contains player safety content, including content on:
        a. concussion awareness;
        b. equipment fitting;
        c. heat emergency preparedness; and
        d. proper technique;
    3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
    4. awards a certificate of completion to a coach who successfully completes the course.

    If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)- year period, the coach shall complete instruction and successfully complete a test concerning the new information.

B. Prior to coaching students in grades 5-12, all head and assistant coaches of interscholastic sports other than football, including cheerleading, shall complete a certified coaching education course approved by the IDOE at least once during a two (2)-year period that:

    1. contains player safety content on concussion awareness;

2. includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;

3. requires a coach to complete a test demonstrating comprehension of the content of the course; and

4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach shall complete instruction and successfully complete a test concerning the new information.

C. A head or assistant coach of an intramural sport other than football who is coaching students in grades 5-12 may elect to complete the above-referenced certified coaching education course. If compliance with I.C. 20- 34-7 is required by the coaching certification requirements for the intramural sport that the head or assistant coach is coaching, the coach shall complete the above-referenced certified coaching education course.

D. A 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 as determined by the IDOE The sudden cardiac arrest training course shall include training in the use of an automated external defibrillator (AED). The coach, marching band leader, drama or musical leader, or extracurricular activity sponsor shall complete this required sudden cardiac arrest training prior to coaching or leading the activity.

The Corporation shall receive a certificate of completion from the provider for each coach, marching band leader, drama or musical leader, or extracurricular activity sponsor successfully completing the required sudden cardiac arrest training. The Corporation shall maintain all certificates of completion awarded for each individual who completes the sudden cardiac arrest training. A 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 who provides coaching or leadership services in good faith is not personally liable for damages in a civil action as a result of sudden cardiac arrest incurred by a student participating in an event in which students have an increased risk of sudden cardiac arrest except for an act or omission by the individual coach, leader or sponsor that constitutes gross negligence or willful and wanton misconduct.

The Superintendent shall require that each person employed as a coach or athletic activity sponsor is qualified, has cleared a background check required by State law and Policy 4121 - Personal Background Checks, References and Mandatory Reporting or Policy 8120 - Volunteers, and has received the training required by State law and this policy. Additionally, before the Corporation hires or allows an individual to coach an Indiana High School Athletic Association (IHSAA) recognized sport, the Corporation shall take the following steps:

A. ask the individual:

1. whether the individual is or has been accredited by the IHSAA; and
2. if the individual is or has been accredited by the IHSAA, whether the individual's accreditation has ever been suspended or revoked;

B. request references from the individual;
C. contact the references that the individual provides to the Corporation; and

D. contact the IHSAA to determine whether the individual's accreditation has ever been suspended or revoked.

The Corporation shall make a report to the Department of Child Services if a nonteaching coach has engaged in suspected child abuse or neglect.

The Corporation shall report to the IHSAA when a nonteaching coach accredited by the IHSAA has been convicted of an offense described in I.C. 20-28-5-8(c) or I.C. 20-26-5-11.2(b) or of a known comparable offense in another state.

The Corporation shall report to local law enforcement suspected misconduct by a nonteaching coach that may constitute a crime.

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Revised 2/25/19
Revised 6/22/20
Revised 11/22/21
Revised 5/22/23

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I.C. 20-26-5-11.2(b)
I.C. 20-26-14-8
I.C. 20-26-14-9
I.C. 20-28-5-8(c)
I.C. 20-34-7
I.C. 20-34-8

PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING

4121 - **PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING**

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the School Corporation's support staff.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as a professional staff member which shall include the following:

A. an expanded criminal history check as defined by I.C. 20-26-2-1.5

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

C. an expanded child protection index check in other states where employed or lived

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

E. beginning July 1, 2017, a search of the State child abuse registry

F. telephone inquiry with former employer(s)

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

H. 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

I. a detailed background history including all prior employment and volunteer positions

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

Eligibility

Each applicant shall certify under penalty of perjury their eligibility to be employed by the Board as a United States citizen or a qualified alien.

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

If a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one type of expanded criminal history check, the Board shall 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 Board also shall deny employment to an individual who has been 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. Likewise, the Board shall terminate the employment of an individual who has been 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.

Per I.C. 20-26-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item:

A. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.
B. Battery (I.C. 35-42-2-1), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
C. Domestic battery (I.C. 35-42-2-1.3), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
D. Contributing to the delinquency of a minor (I.C. 35-46-1-8). ( ) An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5.
E. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5.
F. An offense relating to controlled substances under I.C. 35-48-4, other than: 1) an offense involving marijuana or paraphernalia used to consume marijuana; or 2) an offense requiring license revocation under I.C. 20-28-5-8(c).

Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the applicant upon hiring.

The Board requires that an expanded criminal history check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of the applicant's employment before or not later than thirty (30) days after the start of the applicant’s employment by the Corporation.

The Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of the applicant's employment before or not later than sixty (60) days after the start of the applicant’s employment by the Corporation.

The Board requires that all references and, if applicable, the most recent employer provided by an applicant be contacted before the Corporation may hire the applicant.

The Board shall deny employment to a person who has been 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. Likewise, the Board shall terminate the employment of a person who has been 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.

The Board may deny employment to an applicant who is the subject of a substantiated report of abuse or neglect.

Each applicant shall certify under penalty of perjury the applicant's eligibility to be employed by the Board as a United States citizen or a qualified alien.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute or employ the applicant as a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee.

Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the applicant upon hiring.

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.

In implementing this requirement, the Corporation shall conduct the updated expanded criminal history checks for Corporation employees over a period not to exceed five (5) years by annually conducting updated expanded criminal history checks for at least twenty percent (20%) of employees who are employed by the Corporation on July 1, 2017.

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.

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.

In implementing this requirement, the Corporation shall obtain the updated expanded child protection index checks for Corporation employees over a period not to exceed five (5) years by annually obtaining updated child protection index checks for at least twenty percent (20%) of employees who are employed by the Corporation on July 1, 2017.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the applicant or employee:

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); or

C. has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b).

References

The Board requires that all references and, if applicable, the most recent employer provided by an applicant be contacted before the Corporation may hire the applicant.

Notwithstanding any confidentiality agreement entered into by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children

within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee committed an act resulting in a substantiated report of abuse or neglect.

Notwithstanding any confidentiality agreement entered into or amended after June 30, 2023 by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee was:

A. arrested;
B. charged with a criminal offense;
C. convicted of a criminal offense;
D. under court supervision or the supervision of a community correction program as the result of a conviction for a criminal offense (including being placed on home detention, work release, or intermittent incarceration;
E. the subject of a protection order; or
F. named as a defendant in a civil action if the civil action could affect the safety of students.

Information and records obtained from inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee or any other mandatory State reporting requirements.

Mandatory Reporting

During the course of employment with the Corporation, each support staff employee shall be required to report the arrest or the filing of criminal charges against the employee; conviction of the employee in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c); conviction of the employee in Indiana or another jurisdiction for an offense listed in I.C. 20-26-5-11.2(b) or I.C. 20-26-5-11.2(c); and substantiated report of child abuse or neglect of which the employee is the subject to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction or substantiated report of child 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 employee who was convicted or the subject of a substantiated report of child abuse or neglect.

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Revised 4/24/17
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Legal
I.C. 5-2-22
I.C. 10-13-3
I.C. 20-26-2-1.3
I.C. 20-26-2-1.5
I.C. 20-26-5-10
I.C. 20-26-5-10.5
I.C. 20-26-5-11
I.C. 20-26-5-11.5
I.C. 20-28-5-8

NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

4122 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

NONDISCRIMINATION

The School Board (hereinafter referred to as "the Board" or "the Corporation") does not discriminate based on a person's Protected Class(es) in its education programs or activities and does not tolerate unlawful harassment. Protected Classes (which also may be referred to as Protected Categories) include race, color, national origin, sex (including pregnancy, childbirth, and related conditions), disability, age, religion, military status, ancestry, genetic information, or any other legally protected characteristics. The Board is an equal opportunity employer.

The Board is committed to providing a work environment that is free from Prohibited Conduct (as defined below), responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all Corporation operations, and this policy applies to Prohibited Conduct occurring within or as a part of the Corporation's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct ongoing remedies as reasonably necessary to restore or preserve access to the Corporation’s education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the grievance procedures described below.
B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.
C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

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

Complainant:

A. an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or
B. a person other than an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the Corporation's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint: an oral or written request to the Corporation that objectively can be understood as a request for the Corporation to investigate and make a determination about alleged Prohibited Conduct.

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

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

Disciplinary sanctions: consequences imposed on a Respondent following a determination that the Respondent engaged in Prohibited Conduct.

Education programs or activities: all the Corporation's operations including but not limited to in-person and online, remote or virtual educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Corporation on school grounds or on other property owned or occupied by the Corporation. It also includes events and circumstances that take place off school property/grounds but over which the Corporation asserts disciplinary authority (e.g., at off-campus activities sponsored by the Corporation).

Exculpatory evidence: evidence that is favorable to a Respondent because it helps excuse, justify, or absolve a Respondent of alleged wrongdoing and tends to establish that a Respondent did not engage in Prohibited Conduct.

Genetic information: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment**: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.
B. **Disability Harassment**: harassment based upon a person's disability, including harassment based upon stereotypes about individuals with disabilities in general or about an individual's particular disability. It also includes harassment based on traits or characteristics linked to an individual's disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.
C. **National Origin/Ancestry Harassment**: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).
D. **Race/Color Harassment**: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.
E. **Religious (Creed) Harassment**: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.
F. **Sexual Harassment** (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

    1. Sexual Harassment covered by Policy 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 2266.
    2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual

harassment include, but are not limited to:

a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching, and obscene gestures.
b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).
c. Rape, sexual assault, or other acts of sexual violence.
d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work environment; asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).
e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).
h. Harassment based on pregnancy, childbirth, or related medical conditions, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment or creates a hostile or abusive employment environment.

Inculpatory evidence: evidence that links a Respondent to alleged wrongdoing and tends to establish that a Respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of the Indiana organized militia. It further includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

Party: a Complainant or Respondent.

Pregnancy, childbirth, or related medical conditions:

A. "Pregnancy" and "childbirth" refer to the pregnancy or childbirth of a specific employee and include but are not limited to current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).
B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee and may include: termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Relevant: related to the allegations of Prohibited Conduct under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged Prohibited Conduct occurred.

Remedies: measures provided, as appropriate, to a Complainant or any other person the Corporation identifies as having had their equal access to the Corporation's education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the Corporation's education program or activity after the Corporation determines that Prohibited Conduct occurred.

Respondent: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation: intimidation, threats, coercion, or discrimination against any person by the Corporation, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or

service under the Corporation's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

Supportive measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the Complainant or the Respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the Corporation's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Corporation's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings, training related to Prohibited Conduct, and other similar measures.

Third Parties: 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).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth or because the person uses birth control or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the Corporation undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information.

Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with GINA, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Corporation's application process.

The Corporation recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. However, the Corporation prohibits its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information while working.

If the Corporation either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The Corporation Compliance Officer (see below) shall be responsible for overseeing the Corporation's compliance with applicable Federal regulations and promptly handling any inquiries or complaints. The Corporation Compliance Office or designee also shall verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all Corporation requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the Americans with Disabilities Act ("ADA") or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of School Trustees, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

The Corporation offers health services, including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic

information may be provided to the individual receiving the services and to the person's health services providers, but only genetic information in aggregate form will be provided to the Board.

Corporation Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "Corporation Compliance Officer(s)" or "CO(s)"):

Superintendent
5327 N Cougar Road, New Carlisle, IN 46552
574-654-7273

Superintendent's Designee/New Prairie United School Corporation
5327 N Cougar Road, New Carlisle, IN 46552
574-654-7273

The Board designates the Superintendent as the individual who is ultimately responsible for oversight over the Board's compliance with applicable Federal and State laws and regulations that prohibit discrimination based on the basis of protected classes and retaliation.

The Corporation Compliance Officer may delegate specific duties to one (1) or more designees.

The contact information concerning the Corporation Compliance Officer(s) will be published on the Corporation's website and annually on each individual school's website.

The Corporation Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a Complaint (i.e., either the Complainant or the Respondent). Under such circumstances, the CO(s) shall report directly to the Board President until the matter in which the Superintendent is a party is concluded.

Questions about this policy should be directed to the Corporation Compliance Officer(s).

The CO(s) is/are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act ("GINA"), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Copies of the laws and regulations listed above are available upon request from the CO(s).

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the Corporation community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have

not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the Corporation's education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to: students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the Notice of Nondiscrimination on the Corporation's website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of employees. See Form 4122 F2 - Notice of Nondiscrimination and Complaint Procedures (Including Title II, Title VI, Title VII, Section 504, and ADA).

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours).

All Corporation employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Corporation employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Corporation employee must notify the/a CO within two (2) days of learning the information or receiving the report. The Corporation employee also must comply with mandatory reporting responsibilities pursuant to I.C. 31-33-5-2 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Corporation employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Corporation employee's attention and the reporting individual submitted a written notification/report or complaint to the Corporation employee, the Corporation employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or Complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Board President or Corporation Legal Counsel or another Corporation employee who, in turn, will

notify the Superintendent of the report/complaint. The Board President or Corporation Legal Counsel will then serve in place of the CO for purposes of addressing that report of Prohibited Conduct.

When a Corporation employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged Respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the Complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly (i.e., within two (2) days of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported 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 Complaint, and explain to the Complainant the process for filing a Complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Corporation to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or other individuals who are participating or attempting to participate in the Corporation's education programs or activities (i.e., members of the Corporation community and third parties), or by the CO, alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct, unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievance procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy.

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the Corporation investigate and determine whether Prohibited Conduct occurred:

A. A "Complainant," which includes:

    1. an employee of the Corporation who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or
    2. a person other than an employee of the Corporation who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a time when that individual was participating or attempting to participate in the Corporation's education programs or activities;

B. An authorized legal representative with the legal right to act on behalf of a Complainant;
C. Corporation Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the Corporation; or
B. any person other than an employee who was participating or attempting to participate in the Corporation's education programs or activities at the time of the alleged Prohibited Conduct.

The Corporation may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the Corporation's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The Corporation will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the Corporation Compliance Officer, the investigator, the decision-maker, and the appeal decision-maker, and the facilitator of the informal resolution process, shall be free from any conflicts of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent.

The CO may serve simultaneously as an investigator and/or a decision-maker.

If the CO does not intend to serve as the investigator/decision-maker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decision-maker in a specific case, the CO shall and Board President (as appropriate), secure one (1) or more independent third parties to serve as the investigator and/or decision-maker.

The Corporation presumes that the Respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. Evaluation – The Corporation Compliance Officer will determine whether to dismiss a Complaint or investigate it within ten (10) days of receiving the Complaint.
B. Investigation – The CO, or designated investigator/decision-maker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within twenty (20)days of the CO determining the charges require investigation.

   If, however, the CO, or designated investigator/decision-maker, determines that the investigation is going to take longer, the CO will so notify the parties and will thereafter keep the parties informed of the status of the matter on a regular basis.
C. Appeal – A party filing an appeal of the CO's decision to dismiss a Complaint or the Determination must do so within five (5) days of receiving the Dismissal or Determination.

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The Corporation will take reasonable steps to protect the privacy of the parties and witnesses. These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decision-maker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered, except by the Corporation to determine whether one (1) of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily waived the privilege or confidentiality; and
B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the Corporation obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the Corporation Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures and informal resolution process associated with claims involving Prohibited Conduct;
B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and
C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a Complaint of Prohibited Conduct if:

A. the Corporation is unable to identify the Respondent after taking reasonable steps to do so;
B. the Respondent is not participating in the Corporation's education program or activity and is not employed by the Board;
C. the Complainant voluntarily withdraws any or all of the allegations in the Complaint, the CO declines to initiate a Complaint, and the Corporation determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Prohibited Conduct even if proven; or
D. the Corporation determines that the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the Complaint, the CO will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the CO will promptly notify, in writing, the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the Respondent of the dismissal and the basis for the dismissal.

The CO will further notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of the Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the CO will also notify the Respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;
B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
B. implement appeal procedures equally for the parties;
C. ensure that the appeal decision-maker did not take part in the original dismissal of the Complaint;
D. ensure that the appeal decision-maker has been trained consistent with this Policy;
E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
F. notify the parties of the result of the appeal and the rationale for the result.

When a Complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the Complainant as appropriate;
B. if the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the Corporation's education programs or activities.

Informal Resolution Process:

In lieu of resolving a Complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The Corporation will not offer an informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law.

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the Corporation decides to investigate additional allegations of Prohibited Conduct by the Respondent toward the Complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different Complaint involving the same Respondent, the CO will notify the parties of the additional allegations.

Investigation:

The Corporation will provide for an adequate, reliable, and impartial investigation of Complaints.

The burden is on the Corporation — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decision-maker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and

not otherwise impermissible.

The CO, or the designated investigator/decision-maker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decision-maker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decision-maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decision-maker will not determine that Prohibited Conduct occurred.
B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination.
C. Not impose discipline on a Respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in Prohibited Conduct.
D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:

    1. coordinate the provision and implementation of remedies to a Complainant and other people the Corporation identifies as having had equal access to the Corporation's education programs or activities limited or denied by the Prohibited Conduct;
    2. coordinate the imposition of any disciplinary sanctions on a Respondent; and
    3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the Corporation's education programs or activities.

E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a Respondent.
F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

Appeal of Determinations:

If a party disagrees with the decision-maker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within five (5)days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;
B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decision-maker, had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that would change the outcome.

The Complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

The CO will designate an appeal decision-maker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained.

The CO has authority, in consultation with and approval of the Superintendent or Board President (as appropriate), to secure an independent third party to serve as the appeal decision-maker.

In designating an appeal decision-maker, the CO will work with the Board to identify and appoint an independent third party to serve as the appeal decision-maker – this individual shall be considered to be the Board's designee and will submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO who will send it simultaneously to the parties.

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;
B. implement appeal procedures equally for the parties;
C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;
D. provide the appeal decision-maker with the relevant and not otherwise impermissible evidence and the Determination; and
E. notify the parties, in writing, of the result of the appeal and the appeal decision-maker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal or Determination

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have five (5) days to provide the appeal decision-maker with a statement in support of their position. Once the decision-maker receives the statement (or the deadline for filing such a statement expires), the appeal decision-maker will have ten (10) days to issue a decision on the appeal.

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe, in detail, the evidence, including how and when it was discovered/obtained, and explain why it was not reasonably available during the investigation (i.e., prior to the Determination). If the appeal decision-maker accepts the proffered explanation, the appeal decision-maker should remand the case back to the investigator/decision-maker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decision-maker.

The appeal decision-maker shall determine the outcome of the appeal based on the appeal decision-maker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence and the written determination) and the appeal decision-maker's application of the law and Board policy to the facts in the record. The appeal decision-maker must give due deference and due weight to the

decision-maker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record, read in its entirety, compels a contrary conclusion. Generally, the appeal decision-maker is expected to uphold the original Determination unless the appeal decision-maker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decision-maker shall simultaneously notify the parties, in writing, of the result of the appeal and the rationale for the outcome.

The appeal decision-maker's decision shall be final.

Supportive Measures:

The Corporation will offer and coordinate supportive measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the Corporation's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the Corporation's provision of support measures does not require the Corporation, Board employees, or any other person authorized to provide aid, benefit, or service on the Corporation's behalf to alter the alleged discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include but are not limited to modifications of work schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings, training related to Prohibited Conduct, and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the Corporation's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The Corporation will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the Corporation may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The Corporation will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the Corporation's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee Respondent on administrative leave from employment

responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the Corporation may impose disciplinary sanctions, which may include:

A. oral or written warning;
B. written reprimands;
C. required training or education;
D. demotion;
E. suspension with pay;
F. suspension without pay;
G. termination; and
H. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The Corporation also may provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report, files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Indiana Constitution, Federal or State law, or this policy or because the individual made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a Code of Conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a Complaint or information reported about possible Prohibited Conduct, for the purpose of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a Complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The Corporation shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a Code of Conduct violation for making a materially false statement in bad

faith in the course of a grievance proceeding under this policy shall not constitute retaliation; provided, however, that a determination that Prohibited Conduct occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations. The Corporation will keep confidential the identity of any individual who has made a Complaint of Prohibited Conduct, any Complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Corporation's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During an investigation, the CO or designated investigator/decision-maker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to other members of the Corporation Community or third parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action, up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the Corporation community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S.

Constitution. In no case will a Respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment.

Training

All employees, investigators, decision-makers, facilitators of informal resolution process, the Corporation Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Training materials will be made available for inspection upon request by members of the public. **[END OF OPTION]**

Recordkeeping (Including Retention of Investigatory Records and Materials)

The Corporation Compliance Officer(s) is/are responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315 - Information Management) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Files, and Policy 8330 - Student Records for the period set forth below, unless required to be maintained for a longer period pursuant to the Corporation's records retention schedule.

The Corporation shall maintain, for a period of seven (7) calendar years, the following records:

A. for each Complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed, and the resulting outcome;
B. for each notification that the Corporation Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the Corporation took to implement this policy; and
C. all materials used to provide the training referenced above.

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, medical records).

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including but not limited to Corporation Compliance Officer, investigator, decision-maker, appeal decision-maker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Corporation Compliance Officer, investigator, decision-maker, appeal decision-maker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Corporation employee under this policy including but not limited to the functions assigned to the Corporation Compliance Officer, investigator, decision-maker, appeal decision-maker, and facilitator of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time and for any reason. The Board may apply policy revisions to an active case, provided that doing so is not clearly unreasonable.

Revised 2/27/12

Revised 7/22/13

Revised 6/20/16

Revised 11/22/21

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Legal
Fourteenth Amendment, U.S. Constitution
20 U.S.C. 1092(F)(6)(A)(v)
20 U.S.C. 1232g, Family Educational Rights and Privacy Act
20 U.S.C. Section 1681, Title IX of Education Amendments of 1972
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 201 et seq., The Fair Labor Standards Act ("FLSA")
29 U.S.C. 218d, PUMP for Nursing Mothers Act ("PUMP Act")
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
38 U.S.C. Chapter 43, 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act ("USERRA")
42 U.S.C. 1983
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act ("GINA")
42 U.S.C. 2000gg, Pregnant Workers Fairness Act ("PWFA")
42 U.S.C. 6101 et seq., Age Discrimination in Employment Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635 (GINA Regulations)
34 C.F.R. Part 99 (FERPA regulations)
34 C.F.R. Part 110 (7/27/93) (ADEA Regulations)

DRUG-FREE WORKPLACE

4122.01 - **DRUG-FREE WORKPLACE**

The School Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is free from the use of any controlled substance and alcohol.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance and alcohol, and any drug paraphernalia, by any member of the Corporation's support staff at any time while on Corporation property or while involved in any Corporation-related activity or event. An employee who reports for duty or attends a Corporation-sponsored function after using a controlled substance or consuming alcohol is in violation of this prohibition. Any staff member who violates this policy shall be subject to disciplinary action in accordance with Corporation guidelines and the terms of any collective bargaining agreement, if applicable.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful manufacture, possession, use, distribution, or dispensing of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement if applicable, and with other related Corporation policies.

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Legal
41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
20 U.S.C. 3224a, The Safe and Drug-Free Schools and Communities Act
34 C.F.R. Part 86
I.C. 34-2-1 et seq

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

4123 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The School Board prohibits discrimination against any employee or applicant based upon disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

Words used in this policy 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 unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who is alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Corporation community means students, Corporation employees (i.e., administrators, and professional and support 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).

An individual with a disability means a person who has a record of, or is regarded as having a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are 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.

Impairment That Substantially Limits a Major Life Activity

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 aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability

A qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

No qualified person with a disability will be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies because the Corporation's facilities are inaccessible to or unusable by persons with disabilities.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Compliance Officer

The Board designates the following individual(s) to serve as the Corporation's Compliance Officers (also known as Section 504 Compliance Officers/ADA Coordinators) (hereinafter referred to as the "COs")."
Superintendent
5327 Cougar Road
New Carlisle, IN 64552
574-654-7273
574-654-7274 (fax)

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and on each individual school's website.

The COs are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Investigation and Complaint Procedures (See Form 4123 F2)

Any employee 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 below. 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 below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal

procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one of the COs; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one of the COs, who either will facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve but is not limited to one or more of the following:

A. Advising the Complainant about how to communicate concerns to the Respondent.
B. Distributing a copy of Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment to the individuals in the school building or office where the Respondent works/attends school.
C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a principal, the CO, the Superintendent, or other Corporation official.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the formal complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

A. interview(s) with the Complainant;
B. interview(s) with the Respondent;
C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Superintendent.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's

disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR, EEOC or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a Corporation employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

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 this policy, 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 this policy 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 above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy 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 this policy. All individuals charged with conducting investigations under this policy 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 this policy;
B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
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/or the Corporation's response to the alleged violation of this policy;
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 this policy (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 this policy;
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 this policy;
J. documentation of any supportive measures offered and/or provided to the Complainant and 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 this policy (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.

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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Legal
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1630
34 C.F.R. Part 104

ASSIGNMENT AND TRANSFER

4130 - **ASSIGNMENT AND TRANSFER**

The School Board believes that the careful placement of support staff within the Corporation is vital to the utilization of qualified and competent support staff for the successful functioning of the Corporation.

Responsibility for the assignment and transfer of support staff members shall be vested in the Superintendent.

Legal
I.C. 20-26-5-4, 5-10-7-1 et seq.

TERMINATION AND RESIGNATION

4140 - **TERMINATION AND RESIGNATION**

TERMINATION

A support staff member may be suspended or terminated, upon a majority vote of the School Board, for violation of the policies of the Board or for any reasons not otherwise prohibited by law. In such cases, the Board shall provide the employee any required procedural due process.

RESIGNATION

Pursuant to State law, following submission of a resignation to the Superintendent, the employee may not withdraw or otherwise rescind that resignation. A notice of retirement is functionally equivalent to a resignation and thus falls within the meaning of the word "resignation" for purposes of this policy. The Superintendent shall inform the Board of the submission of that resignation at its next meeting. The Board may choose to accept that resignation, deny that resignation or take any other appropriate action relating to the termination or suspension of employment of the support staff member submitting the resignation. A resignation, once submitted, may not then be rescinded unless the Board agrees.

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Legal
I.C. 5-8-4-1

DISCIPLINARY ACTIONS

4150 - **DISCIPLINARY ACTIONS**

In the event of an infraction of Corporation rules or the laws of the State of Indiana by a support staff member, it shall be the policy of the School Board to take appropriate disciplinary measures up to and including dismissal.

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FITNESS FOR DUTY EXAMINATION

4160 - **FITNESS FOR DUTY EXAMINATION**

The Board reserves the right to require a current employee or applicant for employment (after a conditional offer of employment), to submit to a fitness for duty examination by a qualified healthcare provider to determine the employee or applicant's ability to meet the qualification standards and perform the essential functions of a position an application is being considered for or an employee is performing ("FFD exam"). A FFD examination shall be done in accordance with the Superintendent's guidelines and the examiner shall be provided with specific essential functions of the position in question.

Reports of all FFD examinations shall be delivered to the Superintendent or a named designee, who shall protect the confidentiality of the FFD exam report and its contents. In agreeing to perform the FFD exam, the healthcare provider and the examinee shall agree that no treatment relationship or privileged communication shall occur between the FFD examiner and the applicant or employee. The report of the examiner may be shared with the employee or candidate and made a part of a personnel record on the examinee maintained by the Board. However, the report shall be filed separately from an applicant/employee's other personnel documents so that the report and related documents are accessible only to the Superintendent and specific designees. Failure to protect the confidentiality of a FFD exam report and related documents shall be a basis for discipline of an employee permitting the disclosure.

In the event of a report of a condition that could adversely impact the examinee's performance of an essential function of the position occupied or applied for, the Superintendent shall base a recommendation to the Board on the examinee's employment on the assessment of the healthcare provider who conducted the FFD exam as to whether the examinee will be able to meet the qualification standards and perform or continue to perform the essential functions of the position in question.

Employees and applicants referred for a FFD exam will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the results of the healthcare provider's FFD exam to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the FFD examination if clarification is needed (see Form 4160 F2).

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, a FFD examiner shall be advised not to seek, collect, or report genetic information, including the candidate's family medical history.

The cost of a FFD exam shall be paid for by the Board. An employee shall be paid for the time required for the FFD exam and for travel at the per mile rate established by the Board. A candidate for employment shall not be eligible for mileage reimbursement.

The report of the healthcare provider performing the FFD exam shall be the property of the Board and shall be exempt from disclosure pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3). A FFD exam report and related documents will be maintained in a separate confidential personnel file in

accordance with the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA).

Revised 12/16/10

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Legal
29 C.F.R. Part 1630
29 C.F.R. Part 1635
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990 , as amended by the ADA Amendments Act of 2008
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

UNREQUESTED LEAVES OF ABSENCE

4161 - **UNREQUESTED LEAVES OF ABSENCE**

It is the policy of the School Board to protect students and employees from the support staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a support staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the support staff member will be offered the opportunity for a meeting to discuss these issues.

If a support staff member refuses to attend the meeting, the Board may order the support staff member to submit to an appropriate examination by:

A. a physician designated and compensated by the Board;

B. a physician or institution of the support staff member's choice provided such physician or institution has been approved by the Board.

Where the physician designated by the Board disagrees with the physician designated by the support staff member, the two (2) physicians shall agree in good faith on a third impartial physician who shall examine the support staff member and whose medical opinion shall be conclusive and binding on the issue of ability to perform assigned duties with or without accommodation. The expenses of a third examination shall be borne by the Board.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 3122.02, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual’s family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the Corporation inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the support staff member is found to be unable to perform assigned duties with or without accommodation, the support staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year.

Should a support staff member refuse to submit to the examination requested by the Board and the support staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the support staff member to disciplinary action.

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Legal
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990
29 C.F.R. Part 1630

DRUG AND ALCOHOL TESTING OF CDL HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS-DS

4162 - **DRUG AND ALCOHOL TESTING OF CDL HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS**

The School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with School Corporation-owned and/or operated ('Corporation-owned') vehicles (collectively, 'Covered Employees') must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.

To that end, the Board has established this policy and others related to employees' health and well-being.

The Board expects all Drivers to comply with Board Policy 4122.01 - Drug-Free Workplace, which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the board concurs with the Federal requirement that all Drivers should be free of any influence of alcohol or controlled substances while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all Drivers.

Covered Employees

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.

Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply:

A. The term **alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. This term is a volume breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test as described herein.
B. The term **illegal drug** means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
C. The term **controlled substance** includes the possession or use of any drug which is unlawful pursuant to Federal, State and local laws and regulations, 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. This term includes but is not limited to marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, and 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 waiting to be dispatched, inspecting equipment, servicing, driving, loading or unloading Corporation-owned vehicles, as well as repairing, obtaining assistance, or remaining in attendance upon a disabled Corporation vehicle. 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.
F. The term **Driver** means all CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as other service employees who may drive students in Corporation-owned vehicles or inspect, repair, and maintain Coproration-owned vehicles, and employees who drive vehicles designed to transport sixteen (16) or more people, and are required to hold a CDL.
G. The term **while on duty** means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time they are relieved from work and all responsibility for performing work.
H. The term **CDL license holder** means all regular and substitute bus drivers, staff members who may drive students in Corporation-owned vehicles or inspect, repair, and maintain Corporation-owned vehicles, and staff members who drive vehicles designed to transport sixteen (16) or more people (including the driver), who are required to hold a CDL.

The Board will not tolerate the possession, use, sale, or distribution of alcohol and/or any controlled substance or drug other than those approved for administration by the appropriate school personnel on school property, at any time. All CDL license holders must comply strictly with this policy. Further, the Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substances while on duty.

The Superintendent shall establish a drug and alcohol testing program whereby each Covered Employee is tested for the presence of alcohol in their system as well as for the presence of the following controlled substances:

A. Marijuana
B. Cocaine
C. Opioids
D. Amphetamines
E. Phencyclidine (PCP)

The drug tests are to be conducted in accordance with Federal and State regulations and Administrative Guideline 4162A - Alcohol Testing Program for CDL Holders and Employees who Perform Safety-Sensitive Functions: a) prior to employment for controlled substances only, b) for reasonable suspicion, c) upon return to duty after any alcohol or drug rehabilitation, d) post-accident, e) on a random basis, and f) on a follow-up basis.

The Superintendent shall require that the Corporation query the FMCSA's Drug and Alcohol Clearinghouse for current and prospective CDL holders' drug and alcohol violations before allowing a

driver to operate a Corporation-owned and/or operated vehicle, consistent with Federal regulations, including consent requirements.

Any staff member who tests positive shall be prohibited from performing or continuing to perform safety-sensitive functions (e.g., driving any Corporation-owned vehicle) immediately and be referred to the Corporation's Employee Assistance Program and subject to discipline, up to and including discharge, in accordance with Corporation guidelines and the terms of any applicable collective bargaining agreements.

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety-sensitive position without having been evaluated by a qualified substance abuse professional (SAP), completing any required treatment program, and passing a retest. Return to a safety-sensitive position is solely at the Corporation's discretion and the employee may be required to participate in ongoing services if recommended by the SAP. Any staff member who has tested positive for alcohol or a controlled substance will be provided with a list of SAPs available and acceptable to the Corporation.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then the test will be considered positive and the employee shall be prohibited from driving any Corporation-owned vehicle and be referred to the Corporation's Employee Assistance Program.

Any staff member who refuses to submit to a test shall be prohibited from performing or continuing to perform their safety-sensitive functions (e.g., driving any Corporation-owned vehicle) immediately.

Staff members who voluntarily disclose that they have an addiction to alcohol or controlled substances may participate in the Employee Assistance Program and will qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such benefits are provided for or offered in the Corporation's health insurance package. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Board from disciplining a staff member for misconduct associated with their alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

If a staff member admits to failing a previous drug or alcohol test, or has refused to test, the staff member will not be permitted to perform safety-sensitive functions until completing the return-to-duty process.

A staff member will be subject to disciplinary action, up to and including termination, for any of the following reasons:

A. reports for duty or performs work while consuming or possessing alcohol or drives a school bus or performs safety-sensitive functions within six (6) hours after consuming alcohol;
B. reports for duty or performs work while consuming or possessing a controlled substance, or drives a school bus or performs safety-sensitive functions within six (6) hours after consuming a controlled substance, unless the controlled substance is consumed or possessed in accordance with a medical prescription issued by an Indiana physician to the staff member;
C. refuses to disclose any therapeutic drug use or submit to drug and/or alcohol testing;
D. alters or attempts to alter or unduly influence alcohol and/or drug testing results; or

E. fails to remain readily available for post-accident testing (including refraining from the use of alcohol for eight (8) hours following the accident or until undergoing a post-accident alcohol test, whichever occurs first, and notifying their supervisor of their location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test, unless the staff member's departure is to obtain necessary emergency medical care).

Prior to the beginning of the testing program, the Board shall provide a drug-free awareness program which will inform each Covered Employee about:

A. the dangers of illegal drug use and controlled substance and alcohol 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 topics identified in AG 4162A;
E. the sanctions that may be imposed for violations of Policy 4122.01.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at their overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the 'split specimen' at a Federally certified laboratory if so requested by a staff member. Requests for a 'split specimen' must be made within seventy-two (72) hours of receipt of the notification of a positive drug test. The Board will not pay for the employee's time while not on duty, if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under Federal law (i.e., test results shall be provided on a right to know basis - the employee, the employer, and the substance abuse professional - and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will be provided copies of any records relating to their use of drugs and alcohol, including any records pertaining to their drug and alcohol tests, promptly. A tested individual must provide specific written consent before their test result can be provided to any other person except as required by law.

All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified (i.e., testing procedures and devices used will be as set forth in 49 C.F.R. Part 40).

The alcohol and drug testing program shall be under the direction of the Superintendent.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse. The Superintendent shall arrange for periodic retraining of supervisors and staff members as necessary. The Superintendent shall provide a copy of this policy and testing guidelines to all Covered Employees and will include available resources to assist employees with problems related to the use of alcohol and controlled substances.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

A. testing of all first and second test urine samples
B. clear and consistent communication with the Corporation's Medical Review Officer (MRO)
C. methodology and procedures for conducting random tests for controlled substances and alcohol
D. preparation and submission of all required reports to the Corporation, the MRO, and to Federal and State governments

The Superintendent also shall select the agency or persons who will conduct the alcohol breathalyzer tests, the Corporation's MRO, and the drug collection site(s) in accordance with the requirements of the law.

Notification

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual also shall be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall notify the medical review officer immediately that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made (i) by the end of the business day following the day the individual first receives notice of the violation or (ii) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

Reporting Test Results

The Superintendent shall report all information required by Federal regulations to the Clearinghouse in a timely manner. The Superintendent shall prepare and maintain a summary of the results of the Corporation’s alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

Educational Materials Related to Certain Federal Regulations, Board Policies, and Procedures

CDL Holders and other employees who perform safety-sensitive functions will be provided educational materials that discuss the employer's policies and procedures with respect to post-accident information and positive test results, among other things, at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Board's policies and Corporation's procedures with respect to meeting these Federal regulations. The Board designates the Transportation Director or designeeas the individual responsible for providing educational materials to CDL Holders and other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

A. the contact information for the Transportation Director or designee,who is the individual designated by the Board to answer questions about the educational materials
B. a statement that all CDL Holders and other employees who perform safety-sensitive functions are subject to Federal law addressing the misuse of alcohol and other controlled substances
C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
D. information concerning prohibited conduct
E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances
F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations
G. the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations
H. an explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences
I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
J. the consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04
K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol and/or controlled substances problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management), and
L. information regarding the requirement that certain personal information collected and maintained under Federal law be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse
M. information indicating that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, is prohibited on all Corporation property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of such materials. A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each employee (and a labor organization representing Corporation employees) shall receive written notice of the availability of this information, and the

identity of the Board's designated representative in charge of answering employee questions about the materials.

Return-to-Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy 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. The employee will not be permitted to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the return-to-duty test.

Employees also must comply with the SAP's written follow-up testing plan, which will be administered by the Corporation, or they will not be permitted to perform safety-sensitive duties.

Subject to any collective bargaining agreement or other legal requirements, employees who are eligible to return to performing safety-sensitive functions may not do so without the approval of the Superintendent.

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Revised 7/22/13

Revised 6/22/20

Revised 7/27/20

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Legal
I.C. 20-27-8-1
I.C. 20-27-8-3(b)
34 C.F.R. Part 84
49 C.F.R. Part 40
49 C.F.R. Part 382

SUBSTANCE ABUSE

4170 - **SUBSTANCE ABUSE**

The School Board recognizes alcoholism and drug abuse as treatable illnesses.

A staff member having an illness or other problem relating to the use/abuse of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a substance abuse problem rests with the staff member. Failure to do so, for whatever reason, will result in appropriate corrective or disciplinary action as determined by the Board.

No staff member will have his/her job security or promotion opportunities jeopardized solely on the basis of his/her request for counseling or referral assistance.

Staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

Please refer to Board Policy 4122.01 on Drug-Free Workplace for additional requirements for staff members.

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Legal
I.C. 20-26-5-4
29 U.S.C. 794

SUPPORT STAFF ETHICS

4210 – **SUPPORT STAFF ETHICS**

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. To maintain and promote these essentials, the School Board expects all support staff members to maintain high standards in their working relationships.

Support staff members in the performance of their professional duties will:

A. recognize basic dignities of all individuals with whom they interact in the performance of duties;
B. represent accurately their qualifications;
C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
E. keep in confidence all student or school related information unless such information needs to be shared in the discharge of their support responsibilities;
F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;
G. avoid accepting anything of value offered by another for the purpose of influencing judgment;
H. refrain from using their position or public property, or permitting another person to use an employee's position or public property for partisan political or sectarian religious purposes. This will in no way limit constitutionally or legally protected rights as a citizen.

REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS

4211 - **REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS**

The School Board recognizes that its employees teach its students by example and serve as a role model for students. It therefore requires that they exemplify high standards of honesty and integrity and comply with Indiana and Federal law and Board policies and administrative guidelines in their words and actions. To implement these expectations, the Board requires its employees to report possible violations of these Board standards to their immediate supervisor.

An employee who is aware of words or acts of a Board member or employee that may violate Federal or Indiana law, Board policy, or administrative guidelines shall bring the words or actions to the attention of the employee's immediate supervisor. If the immediate supervisor does not respond within a reasonable time, or the immediate supervisor is the officer or employee whose words or actions are in question, the employee shall make the report required by this policy to the Superintendent. If the words or acts that violate this policy are the Superintendent's words or acts, the report shall be made to the Board president. An employee also may report suspected malfeasance, misfeasance or nonfeasance by a public officer to the State Board of Accounts.

Employees are subject to disciplinary action, up to and including termination for knowingly or recklessly making a false report under this policy or failing to make a report required by this policy.

After a verbal report of a violation of this policy is made, the immediate supervisor will direct the reporting employee to put the report in writing. If a reporting employee requires assistance in making a written report, the immediate supervisor shall assist the reporting employee.

An employee making a report required by this policy shall be protected from discipline, retaliation, or reprisal for making a report required by this policy as long as the employee had a good faith belief in the truth and accuracy of the information reported at the time of the report. A report in compliance with this policy is not required if the employee confirms that another employee has reported the same words or actions.

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Legal
I.C. 5-11-1-9.5
I.C. 36-1-8-8

STUDENT SUPERVISION AND WELFARE

4213 - **STUDENT SUPERVISION AND WELFARE**

Support staff members shall maintain a standard of care for the supervision, control, and protection of students commensurate with assigned duties and. responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards

A. Each support staff member shall report immediately to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.

B. Each support staff member shall immediately report to a building administrator any knowledge of threats of violence by students.

C. A support staff member shall not send students on any personal errands.

D. A support staff member shall not associate or fraternize with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.

E. A support staff member shall not transport students in a private vehicle.

F. A student shall not be required to perform work or services that may be detrimental to his/her health.

G. If a student approaches a support staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the support staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the Corporation or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should a support staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such support staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.

H. Staff members shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.

I. Staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as

Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school- sponsored publication or production in accordance with Policy 5722.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, alleged child abuse, and any other record information.

Pursuant to the laws of the State and Board Policy 8462, each support staff member shall report to the proper legal authorities, immediately, any sign of suspected child abuse or neglect.

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STAFF-STUDENT RELATIONS

4213.01 - **STAFF-STUDENT RELATIONS**

The School Board wants to maintain a safe and healthy educational environment for students attending the School Corporation. The interactions between the Corporation employees and their students are of paramount concern. This policy addresses appropriate boundaries between Corporation employees and its students.

Sexual Relationships with Students Prohibited

Sexual conduct with or sexual relationships with students by a Corporation employee are prohibited. Any teacher, administrator, coach, school official, or staff member who engages in sexual conduct with a student may be disciplined, up to and including termination. That person's conduct also may constitute the crime of:

A. 'sexual battery,' under I.C. 35-42-4-8; or
B. 'child molesting' under I.C. 35-42-4-3 in the case of a child under fourteen (14) years of age; or
C. "child seduction" under I.C. 35-42-4-7; or
D. 'sexual misconduct with a minor' under I.C. 35-42-4-9 in the case of a child between the ages of fourteen (14) and sixteen (16).

The issue of consent is irrelevant in regard to the latter three (3) criminal charges. Any conduct that may constitute a crime shall be reported to local law enforcement.

Any employee accused of sexual conduct or a sexual relationship with a student may be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student, regardless of the age of the student, shall initiate the termination process for the employee.

Allegations Constituting Criminal Conduct or Child Abuse/Sexual Misconduct

The Corporation's administrators, including a Compliance Officer or designee, shall report to local law enforcement any conduct that may constitute a crime upon receiving a report of such conduct.

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to report that knowledge or suspicion to the Department of Child Services ("DCS") immediately.

Allegations made during harassment investigations:

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the alleged conduct may constitute abuse or neglect of a child, a report shall be made to DCS in accordance with State law and Board Policy.

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the conduct reported may constitute a crime, a report shall be made to local law enforcement.

Reports made to DCS or to local law enforcement do not terminate a Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Inappropriate Boundary Invasions by Corporation Employees

The Board prohibits inappropriate boundary invasions by a Corporation employee into a student's personal space and personal life.

Examples of inappropriate boundary invasions include, but are not limited to the following:

A. kissing, or other inappropriate physical conduct with a student;
B. telling sexual jokes to students;
C. engaging in talks containing sexual innuendo or banter with students;
D. talking about sexual topics that are not related to curriculum;
E. showing pornography to a student;
F. taking an undue interest in a student to develop a romantic or inappropriate relationship
G. initiating or extending contact with students beyond the school day for personal purposes;
H. using email, text messaging, websites, or other social media services to discuss personal topics or interests with students;
I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrator approval;

J. invading a student's privacy (e.g., walking in on the student in the bathroom or locker room, or asking about bra sizes or previous sexual experience);
K. going to a student's home or vice versa for romantic or inappropriate personal reason;
L. being overly touchy with students;
M. providing advice to or counseling a student regarding a personal problem (e.g., problems related to sexual behavior, substance abuse, mental or physical health, or family relationships) unless properly licensed and authorized to do so;
N. talking to a student about problems that normally would be discussed with adults (e.g., marital issues);
O. being alone with a student behind closed doors without a legitimate educational purpose;
P. telling a student "secrets" and having "secrets" with a student.

Disciplinary action, up to and including termination, may result from the violation of the above-stated boundary invasions.

Allegations Involving Conduct Unbecoming of the Teaching Profession/Suspension

The Superintendent shall report to the Indiana Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members convicted of sexual battery and, in accordance with Policy 4121 - Personal Background Checks, References, and Mandatory Reporting of Convictions and Substantiated Child Abuse and Arrests, shall suspend such employee from all duties that concern or involve the care, custody, or control of a child during the pendency of any criminal action for which that person has been arrested, summoned and/or indicted in that regard.

Revised 12/18/23
T.C. 8/25/25

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Legal
I.C. 31-33-5
I.C. 35-42-4-3
I.C. 35-42-4-7
I.C. 35-42-4-8
I.C. 35-42-4-9

STAFF GIFTS

4214 - **STAFF GIFTS**

The School Board discourages the presentation of gifts to support staff members by students and their parents because it could embarrass students with limited means and gives the appearance of currying favor.

It is the policy of the Board that no support staff member should expect or accept gifts for carrying out the terms of his/her assignment.

The Board does recognize, though, that gift-giving to support staff members at some special holidays fits the spirit of the season and gift-giving at the close of an academic year is a part of tradition. At these times, gifts other than money may be accepted.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

Support staff members shall not accept any form of compensation from vendors that might influence their recommendations on or raise a conflict of interest with respect to the eventual purchase of equipment, supplies, or services. See also Board Policy 4113 – Conflict of Interest. Furthermore, support staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, support staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the Corporation or a vendor with whom the Corporation is doing business, whereby an individual support staff member receives compensation in any form for services rendered.

Such compensation includes, but is not limited to cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a support staff member receives such compensation, albeit unsolicited, from a vendor, the support staff member shall notify the Superintendent, in writing, that s/he received such compensation and the compensation has been returned to the vendor.

A Corporation employee making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-4.

Revised 12/14/15

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Legal
I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5

2 C.F.R. 200.318
7 C.F.R. 3016.36(b)(3) and 3019.42

TOBACCO USE PREVENTION

4215 - **TOBACCO USE PREVENTION**

The School Board recognizes that the use of tobacco presents a health hazard that can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For the purposes of this policy "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; spit tobacco, also known as smokeless, dip, chew, nicotine pouch and snuff, in any form; and all electronic nicotine delivery systems (ENDS) such as e-cigarettes and vape and hookah pens.

The use of tobacco products poses health issues for the user and second-hand smoke is a threat to the personal health of others. In addition, nicotine is a powerfully addictive substance and the use of tobacco products could lead to a nicotine addiction. In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by support staff members at all times within any facility owned or leased or contracted for by the Board.

The Board also prohibits the use of tobacco anywhere 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 and shall remain in effect at all times. Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, special purpose buses, vans, trucks, and cars.

Employees who violate this policy shall be subject to disciplinary action in accordance with the applicable policies of the Board.

Revised 3/26/12
Revised 10/27/14

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Legal
I.C. 16-41-37
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

SUPPORT STAFF DRESS AND APPEARANCE

4216 - **SUPPORT STAFF DRESS AND APPEARANCE**

The School Board believes that support staff members set an example for the students in the School Corporation to follow.

The Board authorizes the development of standards for staff dress and appearance that promote a professional educational atmosphere that gives consideration to the impact on the educational process and the diversity of the School Corporation's staff.

When assigned to Corporation duty, all staff members shall:

A. be physically clean and neat;

B. dress in a manner consistent with their support responsibilities;

C. dress in a manner that communicates to others a pride in personal appearance;

D. dress in a manner that does not cause damage to Corporation property;

E. appear in such a way that does not disrupt the educational process or cause a health or safety hazard.

The established standards for dress and appearance shall be upheld in a nondiscriminatory and uniform manner.

Revised 5/22/23

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WEAPONS

4217 - **WEAPONS**

Except for a person who legally may possess a firearm and has been authorized by the School Board to carry a firearm in or on School Corporation property, the Board prohibits support staff members 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 support staff member is not prohibited from possessing a firearm or ammunition that is locked in the trunk of the support staff member's vehicle, kept in the glove compartment of the support staff member's locked vehicle, or stored out of plain sight in the support 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 legally may 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, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, or endangering the health or 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 (such as bombs, incendiary devices, grenades, Molotov cocktails, rockets with a propellant charge of more than four (4) ounces, etc.). A "knife" is defined as "an instrument that: 1) consists of a sharp edged 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))

The possession of pocket knives intended for use by the employee in connection with their job will be authorized by the New Prairie United School Corporation Board of Trustees.

The Superintendent will report an employee who violates this policy to law enforcement officials. The staff member also will be subject to disciplinary action, up to and including termination for violation of this policy.

This prohibition does not apply to weapons under the control of law enforcement personnel.

Exceptions to this policy include:

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.

Staff members must report knowledge of Weapon's possession and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

Revised 8/22/06
Revised 11/28/06
Revised 2/27/12
Revised 10/27/14

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Legal
I.C. 10-21-3
I.C. 20-33-9-1 et seq.
I.C. 34-28-7-2
I.C. 35-47-5-2.5
I.C. 35-47-9

EVALUATION OF SUPPORT STAFF

4220 - **EVALUATION OF SUPPORT STAFF**

The School Board recognizes the importance of implementing a program of support staff evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for support staff are to:

A. improve and reinforce the skills, attitudes, and abilities which enable a support staff member to be effective in achieving assigned job goals;

B. identify and remediate weaknesses which prevent a support staff member from achieving the goals of assigned duties.

The Superintendent shall prepare administrative guidelines for the conduct of support staff member evaluations.

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OUTSIDE ACTIVITIES OF SUPPORT STAFF

4231 - **OUTSIDE ACTIVITIES OF SUPPORT STAFF**

The School Board directs the Superintendent to promulgate the following guidelines so that support staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the Corporation. If nonschool activities threaten an employee's effectiveness within the School Corporation, the Board reserves the right to evaluate the impact of such activity upon the employee's responsibility to the Corporation.

A. Support staff members should not give school time to outside activities when there is not valid reason to be excused from assigned duties.

B. Support staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.

C. Support staff members shall not campaign on school property during school time in behalf of any political issue or candidate for local, State, or National office except on election day at election polls on school property.

D. Support staff members should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.

E. Support staff members should refrain from expressions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.

FREEDOM OF SPEECH IN NONSCHOOL SETTINGS

4310 - **FREEDOM OF SPEECH IN NONSCHOOL SETTINGS**

The School Board acknowledges the right of its support staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the Corporation, however, the support staff member's expression must be balanced against the interests of this Corporation.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which support staff member's expression could conflict with the Corporation's interests. In situations in which the support staff member is not engaged in the performance of their duties s/he should:

A. state clearly that his/her expression represents personal views and not necessarily those of the School Corporation;
B. not discuss with others any individual with whom s/he would normally be in daily contact in the performance of duties, in order to avoid the disruption of cooperative staff relationships;
C. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;
D. not make abusive or personally defamatory comments about co-workers, administrators, or officials of the Corporation;
E. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy;
F. not make threats against co-workers, supervisors, or Corporation officials;
G. engaging in any expression in violation of this policy through social media platforms.

Violations of these guidelines may result in disciplinary action up to and including termination.

Legal
I.C. 20-28-10-14

THREATENING AND/OR INTIMIDATING BEHAVIOR TOWARD STAFF MEMBERS

4362.01 - **THREATENING AND/OR INTIMIDATING BEHAVIOR TOWARD STAFF MEMBERS**

The School Board believes that a staff member should be able to work in an environment free of threatening or intimidating speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning their physical well-being is strictly forbidden. Any threat to a member of staff made by a student, parent, visitor, staff member, or agent of this Board shall be reported to the principal, and the individual making the threat may be subject to discipline to further action.

State law requires that any individual who has reason to believe that a school employee:

A. has received a threat;
B. is the victim of intimidation;
C. is the victim of battery; or
D. is the victim of harassment

by any individual immediately notify the principal, and the principal shall immediately make an oral report to the local law enforcement agency.

Harassment based on a protected class shall be investigated under Policy 2266 - Nondiscrimination on the Basis of Sex Education Programs or Activities or Policy 4362 - Anti-Harassment, as applicable. Related policies can be found at Policy 4362 - Anti-Harassment, Policy 4362 - Anti-Harassment, and Policy 5517 - Anti-Harassment.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

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Legal
I.C. 20-33-9-1 et seq.
I.C. 35-42-2-1
I.C. 35-45-2-1
I.C. 35-45-2-2

GROUP HEALTH PLANS

4419 - **GROUP HEALTH PLANS**

The School Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. Group health plans, as the term is used in this policy, may include, but would not be limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefits to employees and eligible dependents as permitted by law.

The Board has elected to provide major medical coverage that provides minimum value coverage under the Affordable Care Act for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

Revised 2/23/15

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Legal
The Patient Protection and Affordable Care Act, 42 U.S.C. 18001 et seq.

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

4419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The School Board provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

A. Medical Plan

B. Prescription Drug Plan

C. Health Flexible Spending Accounts (FSA)

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Corporation Treasurer to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement after adoption policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Corporation Treasurer to serve as the Security Official of the group health plans.

The Security Official is responsible for monitoring Federal law pertaining to HIPAA and recommending any revisions to the policies and procedures that are needed to comply with Federal law. The Security Official is responsible for conducting a risk analysis and developing, proposing to the Board, and implementing policies and procedures adopted by the Board for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official is responsible for monitoring Federal law pertaining to HIPAA and recommending any revisions needed to comply with Federal law.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals.

Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability imposed is the result of intentional misconduct or gross negligence, as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

Revised 12/16/10
Revised 5/19/14

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Legal
29 U.S.C. 1181 et seq.
42 U.S.C. 300gg
42 U.S.C. 300jj et seq.
42 U.S.C. 1320d et seq.
42 U.S.C. 17901 et seq.
45 C.F.R. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)
45 C.F.R. 164.308
45 C.F.R. 164.530

PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

4419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The School Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Dental Plan

B. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Fully insured group health plans generally are exempt from many of the requirements imposed upon self- funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans.

All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The fully insured group health plans established by the Board shall:

A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with HHS, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the HHS, and the media (when required), if the plan or one (1) of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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42 U.S.C. 1320D-5(a)(1)
45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404
45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)

PATIENT PROTECTION AND AFFORDABLE CARE ACT

4419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The School Board acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the School Corporation. Such obligations may include the following:

A. The Corporation shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

   http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html

B. Employees of the Corporation have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the Corporation enrolls in the Health Insurance Marketplace and receives a subsidy, then the Corporation may be liable for a penalty.

   In the event that the Corporation concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the Corporation shall incur the potential penalty.

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29 U.S.C. 218B
26 U.S.C. 4980H

LEAVES OF ABSENCE

4430 - **LEAVES OF ABSENCE**

The School Board delegates to the Superintendent the responsibility to determine whether to grant a leave of absence of up to one (1) year's time. Any request for a leave of absence of one (1) year or more shall be submitted to the Board.

Leave of Absence for Members of National Guard or Reserve:

The Board shall grant a leave of absence in addition to a regular vacation period without loss of pay or time to any staff member who is a member of the Indiana National Guard, a reserve component of the U.S. forces, or a retired member of the naval, air, or ground forces of the United States and is on training duty for the State by order of the Governor or under the order of the reserve-component authority for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The staff member's vacation benefits, if any, will not be affected by this type of leave.

Leave of Absence for Active Duty Family Member:

A 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 is entitled to an unpaid leave of absence 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; or

C. during the thirty (30) days after the active duty orders are terminated.

The staff member or 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.

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.

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 shall permit the staff member to continue his/her health care benefits during the leave at the staff member's expense.

Revised 2/25/19

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Legal
I.C. 22-2-13
I.C. 10-16-7-1 et seq.
38 U.S.C. 4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)

FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

4430.01 - **FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

In accordance with Federal law, the Board of Education shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible classified staff members for the following reasons:

A-1. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;

B-1. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;

C-1. the staff member is needed to care for a spouse, son, daughter, or parent if such individual has a serious health condition;

D-1. the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2. A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

B-2. To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre- existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested

by: 1) a physical or mental condition with a VA Service Disability Rating of fifty percent (50%) or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

Duration of Service Member FMLA

A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.

B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member 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. This is a one time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General Provisions

Staff members are "eligible" if they have worked for the Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. Months and hours that reservists or National Guard members would have worked if they had not been called up for military service count towards the staff member's eligibility for FMLA leave/Service Member Family Leave. Employment service time may be aggregated when the break in employment service is less than seven (7) years, is for fulfillment of military obligations, or if the employee is subject to recall under a written agreement (NOTE: this includes a collective bargaining agreement). All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

For Service Member Family Leave, the use of the twenty-six (26) weeks will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

A. Inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

B. Continuing treatment by a health care provider, including:

    1. A period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves either in-person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity, absent extenuating

circumstances beyond the employee's control, or in-person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;

The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.

2. Any incapacity due to pregnancy or for prenatal care;
3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
5. Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

C. Conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent, or his/her designee, may allow a staff member to take FMLA leave intermittently or on a reduced schedule for the birth, adoption, or foster care placement of a child (see A-1 or B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or the care for a spouse, parents, or dependent child with a serious health condition as indicated in (see C-1 and D-1 on page one). Service Member Family Leave may also be taken on an intermittent or reduced-leave schedule when medically necessary.

The taking of such leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment or the staff member is taking Service Member Family Leave, the Superintendent, or his/her designee, may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties.

Staff Member Notice Requirement

Whenever the leave is foreseeable, the staff member shall provide the Superintendent, or his/her designee, with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical,

generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

Eligible employees who apply for FMLA leave to care for an immediate family member must submit DOL Form (WH-380-F; "Certificate 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").

When planning medical treatment or taking leave pursuant to Service Member Family Leave, the staff member must consult with the Superintendent, or his/her designee, and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the Corporation, subject to the approval of the healthcare provider.

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 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.

Substitution of Paid Leave

The Board shall require the staff member to substitute (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. sick leave, personal leave, vacation leave, family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave (see A- 1, B-1, and A-2).

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for either reason (C-1) or (D-1) on page one and B-2 on page two.

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation, personal leave, family leave or sick leave (per the applicable collective bargaining agreement) for unpaid Service Member Family Leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) week period of FMLA leave or twenty-six (26) week period of Service Member Family Leave, the additional weeks of leave to obtain the twelve (12) weeks of FMLA leave or twenty-six (26) weeks of Service Member Family Leave, the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Service Member Family Leave, such leave counts toward the twelve (12) week/twenty-six (26) week maximum leave allowance provided by this policy.

Corporation Notice Requirement

The Superintendent, or his/her designee, will notify the staff member when the Corporation intends to designate leave as FMLA- qualifying. Such notice may be given orally or in writing and should be given within five (5) business days of the request. When verbal notice is given, it will be followed by written notice within five (5) business days (see Form 4430.01 F3). In the case of intermittent or reduced schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent, or his/her designee, does not have sufficient information about the reason for the staff member's use of paid leave, the Superintendent, or his/her designee, may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent, or his/her designee, learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent, or his/her designee, will notify the staff member within five (5) business days that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement. The notification will indicate whether the employee is required to provide a fitness-for-duty certification to return to work.

Limits

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child. Additionally, the aggregate number of work weeks of leave to which both the husband and wife may be entitled pursuant to this policy is limited to twenty-six (26) work weeks during the single twelve (12) month period provided for in the Service Member Family Leave provision if the leave is taken pursuant to Service Member Family Leave or a combination of general FMLA leave and Service Member Family Leave.

Certification

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one), or Service Member Family Leave is taken, the staff member must provide medical certification from the healthcare provider of the eligible staff member, his/her immediate family member, or the next of kin of the individual. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

When FMLA leave is taken for either reason (C) or (D) above, or Service Member Family Leave is taken, the staff member must provide medical certification from the health care provider of the eligible staff member, his/her immediate family member, or the next of kin of the individual (see Form 4430.01 F2). The staff member may either:

A. submit the medical certification to the Superintendent, or his/her designee; or

B. direct the health care provider to transfer the medical certification directly to the Superintendent, or his/her designee, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

Staff members are not eligible for leave pursuant to this policy if they work elsewhere during leave pursuant to this policy.

In the event the staff member fails to provide medical certification, any leave taken by the employee is not FMLA leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days' notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible,

the employee must provide the requested certification to the Superintendent, or his/her designee, within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent, or his/her designee. The Corporation shall be responsible for maintaining a record of those communications.

The Board reserves the right to obtain, at its expense, the opinion of a second health care provider and, in the event of conflict, the opinion of a third health care provider whose decision shall be binding and final. The staff member may either:

A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the Superintendent, or his/her designee; or

B. direct the second or third health care provider to transfer his/her opinion directly to the Superintendent, or his/her designee, which will generally require the staff member to furnish the health care provider with a HIPAA- compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the staff member is not FMLA leave.

A staff member who takes leave for reason (D-1) on page one, prior to returning to work, must provide the Superintendent, or his/her designee, with a statement from his/her health care provider that s/he is able to resume work.

A staff member seeking to take leave pursuant to reason (A-2 or B-2) above must submit, in a timely manner to the Superintendent, or his/her designee, an appropriate certification as described by Federal regulations.

Return from Leave

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C-1) or (D-1) above or Service Member Family Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent, or his/her designee, shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Superintendent, or his/her designee, shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the Corporation has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent, or his/her designee.

Revised 10/27/08
Revised 3/22/10
Revised 12/16/10

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Legal
29 U.S.C. 2601 et seq.
29 C.F.R. Part 825
P.L. 110-181, Sec. 585 – National Defense Authorization Act (January 28, 2008)
P.L. 111-84, Sec. 565 - National Defense Authorization Act (October 28, 2009)

MILITARY SERVICE

4437 - **MILITARY SERVICE**

The School Board recognizes that military service by support staff members is a service benefiting the entire school community and the Board is committed to supporting this service by providing military leave to eligible support staff members. The Board reserves the right to establish conditions for leaves of absence for military service and reemployment in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as amended and Indiana law.

As used in this policy, "military service" means the performance of duty on a voluntary or involuntary basis in a uniformed service of the United States, including:

A. Federal active duty including Reserve and Guard members who have been called up;

B. Federal active duty for training;

C. Initial federal active duty for training;

D. Inactive duty drills and annual training;

E. State active duty for the Indiana National Guard;

F. Absence from work for an examination to determine a person's fitness for federal or State duty; and

G. Funeral honors duty.

A support staff member on leave for military service shall receive compensation in accordance with applicable law during the period of leave and shall continue to accrue seniority subject to any applicable collectively bargained agreement during the period of leave for military service. Staff members on leave for military service are entitled to continued health insurance coverage as if they were not on leave during absences for drills and absences for annual training. During leave for drills and annual training of not more than fifteen (15) consecutive or non-consecutive days per calendar year the staff member shall be entitled to continue to receive their pay from the School Corporation and retain their military pay.

For other absences for military service, a staff member may elect to continue health insurance coverage for the staff member and dependents under to the following conditions. For periods of up to thirty (30) days of military training or service, the staff member shall be required to pay only the normal staff member share of the premium for this continued coverage. For longer periods of military service, the staff member shall have the option to continue health insurance coverage by paying 102 percent of the full employer and employee premium. If the staff member elects to take this coverage, the right to that coverage ends on the earlier of the day after the deadline for the staff member to apply for reemployment or twenty-four (24) months after the absence for military leave began. A support staff member on leave for military service is entitled to all additional rights provided to support staff members for non-military leaves of absence.

A support staff member's right to re-employment under USERRA is subject to a cumulative five (5) year total for all federal active duty except where the staff member's military obligation is involuntarily extended. Annual training and drills for reserve component and National Guard members are not included in computing the service for purposes of the five (5) year cap.

Where a support staff member has options as to when to take military leave, the staff member shall make every effort to schedule the leave to minimize the absence from their duties for the School Corporation. Support staff members shall include a copy of any applicable military orders in their application for leave for military service. The staff member shall submit notice of the need for this leave to the Superintendent or a designee as soon as the staff member learns of the need for the leave unless giving advance notice is impossible, unreasonable, or precluded by military necessity as determined by the Department of Defense.

Credit for periods of leave for military service by support staff members for purposes of the Indiana State Teachers' Retirement Fund shall be governed by the statutes applicable to that retirement fund and the rules adopted by the Fund. See Ind. Code 5-10.4-4-8(b).

Legal
I.C. 10-16-7
I.C. 10-17-4
USERRA 38 USC 4301 et seq.

DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY

5111 - **DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY**

The School Board establishes the following policy for determining student eligibility to attend the schools of this School Corporation.

A. The Board will educate, tuition-free, students who have legal settlement in the Corporation, and students enrolled according to the requirements of I.C. 20-26-11.

B. Where the legal settlement of a student cannot reasonably be determined by reference to the residence of the student's parent or legal guardian and the student is being supported by and living with a person whose residence is within the Corporation, the student may be enrolled without payment of tuition.

C. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition-free, without regard to residency, to a school within the Corporation, as selected by the State Department of Human Services or the child placing agency responsible for placement of that child.

D. Foreign students participating in a foreign-exchange program approved by the Indiana State Board of Education and living with a resident host family will be admitted tuition-free.

E. The Corporation will provide a free education to those students who are considered by Federal law to be illegal aliens, if the student's parent or legal guardian has legal settlement within the Corporation, or is considered to be homeless by criteria established by the State (see Policy 5111.01 and AG 5111.01 - Homeless Students).

F. If a student's legal settlement is changed after the student has begun attending school in the Corporation in any school year, the effective date of withdrawal from the Corporation may, at the election of the parent, the student (if the student is at least eighteen years of age), or a juvenile court conducting a proceeding under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal), be extended to the end of the semester in which the change of legal settlement occurred. At the discretion of the Superintendent, the effective date of withdrawal from the Corporation may be extended to the end of that school year.

   Students who have completed the eleventh grade in this Corporation and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.

G. The School Corporation shall maintain proof of Indiana residency for each student enrolled in the Corporation who the Corporation counts for membership in the ADM count. This documentation of Indiana residency shall be placed in the student's electronic or hard copy

file. (See also Policy 6250 - Required ADM Counts for the Purpose of State Funding and Verification of Residency for Membership.)

Transportation from and to the site of the new legal settlement will not be provided by the Corporation for a student whose effective date of withdrawal is extended beyond the date of the change of legal settlement, unless the student has an Individualized Education Program (IEP) in which transportation is required to be provided as a related service.

H. A married student living with a spouse or a married or unmarried emancipated minor is eligible to attend school without payment of tuition if the student resides in the Corporation.

I. **Children of Divorced Parents**

Children of divorced parents may attend school in this Corporation without the payment of tuition if one (1) parent resides in this Corporation and an election is made utilizing the 'Custodial Statement and Agreement: Divorce, Separation, or Abandonment' form provided by the Indiana State Board of Education.

The parent with physical custody of the student or the student, if the student is at least eighteen (18) years of age, must notify the Superintendent of the school corporation in which the parents/student seek to have the student enrolled of their election to enroll the student in the Corporation. The election shall be made on a yearly basis and applies throughout the school year unless the student's parent no longer resides within the attendance area of the Corporation.

J. If a student's parent fails to inform the Corporation of the expulsion or withdrawal to avoid expulsion or the student fails to follow the terms and conditions established for enrollment, the Corporation may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion. Before consent is withdrawn, the student must be given an opportunity for an informal meeting with the principal. At the informal meeting, the student is entitled to:

    1. a written or verbal statement of the reasons for the withdrawal of consent;
    2. a summary of the evidence against him/her; and
    3. an opportunity to explain his/her conduct.

K. Out-of-state students whose parents do not have legal settlement within the Corporation but who present evidence that they will move into the Corporation within a short period of time may enroll in the schools of this Corporation as tuition students for the time not in residence.

L. Students who do not have legal settlement may be enrolled in the special education program of this Corporation pursuant to the provisions of a Cooperative agreement.

Transfer Student Whose Parent Is Employed by the Corporation:

The Corporation shall accept a transferring student who does not have legal settlement in the Corporation and whose parent is a current employee of the Corporation who resides in Indiana if: 1) the parent/employee earns an annual salary of at least: a) $8,000; or b) $3,000 earned due to being included an employee in the extracurricular portion of the Corporation's collective bargaining agreement; and 2) the Corporation has the capacity to accept the student. If the number of students who request to transfer to the Corporation under this section causes the Corporation to exceed its

maximum student capacity, the Board shall determine which students will be admitted as transfer students by a random drawing in a public meeting.

Nonpublic School Transfer Student

The Corporation shall accept a transferring student who resides in Indiana and who does not have legal settlement in the Corporation if:

A. The student attended an accredited nonpublic elementary school located in the attendance area of the Corporation for at least two (2) school years immediately preceding the school year in which the student transfers to a high school in the Corporation under this section;

B. The student is transferring because the accredited nonpublic school from which the student is transferring does not offer grades 9 through 12;

C. The majority of the students in the same grade as the transferring student at the accredited nonpublic school have legal settlement in the Corporation and will attend a school under the authority of the Corporation; and

D. The Corporation has the capacity to accept students.

If the number of students who request to transfer to the Corporation under this section causes the Corporation to exceed its maximum student capacity, the Board shall determine which students will be admitted as transfer students by a random drawing in a public meeting.

In addition to students with legal settlement in the Corporation, students without legal settlement in the Corporation (hereafter referred to as 'transfer students') will be enrolled in compliance with I.C. 20-26-11-32 and the following procedure:

A. By July 1st, the Board will establish the number of transfer students that can be accepted in each building and grade level.

B. The Board will establish a date by which requests to enroll a transfer student must be submitted to the Superintendent. This date shall be submitted to the Indiana Department of Education and published on the Corporation's Internet website.

C. Requests to enroll a student without legal settlement in the Corporation shall not be denied if the student is to be transferred:

    1. has been enrolled in the Corporation in the prior school year;

    2. is a member of a household in which any other member of the household is a student in the transferee school; or

    3. has a parent who is an employee of the Corporation who currently resides in Indiana and has a salary of at least $8,000 or $3,000 earned due to being included as an employee in the extracurricular portion of the Corporation's collective bargaining agreement, and the Corporation has the capacity to accept the student.

D. If the number of requests to enroll in each building and grade level exceeds the number established by the Board reduced by the number of transfers that may not be denied as described in paragraph (C) above, the students to be enrolled in each building and grade level shall be determined by random selection in which each application submitted on or

before the date established by the Board pursuant to paragraph (A) above has an equal chance of being selected.

Pursuant to State law, the Board may deny a student's application to transfer to the Corporation, discontinue enrollment of a transfer student currently attending, rescind approval of a student approved to attend in a subsequent year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year, if:

A. During the preceding twelve (12) months, the student has been suspended or expelled for:

    1. ten (10) or more school days;

    2. possession of a firearm, deadly weapon, or a destructive device;

    3. causing physical injury to a student, school employee, or visitor to the school; or

    4. a violation of the Corporation's drug or alcohol rules.

B. The student has a history of ten (10) or more unexcused absences, and the Board believes that, based upon the location of the student's residence, attendance would be a problem for the student if the student is enrolled in the Corporation.

All due process procedures applicable to Corporation students who are subject to discipline, including the expulsion procedure in I.C. 20-33-8-19, apply to transfer students during the school year. (See Board Policy 5610 - Suspension and Expulsion of Students)

For purposes of computing the number of days of suspension of the student requesting enrollment, student discipline received from a teacher pursuant to I.C. 20-33-8-25(b)(7) and I.C. 20-26-11-32(j) shall be included in the calculation of the number of school days that a student has been suspended.

The Board delegates authority to the Superintendent to deny a student's application to transfer to the Corporation, discontinue enrollment of a transfer student currently attending, rescind approval of a student approved to attend in a subsequent year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year if the student meets the criteria listed above.

Transportation may be provided at the discretion of the Board for transfer students accepted for enrollment on a limited basis, if buses and drivers are available. Specific route(s) and designation of central location bus stops will be established with board approval. Transfer students with an Individualized Education Program (IEP) in which transportation is required to be provided as a related service.

Transfer students will not be charged unless otherwise required by law.

Students Without Legal Settlement Attending Alternative Education Programs

Students without legal settlement in the Corporation may be accepted into an alternative education program operated by the Corporation even if the Corporation does not otherwise accept transfer students. The Board shall comply with I.C. 20-26-11-32(g), (h), (j), (k), and (l) with respect to those students.

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Revised 11/22/21
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Legal
I.C. 20-18-2-11 (legal settlement defined)
I.C. 20-26-11-1 (residence defined)
I.C. 20-26-11-2
I.C. 20-26-11-2.5 (divorced parent election)
I.C. 20-26-11-6.5 (children of school employees)
I.C. 20-26-11-6.7 (nonpublic school students)
I.C. 20-26-11-32 (student transfer requests, HEA 1381 - 2013; SEA 108 - 2017)
I.C. 20-26-11-33 (non-transfer student attending alternative education program)
I.C. 20-33-2 (compulsory school attendance)
I.C. 20-33-8-17 (expulsion for lack of legal settlement)
I.C. 20-33-8-19 (expulsion procedure; appeals; preparation of list)
I.C. 20-33-8-20 (maximum term of expulsion; enrollment in alternative program after expulsion or exclusion; reinstatement review)
I.C. 20-33-8-25 (additional disciplinary actions authorized)
I.C. 31-34-20-5 (determination and reporting of legal settlement of child)
I.C. 31-34-21-10 (review of child's legal settlement)
I.C. 31-37-19-26 (determination and reporting of legal settlement)
I.C. 31-37-20-7 (review of child's legal settlement)
Plyer v. Doe, 457 U.S. 202 (1982) (State Statute denying free public education to illegal immigrants violated the Equal Protection Clause of the Fourteenth Amendment)
Divorced Parents Agreement: http://www.doe.in.gov/sites/default/files/legal/formiii.pdf
Third Party Agreement:
http://www.doe.in.gov/sites/default/files/legal/custodialstatementinstructions.pdf

HOMELESS STUDENTS

5111.01 - **HOMELESS STUDENTS**

Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free, appropriate public education (FAPE) in the same manner as all other students of the School Corporation. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The Corporation shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The Corporation shall regularly review and revise its policies, including school discipline policies that impact homeless students, including those who may be a member of any of the Protected Classes (Policy 2260).

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

A. share the housing of other persons due to loss of housing, economic hardship, or similar reason

B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations

C. live in emergency or transitional shelters

D. are abandoned in hospitals

E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or

F. live in a car, park, public space, abandoned building, substandard housing[1], bus or train station, or similar setting

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth under the age of 21 and not in the physical custody of a parent or guardian.

Additionally, pursuant to Federal and State law, children or youth who are experiencing homelessness also includes migratory children who are living in circumstances described in A-F above.

Services to Homeless Children and Youth

The Corporation will provide services to homeless students that are comparable to other students in the Corporation, including:

A. transportation services;

B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:

    1. Title I programs;

2. programs for students with disabilities;
3. programs for English Learners (ELs) (i.e., students with Limited English Proficiency (LEP));
4. programs in career and technical education;
5. programs for gifted and talented students;
6. school nutrition programs; and
7. before- and after-school programs.

The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth, child welfare agencies, and community and school personnel responsible for the provision of education and related services to homeless children and youths. For more information on the role of the Liaison, refer to AG 5111.01.

School Stability

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the Corporation must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The Corporation must:

A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or

B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth, or the family of the child or youth, is actually living are eligible to attend.

When determining a child or youth's best interest, the Corporation must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

When determining the student's best interest, the Corporation also must consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). The Corporation also considers the school placement of siblings when making this determination.

If the Corporation finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent, guardian or unaccompanied youth, the Corporation must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

Immediate Enrollment

The Corporation has an obligation to remove barriers to the enrollment and retention of homeless students. If a school other than the student's school of origin is chosen on the basis of a best interest determination, the homeless student must be enrolled immediately, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate or previous academic records. The homeless student also must be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness or has outstanding fines or fees.

The enrolling school must contact the school last attended by the homeless student immediately to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must refer the parent, guardian or unaccompanied youth immediately to the local liaison, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or school corporation. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be taken into account in order to facilitate immediate enrollment.

In addition, it shall be the Corporation's responsibility to make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available).

Transportation

The Corporation promptly shall provide homeless students with transportation services that are comparable to those available to non- homeless students. At the request of the parent or guardian, or the liaison in the case of an unaccompanied youth, the Corporation shall provide, or arrange for, transportation to and from the student's school of origin.

A. If the homeless student continues to live in the Corporation, transportation shall be provided, or the Corporation shall arrange for the student's transportation, to/from his/her school of origin.

B. If the homeless student resides in another school corporation, but the best interest determination is that the student should continue his/her education at the school of origin in the Corporation, the Corporation and the school corporation in which the student now resides shall agree upon a method to equitably apportion responsibility for and costs of transportation to the school of origin.

C. If the homeless student resides in the Corporation, but the best interest determination is that the student should continue his/her education at the school of origin in another corporation, the Corporation and the school corporation in which the student's school of origin is located shall agree upon a method to equitably apportion responsibility for and costs of transportation to the school of origin.

D. When the student obtains permanent housing, transportation shall be provided to and from the school of origin until the end of the school year.

The mode of transportation shall be determined in consultation with the parent or guardian and shall be based on the best interest of the student.

In accordance with Federal law, the above transportation requirements apply during the resolution of any dispute. The Corporation will work with the State to resolve transportation disputes with other school corporations. Until the corporations reach agreement, the responsibility for and costs of transportation shall be shared equally.

If the disputing school corporation is in another State, the Corporation will turn to the State for assistance as Federal guidance says that both States should try to arrange an agreement for the school corporations.

Dispute Resolution

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the Corporation must follow its dispute resolution procedures, consistent with the State's procedures. If such a dispute occurs, the Corporation will enroll the homeless student immediately in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which s/he is eligible until all disputes and appeals are resolved.

Pursuant to Federal and State law and this policy, the Corporation will provide the parent, guardian or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the Corporation, along with a written explanation of appeal rights.

The Corporation's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including the following:

A. a description of the proposed or refused action by the school,

B. an explanation of why the action is proposed or refused,

C. a description of other options the school considered and why those options were rejected,

D. a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources, and

E. an appropriate timeline to ensure deadlines are not missed.

The Corporation's notice and written explanation shall include contact information for the Liaison and the State Coordinator, and a brief description of the roles of each. The Corporation's notice and written explanation also shall inform the parent, guardian or unaccompanied youth that the Liaison is responsible for providing information describing the State-level dispute resolution process and distributing the appropriate forms, if any, to all parties wanting to file an appeal.

To initiate the State-level appeals process, the parent, guardian, or unaccompanied youth may submit a written request to appeal the Corporation's decision to the State Board Liaison at the Indiana Department of Education (IDOE).

Any such appeal must be filed within five (5) days of the parent's receipt of the Corporation's notification of the placement decision.

All decisions and notices shall be drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities.

For children and youth and/or parents or guardians who are English Learners or whose dominant language is not English, the Corporation will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to federal laws.

The Corporation also will provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

Homeless Children in Preschool

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs, such as the Head Start program, administered by the Corporation. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the Corporation takes into account the same factors as it does for any student, regardless of age. It also considers pre-school age-specific factors, such as: 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; 3) the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 4) travel time to and from school.

The Corporation shall provide transportation services as described in the section above. Further, it is the Corporation's responsibility to provide the child with transportation to the school of origin even if the homeless preschooler who is enrolled in a public preschool in the Corporation moves to another school corporation that does not provide widely available or universal preschool.

Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the Corporation shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the Corporation shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries, in a manner and form understandable to the parents, guardians and unaccompanied youths.

Records

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory

personally identifiable information (PII) contained in student education records under FERPA. The Corporation shall incorporate practices to protect student privacy as described in AG 5111.01, AG 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

[1]**NOTE:** According to non-regulatory guidance from the U.S. Department of Education, standards for adequate housing may vary by locality. Please see *Education for Homeless Children and Youth Programs, Non-Regulatory Guidance*, U.S. Department of Education (ED), for factors to consider when determining whether a child or youth is living in "substandard housing."

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Legal
42 U.S.C. 11431 et seq. (McKinney - Vento Homeless Act)
I.C. 20-26-11-15
Indiana Enrollment and School Placement Dispute Resolution Procedures, http://www.doe.in.gov/sites/default/files/student-services/dispute-process_0.pdf

EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

5111.02 - **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

Children of an active duty member of the United States armed services shall be entitled to all of the rights and protections afforded under the Interstate Compact on Educational Opportunity for Military Children (Compact).

The intent of this policy is to minimize the potential challenges to educational success for children because of frequent moves and deployment of their parents by:

A. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities;

B. facilitating the on-time graduation of children of military families; and

C. providing for the uniform collection and sharing of information between and among schools and military families.

The Superintendent shall be responsible for maintaining guidelines for implementation of this policy which are consistent with the Compact and State law.

The guidelines shall apply to children of military families within the state as well as between participating states.

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Legal
Interstate Compact on Educational Opportunity for Military Children
I.C. 20-38-3

CHILDREN AND YOUTH IN FOSTER CARE

5111.03 - **CHILDREN AND YOUTH IN FOSTER CARE**

The School Board recognizes the importance of educational stability for children and youth in foster care. Further, the Board recognizes these children and youth as a vulnerable subgroup of students in need of safeguards and supports in order to facilitate a successful transition through elementary and secondary education and into college and/or careers. To that end, the School Corporation will collaborate with the Indiana Department of Education (IDOE), other school corporations, and the appropriate child welfare agencies to provide educational stability for children and youth in foster care.

Definitions

Children who meet the Federal definition of "in foster care" will be provided a free, appropriate public education (FAPE) in the same manner as all other students of the Corporation. To that end, students in foster care will not be stigmatized or segregated on the basis of their status. The Corporation shall establish safeguards that protect foster care students from discrimination on the basis of their foster care status or other of the recognized Protected Classes (Policy 2260). The Corporation shall regularly review and revise its policies, including school discipline policies that may impact students in foster care.

Consistent with the Fostering Connections Act, "foster care" means twenty-four (24) hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in:

A. foster family homes;

B. foster homes of relatives;

C. group homes;

D. emergency shelters;

E. residential facilities;

F. child care institutions; and

G. preadoptive homes.

A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made. (45 C.F.R. 1355.20(a)).

School Stability

The Corporation shall remove barriers to the enrollment and retention of children and youth in foster care in schools in the Corporation. Foster care students shall be enrolled immediately, even if they do

not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records, and other documentation.

The Corporation shall meet the Title I requirements for educational stability for children and youth in foster care, including those awaiting foster care placement. The Corporation shall identify which students are in foster care and shall collaborate with State and tribal child welfare agencies to provide educational stability for these children and youth. Corporation staff will work closely with child welfare agency personnel to develop and implement processes and procedures that include these enrollment safeguards:

A. a child/youth in foster care shall remain in his/her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;

B. if it is not in the child's best interest to stay in his/her school of origin, the child shall be enrolled immediately in the determined new school even if the child is unable to produce records normally required for enrollment; and

C. the new (enrolling) school shall contact the school of origin immediately to obtain relevant academic and other records, including the student's Individualized Education Program (IEP), if applicable. (ESEA Section 1111(g)(1)(E)(i)-(iii)).

Best Interest Determination

In making the best interest determination, the Corporation will follow the guidelines established by IDOE and the State/Tribal or local child welfare agencies. The Corporation shall utilize the prescribed process in conjunction with local child welfare agencies in making best interest determinations. Once a determination is made the Corporation shall provide the decision in writing to all relevant parties in collaboration with the appropriate child welfare agency. When making decisions regarding educational placement of students with disabilities under IDEA and Section 504, the Corporation shall provide all required special education and related services and supports provided in the least restrictive placement where the child's unique needs, as described in the student's IEP or Section 504 plan, can be met.

Dispute Resolution

If there is a dispute regarding whether the educational placement of a child in foster care is in the best interest of that child, the dispute resolution process established by the child welfare agency shall be used.

The Corporation's representatives shall collaborate fully in this process, considering relevant information regarding academic programming and related service needs of the child, and advocating for what the Corporation believes is in the best interest of the child.

To the extent feasible and appropriate, the child will remain in his/her school of origin while disputes are being resolved in order to minimize disruption and reduce the possible number of moves between schools. (ESEA Section 1111(g)(1)(E)(i)).

Since the State/Tribal or local child welfare agency holds ultimate legal responsibility for making the best interest determination for the foster child in their care, if the dispute cannot be resolved, the child welfare agency will make the final determination.

All notifications and reports regarding foster care placement, changes in school enrollment, transportation services, and changes in the child's living arrangements shall be provided to the affected

parties, in writing, in accordance with the forms, procedures, and requirements of Federal and State law or State/Tribal or local child welfare agencies.

Local Point of Contact

The Superintendent shall designate and make public a local point of contact who will perform the duties as assigned by the Superintendent. The point of contact shall serve as a liaison to coordinate with child welfare agencies, lead the development of a process for making the best determination for a student, facilitate the transfer of records, and oversee the enrollment and regular school attendance of students in foster care.

Records

The Corporation shall provide privacy protections for children and families and shall facilitate appropriate data-sharing pertaining to children in foster care between child welfare and educational agencies in accordance with the Family Educational Rights and Privacy Act (FERPA) and Policy 8330 – Student Records.

Services to Children and Youth in Foster Care

Foster care children and their families shall be provided equal access to the educational services for which they are eligible that are comparable to those provided to other students in the Corporation including:

A. educational services for which the student in foster care meets eligibility criteria, including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;

B. preschool programs;

C. programs in vocational and technical education;

D. programs for gifted and talented students;

E. school nutrition programs; and

F. before- and after-school programs.

Transportation Services

Consistent with procedures developed by the Corporation and the State/Tribal or local child welfare agency, the Corporation shall provide transportation services for children in foster care who reside within the Corporation.

Transportation services shall be provided in the most cost-effective manner possible.

For purposes of this section:

A. "original school corporation" means the school corporation in which the school of origin of a student in foster care is located;

B. "school of origin" means the school

1. that a student in foster care attended when the student last had a permanent residence; or

2. in which a student in foster care was last enrolled; and

C. "transitional school corporation" means the school corporation in which a student in foster care temporarily stays.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin and that school of origin is in the attendance zone where the student now lives, transportation shall be provided for the student in foster care even if other students who are not in foster care but who live in the same school attendance area are ineligible for transportation pursuant to Board policy or State law.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin and that school of origin is in the Corporation but not in the attendance zone where the student now lives, transportation services shall be arranged, provided, and funded for the duration of the child's placement in foster care.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin, which is in another school corporation, and the student now lives in the Corporation, the Corporation's local point of contact shall meet with the local point of contact from the original school corporation to determine how transportation services can be provided in the most cost-effective manner possible. A goal of this collaboration shall be that the original school corporation and the Corporation will share the responsibility for and the cost of transportation of the student in foster care.

Until a plan for providing transportation is developed, the Corporation shall provide the necessary transportation.

Because State law requires the responsibility for and costs of transportation services to be shared equally if there is no agreement, the original school corporation shall be invoiced for its share of the costs of transportation.

The Transportation Director shall maintain a record of any additional cost incurred by the Corporation to provide transportation for students in foster care to their schools of origin so that reimbursement under Section 475(4)(A) of the Social Security Act and/or from the original school corporation can be requested and received. Additional costs incurred in providing transportation for a student in foster care to his/her school of origin should reflect the difference between what the Corporation otherwise would spend to transport a student to his/her assigned school and the cost of transporting a student in foster care to his/her school of origin.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin, which is in the Corporation, and the student now lives in another school corporation, the Corporation's local point of contact shall meet with the local point of contact from the transitional school corporation to determine how transportation services can be provided in the most cost- effective manner possible. A goal of this collaboration shall be that the transitional school corporation and the Corporation will share the responsibility for and the cost of transportation of the student in foster care to the school of origin.

Until a plan for providing transportation is developed, if necessary, the Corporation shall provide the necessary transportation.

Because State law requires the responsibility for and costs of transportation services to be shared equally if there is no agreement, the transitional school corporation shall be invoiced for its share of the costs of transportation.

The Transportation Director shall maintain a record of any additional cost incurred by the Corporation to provide transportation for students in foster care to their schools of origin so that reimbursement under Section 475(4)(A) of the Social Security Act and/or from the transitional school corporation can be requested and received. Additional costs incurred in providing transportation for a student in foster care to his/her school of origin should reflect the difference between what the Corporation otherwise would spend to transport a student to his/her assigned school and the cost of transporting a student in foster care to his/her school of origin.

Coordination of Service

Since foster care placements may occur across school corporation, county, or State boundary lines, coordination among multiple agencies may be necessary. The Corporation will work with appropriate State and local agencies to address such placement and transportation issues that arise. The Corporation shall provide or arrange for adequate and appropriate transportation to and from the school of origin while any disputes are being resolved.

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of children and youth in foster care.

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Legal
I.C. 20-50-3
I.C. 31-34-15-4(7)
20 U.S.C. 1232g
42 U.S.C. 675
45 C.F.R. 1355.20 et seq.
Uninterrupted Scholars Act, Public Law 112-278
USDOE Guidance on the USA Amendments to FERPA,
https://www2.ed.gov/policy/gen/guid/fpco/ferpa/uninterrupted-scholars-act-guidance.pdf

ENTRANCE REQUIREMENTS

5112 - **ENTRANCE REQUIREMENTS**

The School Board shall establish student entrance requirements which are consistent with Indiana law and sound educational practice and which ensure equitable treatment and proper placement.

A. **Kindergarten**

Each child of legal settlement shall be eligible for Kindergarten providing that s/he has attained the age of five (5) on or before August 1st. This requirement also shall apply to children who transfer into the School Corporation and who may have attended private or public kindergarten in another locality.

B. **First Grade**

If a child seeking to enroll in first grade has not attended kindergarten, the Superintendent shall make a determination as to whether the student will enroll in kindergarten or first grade based upon the assessment model found in the administrative guidelines (see AG5112B) and initiate the prompt transfer of any previous school records.

The Superintendent shall establish administrative guidelines providing for compliance with State law, proper documentation of birth as well as a certified copy of any custody order or decree, and certification that proper immunization is completed or in process. Any indication that a student might be a missing child should be reported immediately to the Superintendent who, in turn, shall communicate with the appropriate authorities.

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Revised 6/20/16

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I.C. 20-33-2-7

SCHOOL TRANSFER OPTIONS

5113.02 - **SCHOOL TRANSFER OPTIONS**

Students attending a 'persistently dangerous' school, as defined by State law have the right to transfer to another 'safe' school in the Corporation. If there is not another 'safe' school in the Corporation providing instruction at the students' grade level(s), the Superintendent shall contact neighboring corporations and request that they permit students to transfer to a school in one (1) of those corporations.

Furthermore, a student who is a victim of a 'violent crime' on school property also has the right to transfer to another school. If there is not another school in the Corporation providing instruction at the student's grade level, the Superintendent shall contact neighboring corporations and request that they permit that student to transfer to a school in one of those corporations providing instruction at the student's grade level.

The School Board authorizes such transfers in accordance with AG 5113.02.

Children who transfer in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.

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20 U.S.C. 6301
20 U.S.C. 7912
Title I, Section 1116(b)(1)(E) of the Elementary and Secondary Education Act, as amended
Title IX, Section 9532 of the Elementary and Secondary Education Act, as amended

NONIMMIGRANT STUDENTS AND FOREIGN EXCHANGE PROGRAMS

5114 - **NONIMMIGRANT STUDENTS AND FOREIGN EXCHANGE PROGRAMS**

The Board recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having nonimmigrant students as members of the student body of this Corporation.

Nonimmigrant Students with J-1 Visas

The Board will permit the admission of nonimmigrant students with citizenship in countries other than the United States as foreign- exchange students if they are participating in a Student and Exchange Visitor Program (SEVP) that is offered in a Corporation school that has petitioned for and received status as SEVP-certified by the U.S. Immigration and Customs Enforcement (ICE). Further, the Board requires that foreign-exchange students be selected and sponsored by a sponsoring exchange organization that has been so designated by the U.S. Department of State.

These sponsoring exchange organizations, not the Corporation, issue certificates of eligibility for J-1 Visas to nonimmigrant students with citizenship in countries other than the United States who meet the criteria established for participation in the SEVP by Federal law and this policy.

Other Nonimmigrant Students

This policy does not apply to nonimmigrant students with citizenship in countries other than the United States who are not participating in an approved Student and Exchange Visitor Program at a Corporation school.

All other nonimmigrant students with citizenship in countries other than the United States who seek to enroll in the Corporation's schools are subject to State law and the Corporation's policies regarding enrollment, legal settlement and tuition.

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Legal
I.C. 20-26-11-10
8C.F.R.214 et seq.
8 U.S.C. 1101 (Immigration Reform and Control Act)

ASSIGNMENT OF STUDENTS TO SCHOOLS AND PROGRAMS WITHIN THE SCHOOL DISTRICT

5120 - **ASSIGNMENT OF STUDENTS TO SCHOOLS AND PROGRAMS WITHIN THE SCHOOL DISTRICT**

Article 8, Section 1 of the Indiana Constitution establishes a right to a tuition free education in an Indiana public school district. The Indiana Student Legal Settlement statute, I.C. 20-26-11 establishes which Indiana public school district a student has a right to attend. Attendance at a particular school or program is established by Board Policy 5120 and the administrative guideline that implements this policy.

The Board directs that the assignment of students to schools and programs within the School District be consistent with the effectiveness of the instruction of students and the best use of the Board's resources.

The Board shall determine periodically the school attendance areas of the Corporation and shall expect the students within each area to attend the school or program so designated.

The Superintendent shall periodically review existing attendance areas and recommend to the Board such changes as may be justified by:

A. student safety, transportation, distance, and travel;

B. the academic and career interests of students;

C. financial and administrative efficiency.

The Superintendent may assign a student to a school or program other than that designated by the attendance area when such exception is justified by circumstances and is in the best interest of the student. A decision to assign a student to a school or program other than the school or program that serves the attendance area in which a student resides shall be based upon academic, safety or family considerations and shall not be made solely for participation in extracurricular activities.

The Superintendent shall assign incoming transfer students to schools, grades, classes, and programs as may afford each student the greatest likelihood of realizing his/her fullest educational potential.

A principal shall assign students in his/her school to appropriate grades, classes, groups, and programs based on the needs of the students and the Board.

This action shall be based on consideration of the needs of the student as well as the administration of the school.

Revised 3/26/12

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Legal
Article 8, Section 1 Indiana Constitution

I.C. 20-26-5-4(2), (13) and (18)
I.C. 20-26-11
Parents Involved in Community Schools v Seattle, 551 U.S. 701 (2007)

WITHDRAWAL FROM SCHOOL

5130 - **WITHDRAWAL FROM SCHOOL**

The School Board affirms that, while Indiana Law requires attendance of each student until eighteen (18) years of age, it is in the best interests of both the students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools.

The Board directs that whenever a student, sixteen (16) to eighteen (18) years of age, wishes to withdraw from school, an exit interview will be conducted. The following individuals shall attend the exit interview:

A. the student;

B. the parent(s);

C. the principal;

D. the guidance counselor or school counselor.

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.

During the exit interview, the individual(s) designated by the Board to attend, shall provide the student and the student's parent(s) a copy of statistics concerning the likely consequences of life without a high school diploma.

The student may not withdraw from school unless the student, the student's parent or guardian, and the principal agree to the withdrawal and the parent or guardian and the principal provide written consent for the student to withdraw from school. If the principal (this duty may not be delegated to a designee) does not consent to the student's withdrawal, the student's parent may appeal the denial to the Board.

At least five (5) days before holding an exit interview, the Corporation shall give notice by certified mail or personal delivery to the student, the student's parent(s), or the student's guardian that the student's failure to attend an exit interview or return to school if the student does not meet the requirements to withdraw from school will result in the revocation or denial of the student's driver's license or learner's permit and employment certificate.

The Superintendent shall develop a withdrawal form (Form 5130 F4) which is to be signed by the student, his/her parent, and the principal in accordance with this policy.

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Revised 6/20/16

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Legal
I.C. 20-26-13-17
I.C. 9-24-2-1
I.C. 20-33-2-9
I.C. 20-33-2-28.5

TRANSFER OUT OF THE SCHOOL CORPORATION

5131 - **TRANSFER OUT OF THE SCHOOL CORPORATION**

In the case of a request for transfer to another corporation by a student who has settlement, if the transferor school corporation fails to act on the transfer request within thirty (30) days after the request is received, the transfer is considered approved.

If a transfer is denied on appeal, it may be taken to the State Board of Education by the requesting parents, or student, if perfected within ten (10) days after the denial.

Other nonresident students may transfer to this Corporation upon payment of transfer tuition.

Legal
I.C. 20-26-11

PERSONAL COMMUNICATION DEVICES

5136 - **PERSONAL COMMUNICATION DEVICES**

Students may not use PCDs during the school day anywhere on the school campus. Students may not wear eye glasses with cameras, or smart technology or smart watches. Students may use personal communication devices (PCDs) before and after school, and during after school activities (e.g., extra-curricular activities). Use of PCDs, except those approved by a teacher or administrator, at any other time is prohibited and they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight.

For purposes of this policy, "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. Students 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 vehicles or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, classroom teacher and/or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated. Students may use corporation issued laptops and iPads during the school day for academic purposes at the direction of school personnel. Students may not use corporation issued PCDs to access social media or personal texting during the school day and may be subject to school discipline if found in violation of this policy.

Also, during after school activities, PCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

Under certain circumstances, a student may keep his/her PCD "On" with prior approval from the building principal, generally for medical reasons or related to an IEP Plan.

Except as authorized by a teacher, administrator or IEP team, students are prohibited from using PCDs during the school day, including while off-campus on a field trip, to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. Students who violate this provision and/or use a PCD to violate the privacy rights of another person may have their PCD confiscated and held until a parent/guardian picks it up, and may be directed to delete the audio and/or picture/video file while the parent/guardian is present. If the violation involves potentially illegal activity the confiscated-PCD may be turned-over to law enforcement.

PCDs, including but not limited to those 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, 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. The Superintendent and building principals

are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) 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, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

Possession of a PCD by a student at school during school hours and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. Confiscation of the PCD will be the responsibility of school administration only. The building principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the PCD is used during the school day and confiscated, the PCD will be returned to the student at the end of the school day. Repeat offenses will require the PCD to 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. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the student or parent/guardian or turned-over to law enforcement. School officials will not search or otherwise tamper with PCDs in Corporation custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a PCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a PCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

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ATTENDANCE

5200 - **ATTENDANCE**

The School Board, as an agency of the State, is required to enforce regular attendance of students. The Board recognizes that being present in the classroom enables students to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for students to excel.

Attendance shall mean 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.

Attendance shall be required of all School Corporation students, except those exempted under other provisions of Federal or State law, during the days and hours that school is in session or during the sessions to which the student has been assigned.

Attendance need not always be within Corporation facilities, and a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.

The Board shall consider each student assigned to a program of other guided learning experiences, authorized under Policy 2370, to be in regular attendance for the program provided that the student reports weekly to an assigned staff member at the program location and regularly demonstrates progress toward the objectives of the course of study.

Exceptions to Compulsory Attendance/Excused Absences

Exceptions to compulsory attendance that shall be recognized by the Corporation as provided by State statute are:

A. service as a page or honoree of the general assembly (I.C. 20-33-2-14);

B. service on a precinct election board or helper to a political candidate or a political party on the date of an election (I.C. 20-33-2-15);

C. subpoena to appear in court as a witness in a judicial proceeding (I.C. 20-33-2-16);

D. service in active duty with the Armed Forces of the United States, including their reserve components, or the Indiana National Guard for not more than ten (10) days (I.C. 20-33-2-16);

E. participating as a member of the Indiana wing of the Civil Air Patrol for not more than five (5) days (I.C. 20-33-2-17.2);

F. exhibiting or participating in the Indiana State Fair for educational purposes by a student or member of the student's household for not more than five (5) school days provided that the student is in good academic standing as determined by the Corporation, the student's parent has requested the absence in writing, and the school principal has provided written approval for the absence (I.C. 20-33-2-17.7);

G. participating in an educationally related non-classroom activity that is consistent with and promotes the educational philosophy and goals of the Corporation and the State Board of Education, facilitates the attainment of specific educational objectives, is part of the goals and objectives of an approved course or curriculum, represents a unique educational opportunity, cannot reasonably occur without interrupting the school day, and is approved in writing by the school principal (I.C. 20-33-2-17.5);

H. participating in a scheduled competition, exhibition, or event offered by: 1) the National FFA Organization, 2) the Indiana FFA Association, or 3) a 4-H club for not more than six (6) school days provided that the student is in good academic standing as determined by the Corporation, the student's parent has requested the absence in writing, and the school Principal has provided written approval for the absence (I.C. 20-33-2-17.8).

For any of these exceptions a student shall not be recorded as absent from school.

Additionally, the Board shall allow a student to attend a school for religious instruction that is conducted by a church, an association of churches, or an association that is organized for religious instruction and incorporated under Indiana law for not more than 120 minutes per week if an elementary school student and for not more than the amount of time that is equivalent to attending one (1) elective course at the public secondary school during the week if a secondary school student for the student to receive religious instruction if the student's parent makes a written request for such absence to the school principal and the school principal approves that request, as provided in Board Policy 5223 - Released Time for Religious Instruction. A student who is receiving religious instruction as indicated herein shall not be recorded as absent from school.

The Superintendent shall require, from the parent of each student or from an adult or emancipated student who has been absent for any reason, a verbal statement of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each:

A. single absence;
B. absence of more than five (5) days duration;
C. repeated unexplained absence and tardiness.

The Board considers the following as reasons for excused absences:

A. illness verified by a note from the parent
B. illness verified by a note from a physician
C. recovery from accident verified by a note from a physician or documented by medical records
D. required court attendance by subpoena or court order
E. professional appointments – Parents are encouraged to schedule medical, dental, legal, and other necessary appointments other than during school hours. When appointments are necessary during the school day, the student shall report back to school immediately after the appointment with a signed statement from the doctor, dentist, lawyer, counselor, etc., as applicable
F. death in the immediate family or of a relative
G. observation or celebration of a bona fide religious holiday verified by a note from the parent
H. maternity leave for six (6) or eight (8) weeks following the birth of the student's child or pregnancy complications verified by a note from a physician or documented by medical records
I. military-connected families' absences related to deployment and return
J. such other good cause as may be acceptable to the Superintendent or permitted by law

The Corporation shall categorize excused absences 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

Unexcused Absence shall mean any absence not covered under the definition of excused absence or an exception to compulsory attendance as stated above. An out-of-school suspension shall not be considered an unexcused absence.

Repeated instances of unexcused absences may result in disciplinary action. However, no student shall be suspended or expelled solely because the student is chronically absent or a habitual truant, as defined below.

Chronically Absent

Chronically absent shall mean missing ten percent (10%) or more of a school year for any reason.

Truancy and Habitual Truants

Truancy shall mean an absence from school that is not an excused absence as stated above or that is not an absence under a parent request that has been filed with the school.

Habitual Truant shall mean a student who has been absent from school for ten (10) days or more within a school year without being excused or without being absent under a parental request that has been filed with the school.

The Superintendent, Corporation attendance officer, a security police officer appointed under I.C. 36-8-3-7, or a Corporation police officer appointed under I.C. 20-26-16 shall report a child who is a habitual truant to the prosecuting attorney in the county in which the student resides by filing an affidavit as provided in I.C. 20-33-2-26. Each of the aforementioned individuals has an independent duty to file such an affidavit under State law. The Superintendent or Corporation attendance officer also shall report a student who is habitually absent from school in violation of the compulsory school attendance law to an intake officer of the juvenile court of the Indiana Department of Child Services (DCS).

A student who is a habitual truant shall not be permitted to participate in extracurricular activities.

Truancy Prevention

Truancy Prevention Measures shall mean actions designed to address truancy before a student becomes a habitual truant and to minimize the need for referrals to a voluntary truancy prevention program or reports to a juvenile court.

For purposes of the Corporation's truancy prevention measures, **absent student** shall mean a student in Kindergarten through Grade 6 who is absent from school five (5) days within a ten (10) week period without being excused or absent in conformity with a note on file from the student's doctor, therapist, or other authorized professional requesting frequent absences be excused under the student's individualized education program (IEP), service plan developed under 511 IAC 7-34, choice scholarship education plan developed under 51 IAC 7-49, or Section 504 plan. When a student is identified as an absent student under this policy, the school that the student attends shall:

A. Immediately provide written notification to the student's parent that:

1. The student has been identified as an absent student based on the student's school attendance.
2. The parent is responsible for monitoring the student's school attendance and ensuring the student attends school, in accordance with compulsory attendance laws.
3. The school will be initiating truancy prevention measures for the student.
4. The parent is required to attend an attendance conference regarding the truancy prevention measures that the school will be implementing for the student.
5. If the student meets the definition of a habitual truant:

    a. the Superintendent or Corporation attendance officer is required to report the student to an intake officer of the juvenile court or DCS in accordance with I.C. 20-33-2-25
    b. the juvenile court may determine that the student is committing a delinquent act as provided under I.C. 31-37-2-3; and
    c. the student's parent may be subject to prosecution under I.C. 35-46-1-4.

B. Hold an attendance conference with at least the following individuals to discuss the student's absences and establish a plan for the student to prevent future absences:

1. A representative of the school.
2. A teacher of the student.
3. The student's parent.
4. A representative chosen by the student's parent who may provide insight into the student's absenteeism if the student's parent makes a request to the school that the representative attend and provides notice to the school regarding the identification of the representative at least forty-eight (48) hours before the attendance conference.

    The attendance conference shall 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 shall 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.

C. At the attendance conference, establish a plan for the student to prevent future absences that may include the following:

1. Any wraparound services that are able to be provided to the absent student to ensure the absent student attends school.
2. A specific description of the behavior that is required or prohibited for the absent student.
3. The period for which the plan will be effective, not to exceed forty-five (45) instructional days after the date it is established.
4. Any additional disciplinary action the school will take if the absent student does not comply with the plan.
5. If applicable, a referral to counseling, mentoring, or other services for the student.
6. If applicable, whether a parent is expected to attend the counseling, mentoring, or other services with the student.

The school representative shall ask the absent student's parent to sign the plan indicating the parent's agreement to comply with its terms.

D. Offer additional counseling 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 (as defined in 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 Superintendent shall develop administrative guidelines for the attendance of students which:

A. provide a school session that is in conformity with the requirements of the law;
B. permit students absent for any excusable reason to have an opportunity to make up work they missed;
C. govern the maintenance of attendance records in accordance with the rules of the State Board;
D. provide that any student who, due to a physical or mental impairment, exceeds or may exceed the Corporation's limit on excused absences is to be referred for an evaluation to determine eligibility under either the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504).

Such guidelines shall provide that a student's grade in any course is based on performance in the instructional setting and is not reduced for misconduct. If a student violates the Corporation's attendance policy or other school rules, the student shall be disciplined appropriately for the misconduct, but grades shall be based upon what the student can demonstrate has been learned.

Such guidelines also shall provide for reporting to the Bureau of Motor Vehicles those students who have been suspended for the second time during a school year, are expelled, or are considered dropouts under I.C. 20-33-2-28.5.

The Superintendent shall develop administrative guidelines on attendance that properly address the matter of truancy by including a process which:

A. identifies the habitual truant, that is, a student who has been absent from school ten (10) days or more within a school year without being excused or without being absent under a parental request that has been filed with the school;

B. investigates the cause(s) of the student's truant behavior;

C. considers, when appropriate, modification of the student's educational program to meet particular needs that may be causing the truancy;

D. provides for the discipline of truant students in accordance with the Corporation's policies and administrative guidelines on student discipline;

E. provides for reporting to the Bureau of Motor Vehicles those students who are habitual truants as provided in I.C. 20-33-2-11.

No student shall be suspended or expelled solely because the student is chronically absent or a habitual truant. However, a student who attends a virtual education program operated by the Corporation who is a habitual truant shall be withdrawn from enrollment in the virtual education program.

The Superintendent shall make available to all parents and adult or emancipated students the Board's policy and the Corporation's administration guidelines on attendance.

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Revised 2/23/15

Revised 6/20/16

Revised 5/29/18

Revised 6/17/19

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I.C. 9-24-2-1
I.C. 9-24-2-4
I.C. 20-18-2-2.4
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RELEASED TIME FOR RELIGIOUS INSTRUCTION

5223 - **RELEASED TIME FOR RELIGIOUS INSTRUCTION**

The School Board desires to cooperate with those parents and/or legal guardians who wish to provide for religious instruction for their children, but also recognizes its responsibility to enforce the attendance requirements of the State.

Upon the signed written request of a student's parent and/or legal guardian, the Board will allow exceptions to the student's continuous attendance at school for religious instruction outside the school building for no more than 120 minutes per week if an elementary school student and for not more than the amount of time that is equivalent to attending one (1) elective course at the public secondary school during the week if a secondary school student. The religious instruction must be conducted by a church, association of churches, or an association that is organized for religious instruction and incorporated under Indiana law.

A student must be properly registered, and a copy of such registration must be filed with the Principal.

Participating families must sign a waiver release form as a part of the registration process for their student to volunteer to participate

A student who attends a school for religious instruction under the provisions of this policy shall receive the same attendance credit that the student would receive for attendance in the public school for the same length of time.

The time for release for religious instruction or education shall be arranged by the Principal. The Principal will also assure the appropriate continuance of the instructional program in the public school during such release times.

No solicitation for attendance at religious instruction shall be permitted on Corporation premises. No staff member shall encourage or discourage participation in any religious instructional program.

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I.C. 20-33-2-19

LATE ARRIVAL AND EARLY DISMISSAL

5230 - **LATE ARRIVAL AND EARLY DISMISSAL**

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the Corporation.

The School Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this Corporation, the Board shall require that the school be notified in advance of such absences by written or personal request of the student's parent, which shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the building principal.

If one parent has been awarded custody of the student by the courts, the parent of custody shall provide the school with a copy of the custody order and inform the school in writing of any limitations in the rights of the noncustodial parent. Absent such notice, the school will presume that the student may be released into the care of either parent.

No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone or excused from school unless the parental authorization is on file in the building.

HEALTH SERVICES

5310 - **HEALTH SERVICES**

If the School Corporation chooses to provide nonemergency physical exams or screenings, the School Board shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening is scheduled or expected to be scheduled for students if examination or screening is: 1) required as a condition of attendance; 2) administered by the school and scheduled by the school in advance; and 3) not necessary to protect the immediate health and safety of a specific student, or other students.

The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Unless the physical examination or screening is permitted or required by an applicable State law, parents may refuse to allow the Board to administer a nonemergency, invasive physical examination or screening upon written notification to the Board within ten (10) days after receipt of the Board's annual public notice.

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20 U.S.C. 1232(h)

IMMUNIZATION

5320 - **IMMUNIZATION**

The School Board requires that all students be properly immunized against diphtheria, pertussis (whooping cough), tetanus, measles, rubella (German measles), poliomyelitis, mumps, varicella (chicken pox), Hepatitis A, Hepatitis B, and meningitis. From time to time other communicable diseases may be designated by the State Board of Health.

The current list of required student immunizations at each grade level is listed in AG 5320 - Immunization of Students in School.

The Superintendent shall require parents to furnish to their child's school, no later than the student's first day of school attendance after enrollment, 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. Students whose parents do not provide the required documentation by the opening day of school may be admitted to school provided the documentation is received within twenty (20) school days and is in accord with the Superintendent's administrative guidelines on immunization. If the student remains unimmunized at the close of the twenty (20) school day period, the Superintendent shall commence expulsion proceedings, unless the parents have filed a religious objection or submitted a health care provider's statement that the needed immunizations are contraindicated.

Information concerning meningococcal disease (meningitis) and its vaccine shall be provided to students and parents at the beginning of the school year by the Superintendent. The information must include information concerning the causes, symptoms and spread of meningococcal diseases and places where parents may obtain additional information and vaccinations for their children. The Superintendent shall consult with the State Department of Education and the State Board of Health to develop necessary information and needed materials.

Materials concerning immunizations and immunization preventable diseases shall be provided to parents and guardians of students by each Building Principal, 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.

Exemptions to the immunization requirements shall be granted, in accordance with State law, only for medical, religious, or other reasons allowed by the State.

The parent of each student who is entering grade six (6) shall be provided with information prescribed by the State Department of Health concerning cervical cancer and the human papillomavirus (HPV) infection and that an immunization against the HPV infection is available.

The Superintendent shall ensure that all applicable immunization information is complete in the State immunization data registry not later than the first Friday in February each year.

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Revised 3/26/12
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I.C.20-30-5-18
I.C.20-34-3-2
I.C.20-34-4-2 thru 6

USE OF MEDICATION

5330 **- USE OF MEDICATION**

ADMINISTRATION OF MEDICATION

The School Board shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours shall be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child has a disability and requires medication to benefit from his/her educational program.

For purposes of this policy, the following definitions shall be used:

Administering means the direct application of a drug to the body of a person by injection, inhalation, ingestion, or any other means.

Drug means:

A. articles or substances recognized in the official United States Pharmacopeia, official National Formulary, official Homeopathic Pharmacopeia of the United States, or any supplement to any of them;
B. articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;
C. articles other than food intended to affect the instruction or any function of the body of man or animals; or
D. articles intended for use as a component of any article specified in subdivisions (1) through (3) and devices.

Medication shall include all drugs, including those prescribed by a physician, and any nonprescription (over-the-counter) drugs, preparations, and/or remedies.

Nonprescription drug means a drug that may be sold without a prescription and that is labeled for use by a patient in accordance with State and Federal laws.

Practitioner shall include any physician, veterinarian, dentist, podiatrist, optometrist, physician assistant licensed under I.C. 25-27.5, who is delegated prescriptive authority under I.C. 25-27.5-5-6, and an advanced practice registered nurse who meets the requirements of I.C. 25-23-1-19.5, who is licensed in Indiana.

Treatment refers both to the manner in which a medication is administered and to health-care procedures that require special training, such as catheterization or intravenous or intramuscular injection.

Administering Prescription Drugs by School Staff

Before any prescribed drug or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's practitioner, accompanied by the written authorization of the parent (see Form 5330 F2). This document shall be kept on file in the office of the Nurse or Health Aide, and made available to the persons authorized to administer the drug or treatment. The prescription must be in its original container and labeled with the student's name and the exact dosage. At no time is the school to administer a dosage other than that authorized by the practitioner's prescription unless the prescribed dosage exceeds the permissible dosage for such drug, in which case the parent shall be contacted to come to school to administer a dosage greater than the maximum permissible dosage.

All prescription drugs shall be secured and appropriately stored (allowing for quick access and retrieval before, during, and after school hours), unless the drug is an emergency medication that the student is authorized to carry by Administration and self-administer by authorization of both the student's parent(s) and practitioner, and the possession of such drug by the student in school is not prohibited by law or regulation.

Both the physician and the parent must also authorize any self-medication by the student. In addition, the physician's statement authorizing self-medication must include the information set forth in Policy 5330.01 - Self-Administered Medication.

Administering Prescription Drugs by School Staff

Nonprescription drugs may be administered to any student during school hours only with the prior written consent of the parent. Such documentation shall be kept on file in the nurse's office. Any dosage of nonprescription drugs other than that listed on the nonprescription drug's packaging must be authorized in writing by a practitioner.

A student may possess and use a topical, non-aerosol sunscreen product while on Corporation property or at a Corporation-sponsored event or activity without being required to:

A. have a physician's note or prescription; or

B. store the topical, non-aerosol sunscreen product in a specific location

if the product is regulated by the U.S. Food and Drug Administration for over-the-counter use for the purpose of limiting ultraviolet light-induced skin damage.

Corporation personnel may, but are not required to, assist a student in applying a topical, non-aerosol sunscreen product if the school has written permission from the student's parent or guardian.

All staff authorized to administer drugs or treatment will receive training on this policy and the Superintendent's guidelines, as well as appropriate procedures for administering the medication or treatment. This training shall be provided by qualified individuals with both knowledge of the Corporation's policy and procedures and the administration of drugs or treatment. Where possible, this training should be provided by a licensed registered nurse, a licensed physician's assistant, or a licensed physician.

Students who may require administration of an emergency medication may have such medication in accordance with the Superintendent's administrative guidelines.

Student Possession of Medication

Students are prohibited from possessing, using, carrying, or distributing in school, at school-sponsored events, or on school grounds any drugs or other products which, even though not defined as a drug, are used or marketed for use for medicinal purposes, such as to relieve pain or to relieve the symptoms of an underlying medical condition (including aspirin, ibuprofen, dietary supplements, CBD oil products, etc.).

Emergency Medication

Pursuant to I.C. 20-34-4.5-0.2, "emergency medication" includes:

A. Albuterol;

B. Epinephrine and

C. Naloxone.

Students may possess and self-administer a metered dose or dry powder inhaler for relief of asthma or before exercise to prevent the onset of asthma symptoms while at school, on school-sponsored transportation, or at any school-sponsored activity in accordance with the Superintendent's guidelines if the following conditions are met:

A. There is written approval from the student's physician or other health care provider and the student or parent/guardian (if the student is under eighteen [18]) to possess and use the inhaler (Form 5330 F1c)

and

B. the building administrator has received a copy of the written approvals from the physician and the parent/guardian

and

C. there is on file at the student's school a written emergency care plan prepared by a licensed physician in collaboration with the student and their parent/legal guardian. The plan shall contain specific instructions on the student's needs, including what to do in the event of an emergency.

Students with a need for emergency medication may be allowed to possess and self-administer such medication provided that they meet the same conditions established above. Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self-possess and administer the medication if they meet the conditions stated above.

Students who may require administration of an emergency medication may have such medication stored in the Nurse’s or Health Aide’s office and administered in accordance with this policy. However, if authorization (Form 5330 F3) for self-medication has been provided by the parent and physician that complies with the requirements of Policy 5330.01 - Self-Administered Medication, then the student may retain possession of the self-administered medication.

Pursuant to I.C. 20-34-4.5-0.4, "emergency stock medication" means emergency medication to which both of the following apply:

A. The prescription for the emergency medication is filled by the Corporation or a school in the Corporation; and

B. The emergency medication is stored at a school in the Corporation pursuant to one of the options below.

The Corporation or a school in the Corporation may fill a prescription for Albuterol and store the Albuterol in a school in the Corporation (if filled by a school in the Corporation, it must be stored in that school) if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for Albuterol for the school or Corporation. The school shall store the Albuterol in a safe location to which only school employees have access.

A school nurse may administer Albuterol obtained via a prescription written for the school or Corporation by a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication to any of the following individuals if the individual is demonstrating signs or symptoms of a life-threatening emergency and the individual does not have emergency medication at the school or the individual's prescription is not available:

A. students at the school;

B. Corporation employees;

C. visitors at the school.

Corporation employees may administer Albuterol obtained via a prescription written for the school or Corporation by a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication if the following are met:

A. The Corporation employee has voluntarily received training in:

1. recognizing a life-threatening emergency;

2. the proper administration of emergency medication;

by a health care provider who is licensed or certified in Indiana, for whom the administration of emergency medication is within the health care provider's scope of practice, who has received training in the administration of emergency medication, and who is knowledgeable in recognizing the symptoms of a life-threatening emergency and the administration of emergency medication.

B. The individual to whom Albuterol is being administered is:

1. a student at the school;

2. a Corporation employee; or

3. a visitor at the school.

The Corporation or a school in the Corporation may fill a prescription for auto-injectable epinephrine and store the auto-injectable epinephrine in a school in the Corporation (if filled by a school in the Corporation, it must be stored in that school) if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for auto-injectable epinephrine for the school or Corporation. The school shall store the auto-injectable epinephrine in a safe location to which only school employees have access. Injectable epinephrine that

is filled and used in accordance with this policy must have an expiration date of not less than twelve (12) months from the date that the pharmacy dispenses the injectable epinephrine to the school or Corporation.

A school nurse may administer auto-injectable epinephrine obtained via a prescription written for the school or Corporation by a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication to any of the following individuals if the individual is demonstrating signs or symptoms of a life-threatening emergency and the individual does not have emergency medication at the school or the individual's prescription is not available:

A. students at the school;

B. Corporation employees;

C. visitors at the school.

Corporation employees may administer auto-injectable epinephrine obtained via a prescription written for the school or Corporation by a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication if the following are met:

A. The Corporation employee has voluntarily received training in:

1. recognizing a life-threatening emergency;

2. the proper administration of emergency medication;

by a health care provider who is licensed or certified in Indiana, for whom the administration of emergency medication is within the health care provider's scope of practice, who has received training in the administration of emergency medication, and who is knowledgeable in recognizing the symptoms of a life-threatening emergency and the administration of emergency medication.

B. The individual to whom the epinephrine is being administered is:

1. a student at the school;

2. a Corporation employee; or

3. a visitor at the school.

The Corporation or a school in the Corporation may fill a prescription for Naloxone and store the Naloxone in a school in the Corporation (if filled by a school in the Corporation, it must be stored in that school) if a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication writes the prescription for Naloxone for the school or Corporation. The school shall store the Naloxone in a safe location to which only school employees have access. Injectable epinephrine that is filled and used in accordance with this policy must have an expiration date of not less than twelve (12) months from the date that the pharmacy dispenses the injectable epinephrine to the school or Corporation.

A school nurse may administer Naloxone obtained via a prescription written for the Corporation or a school in the Corporation by a health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication to any of the following individuals if the individual is

demonstrating signs or symptoms of a life-threatening emergency and the individual does not have emergency medication at the school or the individual's prescription is not available:

A. students at the school

B. Corporation employees

C. visitors at the school

and the school nurse is acting in good faith and attempts to summon emergency services either immediately before or immediately after administering the Naloxone.

The Corporation shall:

A. annually register 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;

B. provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug; and

C. provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication-assisted treatment that includes a federal Food and Drug Administration-approved long-acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

A school nurse or Corporation employee shall:

A. make a report when an emergency stock medication is administered; and

B. submit the report to the Indiana Department of Education in an electronic format not later than ten (10) school days after the emergency stock medication is administered.

Returning Medication to the Home

Medication that is possessed by a school for administration during school hours or at school functions may be released to the student's parent or to an individual who is eighteen (18) years of age or older and who has been designated, in writing, by the student's parent to receive the medication.

A school may send home medication that is possessed by the school for administration during school hours or at school functions with a student only if the student's parent provides written permission for the student to receive the medication.

Errors in Administering Medications

In the event of an error in administering a drug, the individual responsible for administering the drug at the time the error occurred must file the proper incident report (Form 5330F4) as documentation of the error and follow procedures outlined for medication errors.

The correct drug shall be administered to the correct student at the correct time (within thirty [60 minutes before or after the prescribed dose is ordered), in the correct dosage, by the correct method, with accurate documentation. Deviation from this standard constitutes a medication error. A dose that is missed (omitted) for whatever reason is a medication error.

Examples of medication errors include, but are not limited to, the following:

A. administering the wrong drug;
B. administering the wrong dose of the drug;
C. administering the drug at the wrong time;
D. administering the drug in the wrong way (e.g., ear drops placed in the eye); and
E. administering the drug to the wrong student.

Upon realizing an error has occurred, the individual administering the drug shall notify the school nurse, the individual's immediate supervisor, and the Principal. If the individual administering the drug was not the school nurse, the individual administering the drug shall find and accompany the student to a location where the student can be observed by a staff member until the student's health and safety are assured.

The principal and school nurse shall follow the procedures outlined in the administrative guidelines for medication errors.

A student's refusal to take a drug does not constitute a medication error. The refusal shall be documented on the daily medication log, and the parent(s) shall be notified of the refusal.

The principal and school nurse shall review all incident reports as needed to determine factors that contribute to errors in administering drugs and if changes should be made to the procedures for administering drugs or the process of responding to errors in administering drugs.

General Provisions

No student is allowed to provide or sell any type of drug to another student.

Violations of this rule may be considered violations of Policy 5530 – Drug Prevention and of the Student Code of Conduct/Student Discipline Code.

The Corporation and its personnel are immune from civil and criminal liability related to the administration or non-administration of drugs/medications to the extent set forth in applicable State law.

This policy and the administrative guidelines developed to establish appropriate procedures shall be implemented in such a manner to comply with the Corporation's obligations and the student's needs under any Individualized Education Plan, Section 504 Plan, or other legally required accommodation for individuals with disabilities.

The Superintendent shall prepare administrative guidelines, as needed, to address the proper implementation of this policy.

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I.C. 16-42-19-5
I.C. 16-42-27

I.C. 20-33-8-13
I.C. 20-34-3-18
I.C. 20-34-3-22
I.C. 20-34-4.5
I.C. 25-26-13-2
I.C. 34-30-12
I.C. 34-30-14
511 IAC 7-36-9

SELF-ADMINISTERED MEDICATION

5330.01 - **SELF-ADMINISTERED MEDICATION**

A student may possess and self-administer medication for chronic diseases or medical conditions provided the student's parent files a written authorization with the principal. The written authorization must be filed annually. A physician's written statement must be included with the parent's authorization.

The physician's statement be filed annually and include the following information:

A. An acute or chronic disease or medical condition exists for which the medication is prescribed.

B. The student has been given instruction as to how to self-administer the medication.

C. The nature of the disease or medical condition requires emergency administration of the medication.

The School or School Board is not liable for civil damages as a result of a student's self-administration of medication for an acute or chronic disease or medical condition except for an act or omission amounting to gross negligence or willful and wanton misconduct.

Legal
I.C. 20-33-8-13
I.C. 34-30-14-6

CARE OF STUDENTS WITH DIABETES

5330.02 - **CARE OF STUDENTS WITH DIABETES**

A diabetes management and treatment plan shall be prepared and implemented for a student with diabetes for use during school hours or at a school-related event or activity. The plan shall be developed by:

A. the licensed health care practitioner responsible for the student's diabetes treatment; and

B. the student's parent/legal guardian.

A diabetes management and treatment plan shall:

A. identify the health care services or procedures the student should receive at school;

B. evaluate the student's ability to manage and level of understanding of his/her diabetes;

C. be signed by the student's parent/legal guardian and the licensed health care practitioner responsible for the student's diabetes treatment.

The parent/legal guardian of a student with diabetes shall submit a copy of the student's diabetes management and treatment plan to the school nurse for review:

A. before or at the beginning of a school year;

B. at the time the student enrolls, if the student is enrolled in school after the beginning of a school year; or

C. as soon as practicable following a diagnosis of diabetes for the student.

An individualized health plan ("IHP") shall be developed for each student with diabetes while the student is at school or participating in a school activity. The school's nurse shall develop a student's IHP in collaboration with:

A. the licensed health care practitioner responsible for the student's diabetes treatment to the extent practicable;

B. the school principal;

C. the student's parent/legal guardian;

D. one (1) or more of the student's teachers.

A student's IHP shall incorporate the components of the student's management and treatment plan.

As provided in a student's IHP, a school shall, except in an emergency, allow the student to attend to the management and care of the student's diabetes if the student has been evaluated and determined to be capable of doing so as reflected in the student's IHP and the student's diabetes management and treatment plan, including the following activities:

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 any time 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

The school nurse shall establish a procedure through which the student is cared for in an emergency.

The Board is not liable for civil damages as a result of a student's self-administration of medication for an acute or chronic disease or medical condition except for an act or omission amounting to gross negligence or willful and wanton misconduct.

"Volunteer health aides" are school employees who are not licensed or authorized to provide health care services under State law, volunteer to act in the capacity of a volunteer health aide, and have successfully completed the training of volunteer health aides by a health care professional with expertise in the care of individuals with diabetes or by the school nurse.

The school nurse shall coordinate the training of school employees serving as volunteer health aides using a training program approved by the State Department of Education and the record keeping and monitoring of volunteer health aides. Training of 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 include the following:

A. implementing the orders of a licensed health care practitioner;
B. recognizing and treating the symptoms of hypoglycemia and hyperglycemia consistent with the orders of the licensed health care practitioner;
C. performing tests to check glucose and ketone levels, and recording the results;
D. properly administering glucagon, insulin, or other emergency treatments as prescribed, and recording the results;
E. recognizing complications that require emergency medical assistance;
F. understanding:

    1. recommended schedules and food intake for meals and snacks;
    2. the effect of physical activity on blood glucose levels; and
    3. the proper action to be taken if a student's schedule is disrupted.

The training must be provided before the beginning of the school year or as soon as practicable following 1) the enrollment, or 2) the diagnosis of a student with diabetes at a school that previously had no students with diabetes. The school nurse or principal 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 IHP. When necessary, a volunteer health aide may perform the tasks necessary to assist a student in carrying out the student's IHP, in compliance with the training guidelines. The volunteer health aide may do so only if the parent or 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 or legal guardian understands that, as provided under I.C. 34-30-14, 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 under this policy:

A. is not considered to be engaging in the practice of nursing; and
B. is exempt from applicable statutes and rules that restrict activities that may be performed by an individual who is not an individual licensed or authorized under State law to provide health care services.

The 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

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I.C. 20-34-5

CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

5335 - **CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS**[1]

Students with chronic health conditions will be provided with a free appropriate public education if determined eligible under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act of 1973 ("Section 504"). If their impairment does not require specially designed instruction for them to benefit educationally, they may be eligible for accommodations to modifications of, interventions in the regular classroom, curriculum, or activity (i.e., the school setting) so that they have the same access to an education as students without disabilities. Such accommodations/modifications/interventions may be provided pursuant to a Section 504 Plan (Form 2260.01 F13).

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with Policy 8330 and Policy 8350.

The coordinated school health practices for management of a chronic health condition shall provide for:

A. coordination of health care management activities by School Corporation staff;
B. identification of individuals with chronic health conditions;
C. ~~d~~development of individual health plans (IHP's)
D. communication among school staff who interact with children with chronic health conditions;
E. awareness and training of school staff regarding School Corporation policy on acute and routine management of chronic health conditions, information on signs and treatment of chronic health conditions, medication and administration, and emergency protocols for dealing with reactions in "unusual" situations such as field trips.

School health practices shall provide students with chronic health conditions the opportunity for:

A. full participation in physical activities when students are well;
B. modified activities as indicated by the student's IHP, 504 plan, or Individualized Education Program ("IEP");
C. access to preventative medications before activity (as prescribed by their medical providers) and immediate access to emergency medications during activity;
D. communication regarding student health status between parents, physicians, teachers (particularly physical education teachers), and coaches.

Healthcare management activities may include:

A. procedures to obtain, maintain, and utilize a written IHP, signed by the child's parents and physician, for each student with a chronic health condition;
B. a standard emergency protocol in place for students experiencing a distress reaction if they do not have a written IHP on site;
C. established communication strategies for students to use to tell an adult they may be having a health-related problem;

D. procedures for students to have immediate access to medications in accordance with Policy 5330 and AG 5330 that allow students to self-care and self-administer medications, inhalers, and Epi-pens, as prescribed by a medical professional and approved by parents/guardians;
E. prevention strategies to avoid causal elements;
F. case management for students with frequent school absences, school health office visits, emergency department visits, or hospitalizations due to chronic health conditions;
G. otherwise attending to the management and care of the student's chronic health condition in the classroom, in any area of the school or school grounds, or at any school-related activity or event.

Staff will be trained about chronic health conditions and their control at a minimum annually in each school in which there is a student with a chronic health condition.

This training shall include:

A. education about chronic health conditions;
B. the management procedures that the student and/or school personnel will be responsible for during the school day;
C. the early warning signs of chronic health conditions;
D. what to do in case of a distress reaction;
E. special planning needed for school functions such as parties, field trips, before and after-school activities, particularly those involving physical activity or exercise;
F. reporting procedures for changes in the student's physical or emotional behavior and condition;
G. access to appropriate consulting health professionals to address questions about chronic health conditions.

Designated staff who have responsibility for specialized services such as giving inhaler treatments or injections, or conducting glucose and/or ketone tests shall be provided training specific to the procedures, at least annually, by a licensed health care professional.

All applicants for employment with the Corporation who will have direct, ongoing contact with children within the scope of the applicant's employment shall attend, before or not later than thirty (30) days after the start date of the applicant's employment, training concerning recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms. Additionally, all Corporation employees who have direct, ongoing contact with children within the scope of the employee's employment shall attend training concerning recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms at least once every five (5) years. The format of the training required under this section may include:

A. an in-person presentation;
B. an electronic or technology-based medium, including self-review modules available on an online system;
C. an individual program of study designated materials; or
D. any other current method approved by the School Board that is consistent with current professional development standards.

The training required under this section must be during the Corporation employee's contracted day or at a time chosen by the employee. The training required under this section shall count toward the requirements for professional development required by the Board. The training requirements must be

consistent with the training programs and guidelines developed by the Epilepsy Foundation of America or a successor organization.

The school nurse shall maintain a copy of the training program and the records of training completed by Corporation employees.

Communication by Corporation personnel with the student's parents/guardians and health care providers is to begin as soon as the student with a chronic health condition is identified. In the absence of school nursing services, the principal will contact the parents/guardians to discuss the need for written physician's instructions and an IHP for the student with a chronic health condition to be completed and provided to the school as soon as possible. The plan shall clearly state all accommodations and emergency care procedures for the student with a chronic health condition during school hours or at a school-related event or activity. IHPs shall be accessible to designated staff in case of a distress reaction, or suspected onset of medical distress.

If the Corporation receives a seizure management and treatment plan for a student that was developed by the student's health care provider, the following requirements must be met:

A. The Corporation shall maintain the seizure management and treatment plan on file at the school that the student attends.
B. The school nurse for the Corporation shall develop an IHP for the student that applies to the student during the school day or while the student is participating in a school-sponsored activity.
C. A school nurse, or the school nurse's designee, shall be available to perform the tasks necessary to implement the student's IHP during the school day or while the student is participating in a school-sponsored activity.

Except in an emergency, the Corporation shall allow the student to attend to the management and care of his/her chronic health condition, as provided in the IHP.

The Corporation shall provide an information sheet to the individual who is responsible for providing transportation for or supervising a student with a chronic health condition during an off-campus school-related activity that:

A. identifies the student with a chronic health condition;
B. identifies potential emergencies that may occur as a result of the chronic health conditions and appropriate responses to an emergency; and
C. provides the telephone number of a contact in case an emergency occurs.

[1]A chronic condition is a human health condition or disease that is persistent or otherwise long-lasting in its effects. The term chronic is usually applied when the course of the disease lasts more than three (3) months. Common chronic diseases include arthritis, asthma, cancer, COPD, diabetes, HIV/AIDS, and seizure disorder.

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Legal
I.C. 20-28-3-9
I.C. 20-34-3-26
I.C. 20-34-5

STUDENT ACCIDENTS

5340 - **STUDENT ACCIDENTS**

The School Board believes that school personnel have certain responsibilities in case of accidents which occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administration personnel, notification of parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices.

The administrator in charge must submit an accident report to the Superintendent on all accidents.

STUDENT CONCUSSIONS AND SUDDEN CARDIAC ARREST

5340.01 - **STUDENT CONCUSSIONS AND SUDDEN CARDIAC ARREST**

It is the policy of the School Board that the risk of student injury be considered and addressed in the planning and implementation of every student activity sponsored by the Board. The Board therefore directs and requires that before beginning practice for an interscholastic sports activity, including cheerleading, the coach of the activity shall provide the parent of each student-athlete in grades 5-12 and each student-athlete in grades 5-12 with the information sheet on Concussion and Head Injury and acknowledgment form issued by the Indiana Department of Education (IDOE) and shall require the student's parent and the student to sign and return the form acknowledging the receipt of the information from the IDOE on Concussion and Head Injury. If the coach of an intramural sports activity elects to or is required to comply with I.C. 20-34-7, the coach shall provide the parent of each student-athlete in grades 5-12 and each student-athlete in grades 5-12 with the information sheet on Concussion and Head Injury and acknowledgment form issued by the IDOE and shall require the student's parent and the student to sign and return to the coach the form acknowledging the receipt of the information from the IDOE on Concussion and Head Injury.

The Board also directs and requires that before beginning practice for an interscholastic sports activity, cheerleading, marching band, a drama or musical, or other extracurricular activity in which students have an increased risk of sudden cardiac arrest as determined by the IDOE, the coach of the activity, marching band leader, drama or musical leader, or sponsor of the extracurricular activity in which students have an increased risk of sudden cardiac arrest shall provide to each applicable student and parent or legal guardian (unless the student is at least age eighteen (18) or is an emancipated minor) the information sheet on Sudden Cardiac Arrest and acknowledgment form issued by the IDOE and require the applicable student and parent or legal guardian (unless the student is at least age eighteen (18) or is an emancipated minor) to sign and return to the coach, marching band leader, drama or musical leader, or extracurricular activity sponsor the form acknowledging the receipt of the information from the IDOE on Sudden Cardiac Arrest.

Additionally, the Board directs and requires that before beginning practice for any interscholastic or intramural sports activity, including cheerleading, the coach of the activity shall provide the parent or legal guardian of each student participating in the activity (unless the student is at least age eighteen (18) or is an emancipated minor) and the student participating in the activity with the information sheet on Sudden Cardiac Arrest and acknowledgment form issued by the IDOE and shall require the student's parent or legal guardian (unless the student is at least age eighteen (18) or is an emancipated minor) and the student to sign and return to the coach the form acknowledging the receipt of the information from the IDOE on Sudden Cardiac Arrest.

The coach, marching band leader, drama or musical leader, extracurricular activity sponsor, or other official designated by the student's school shall maintain an original of each applicable signed acknowledgment form for each student and shall not allow the applicable student to participate in the

activity until the signed acknowledgment form(s) from the parent (as required above) and applicable student is/are properly executed and returned.

A student-athlete in grades 5-12 who participates in an interscholastic sport, including cheerleading, and is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of the injury and may not return to play until the student has been seen and evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries, the coach receives a written clearance from the licensed healthcare provider who evaluated the student-athlete that the student can safely return to participation in the sport or activity, and not less than twenty-four (24) hours have passed since the student was removed from play.

Additionally, the Board directs and requires that:

A. A student-athlete of any age who participates in any interscholastic or intramural sports activity, including cheerleading, and is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of the injury and may not return to play until the student has been seen and evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries, the coach receives a written clearance from the licensed healthcare provider who evaluated the student-athlete that the student can safely return to participation in the sport or activity, and not less than twenty-four (24) hours have passed since the student was removed from play.
B. A coach shall maintain the original of the written clearance from the health care provider for the student-athlete to return to play for no less than three (3) years.

A student participating in an interscholastic sports activity, cheerleading, marching band, a drama or musical, or other extracurricular activity in which students have an increased risk of sudden cardiac arrest, as determined by the IDOE, who is suspected, as determined by a game official, coach of the applicable student's team, licensed athletic trainer, physician assistant, advanced practiced registered nurse, licensed physician, marching band leader, drama or musical leader, or other official designated by the student's school, of experiencing a symptom of sudden cardiac arrest in a practice for an above activity shall be removed from practice or play at the time that the symptom is identified, and the parent or legal guardian of the student shall 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 or play may not return to practice or play until the coach, marching band leader, drama or musical leader, extracurricular activity sponsor, or other official designated by the 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 and play. Within twenty-four (24) hours after giving verbal permission for the student to return to practice and play, the parent or legal guardian (or the student if the student is at least age eighteen (18) or is an emancipated minor) shall provide the coach, marching band leader, drama or musical leader, or other official designated by the student's school with a written statement that the student has permission to return to practice and play.

Additionally, the Board directs and requires that:

A. A student-athlete of any age who participates in any interscholastic or intramural sports activity, including cheerleading, and is suspected of experiencing a symptom of sudden cardiac arrest in a practice or game shall be removed from practice or play at the time that the symptom is identified, and the parent or legal guardian of the student-athlete shall be notified of the student athlete's symptoms (unless the student is at least age eighteen (18) or

is an emancipated minor). A student-athlete who has been removed from practice or play may not return to practice or play until the coach 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 and play. Within twenty-four (24) hours after giving verbal permission for the student-athlete to return to practice and play, the parent or legal guardian (or the student if the student is at least age eighteen (18) or is an emancipated minor) shall provide the coach with a written statement that the student has permission to return to practice and play.

B. A coach shall maintain the original of the written statement that the student has permission to return to practice and play for no less than three (3) years.
C. Each coach of an interscholastic or intramural sports activity, including cheerleading, shall receive training on concussions, sudden cardiac arrest (including the symptoms), heat-related medical issues, cardiopulmonary resuscitation, and the use of an automated external defibrillator.

Revised 2/23/15
Revised 4/24/17
Revised 2/25/19
T.C. 5/22/23

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I.C. 20-34-7
I.C. 20-34-8

EMERGENCY MEDICAL AUTHORIZATION

5341 - **EMERGENCY MEDICAL AUTHORIZATION**

The School Corporation will distribute annually to parents or guardians of all students the Emergency Medical Authorization Form. In the event emergency medical treatment for a student is necessary, the Corporation will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is taken out of the Corporation to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow the procedures described in the Superintendent's administrative guidelines. Staff members are not to abide by any "Do Not Resuscitate" (DNR) agreement that may exist for a student unless the student is at least eighteen (18) years old and, if the DNR is executed by a representative, has been determined incompetent. Staff members shall comply with the terms of a properly executed Physician Order for Scope of Treatment (POST) form for a student that has been provided to the staff member as described in the Superintendent’s administrative guidelines.

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I.C. 16-36-5
I.C. 16-36-6

STUDENT SUICIDE AWARENESS AND PREVENTION

5350 - **STUDENT SUICIDE AWARENESS AND PREVENTION**

The School Board recognizes that depression and self-destruction are increasingly severe problems among children and adolescents. Students who experience depression cannot fully benefit from the educational program of the School Corporation, and students who have attempted self-destruction pose a danger to themselves and to other students.

This policy is meant to increase awareness and prevention of child suicide and self-destruction. The Board believes that a partnership between families, the community, and the Corporation is necessary to support students with mental health needs effectively.

The Corporation shall have a written memorandum of understanding with a community mental health center established under I.C. 12-29-2, a State-certified or State-licensed provider able to deliver appropriate mental or behavioral health services.

Information regarding suicide prevention services in the community can be found by contacting the school counselor in any school in the Corporation.

Further information regarding crisis intervention referral is available to students, parents, and Corporation employees by contacting school counselors, the school social worker, and/or Student Support Services at the Corporation central office by calling _New Prairie United School Corporation Curriculum Office. In cases of emergency, dial 911 for immediate assistance.

The Corporation provides school counseling services for students and families related to suicide prevention.

The Corporation cooperates with the suicide prevention services in the community.

The Corporation recognizes the relationship between suicide and drug and alcohol use. The plan, training, and programs authorized under this policy will address awareness of this correlation.

The Corporation shall meet the training requirements for all employees in suicide awareness, prevention and response established by Indiana Law and any regulations issued by the Indiana Department of Education (IDOE) or the Indiana State Board of Education (ISBOE). Compliance with these statutes and regulations shall be reviewed annually. (I.C. 20-26-5-34.4)

Teacher licensing prerequisites include youth suicide awareness and prevention training. The ISBOE sets the timing/frequency/method for all licensure trainings. (I.C. 20-28-5.5-1)

The Superintendent shall ensure licensed staff meet training requirements and that suicide prevention training is part of required professional learning. Suicide prevention training shall include the warning signs and tendencies that may evidence that a child is considering suicide.

The Superintendent shall require teachers, counselors, and other licensed personnel to provide proof of suicide prevention training when applying for or renewing a license under I.C. 20-28-5. The

Superintendent shall ensure that all licensed staff have uploaded completion certificates into IDOE's Licensing Verification and Information System for license renewal purposes.

The Superintendent shall ensure the training vendor/curriculum is approved by the ISBOE.

If an online platform is established or licensed under I.C. 20-19-3-29, then suicide-prevention training shall be delivered via that online platform.

Consistent with Indiana law, the Superintendent shall develop a plan that describes the protocol teachers are to follow in preventing suicide, actions to be taken should a suicide occur, how best to assist survivors of attempted suicide and how to assist students and Corporation employees in coping with a suicide or attempted suicide.

The plan shall include postvention strategies to support healing and prevent additional crises, including:

A. Assemble and activate a Crisis Response Team to manage the response, including mental health professionals and administrators.
B. Provide accurate information to staff, students, and parents, avoiding details that could lead to suicide contagion.
C. Offer grief counseling and support groups for students and staff affected by the loss.
D. Develop guidelines for memorials that honor the deceased without glorifying the act to prevent potential imitation.
E. Monitor and support high-risk students over time, recognizing that grief and trauma responses can be delayed.
F. Any other appropriate programs or activities designed to enhance awareness and prevention.

The parent of a student in the Corporation shall be allowed to review any materials used in any suicide prevention program.

Throughout any intervention, Board policies and Corporation confidentiality guidelines must be observed always.

The Superintendent shall communicate the repeal of I.C. 20-28-3-6 and the amendment of I.C. 20-26-5-34.4 to Principals and Human Resources so they know that while the legal citation has changed, the duty remains.

All provisions in this policy must be consistent with the Corporation's school safety plan. (See policy 8400 – School Safety Information) (I.C. 10-21-1-10; 511 IAC 6.1-2-2.5)

Revised 2/26/18

Revised 2/25/19

Revised 8/26/24

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Legal
I.C. 10-21-1-10
I.C. 12-29-2

I.C. 20-19-3-29
I.C. 20-26-5-34.4
I.C. 20-28-5
I.C. 20-28-5.5-1
I.C. 20-28-5.5-1.5
I.C. 20-34-3-21
511 IAC 6.1-2-2.5

PROMOTION, PLACEMENT, AND RETENTION

5410 - **PROMOTION, PLACEMENT, AND RETENTION**

The School Board recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with their own development.

Such a pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

A student will be promoted to the succeeding grade level when they have :

A. completed the course requirements at the presently assigned grade;
B. achieved the instructional objectives and legal requirements set for the present grade (See also Policy 2623 - Student Assessment and Policy 5460 - Graduation Requirements);
C. demonstrated sufficient proficiency to permit them to move ahead in the educational program of the next grade;
D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

Any decision regarding retention of a student who is eligible for special education and related services shall be made in accordance with the student's individualized education program (IEP) and in compliance with the statewide assessment program's policies and Federal law.

A student who is eligible for special education and related services shall be promoted or retained based on the recommendation of the case conference committee and the student's IEP.

Following sound principles of child guidance, the Board discourages the skipping of grades.

It is the policy of the Board that a student shall not be retained or held back in a grade level for the sole purpose of improving the student's ability to participate in extra-curricular athletic programs.

The Board will comply with the requirements of the Indiana Department of Education regarding the consequences for students in grade three who fail to pass the Indiana Reading Evaluation and Determination Assessment (IREAD-3). Accordingly, a student who does not pass the IREAD-3 assessment either during the assessment period in the school year or during the summer assessment window, and is not eligible for a “good cause exemption” outlined below, shall be retained in third grade.

Good cause exemptions that may be considered are:

A. the student was subject to retention and previously has been retained in grade 3 for one (1) school year;

B. 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;
C. 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;
D. the student received a score of proficient or above proficient in grade 3 math on the statewide summative assessment;
E. 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.

A parent whose child has been retained in grade 3 under the reading deficiency remediation plan and would not be subject to retention for other reasons may appeal the student's retention if the parent believes that the student meets one of the above exemptions. The Superintendent shall develop administrative guidelines that include the procedure for appeal.

The Superintendent also shall develop administrative guidelines for promotion, placement, and retention of students.

A. require the recommendation of the professional staff for any promotion, placement, or retention;
B. require that parents be informed in advance of the possibility of retention of a student at a grade level;
C. assure that reasonable efforts are made to remediate the student's difficulties before they are retained;
D. assign to the principal, to be approved by the Assistant Superintendent, the final responsibility for determining the promotion, placement, or retention of each student.

Revised 11/26/12
Revised 12/16/13
Revised 10/28/19
Revised 11/22/21
Revised 3/24/25

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Legal
I.C. 20-32-8.5
511 IAC 6.1-5-10 - Retaining student for athletic purposes prohibited
511 IAC 6.2-3.1-3
IDOE Memorandum April 7, 2017: IREAD-3 Guidance for 2017-18 School Year

REPORTING STUDENT PROGRESS

5420 - **REPORTING STUDENT PROGRESS**

The School Board believes that the cooperation of school and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress which shall include written reports, parent conferences with teachers, and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The Superintendent, in conjunction with appropriate staff members, shall develop administrative guidelines for reporting student progress to parents which:

A. enable the scheduling of parent-teacher conferences at such times and in such places as will ensure the greatest degree of participation by parents;
B. specify the issuance of report cards at intervals of not more than nine (9) weeks.

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Legal
I.C. 20-26-3-5
I.C. 20-26-5-4
I.C. 20-32-5.1-14

GRADING

5421 - **GRADING**

GRADING POLICY

The New Prairie United School Corporation's philosophy on grading centers on the belief that children have diverse capabilities, individual patterns of growth, development, and learning. The School Corporation believes that progress is the very foundation of education and recognizes that the school system has an obligation to provide periodic reports of students' achievement and advancement through the system. These assessments and reports are a vital form of communication between the home and school.

All progress reports, either in the form of a report card or progress report between grading periods, must be based upon full information, objective data, and reported accurately and honestly. Confidentiality must also be maintained in all forms of communication.

It is essential that parents/guardians be regularly and fully informed of their child's progress in school. Each school will report a student's progress to the student and to his/her parent or guardian. This assessment will be conducted and prepared by the appropriate instructional staff and based upon objective achievement data. The report will be clear, concise, and accurate, providing a basis of understanding among teachers, parents, and students for the benefit of the individual student. Parents/Guardians will be informed and consulted regarding their child's positive or negative progress in school. This task will be accomplished through the use of Interim and Progress Reports.

The scale listed below is to be implemented district-wide at all levels based on a 4.0 system with an A potentially earned with a score or final grade of 100%; in addition, the high school level AP courses will be weighted at a 5.0, and the Dual Credit and Honors courses will be weighted at a 4.5.

GRADING POLICY

Grades 2 - 12

A	100 - 94
A-	93 - 90
B+	89 - 88
B	87 - 84
B-	83 - 80
C+	79 - 78
C	77 - 74
C-	73 - 70
D+	69 - 68
D	67 - 64
D-	63 - 60

F	59 and below

Grades K - 1

4	Exceeds grade level standards;
3	Meets grade level standards;
2	Approaching grade-level standards;
1	Below grade level standards.

Revised 5/21/12
Revised 12/14/15

New Prairie Unified School Corporation

STUDENT RECOGNITION

5451 - **STUDENT RECOGNITION**

The School Board values excellence and wishes to inculcate in students the desire to do their best in all things. It shall be the policy of this Board, therefore, to recognize outstanding accomplishment in both curricular and extra-curricular areas.

The Board authorizes the Superintendent to develop a plan for recognition of outstanding student achievement based on well-defined, consistent criteria and standards.

GRADUATION REQUIREMENTS

5460 - **GRADUATION REQUIREMENTS**

It is the policy of the School Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of School Corporation goals and objectives, as well as personal proficiency, by the awarding of a diploma at fitting graduation ceremonies.

The Superintendent is directed to provide each student in grade 12 and the parent of each student in grade 12 a notice regarding the existence of the Free Application for Federal Student Aid (FAFSA) and a description of the process, benefits, and requirements of completing the FAFSA. This notice also shall include approximate annual tuition costs of each State educational institution of higher education in Indiana and State scholarships, grants, or other assistance available to students in Indiana. The Superintendent may use the model notice prepared by the Commission of Higher Education or develop a local notice containing the required information.

A graduation plan shall be developed, in consultation with the student's school counselor and after seeking consultation with each student's parents, by the time each student completes 8th grade. This plan will be part of each student's permanent student record and accessible to a parent of the student pursuant to the Family Education Rights and Privacy Act (FERPA).

Each plan shall include:

A. a statement of intent to graduate from high school;
B. an acknowledgment of the importance of:
    1. good citizenship;
    2. school attendance; and
    3. diligent study habits;
C. the subject and skill areas of interest to the student;
D. the postsecondary goals of the student are aligned with the graduation pathway requirements pursuant to State law;
E. a program of study under the college/technology preparation curriculum adopted by the State Board under I.C. 20-30-10-2 for grades 10, 11, and 12 that meets the interests, aptitude, and postsecondary goals of the student;
F. assurances that upon satisfactory fulfillment of the plan, the student:
    1. is entitled to graduate; and
    2. will have taken at least the minimum variety and number of courses necessary to gain admittance to a State educational institution;
G. An indication of assessments that the student plans to take voluntarily during grades 10 through 12, and which may include any of the following:
    1. The SAT Reasoning Test;
    2. The ACT Test;
    3. Advanced placement exams;
    4. College readiness exams approved by the Indiana Department of Education (IDOE);

5. Workforce readiness exams approved by the Department of Workforce Development, established under I.C. 22-4.1-2; and
6. Cambridge International examinations.

For students graduating in 2029 and subsequent years, or others graduating in 2026, 2027, or 2028 who are pursuing the New Indiana Diploma, the students in tent to pursue one or more diploma seals or an individualized plan that includes the courses and activities a student intends to complete that are aligned with their enrollment, employment, or enlistment goals after high school.

The Board shall award a high school diploma to every student enrolled in this Corporation who meets the requirements of graduation established by this Board, as provided by the State.

To earn a standard Indiana high school diploma, students in the graduating class of 2023, and each graduating class through 2028, must satisfy all three of the graduation pathway requirements established by the State. To be eligible to receive a diploma, a student shall: 1) meet the credit requirements of the State as provided by the Indiana Department of Education (IDOE). 2) learn and demonstrate employability skills through one of three methods as defined by the IDOE. 3) demonstrate postsecondary-ready competencies through one of the several methods provided for by the IDOE. Students in the graduating class of 2029 and each graduating class thereafter must satisfy the graduation requirements for the New Indiana Diploma enumerated in 511 IAC 6-7.2.

Students enrolled in the Corporation shall have the opportunity to earn the standard Indiana high school diploma with any of the designations approved by the Indiana State Board of Education, and for those pursuing the New Indiana Diploma requirements, the opportunity to earn one (1) or more of the diploma seals..

The Corporation may award a standard Indiana high school diploma with a general designation, Core 40 designation, Core 40 with academic honors designation, or Core 40 with technical honors designation. Students pursuing the New Indiana Diploma requirements may earn the Enrollment Honors Seal, Employment Honors Seal, Enlistment Honors Seal, Enrollment Honors Plus Seal, Employment Honors Plus Seal, and/or the Enlistment Honors Plus Seal.

The Board shall issue a diploma for a deceased student at the request of a parent (as defined in I.C. 20-18-2-13) of the student if the student:

A. died while enrolled in grade 12 at a school in the Corporation; and

B. was eligible academically or on track to meet the requirements for the diploma at the time of death.

A student who is issued a diploma pursuant to this provision may not be considered a graduate for purposes of I.C. 20-26-13.

Students with disabilities who have completed and are ready to exit their programs may participate in graduation activities and shall be awarded, as appropriate,

A. a diploma;
B. an alternate diploma for students with significant cognitive disabilities;
C. a certificate of achievement (I.C. 20-32-3); or
D. a certificate of course completion.

The Corporation shall not require students with disabilities to complete locally required credits that exceed State credit requirements to receive a diploma unless otherwise required as part of the student's individualized education program (IEP).

The Board shall award an alternate diploma to students with significant cognitive disabilities who meet the criteria established by the State Board. Not more than the greater of: A) one percent (1%) of the Corporation's graduation cohort that receives an alternate diploma; or B) three (3) students, may be counted as having graduated for purposes of determining the Corporation's graduation rate.

The Board shall award a certificate of achievement to a student who meets the criteria under I.C. 20-32-3, namely, who completes the minimum courses required for high school graduation but does not satisfy all three (3) of the Graduation Pathway Requirements, unless the student meets the criteria for waiver under State law, in which case the Board shall award a diploma to the student.

The Board shall award a certificate of completion to a student who is on a non-diploma track, as determined by the student's case conference committee and indicated on the student's IEP, if the student completes the requirements for the certificate of completion set by the case conference committee.

The Board shall award a high school equivalency certificate to any individual who meets the criteria established by State law.

Additional Requirements for Students with Disabilities

During the student's annual case review held when a student with a disability is enrolled in 8thgrade, the case conference committee shall review and discuss with the student's parent (and the student, if appropriate):

A. the types of designations available for high school diploma students may receive in the State of Indiana;

B. the course requirements for each type of designation; and

C. employment and career options for the student, and the type of academic, technical, and vocational preparation necessary to achieve the employment or career.

The student's IEP must include the type of designation for the diploma the student will seek and courses that will allow the student to progress toward the diploma in a timely manner.

Beginning in grade 9 and in addition to the annual case review, the student's teacher of record shall communicate at least once each grading period with the student's parent concerning the student's progress toward a diploma with the selected designation. If the parent requests a meeting with the teacher of record to discuss the student's progress, the teacher must meet with the parent in a timely manner. Such a meeting does not constitute a case conference committee meeting, and a request for such a meeting does not abrogate a parent's right to call for a meeting of the case conference committee at any time.

Each student is required to meet:

A. the academic standards tested in the graduation examination;

B. the course and credit requirements adopted by the IDOE, which include flexibility to meet the physical education credits as provided for in AG 5460;

C. additional graduation requirements established by the Board, provided, however, that the Board shall not require students with disabilities to meet requirements that exceed those required by State law.

Upon the request of the student's parents, the student may be exempted from the Core 40 curriculum requirements and be required to complete the general curriculum to graduate, as required by State law. Also, school officials may initiate a discussion with the parents about exempting a student from the Core 40 curriculum if the student does not pass at least three (3) courses required under the Core 40 curriculum or if the student scores in the twenty-fifth percentile or lower the first time the student takes the graduation exam. If the parent makes the decision to exempt the student from the Core 40 requirement, the student will be required to complete the general curriculum as required by State law.

Commencement exercises will include those students who are eligible for a diploma or certificate of achievement, as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

Revised 9/21/09
Revised 6/20/16
Revised 4/24/17
Revised 2/26/18
Revised 2/25/19
Revised 11/23/20
Revised 5/22/23
Revised 3/24/25

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Legal
I.C. 20-19-2-21
I.C. 20-26-5-37
I.C. 20-30-4-2
I.C. 20-32-4-1.5 through 14
Flexibility in Physical Education March 2013 (IDOE)

CREDIT FOR COURSES COMPLETED BEFORE STUDENTS ENTER GRADE 9

5461 - **CREDIT FOR COURSES COMPLETED BEFORE STUDENTS ENTER GRADE 9**

In order to recognize its responsibility to provide students the opportunity to receive a maximum amount of credit for completion of course work leading to high school credit, the School Board establishes the following policy and criteria regarding the application of credits earned for high school credit prior to the students entering grade 9.

For credit or course-work to be accepted for courses taken prior to entering grade 9 compliance with minimum requirements established by the State must be met.

Credits earned at the junior high level are supplemental to those required by Core 40.

Course content must meet the competencies and proficiencies of the corresponding high school course. Corresponding grades are to be recorded on the student's transcripts and included in grade point averages.

Administrators will consider carefully the circumstances under which credit will be awarded for courses taken before students enter grade 9. The physical, intellectual, social, and emotional maturity of students as well as course content should be considered. In addition, the administrator will remind parents and students that there is a direct correlation between SAT and ACT scores and the number of academic courses taken in high school.

Grading policies and practices will be consistent at both the high school and pre-high school levels.

High school credit will only be given for courses which satisfy State proficiencies and Core 40 competencies, where applicable.

The requirements for the Academic Honors Diploma may be satisfied with high school credits awarded before students enter grade 9 provided:

A. students earn a grade of "C" or higher for each course;

B. courses are included on high school transcripts;

C. grades are included in high school GPA's.

The following provisions in the Academic Honors Diploma rule apply when a pre-high student completes algebra Level I or foreign language Level I but does not receive high school credit for the course:

A. If a student has completed a pre-high school curriculum that is equivalent to high school algebra Level I but does not receive high school credit for the pre-high school algebra curriculum and is placed in high school Level II, that student must earn only six (6) high school mathematics credits.

B. If a student has completed a pre-high school curriculum that is equivalent to a Level I high school foreign language but does not receive high school credit for pre-high language curriculum and is placed in a Level II high school foreign language, that student must earn only four (4) credits in that language or two (2) credits in that language and four (4) credits in another foreign language.

Legal

511 IAC 6-7-1, 511 IAC 6.1-1-2

RETAKING A CLASS

5462 - **RETAKING A CLASS**

The School Board acknowledges that at times it may be necessary for a student to retake a class, or a student may desire to retake a class. The Board authorizes the Superintendent to devise a system for considering a student's request to retake a class.

A class may be retaken only if one or more of the following conditions exist:

A. The student received a grade of C+ or below and is working toward a seal on the New Indiana Diploma.
B. **Retaking a Course:** A course may be retaken one time per course for courses a student earned a D+ or lower the first time. If a student retakes a course, the new grade will be calculated in the cumulative GPA, and the F (or lower grade) will not impact the GPA. An “N,” meaning “No Credit,” will be listed on the transcript in place of the F (or lower grade). Any course taken for a grade improvement (student passed the course but wants to retake for a better grade) must be scheduled for the whole semester/school year and taken at New Prairie High School.
C. **Retaking a Course to meet Honors diploma requirements:** Students may retake a course to meet the honors diploma grade requirement of "C" or better. If the exact same course is retaken, the original course and grade will be replaced on the transcript. If a student took an honors-level course and did not earn a "C" or better, and then chooses to take the same course but not at the honors level, the new course and grade will appear on the transcript for credit and will be calculated into the cumulative GPA.

   The course and grade that did not meet the honors grade requirement will remain on the transcript but will not earn credit or impact the cumulative GPA.

A student seeking to retake a class will make an application with the guidance department. The student shall state the reason for the requested retake on the application. The guidance department will review the application. The principal shall have the authority to grant final approval for a student to retake a class.

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CREDITS AND PLACEMENT FROM NONACCREDITED SCHOOLS

5463 - **CREDITS AND PLACEMENT FROM NONACCREDITED SCHOOLS**

In recognizing its responsibility to uphold the minimum educational standards of the State of Indiana and protect the significance of a diploma issued by the School Board, the Board recognizes only accreditation provided by the State of Indiana or accreditation provided by the education agency of another state that maintains educational standards for its students similar to those maintained by the State of Indiana. The Board establishes the following policy and criteria regarding the acceptance of credits from nonaccredited schools, home schools, and schools not accredited by the education agency of a state (hereafter "nonaccredited schools").

Recognition of credits or course-work earned in nonaccredited schools may be granted when the student's transcript has been received and it is determined that the course-work was equivalent to Indiana Academic Standards. The Board reserves the right to assess transfer students from nonaccredited schools in order to determine proper placement and/or granting of credit and to be assured the student can demonstrate the learnings which are prerequisite to a placement and/or granting of credit.

Whenever a student seeks to transfer into the Corporation from a nonaccredited school the following procedures will be used to determine the student's proper grade placement or credits toward graduation.

A. Identify the grade level that the student's age would indicate is the likely grade placement.

B. Review the courses of study for that grade to determine the critical learnings that would be prerequisite for success at subsequent grade levels or courses.

C. Review the student's performance (if available) on tests and/or other means of assessment that were used to assess the student's learning while participating in the nonaccredited school. Determine whether the critical learnings identified in the Board's courses of study were properly assessed and, if so, how well the student has achieved each critical learning.

D. If no prior assessment data is available, identify which tests (standardized or Corporation-made) as well as other means of assessment (research project, term paper, and the like) will be used to assess the student's achievement of the critical learnings. Arrange for the student to be assessed using the identified instruments.

E. If the assessment so indicates, assign the student to the grade or course level suggested at the first step.

F. If the assessment indicates that another grade or course level is more appropriate, register the student in that grade or course level and make whatever arrangements are necessary to provide for any needed assistance indicated by the assessment.

The principal of the school the student will attend shall make the initial determination regarding the proper placement of the student and the extent to which any credit will be granted. The decision of the principal may be appealed to the Superintendent whose decision shall be final.

If credits from a nonaccredited school are granted and placed on a student's transcript, the grade entered on the transcript will be the grade determined by the local school officials conducting the review of the student's performance while making the determination to grant credit.

Revised 2/27/12

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EARLY GRADUATION

5464 - **EARLY GRADUATION**

The School Board acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date than their designated class.

Application for early graduation shall be in accordance with State regulations. The principal may honor this request if all conditions for graduation are met and the student fulfills the graduation requirements.

The student may participate in the graduation ceremonies with his/her designated class.

A student qualifying for early graduation by the end of grade eleven (11) is eligible for a state early graduation scholarship subject to the provisions of Indiana statutes. Any student requesting an early graduation may obtain information regarding the scholarship from the High School Guidance Counselors.

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Legal
I.C. 21-12-10

STUDENT CONDUCT

5500 - **STUDENT CONDUCT**

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this Corporation. It is the responsibility of students, teachers and administrators to maintain a classroom environment that:

A. allows teachers to communicate effectively with all students in the class;

B. allows all students in the class the opportunity to learn;

C. has consequences that are fair, and developmentally appropriate;

D. considers the student and the circumstances of the situation; and

E. enforces the Student Code of Conduct/Student Discipline Code accordingly.

Academic Honesty

The Board values honesty and expects integrity in the Corporation's students. Violating academic honesty expectations erodes the trust between teachers and students as well as compromises the academic standing of other students. So that each student learns the skills being taught and is judged solely on their own merits, the Board prohibits any student from presenting someone else's work as their own, using artificial intelligence platforms in place of one's own work, providing unauthorized assistance to another student, and cheating in any manner.

All school work submitted for the purpose of meeting course requirements must be the individual student's original work or the original work of a group of students for group projects. It is prohibited for any student to unfairly advance their own academic performance or that of any other student. Likewise, no student may intentionally limit or impede the academic performance or intellectual pursuits of other students.

Academic dishonesty includes, but is not limited to:

A. plagiarism (of ideas, work, research, speech, art, music, etc.);
B. forgery of another's work;
C. presenting the results that are the product of an artificial intelligence ("AI") platform as one's own where the use of AI was not specifically allowed by the teacher as part of the assignment;
D. downloading or copying information from other sources and presenting it as one's own;
E. using language translation work of someone else or using technology when the expectation is doing one's own translation;

F. copying another person's work;
G. allowing another person to copy one's own work;
H. stealing another person's work;
I. doing another person's work for them;
J. distributing copies of one's work for use by others;
K. distributing copies of someone else's work for use by others for academic gain or advantage;
L. intentionally accessing another's work for the purpose of presenting it as one's own for academic gain or advantage;
M. distributing or receiving answers to assignments, quizzes, tests, assessments, etc.;
N. distributing or receiving questions from quizzes, tests, assessments, etc..

Use of Artificial Intelligence Tools for School Work

To ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, the use of Artificial Intelligence ("AI") tools is strictly prohibited for the completion of school work. The use of AI/NLP tools, without the express permission/consent of a teacher, undermines the learning and problem-solving skills that are essential to academic success and that the staff is tasked to develop in each student. Students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI tools and they should ask their teachers when they have questions and/or need assistance. Unauthorized use of AI tools is considered a form of plagiarism and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct. (See Board Policy 7540.09 - Artificial Intelligence ("AI"))

Notwithstanding the preceding, students can use AI tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI tools for the following uses:

A. Research assistance: AI tools can be used to help students quickly and efficiently identify background information, including locating relevant information and sources for their school projects and assignments, suggesting research questions, providing opposing viewpoints, identifying unseen aspects, and suggesting other perspectives.
B. Data Analysis: AI tools can be used to help students with pattern identification and to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.
C. Language translation: AI tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language. AI tools can also remove abstract language from a text, adjust text complexity, and provide background information about a culture to help a student understand texts.
D. Writing assistance: AI tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.
E. Accessibility: AI tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts, and AI-powered translation tools can help students with hearing impairments understand spoken language (e.g., create transcripts or provide closed-captioning for spoken material).

When AI tools are used responsibly and effectively, they can help to supplement, not replace, traditional learning methods. If a student has any questions about whether they are permitted to use AI tools for a specific class assignment, they should ask their teacher.

In accordance with their teacher's direction, students are required to cite/identify work generated/created with the use of AI tools and explain/demonstrate how the AI tools were used in the creation of the work.

Staff and Administration have the responsibility for monitoring students' work for compliance with this policy.

All teachers, beginning in the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in Corporation schools regarding academic integrity. Such education shall reference this Board policy.

Students who violate this policy are subject to disciplinary consequences.

Teachers are authorized, in consultation with their Principal, to apply appropriate consequences for violations of this policy. Disciplinary consequences for significant violations may be appropriate to the nature of the violation.

Parents shall be contacted as soon as practicable to report any alleged acts of academic dishonesty by their child.

Repeated violations of this policy will result in additional disciplinary consequences in accordance with the Student Code of Conduct.

Student and/or parent appeals of disciplinary consequences resulting from violation of this policy may be made based on the appeals process documented in the student handbook.

The Superintendent shall establish procedures to carry out Board policy and philosophy, and shall hold all school personnel, students, and parents responsible for the conduct of students in schools, on Corporation premises, and on school vehicles.

The Superintendent is authorized to establish administrative guidelines on the dangers of dangerous weapons which requires students to report knowledge of dangerous weapons and threats of violence by students to the building principal. Failure to report such knowledge shall/may subject the student to immediate suspension and potential expulsion from school.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. This Code of Conduct shall be reviewed periodically.

A notation of this policy shall be included in the Student Handbook and the Employee Handbook.

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Legal
I.C. 20-33-8-0.2
I.C. 20-27-10-2

DRESS AND APPEARANCE

5511 - **DRESS AND APPEARANCE**

The School Board recognizes that each student's mode of dress and appearance is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the School Corporation.

Accordingly, the Superintendent shall establish such dress and appearance guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such guidelines shall prohibit student dress or appearance practices which:

A. present a hazard to the health or safety of the student or to others in the school;

B. interfere with school work, create disorder, or disrupt the educational program;

C. cause excessive wear or damage to Corporation property;

D. prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

Such guidelines shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing the Corporation at a public event.

Such guidelines shall also apply to the dress requirements for members of the athletic teams, bands, and other school groups when representing the Corporation at a public event. Where appropriate, a uniform or specific dress requirement shall be used for students when representing the Corporation as described.

In enforcing the dress code, the following procedures shall be used:

A. the Principal shall serve as the final arbiter of student dress and appearance within the building or at school-sponsored events or activities;

B. before taking action to enforce dress code requirements, including by requiring that a student remove, cover, or otherwise conceal the item or depiction at issue, the Principal shall determine whether the item constitutes protected speech insofar as the item independently makes a statement of a discernable nature to the observer by depiction, words, or combination of the two (2) that does not require separate explanation.

Expressive dress may not be protected speech if it involves:

A. obscenity;
B. language or depictions intended to incite violence or foment hatred of others.

Dress that is protected speech still may be prohibited if it is likely to cause a substantial disruption to the educational environment. This may include dress that includes the use of vulgarity, discriminatory language, including racial or ethnic slurs, negative stereotypes, violence, or other communication when the clear intent is to invoke strong reactions in observers so as to impair the ability of teachers and/or students to engage in educational pursuits.

No protected speech may be prohibited on the basis of disagreement by Corporation officials with the specific point of view expressed if the topic is otherwise permitted (e.g., permitting depictions of support for one political party but prohibited depictions of support for the other).

Students who violate the foregoing rules will not be admitted to class and may be suspended from school.

If the clothing cannot be removed or concealed, the student may be sent home after contact is made with the student's parent.

Revised 5/22/23

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Legal
I.C. 20-33-8-12

TOBACCO USE PREVENTION

5512 - **TOBACCO USE PREVENTION**

The School Board recognizes that the use of tobacco presents a health hazard that can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For the purposes of this policy "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; spit tobacco, also known as smokeless, dip, chew, nicotine pouch and snuff, in any form; and all electronic nicotine delivery systems (ENDS) such as e-cigarettes and vape and hookah pens.

In Indiana, the purchase and possession of tobacco products is illegal for persons under the age of twenty-one (21). The use of tobacco products poses health issues for the user and second-hand smoke is a threat to the personal health of others. In addition, nicotine is a powerfully addictive substance and the use of tobacco products could lead to nicotine addiction.

In order to protect students who choose not to use tobacco from an environment that might be harmful to them, the Board prohibits the use and/or possession of tobacco by students. at all times within any facility owned or leased or contracted for by the Board. The Board also prohibits the use and/or possession of tobacco anywhere 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 and shall remain in effect at all times. Furthermore, the Board prohibits the use and/or possession of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, special purpose buses, vans, trucks, and cars.

The administration of each school building shall take appropriate action, as provided for in the Student Code of Conduct, in cases involving students who use and/or possess tobacco in violation of this policy. These actions may include non-punitive approaches in addition to disciplinary consequences as outlined in the Superintendent's administrative guidelines and student handbooks, for students in violation of this policy.

The Superintendent’s administrative guidelines shall include a comprehensive plan to communicate the prohibitions set forth in this policy regarding the use of tobacco, as defined herein, by students, staff, parents, vendors and any other individuals in the School Corporation’s schools, offices, and/or other Corporation facilities, as well as on the grounds of the schools, offices and other Corporation facilities. The plan shall also communicate the prohibitions set forth in this policy regarding the use of tobacco as defined herein by those who drive, or are passengers in, Corporation vehicles of any type.

Revised 3/26/12
Revised 10/27/14

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Legal
I.C. 16-41-37
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

CARE OF SCHOOL PROPERTY

5513 - **CARE OF SCHOOL PROPERTY**

Basic to the philosophy of the School Board is a respect for the rights of others. Students are urged to exercise this respect in regard to the belongings of others, including school property. Each student should realize that vandalism to school property is costly to repair and is directly related to increased school taxes.

Attempts should be made to teach students respect for property which can be done in connection with the care of textbooks and the use of school materials and equipment.

Students who cause damage to school property shall be subject to disciplinary measures and restitution for damages.

The Board authorizes the recovery of costs related to the loss, damage, or destruction of school equipment, apparatus, musical instruments, library materials, textbooks, and for damage to school buildings.

The Board reserves the right to file a civil action in a court of competent authority against parents of a student who willfully destroys Corporation property.

The Superintendent shall develop procedures to implement this policy which include the requirement that all incidents involving the destruction of property be reported to the Board. The Superintendent may report to the juvenile authorities any student whose damage of school property has been serious or chronic in nature.

Legal
I.C. 20-33-5-11

STUDENT USE OF MOTOR VEHICLES

5514.01 - **STUDENT USE OF MOTOR VEHICLES**

The School Board regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students - a responsibility in the care of property; in the observation of safety rules; and in the display of courtesy and consideration toward others.

The Board will permit the use of motor vehicles by students, in accordance with the rules of this Corporation, provided that such students are licensed drivers and have been granted permission by the building principal to drive a motor vehicle on school grounds.

The Board will not permit the use of minibikes or motorcycles for travel to and from school.

The Board will not be responsible for motor vehicles which are lost, stolen, or damaged.

The Superintendent shall develop administrative guidelines for the operation and parking of motor vehicles and shall disseminate those guidelines to all students so affected.

The Superintendent shall establish standards for the granting of permits which shall contain the warning that infraction of rules may result in the revocation of the permit.

STUDENT HAZING

5516 - **STUDENT HAZING**

The School Board believes that hazing activities of any type are inconsistent with the educational process and prohibits all such activities at any time in school facilities, on school property, and at any Corporation-sponsored event.

Hazing shall be defined for purposes of this policy as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of the Corporation shall be alert particularly to possible situations, circumstances, or events which might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Superintendent. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with law.

The Superintendent shall distribute this policy to all students and Corporation employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

Legal
I.C. 35-42-2-2

ANTI-HARASSMENT

5517 - **ANTI-HARASSMENT**

General Policy Statement

It is the policy of the School Board of the New Prairie United School Corporation to maintain an education and work environment that is free from all forms of unlawful harassment occurring in the Corporation's educational opportunities, programs, or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all Corporation operations, educational opportunities, programs, and activities. All students, administrators, teachers, staff, and other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's educational opportunities, programs, or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Corporation environment.

The Board shall vigorously enforce its prohibition against unlawful harassment that is based on race, color, national origin, sex religion, disability, military status, ancestry, or genetic information, which are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the Corporation community as well as Third Parties who feel aggrieved to seek assistance to rectify such problems occurring in the Corporation’s educational opportunities, programs or activities, or, if initially occurring off Corporation grounds or outside the Corporation’s educational opportunities, programs and activities, affecting the Corporation environment.

The Corporation will shall offer counseling services to any person found to have been subjected to unlawful harassment and, where appropriate, the person(s) who committed the unlawful harassment.

All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment that the employee observes or which is reported to the employee.

The Corporation shall investigate all allegations of unlawful harassment and, in those cases where unlawful harassment is substantiated, take steps immediately to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment shall be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment

Other Violations of the Anti-Harassment Policy

The Corporation also shall take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's duties.

Sexual Harassment covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Notice

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

Definitions

Words used in this policy 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 unlawful harassment, 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 unlawful harassment, 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).

Bullying

Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict(s) physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s) based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. sexual violence

I. theft;

J. sexual, religious, or racial harassment;

K. public humiliation; or

L. destruction of property.

In the bullying context, "harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

A. places a student in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

Bullying that rises to the level of Sexual Harassment is covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, and is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. Bullying that does not rise to the level of unlawful harassment shall be investigated under Policy 5517.01 - Bullying.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Corporation Compliance Officers

The Board designates the following individuals to serve as the Corporation's Compliance Officers (also known as "Anti-Harassment Compliance Officers") (hereinafter referred to as the "COs")

Superintendent
574-654-7273
5327 N Cougar Road
New Carlisle, IN 46552

Superintendent's Designee
5327 N Cougar Road

New Carlisle, IN 46552
574-654-7273

The names, titles, and contact information for the COs shall be published annually on each individual school's website.

The Compliance Officer(s) are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment on the basis of a protected class.

The COs shall oversee the investigation of any complaints of harassment based on a protected class that may be filed pursuant to the Board's adopted internal complaint procedure (see below) and shall attempt to resolve such complaints. The Board shall provide for the prompt and equitable resolution of complaints alleging harassment based on a protected class.

Reports and Complaints of Unlawful Harassment 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 harassment based on a protected class to an administrator, supervisor, or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. 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, who believe they have been unlawfully harassed by another member of the Corporation community or a Third Party are entitled to utilize the Board's complaint process set forth below. Initiating a complaint, whether formally or informally, shall not adversely affect the Complainant's participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals shall 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.

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 have created a hostile educational environment and may have constituted unlawful harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to one of the COs, who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, the matter shall be handled in accordance with the grievance process and procedures outlined in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. While the CO investigates the allegation or the matter is being addressed pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, the Principal shall suspend the Policy 5517.01 - Bullying investigation to await the CO's written report or the determination of responsibility pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. The CO shall keep the Principal informed of the status of the Policy 5517 - Anti-Harassment investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator shall provide the Principal with the determination of

responsibility that results from the Policy 2266 -Nondiscrimination on the Basis of Sex in Education Programs or Activities grievance process.

The COs shall be available during regular school/work hours to discuss concerns related to "unlawful harassment" on the basis of a protected class, to assist students who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student. COs shall accept complaints of unlawful harassment directly from any member of the Corporation community or a Third Party and reports that initially are made to another Corporation employee. Upon receipt of a report of alleged harassment, the CO will contact the Complainant and begin either an informal or formal process (depending on the Complainant's request and the nature of the alleged harassment) or designate a specific individual to conduct such a process.

The CO shall provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the CO shall prepare recommendations for the Superintendent or shall oversee the preparation of such recommendations by a designee. All members of the Corporation community shall report incidents of harassment based on a Protected Class 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 harassment of a student is obligated, in accordance with this policy, to report such observations to a CO within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful harassment is expected to intervene to stop the harassment unless circumstances make such an intervention dangerous, in which case the staff member shall immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the CO or designee shall contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the Complainant is under the age of eighteen (18) within two (2) days to advise of the Board's intent to investigate the alleged harassment. Additionally, if the alleged harasser is a student, the CO or designee shall contact the Respondent if age eighteen (18) or older, or the Respondent's parents/guardians if the Respondent is under the age of eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged harassment.

Investigation and Complaint Procedure (see Form 5517 F1)

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Program or Activities, any student who alleges to have been subjected to unlawful harassment based on a Protected Class may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment 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 while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation shall be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights ("OCR") or the Indiana Civil Rights Commission ("ICRC"), The Denver Office of the OCR can be reached at Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582; Telephone: 303-844-5695; FAX: 303-844-4303; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: http://www.ed.gov/ocr.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process, and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee, any other adult member of the Corporation community, or a Third Party and a student shall be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual shall tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant shall address the allegedly harassing conduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to approach the Respondent directly about the allegedly inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the CO may advise against the use of the informal complaint process.

A Complainant who alleges harassment based on a protected class or retaliation may make an informal complaint, either orally or in writing to: 1) building administrator; 2) one of the COs; or 3) to the Superintendent or other Corporation-level employee.

All informal complaints shall be reported to one of the COs who either will facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide the Complainant with a range of options designed to bring about a resolution of the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but is not limited to one or more of the following:

A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

B. Distributing a copy of the Policy 5517 - Anti-Harassment as a reminder to the individuals in the school building or office.

C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or a designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

If the Complainant is dissatisfied with the results of the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

A Complainant may file a formal complaint either orally or in writing with a Principal, the CO, the Superintendent, or other Corporation official.

Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other Corporation official, either orally or in writing, about any complaint of harassment or retaliation, that employee shall report such information to the CO within two (2) business days.

Throughout the course of the process, the CO shall keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints of unlawful harassment or retaliation shall include the following information to the extent it is known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based(i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO shall prepare a written summary of the oral interview and the Complainant shall be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the CO shall consider whether any action shall be taken in the investigatory phase to prioritize the safety of and protect the Complainant from further harassment or retaliation, including, but not limited to a change of building a class assignment or class schedule for the Complainant and/or the Respondent. In making such a determination, the CO shall consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is

unwilling to consent to the proposed change, the Compliance Officer still may take whatever actions are deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee shall initiate a formal investigation to determine whether the Complainant has been subjected to unlawful harassment or retaliation.

The principal shall not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO shall inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 5517 - Anti-Harassment. The Respondent also shall be informed of the opportunity to submit a written response to the formal complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee shall attempt to complete an investigation into the allegations of harassment based on a Protected Class or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation shall include:

A. interview(s) with the Complainant;

B. interview(s) with the Respondent;

C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and

D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/designee shall prepare and deliver a written report to the Superintendent, or his/her designee, that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment of or retaliation against the Complainant. The CO's recommendations shall be based upon the totality of the circumstances, including the age and maturity level of any student involved. In determining if unlawful harassment or retaliation occurred, a preponderance of the evidence standard shall be used.

The CO may consult with the Board’s legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO/designee, the Superintendent, or his/her designee either shall issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's, final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent, requests additional investigation, the Superintendent, shall specify the additional information that is to be gathered, and such additional investigation shall be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent, or his/her designee, shall issue a written decision as described above.

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent shall identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action shall be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Superintendent, may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal shall be submitted to the Superintendent.

In an attempt to resolve the Complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment or retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR or the ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation shall employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent shall be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee shall instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a Corporation employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful harassment /retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action shall be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct. Any discipline of students with disabilities shall be in accordance with the Individuals with Disabilities Education Act ("IDEA") and the Federal and State regulations implementing the IDEA.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

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 or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws 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 this policy 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 above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Child Abuse/Criminal Conduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services ("DCS"). If, during the course of a harassment investigation, the CO or

designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report shall be made in accordance with State law and Board Policy.

If the CO or designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, a report shall be made to local law enforcement.

Any reports made to DCS or local law enforcement shall not terminate the CO's or designee's obligation and responsibility to continue to investigate a complaint of harassment. While the CO or designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy and shall provide training for Corporation students and staff where appropriate. All training and information provided regarding the Board's policy and harassment in general shall be age and content-appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing the retention of all records that shall be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy 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 this policy;
B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
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/or the Corporation's response to the alleged violation of this policy;
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 this policy (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 this policy;
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 this policy;

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 this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) 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 - Information Management) created or received as part of an investigation shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Files, and Policy 8330 - Student Records for not less than three (3) years and longer if required by the Corporation's records retention schedule.

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Revised 11/22/21
Revised 12/18/23

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Legal
I.C. 20-33-1-1
I.C. 20-33-8
I.C. 20-33-8-13.5
I.C. 35-42-4
511 IAC 7-32-1 et seq. (Article 7)
20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Act of 2004, as amended (IDEA)
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
42 U.S.C. 1983
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
34 C.F.R. Part 104, Section 504 Regulations
34 C.F.R. Part 300, IDEA Regulations
A.C. by M.C. v. Metropolitan Sch. Dist. of Martinsville, 75 F.4th 760 (7th Cir. 2023) Whitaker v. Kenosha Unified School District, 858 F.3d 1034 (7th Cir. 2017)

BULLYING

5517.01 - **BULLYING**

The School Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying behavior toward a student, whether by other students, staff, or third parties, is strictly prohibited and shall not be tolerated. At all times, the safety of the victim of bullying shall be a priority. This prohibition includes physical, verbal, and psychological abuse as provided herein. The Board shall not tolerate any gestures, comments, threats, or actions that cause or threaten to cause bodily harm or personal degradation. Engaging in "cyberbullying," which is bullying that occurs through the use of data or computer software that is accessed through a computer, computer system, computer network, or cellular telephone or other wireless or cellular communications device, is also prohibited. This policy applies when a student is on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; traveling to or from school or a school activity, function, or event; or, using property or equipment provided by the school. Additionally, this policy applies regardless of the physical location when:

A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within the School Corporation; and

B. the bullying behavior results in a substantial interference with school discipline or an unreasonable threat to the rights of others to a safe and peaceful learning environment.

Bullying as defined in State law means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student and create for the targeted student an objectively hostile school environment that:

A. places the targeted student in reasonable fear of harm to the targeted student's person or property;

B. has a substantially detrimental effect on the targeted student's physical or mental health;

C. has the effect of substantially interfering with the targeted student's academic performance; or

D. has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

This type of behavior is a form of harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability.
It includes but is not limited to such behaviors as stalking, intimidation, menacing behavior, coercion,

name-calling, taunting, making threats, and hazing. It also includes the use of digital or electronic communications to engage in such behaviors.

However, Indiana law exempts the following from the definition of "bullying":

A. Participating in a religious event.

B. Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.

C. Participating in an activity consisting of the exercise of a student's rights protected under the First Amendment to the United States Constitution or Article I, Section 31 of the Constitution of the State of Indiana, or both.

D. Participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.

E. Participating in an activity undertaken at the prior written direction of the student's parent.

F. Engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

Any student who believes they have been or are currently the victim of bullying shall immediately report the situation to the building principal or assistant principal, or the Superintendent. The student also may report concerns to a teacher or counselor who shall be responsible for notifying the appropriate administrator or Board official. This report may be made anonymously. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent shall be filed with the Board President. A parent may file a complaint on behalf of a student in the same manner.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above. Staff members who fail to report bullying or who fail to conduct an investigation when assigned that duty are subject to disciplinary action, up to and including discharge.

All complaints about bullying behavior that may violate this policy shall be investigated promptly and documented according to the timeline established by the Superintendent's administrative guidelines. At all times, the safety of the victim of bullying shall be a priority. Bullying incidents shall be reported to the parents of both the targeted student and the alleged perpetrator in an expedited manner, that is before the end of the next instructional day after the incident is reported, by the Principal, Assistant Principal, or Superintendent to whom the bullying incident initially was reported or by their designee.

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 shall report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment or Policy 2266 - Discrimination on the Basis of Sex in Education Programs or Activities, as applicable.

If the investigator finds an instance of bullying behavior has occurred, prompt and appropriate action or responses shall be taken to address the behavior wherever it occurs including, as appropriate, disciplinary action, up to and including expulsion for students, discharge for employees, exclusion for

parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Bullying acts shall be reported to law enforcement officials immediately upon determining that a report to law enforcement is necessary.

The parents of the targeted student and the alleged perpetrator shall be notified of the alleged bullying incident at the beginning of the investigation (before the end of the next instructional day after the incident is reported), the findings of the investigation at the conclusion of the investigation, and, as appropriate, any remedial action that has been or shall be taken to the extent disclosure is permitted by law. In addition to discipline, remedial action may include support services for the targeted student and bullying education for the alleged perpetrator, among other actions.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and shall not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint is substantiated. Suspected retaliation shall be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and shall not be tolerated. Retaliation and making intentionally false reports may result in disciplinary action as indicated above.

For a definition of and instances that could possibly be construed as hazing, consult Policy 5516 - Student Hazing.

The Corporation shall maintain a link on its internet website to the internet website resource page maintained by the Indiana Department of Education that provides parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying.

Remedial Action

Follow-up services shall be provided during or after the investigation, which include support services for the victim and bullying education for the alleged perpetrator.

Confidentiality

To the extent appropriate and/or legally permitted, confidentiality shall be maintained during the investigation process. However, in some circumstances, a proper investigation shall require the disclosure of names and allegations.

Discipline Rules

As required by State law, the Superintendent shall require that any discipline rules adopted by the Corporation's schools shall prohibit bullying and include:

A. provisions concerning education, parental involvement, and intervention;
B. a detailed procedure for the expedited investigation of incidents of bullying that includes:

    1. appropriate responses to bullying behaviors, wherever the behaviors occur;
    2. provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
    3. provisions that require a school to prioritize the safety of the victim;
    4. timetables for reporting the conclusion of a bullying investigation to the parents of both the targeted student and the alleged perpetrator in an expedited manner

that is before the end of the next instructional day after the conclusion of the investigation;

5. timetables for reporting of bullying incidents to school counselors, school administrators, the Superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;

6. discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and

7. discipline provisions for false reporting of bullying; and

8. provisions to make a reasonable attempt to notify both the parent of a targeted student and the parent of an alleged perpetrator that the school is investigating a possible incident of bullying or similar misconduct before the end of the next instructional day after the school becomes aware of the possible incident; and

C. a detailed procedure outlining the use of follow-up services that includes:

1. support services for the victim; and

2. bullying education for the alleged perpetrator.

The discipline rules may be applied regardless of the physical location in which the bullying behavior occurred, whenever:

A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within the Corporation; and

B. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

The discipline rules shall prohibit bullying through the use of data or computer software that is accessed through a:

A. computer;

B. computer system;

C. computer network; or

D. cellular telephone or other wireless or cellular communications device.

The discipline rules shall include policies to allow a parent of a child in the Corporation to review any materials used in any bullying prevention or suicide prevention program.

The discipline rules may include provisions to determine the severity of an incident of bullying. Pursuant to I.C. 20-33-8-13.5, this section may not be construed to give rise to a cause of action against a person or the Corporation based on an allegation of noncompliance with this section. Likewise,

noncompliance with this section may not be used as evidence against the Corporation in a cause of action.
Each school in the Corporation shall document acts of bullying and abusive behaviors:

A. against a victim; and

B. committed by a verified perpetrator.

Pursuant to I.C. 20-33-8-13.5, a record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under I.C. 5-14-3.

Documentation

The Corporation shall document acts of bullying and abusive behaviors against a victim that are committed by a verified perpetrator.

Parent Access to Materials

The parent of a child attending a school in the corporation shall be allowed to review any materials used in any bullying prevention or suicide prevention program.

Safe School Committee

In accordance with State law, there shall be a Safe School Committee in each school within this Corporation (see Policy 8400 - School Safety).

The Superintendent is directed to develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

Revised 12/16/13
Revised 5/19/14
Revised 2/25/19
Revised 12/18/23
Revised 8/26/24
Revised 8/25/25

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Legal
I.C. 5-2-10.1
I.C. 20-20-8-8
I.C. 20-30-5-5.5
I.C. 20-33-8-0.2
I.C. 20-33-8-13.5
I.C. 20-34-6-1

DISORDERLY CONDUCT

5520 - **DISORDERLY CONDUCT**

It is the purpose of the School Board, acting within the intent and letter of the law of this State, to provide instruction for students at public expense. Any act of any person(s) to interfere with or to thwart that purpose is unlawful or is in violation of Board policy. Therefore, actions by a student(s) to interfere materially or substantially with the operations of the School Corporation by defacing or destroying school property, by rioting, breaking-in, sitting-in, lying-in, smashing-in, or picketing to force students not to cross picket lines are illegal. Students who engage in such activities may be punished to the full extent of the law and Board policies and Corporation administrative guidelines promulgated thereunder.

For the purposes of this policy, the term "disorderly conduct" shall mean any unlawful student assemblage; or group act of violence, disruption, vandalism, or building seizure; or interference with the functioning of school personnel or any student or group of students.

Legal
I.C. 20-33-8-2

DRUG PREVENTION

5530 - **DRUG PREVENTION**

The School Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community.

As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

For purposes of this policy, "drugs" shall mean:

A. all dangerous controlled substances as so designated and prohibited by Indiana statute;

B. any synthetic drug or derivative thereof defined as a controlled substance by Indiana statute;

C. all chemicals which release toxic vapors;

D. all alcoholic beverages;

E. tobacco and tobacco products;

F. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;

G. anabolic steroids;

H. any "look-alike" substances;

I. any other illegal substance so designated and prohibited by law.

The Board prohibits the use, possession, concealment, or distribution of any drug and any drug-related paraphernalia at any time on Corporation property or at any school-related event. It further establishes a drug-free zone within 1000 feet of any facility used by the Corporation for educational purposes.

The Superintendent shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools.

The *Safe School Committee* described in Board Policy 8400 shall be responsible for addressing the issue of drug use in schools and facilities operated by the Corporation and implementing the Safe and Drug-Free Schools and Communities Act.

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Revised 2/23/15
Revised 6/20/16

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Legal
I.C. 20-30-5-11
I.C. 35-48-2-4

I.C. 35-48-2-6
I.C. 35-48-2-8
I.C. 35-48-2-10
I.C. 35-48-2-12
20 U.S.C. 7101 et seq., The Safe and Drug-Free Schools and Communities Act (Title IV, Part A of the Elementary and Secondary Education Act)

DRUG TESTING

5530.01 - **DRUG TESTING**

EXTRA-CURRICULAR AND CO-CURRICULAR ACTIVITIES AND STUDENT DRIVER DRUG TESTING PROGRAM

A STATEMENT OF NEED AND PURPOSE

A program of deterrence will be instituted as a pro-active approach to a drug free school. Through driving or participation in extra-curricular and co-curricular activities, students using illegal drugs pose a threat to their own health and safety, as well as to that of other students. The purpose of this program is three fold: (1) to provide for the health and safety of students; (2) to undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs; and (3) to encourage students who use drugs to participate in drug treatment programs. Students involved in extra-curricular and co-curricular activities and driving to and from school need to be exemplary in the eyes of the community and other students. It is further the purpose of this program to prevent students from driving to and from school or participating in extra-curricular and co-curricular activities while s/he has drug residues in his/her body, and it is the purpose of this program to educate, help, and direct students away from drug and alcohol abuse and toward a healthy and drug free lifestyle. It is designed to create a safe, drug free, environment for students and assist them in getting help when needed. No student shall be expelled or suspended from school as a result of any verified “positive” test conducted by his/her school under this program other than stated therein.

INTRODUCTION

The effective date of this program is August 1, 2003. This program does not affect the current policies, practices, or rights of New Prairie United School Corporation with drug and/or alcohol possession or use, where reasonable suspicion is obtained by means other than drug testing through this policy.

REASONABLE CONCERN

New Prairie United School Corporation has a strong commitment to the health, safety and welfare of its students. Our commitment to maintaining the extra-curricular and co-curricular activities in New Prairie United School Corporation and driving to and from school as a safe and secure educational environment requires a clear policy and supportive programs relating to detection, treatment, and prevention of substance abuse by students involved in extra-curricular and co-curricular activities and driving to and from school.

SCOPE

Participation in extra-curricular and co-curricular activities and driving to and from school is a privilege. This policy applies to all New Prairie United School Corporation students in grades 9-12 who wish to participate in extra-curricular and co-curricular activities that are listed below:

A. Athletics (Participants include, but are not limited to, athletes, cheerleaders, managers, and other athletic student personnel).

B. Music (Participants include, but are not limited to, performing band members, performing choir members, and participants in solo/ensemble contests).
C. All student clubs and organizations.

This policy also applies to any student who wishes to drive to school, from school, or during school.

CONSENT FORM

It is MANDATORY that each student who participates in extra-curricular and co-curricular activities or drives to or from school sign and return the "consent form" prior to participation in any extra-curricular and co-curricular activity. Failure to comply will result in non-participation and/or no issue of a student-driving permit to school.

At the beginning of each selection date, school year or sport season, as determined by the Indiana High School Athletic Association, or when a student moves into the District and joins an activity, all students wishing to participate in that season's sports may be subject to urine testing for illicit or banned substances. Up to ten percent (10%) of eligible students may be randomly tested on a weekly basis anytime during the school year. Any student who refuses to submit to urine drug testing will not be allowed to practice or participate in designated extra-curricular and co-curricular New Prairie United School Corporation activities or drive to and from school by consequences set forth in section D of this policy under Testing Procedures.

Each student shall be provided with a "consent form", a copy of which is attached hereto, which shall be dated and signed by the participant and by the parent/guardian. In so doing, the student is agreeing to participate in the New Prairie United School Corporation random drug-testing program.

NON-PUNITIVE NATURE OF POLICY

No student athlete will be penalized academically for testing positive for illegal drugs or banned substances. The results of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the New Prairie United School Corporation Board of Education will not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent, legal guardian, or custodian will be notified at least seventy-two (72) hours before response is made by the New Prairie United School Corporation Board of Education, to the extent permitted by such subpoena or legal process.

BANNED SUBSTANCES

For the purpose of this policy, the following substances or their metabolites that can be tested for are considered illicit or banned for New Prairie United School Corporation students.

Alcohol	Amphetamines	Anabolic Steroids
Barbiturates	Benzodiazepines	Cocaine Metabolites
LSD	Marijuana Metabolites	Methadone

Methaqualone	Ecstasy	Opiates
Propoxyphene	Other Specific Drugs	

TESTING PROCEDURES

A. The selection of participants to be tested will be done randomly by the principal/designee, or outside agency and selections will be made from time to time throughout the school year. The drug-testing pool will consist of those persons agreeing to be tested. Testing may occur on a different day, Monday through Saturday. This variable schedule will keep students conscious of the possibility of being tested at any time during the year. Each student will be assigned a number that will be placed in a drawing. The principal/designee or outside agency will use a system to assure that students are selected in a random fashion. This system will utilize a computer-based system designed specifically for the purpose of randomly selecting individuals for drug testing.
B. No student will be given advance notice or early warning of the testing. In addition, a strict chain of custody will be enforced to eliminate invalid tests or outside influences.
C. Upon being selected for a urinalysis test under this policy, either by random draw, or a "follow-up" test, a student will be required to provide a sample of "fresh" urine according to the quality control standards and policy of the laboratory conducting the urinalysis.
D. All students will remain under school supervision until they have produced an adequate urine specimen. If unable to produce a specimen, the student will be given up to forty (40) ounces of fluid. If still unable to produce a specimen within three (3) hours, the student will be taken to the principal's office and told s/he is no longer eligible for any of the extra-curricular and co-curricular activities and driving to and from school. In addition, the parents/guardian will be telephoned and informed the student is unable to produce a sample for the testing procedure and that s/he may be tested at a later date through the NPUSC testing program at a pre-approved facility of the NPUSC Random Testing Vendor to be reinstated for eligibility at the individual's expense. Refusal to produce an adequate urine specimen when randomly selected under the provisions of this policy will be considered an admission of guilt subject to automatic and immediate 365 days suspension of the current and/or next season of participation. Any Student in violation of this provision will lose driving privileges at NPUSC for 365 days. Reinstatement will occur after serving the 365 days suspension only if a clean sample is provided under the provisions of this policy.

   Student-athletes or students testing positive for drugs-controlled substances Type I violations or refusing to participate in random drug testing and thus earning a first time 365 days suspension are eligible to have their suspension reduced by fifty percent (50%) (or 183 days) to be approved by the athletic director and in consultation with an athletic committee consisting of the athletic director, one school administrator, and one varsity coach/sponsor. Criteria to be eligible for a fifty percent (50%) suspension reduction includes:

   Upon testing positive, or being deemed to have violated the drugs or controlled substance Type I policy of the athletic code of conduct or by refusing to provide a sample when randomly selected, a student-athlete may provide documentation, to the athletic director, of an assessment and completion of a substance abuse rehabilitation program with a licensed professional program and complete ten (10) hours of community service in our school(s).

   If the student-athlete completes the program in good standing and completes the recommendations of the substance abuse rehabilitation program, his /her suspension may be reduced upon a request, in writing, for a review to the Director of Athletics & Athletic

Committee from the student or student's parent or guardian. The assessment and substance abuse rehabilitation program undertaken by the student-athlete will be at the expense of the parent or guardian. The substance abuse rehabilitation program must be engaged in for a minimum of thirty (30) calendar days, or longer if prescribed the substance abuse rehabilitation program professional. Documentation of successful rehabilitation program completion must be provided to the Athletic Director prior to consideration of a suspension reduction. Ten hours of community service, approved by the NPHS Principal, must be completed prior to consideration of suspension reduction as well. Suspension reduction decisions will be made by the NPHS Athletic Director, in consultation of the Athletic Committee. The rehabilitation program must begin within thirty (30) calendar days of beginning of the 365 days suspension for eligibility for a fifty percent (50%) or 183 days penalty reduction.

E. All specimens registering below ninety degrees (90°) or above 100 degrees (100°) Fahrenheit will be invalid. There is a heat strip on each of the specimen bottles indicating the validity of the urine specimen by temperature. If this occurs, the student must give another specimen.
F. If it can be proven that tampering or cheating has occurred during the collection, the student and any accomplice or accomplices will be suspended from all extra-curricular/co-curricular activities and driving to and from school for the duration of the suspension, this will be reported to the parent/guardian. Once a negative test is confirmed, the student may be allowed to resume participation in extra-curricular and co-curricular practices, and driving privileges will be restored. The student may resume extra-curricular and co-curricular contests and events participation after the suspension has been fulfilled.
G. Immediately after the specimen is taken, the student may return to class with an admit slip or pass with the time s/he left the collection site. The principal/designee must time and sign the pass.
H. The specimens will then be turned over to the testing laboratory, and each specimen may be tested for alcohol, and "street drugs" (which may include all drugs listed as controlled substances under the laws of the State of Indiana). Also "performance enhancing" drugs such as steroids may be tested.
I. The laboratory selected must follow the standards set by the U.S. Department of Health and Human Services. It must be certified by HHS under the National Laboratory Certification Program (NLCP).

CHAIN OF CUSTODY

A. All collection personnel will be trained according to Department of Transportation collection procedures. To maintain confidentiality, the student's name will not appear on the laboratory copy of the chain of custody and control form.
B. The principal/designee will be responsible for escorting students to the collection site. The student should bring all materials with him/her to the collection site and should not be allowed to go to his/her locker. The administrator should not bring all the students drawn from the pool to the collection site simultaneously.
C. Before the student's urine specimen is tested by the laboratory, students will agree to fill out, sign and date any form which may be required by the testing laboratory. If a student chooses, s/he may notify the administrator that s/he is taking a prescription medication.
D. A sanitized kit containing a specimen bottle will be given to each student. The bottle will remain in the student's possession until a seal is placed upon the bottle. The student will sign that the specimen has been sealed. Only the lab testing the specimen may break the seal.
E. If the seal is tampered with or broken, after leaving the student's possession and prior to arriving at the lab, the specimen is invalid and the test will be canceled.
F. Students will be instructed to remove all coats and wash their hands in the presence of the collector prior to entering the restroom. The door will be closed so that the student is by

himself/herself in the restroom to provide a urine specimen. The collector will wait outside the restroom. The student will have four (4) minutes to produce a urine specimen. The commode will contain a blue dye so the water cannot be used to dilute the sample. The faucets in the restroom will be shut off.

TEST RESULTS

A. This program seeks to provide needed help for students who have a verified "positive" test. The student's health, welfare, and safety will be the reason for preventing students from participation in extra-curricular and co-curricular activities and restrict him/her from driving to or from school.
B. The principal/designee will be notified of a student testing "positive" only after the test result is verified by the Medical Review Officer. The laboratory will report the test result to the Medical Review Officer after initial and confirmatory test results are completed. The student and his/her parent/guardian will be notified by the Medical Review Officer where they will be given an opportunity to present documentation of a prescription for the positive substance. The Medical Review Officer will contact the prescribing physician and verify the prescription.
C. If the test is verified "positive", the principal/designee will meet with the student and his/her parent/guardian at a School Corporation facility. The student and parent/guardian will be given the names of counseling and assistance agencies that the family may want to contact for help.

   A "follow-up" test will be requested by the principal/designee after such an interval of time that the substance previously found would normally have been eliminated from the body. The cost of the test is the responsibility of the student and/or his or her parents or guardians. If the follow up test is negative, the student may be allowed to resume extra-curricular and co-curricular practices, and driving privileges will be restored. The student may resume extra-curricular and co-curricular contests and events participation after the suspension has been fulfilled. Subject to the disciplinary consequences of the Athletic Code of Conduct and/or applicable Student Activities Code of Conduct. If a second "positive" result is obtained from the "follow up" test, or any later test of that participant, the same previous procedure shall be followed. In addition, the New Prairie United School Corporation reserves the right to continue testing at any time during the remaining school year any participating student who tested "positive" and did not make satisfactory explanation.
D. Information on a verified "positive" test will be shared on a "need to know" basis with the students' coach or sponsor. The results of "negative" tests will be kept confidential to protect the identity of all students being tested. All drug test results will be kept in locked files with access only by the principal/designee.

STATISTICAL REPORTING AND CONFIDENTIALITY OF DRUG TEST RESULTS

The testing laboratory, Medical Review Officer or third party administrator may not release any statistics on the rate of positive drug tests to any person, organization, news publication or media without expressed written consent of the New Prairie United School Corporation Board of Education. However, the third party administrator will provide the building principal with a quarterly report showing the number of tests performed, rate of positive and negative tests, and what substances were found in the positive urine specimens.

FINANCIAL RESPONSIBILITY

A. Under this policy, New Prairie United School Corporation will pay for all initial random drug tests and all initial reasonable suspicion drug tests. The student or his/her parent/guardian shall pay for all "follow up" drug tests.
B. A request on appeal for another test of a “positive” urine specimen is the financial responsibility of the student or his/her parent/guardian.
C. Counseling and subsequent treatment by non-school agencies is the financial responsibility of the student or his/her parent/guardian.

CONFIDENTIALITY

Under this drug testing program, any staff, coach, or sponsor of New Prairie United School Corporation who may have knowledge of the results of a drug test will not divulge to anyone the results of the test of the disposition of the student involved, other than in the case of a legal subpoena being made upon that person in the course of a legal investigation. Once again, this will underscore the New Prairie United School Corporation commitment to confidentiality with regards to the program.

OTHER RULES

Apart from this drug-testing program, New Prairie High School Athletic Department and the coaching staff/sponsor of each sport/activity have their own training rules and requirements. Coaches/Sponsors have the necessary authority to enforce those rules. Any student who violates a rule or requirement as a member of a team or activity will be subject to the consequences as defined in those rules and requirements.

COLLECTION PROCESS

Selected student athlete’s report from class to the collection site. A specimen of urine is collected following this process:

A. Student first is asked to wash their hands with water and dry them.
B. No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.
C. The drug testing custody and control form is completed by the student and collector.
D. The collector adds a bluing agent to the water in the urinal or toilet.
E. The student is told to urinate directly into the provided container and should provide a sufficient amount of urine (45ml) in one (1) attempt. The student is also told they are to hand the container of urine to the collector.
F. The student enters the stall to collect the specimen, and then hands the container to the collector. The student may then rewash their hands.
G. The collector checks the volume, reads and records the temperature within four (4) minutes of collection, and looks for evidence of tampering. If tampering is suspected, a second specimen will be requested. A second suspected tampered specimen will be considered refusal to test and the principal notified.
H. With the student watching, the collector will recap the specimen bottles tightly.
I. The collector takes the properly student-signed and initialed bottle seals and places them over the caps and the side of the bottles.
J. The sealed bottles are placed inside the transport bag and the top sealed as directed.
K. The top lab copies of the drug testing custody and control form are folded with the top portion visible to the outside and placed in the requisition pouch. This pouch is then sealed as indicated. The student is given the donor copy of the form.
L. While the student watches, the sealed specimen bag is carried to a secured storage area.
M. The student is then sent back to class.

N. The collector distributes the remaining copies of the form as required, being responsible for getting the appropriate copy of the form to the principal/designee and Medical Review Officer in a timely manner.
O. The principal will be notified immediately of any student who refuses to give a urine sample

MEDICAL REVIEW OFFICER RESPONSIBILITIES

The Medical Review Officer will review all results of urine drug testing. Any urine specimen testing positive for illicit or banned substances will be handled in the following manner:

A. The Medical Review Officer determines if any discrepancies have occurred in the chain of custody.
B. Depending on the substances found in the urine, if necessary the Medical Review Officer will contact the parent/guardian to determine if the student is on any prescribed medication from a physician.
C. If the student is on medication, the Medical Review Officer will contact the prescribing physician to verify the prescription and overturning the positive result to a negative result. Failure to cooperate with the Medical Review Office in obtaining this information will result in the positive test being reported to the principal/designee.
D. The Medical Review Officer will then determine if any of the prescribed medications resulted in the positive drug screen.
E. Finally, the Medical Review Officer, based on the information given will certify the drug test results as positive or negative and report this to the building principal, initially reporting positive results by phone. The Medical Review Officer will also notify the prevention coordinator that a drug test returned positive giving only the dates of the collection reporting.

    1. For example, a drug screen positive for codeine may be ruled negative by the Medical Review Officer when s/he receives a letter from the treating physician that the student has been prescribed Tylenol with codeine as a pain medication following tooth extraction.
    2. Or, if the student has a positive drug screen for codeine and has no documented physician order for the medication (maybe a parent gave the student one (1) of their pills), this would likely be ruled a positive drug test by the Medical Review Officer.
    3. Drug screens positive for illicit drugs (marijuana, heroin, cocaine, etc.) would automatically be considered positive by the Medical Review Officer.

F. The Medical Review Officer will complete the final review on the drug testing custody and control form and return the appropriate copy to the building principal in a confidential manner.

PICK-UP PROCESS

The collector is responsible for seeing that specimens are delivered to or picked up by the testing laboratory and the chain of custody form properly annotated.

Revised 4/22/13
Revised 5/19/14

Legal
I.C. 20-26-3
I.C. 20-26-5-4

I.C. 20-30-15-6
Linke v. Northwestern School Corporation (763 N.E. 2nd 972)

THE SCHOOLS AND GOVERNMENTAL AGENCIES

5540 - **THE SCHOOLS AND LAW ENFORCEMENT AGENCIES**

The School Board is committed to maintaining the educational atmosphere of the schools and restricting access by individuals not part of the school system, but also recognizes its responsibility to comply with the law and its need for assistance from law enforcement in certain circumstances.

The School Corporation utilizes with respect to a Memorandum of Understanding with the local law enforcement agency one or more School Resource Officers (SROs).

When law enforcement agents request permission to interview a student at school or on School Corporation premises, the Superintendent or Principal shall be contacted prior to any further action by law enforcement. The administrator shall determine whether it is appropriate to provide access to the student based on the officer's purpose, whether the officer has stated that there is an emergency involving imminent threat to the school, its staff, or students, or the officer is in possession of a valid judicial warrant. A judicial warrant shall be deemed valid if executed by a judge or magistrate of a State or Federal Court and describes the school premises that are or the individual who is the subject of the judicial warrant.

If a law enforcement agent interrogates a student on school property, no school representative shall be present during the interview. Rather, any such interrogation shall be considered a law enforcement issue handled by the law enforcement agency.

If a student is interrogated by a law enforcement agent on school property, the Principal must make an effort to immediately 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.

When an agency or law enforcement agent removes a student from school, the Principal shall notify the student's parent and the Superintendent before the time the student would normally arrive home on that day.

Law enforcement investigations on school premises fall into two (2) primary categories. First, some investigations will occur at the request of the Corporation administration due to suspicion of a violation of school policy that may also be criminal. Second, law enforcement investigations may occur without the initiation of school officials and may or may not involve activity on school grounds.

Different procedures are to be followed in each instance as outlined below:

A. **By law enforcement agents, on request of Corporation authorities**

1. An administrator may exercise discretion in determining whether to request the assistance of law enforcement in investigating a crime, or allegation of a crime, committed in the administrator's school building or on school grounds during school hours. If assistance is so requested, it shall be directed to the local law enforcement agency, and the administrator shall remain the primary investigator

with assistance from law enforcement. **When determining whether to contact law enforcement, the Principal shall consider the mandatory reporting requirements of I.C. 31-33-5, in the case of suspected child abuse or neglect, I.C. 20-33-8-16(g), with respect to a student who brings a firearm or destructive device to school or on school property or is in possession of a firearm or destructive device on school property, and I.C. 20-33-9, with respect to a threat made to, the intimidation of, battery of, or harassment of a school employee.** However, any time a law enforcement agent interrogates a student on school property, no school representative shall be present during the interview, including the administrator primarily responsible for the investigation. Rather, any such interrogation shall be considered a law enforcement issue handled by the law enforcement agency.

2. If the administrator requests assistance, a law enforcement officer may conduct an investigation within the school building and interview students as witnesses in school during the school day. Administrators shall take steps to assure that students are not removed from classes if at all possible. The student may request representation, such as legal counsel. If a student requests legal counsel, the administrator will make an effort to contact the parent(s), and the student will be placed in the custody of the law enforcement agency. The administrator shall attempt to contact the parent(s) of any student prior to questioning by law enforcement. A decision whether to take a student into custody is the decision of the law enforcement agent.
3. If the investigation focuses on a particular student as a prime suspect of a crime, the administrator and the law enforcement agent shall abide by the guidelines with respect to any interrogation, search, and arrest. Once law enforcement is involved in an investigation of possible criminal activity on school grounds, assuring that the student's constitutionally protected rights are respected during the investigation process is the law enforcement agent's responsibility.
4. School officials shall assist and cooperate in investigations as requested by law enforcement and consistent with the Corporation's responsibility to maintain the confidentiality of student records under State and Federal law.

B. **By law enforcement agents without the request of Corporation authorities**

1. Law enforcement agents will be asked to make every effort to interview students outside of school hours and outside of the school setting in those cases where assistance has not been requested by Corporation authorities. This procedure will not apply to circumstances where a serious crime may be involved, where imminent threats to persons or property may be involved, or where law enforcement states that it is not feasible to interview the student outside of school due to the nature of the investigation and that they are not able to provide specific information substantiating the need to immediately interview the student.
2. If law enforcement deems it absolutely necessary to interview a student at school, the law enforcement agent shall first contact the administrator regarding the planned visit and inform the administrator of the circumstances that require law enforcement to investigate within the school and obtain the administrator's approval to interview a student during school hours. The law enforcement agent shall not commence an investigation until such approval is obtained. The law enforcement personnel may appeal to the Corporation Administrator if it is deemed that approval was unreasonably withheld. Provided, however, that prior approval by the administrator is not required if the law enforcement agent has a valid judicial warrant.

Except in the case of an emergency or where the law enforcement agency has a judicial warrant, all law enforcement agents must follow the procedures for school visitors as established by the Superintendent pursuant to po9150 – School Visitors and any administrative guidelines.

The administrator shall make every effort to maintain the privacy of the student.

3. Accordingly, the administrator shall do the following:

    a. require the law enforcement agent to sign in upon arrival at the school and complete a form stating the reasons why questioning may not wait until after school hours. If the agent indicates it is a confidential investigation, school officials shall allow access;
    b. request that every attempt be made to schedule questioning during a time the student is not in class;
    c. request that the student be pulled out of class by a school administrator, rather than a law enforcement officer, if necessary;
    d. notify the law enforcement officer that the school official will be attempting to contact the student's parent prior to questioning, unless specifically requested not to, because such contact would unduly impede the investigation.

4. If a law enforcement agent is in possession of **a valid judicial warrant**, school officials shall in no way interfere with the officer's execution of the warrant. A judicial warrant shall be considered "valid" if executed by a judge or magistrate of a State or Federal Court and describes the school premises that are or the individual who is the subject of the judicial warrant. Corporation officials shall not attempt to evaluate the sufficiency of probable cause upon which the judicial warrant is based.

    In the event a law enforcement agent seeks to execute a judicial warrant on school grounds, the agent is to be directed to the building administration. The administration shall attempt to assist in executing the judicial warrant by directing the student to report to the office. The school administration shall then: 1) contact the student's parent if the student is a minor; and 2) contact the Corporation Administrator. This process shall be followed unless the law enforcement agent states that the agent has reason to believe that the subject of the warrant poses an immediate threat to the health and safety of others while in the school. In such a case, school officials shall grant access to the facility for execution of the judicial warrant.

Release of Records

Attempts to notify the parents regarding investigations by law enforcement shall be documented.

No school official may release personally identifiable student information in education records to law enforcement without the prior written permission of the parent, a lawfully-issued subpoena, a court order, or in the event of a health or safety emergency. (See Board Policy 8330).

Removal of Student

No student shall be released to a law enforcement agency without written parental permission or a judicial warrant, except in the event of an emergency or for the protection of life or property as determined by the Administration.

As used in this policy, "student" means any person enrolled in classes other than adult education classes, and is not limited to persons under eighteen (18) years of age.

The Superintendent shall prepare guidelines to promote understanding and cooperation between staff members and students, and law enforcement agencies.

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Legal
I.C. 20-33-8-16
I.C. 20-33-9
I.C. 31-9-2-44.1
I.C. 31-30.5-1
I.C. 31-33-5
Ind. R. Evid. 617

INVESTIGATIONS BY THE DEPARTMENT OF CHILD SERVICES

5540.01 - **INVESTIGATIONS BY THE DEPARTMENT OF CHILD SERVICES**

The School Board is committed to protecting students from individuals not associated with the School Corporation seeking access to students at school, but also recognizes its responsibility to comply with the law regarding access to the school premises and its students by the Department of Child Services (DCS).

When DCS requests permission to interview a student at school, the Principal shall 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 shall be present throughout the proceedings unless ordered not to be present by a DCS representative or a court of law. The Principal shall not interfere with the interview or examination if present during the interview or examination, but shall only observe. See also ag5540.01A – Investigations by the Department of Child Services (DCS).

If the DCS makes a request to interview a student at school alone, this request will be granted only under the following circumstances:

A. The DCS employee presents their official credentials as a DCS caseworker or other proof of employment with the DCS upon arrival at the school; and
B. The DCS employee produces a written statement that the DCS "has parental consent or a court order, or exigent circumstances exist as defined by I.C. 31-9-2-44.1 to interview [Child's name]". This statement shall not disclose any of the facts of the allegations or evidence and may be transmitted to the Corporation electronically.

If a written statement is produced or emailed regarding the need for a DCS employee to interview a student at school, this statement shall not be maintained in the student's file, and the Corporation shall protect the student and the student's family's confidentiality regarding the written statement and the DCS interview.

Except in the case of an emergency or where DCS has a judicial warrant, all DCS representatives must follow the procedures for school visitors as established by the Superintendent pursuant to po9150 – School Visitors.

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.

The Superintendent shall prepare guidelines to promote understanding and cooperation between staff members and students and DCS.

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Legal
I.C. 31-9-2-44.1
I.C. 31-33-8

THE SCHOOLS AND GOVERNMENTAL AGENCIES

5540.02 - **THE SCHOOLS AND GOVERNMENTAL AGENCIES**

The School Board is committed to protecting students from individuals not associated with the School Corporation seeking access to students at school, but also recognizes its responsibility to comply with the law regarding access to the school premises and its students by Federal, State, and local governmental agencies.

Access to a student's education records shall not be provided to a governmental agency unless the agency representative produces a court order requiring access or one of the exceptions contained in 34 C.F.R. 99.31 applies. School administration must comply with PO 8330 – Student Records with respect to providing access and maintaining records of access to a student's education records by a governmental agency.

When a governmental agency requests permission to interrogate a student at school, the principal or designee shall attempt to inform the student's parents, unless directed not to do so by the representative of the agency.

When the governmental agency states a legitimate purpose for questioning or examining a student while the student is entrusted to the Corporation, the Principal shall be present throughout the proceedings, unless ordered not to be present by a representative of the governmental agency or a court of law. The Principal shall not interfere with the interview or examination if present during the interview or examination.

If the governmental agency makes a request to interview a student at school alone, this request will be granted only under the following circumstances:

A. The employee of the governmental agency presents their official credentials or other proof of employment with the governmental agency upon arrival at the school; and
B. The employee of the governmental agency provides written parental consent or a court order to interview a student at school.

If written parental consent or a court order is provided to the Corporation for an employee of a governmental agency to interview a student at school, it shall be maintained in the student's file in compliance with PO8330 – Student Records.

Except in the case of an emergency or where the governmental agency has a judicial warrant, all governmental agency employees must follow the procedures for school visitors as established by the Superintendent pursuant to po9150 – School Visitors.

The Superintendent shall prepare guidelines to promote understanding and cooperation between staff members, students, and governmental agencies.

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Legal
20 U.S.C. 1232g - Family Educational Rights and Privacy Act (FERPA)
34 C.F.R. Part 99 (FERPA regulations)

STUDENT DISCIPLINE

5600 - **STUDENT DISCIPLINE**

The School Board acknowledges that conduct is closely related to learning and that an effective instructional program requires an orderly school environment, which is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and students should learn to assume responsibility for their own behavior and the consequences of their actions.

The Board requires each student of this School Corporation to adhere to the Code of Conduct promulgated by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

A. conform to reasonable standards of socially-acceptable behavior;

B. respect the person and property of others;

C. preserve the degree of order necessary to the educational program in which they are engaged;

D. respect the rights of others;

E. obey constituted authority and respond to those who hold that authority.

The Superintendent will promulgate administrative guidelines for student conduct which carry out the purposes of this policy and:

A. are not arbitrary but bear a reasonable relationship to the need to maintain a school environment conducive to learning;

B. do not discriminate among students;

C. do not demean students;

D. do not violate any individual rights constitutionally guaranteed to students.

The Superintendent will designate sanctions for the infractions of rules, excluding corporal punishment, which:

A. relate in kind and degree to the infraction;

B. help the student learn to take responsibility for his/her actions;

C. are directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

The Superintendent shall publish to all students and their parents the rules of this Corporation regarding student conduct, the sanctions which may be imposed for breach of those rules, and the due-process procedures that will be followed in administering the Code of Conduct. Parents, and students who are eighteen (18) years or older, will be provided a form which is to be signed and returned to the school principal confirming that the Code of Conduct has been read and is understood. Failure to return the form shall have no effect on the utilization of the disciplinary actions contained in the Code with that student.

The Superintendent will report to the Board periodically the methods of discipline used and the incidents of those types of student misconduct designated by the Board.

The NPUSC Administrators shall have the authority to assign discipline to students, subject to Corporation administrative guidelines and the student's due process rights to notice, hearing, and appeal.

Teachers and other employees of this Board having authority over students shall have the authority to take such means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this Board when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained or other suitable transportation arrangements have been made.

No student shall be suspended or expelled solely because the student is chronically absent or a habitual truant, as defined in Policy 5200 - Attendance.

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Legal
I.C. 20-26-5-32
I.C. 20-33-8-1 et seq.

SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

5605 - **SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES**

In matters relating to the discipline of students with disabilities, the Board shall abide by Federal and State laws and regulations regarding suspension and expulsion.

The Superintendent shall establish administrative guidelines and require that the guidelines are followed when disciplining any student with a disability.

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Legal
I.C. 20-33-8-34
20 U.S.C. 1400 et seq.
29 U.S.C. 794
34 C.F.R. Part 104
34 C.F.R. Part 300
34 C.F.R. Part 301
511 IAC 7-44-1 through 10

SUSPENSION AND EXPULSION OF STUDENTS

5610 - **SUSPENSION AND EXPULSION OF STUDENTS**

The School Board recognizes that removal from the educational programs of the School Corporation, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this Corporation and one that cannot be imposed without due process since removal deprives a child of the right to an education.

No student is to be suspended and/or expelled from an activity, program, or a school unless the student's behavior represents misconduct or substantial disobedience while the student is on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; or traveling to or from school or a school activity, function, or event This includes but is not limited to bringing to or possessing at school a firearm, deadly weapon, or destructive device.

In addition to the grounds specified above, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function, or the student's removal is necessary to restore order or protect persons on school property, including any unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

Furthermore, a student may be suspended or expelled for bullying, regardless of the physical location in which the bullying occurred, whenever:

A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and

B. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of other to a safe and peaceful learning environment.

A student also may be expelled when the student’s legal settlement is not within the Corporation’s attendance area.

No student shall be suspended or expelled solely because the student is chronically absent or a habitual truant, as defined in Policy 5200 - Attendance.

District personnel shall enforce provisions of the student code of conduct so that students demonstrating unacceptable behavior and their parents, guardians or legal custodians understand that such behavior shall not be tolerated and shall be dealt with according to the code.

However, it is the belief of the Board that available alternatives should be explored to help students who are at risk of expulsion before expulsion becomes a necessary step. Expulsion shall be regarded as a punishment of last resort unless a student's behavior would cause imminent harm to others in the school, or when State law or the school's conduct and discipline codes require automatic expulsion. The principal of each school shall work with the professional staff to identify students who are at risk of

suspension or expulsion. Among those students who may be at risk are those who have been or are likely to be declared habitually truant or habitually disruptive.

The District, working with the student's parent/guardian, shall provide students who are identified as at risk of suspension or expulsion with a plan to provide necessary support services to help them avoid expulsion. Services may include:

A. Educational services (tutoring, alternative educational programs or vocational programs that provide instruction in the academic areas of reading, writing, mathematics, science and social studies)

B. Counseling services

C. Drug or alcohol addiction treatment programs

D. Family prevention services

In some cases, a remedial discipline plan may be the means by which various intervention and prevention services are identified and made available to a student. Support services may be provided through agreements with appropriate local governmental agencies, community-based organizations and institutions of higher education.

The failure of the school district to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures.

A Student Code of Conduct, approved by the Board, shall specify the procedures to be followed by school officials when administering this policy. In addition to the procedural safeguards and definitions set out in this policy and the student/parent handbook, the procedures set forth in Board Policy 5605 - Suspension and Expulsion of Students with Disabilities shall apply to students identified as having a disability under the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. 1400 et seq., or Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. 794.

For purposes of this policy and the Superintendent's administrative guidelines, the following definitions shall apply:

A. 'Suspension' means any disciplinary action that does not constitute an expulsion whereby a student is separated from school attendance for a period not to exceed ten (10) school days. A student may be suspended for a longer period of time in accordance with the provisions of I.C. 20-33- 8-23 pending expulsion. 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 or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event that the student has questions regarding the assignments or schoolwork. The student will receive credit, in the same manner as 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 shall be allowed to make up missed tests or quizzes when the student returns to school.

B. 'Expulsion' means a disciplinary or other action where by a student is:

    1. separated from school attendance for a period exceeding ten (10) school days;

2. separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or

3. separated from school attendance for at least one (1) calendar year pursuant to I.C. 20-33-8-16 for possession of firearms, deadly weapons or destructive devices, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

The term does not include situations when a student is disciplined under I.C. 20-33-8-25, removed from school pursuant to I.C. 20-34-3-9, or removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

Any student who brings a firearm, as defined in I.C. 35-31.5-2-86 or a destructive device, as defined in I.C. 35-47.5-2-4 to school or onto school property or at a school-related activity or is in possession of a firearm shall be expelled for at least one (1) calendar year unless the Superintendent reduces the punishment for reasons justified by the particular circumstances of the incident.

If the student brings a deadly weapon as defined in I.C. 35-41-1-8 onto Corporation property or is found to possess a deadly weapon on Corporation property or at a school-related activity, the student shall be expelled for a period of not more than one (1) calendar year. The Superintendent shall notify the law enforcement agency designated by the Prosecuting Attorney immediately when a student possesses a firearm, destructive device, or deadly weapon on school property or at a school-related activity.

The Superintendent shall ensure that a copy of this policy is sent to the State Department of Education as well as a description of the circumstances surrounding any expulsions for the above-stated firearms or weapons offense together with the name of the school, the number of students so expelled, and the types of firearms or weapons that were brought on Corporation property.

The Corporation shall prepare annually a list of:

1. alter native education programs in the same county in which the 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 described above and must provide the student and the student's parent 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. A copy of the list shall be provided to the student or the student's parent at the expulsion meeting. If the student or the student's parent fails to attend an expulsion meeting, a copy of the list shall be mailed to the student's residence.

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 under this subsection, the student's expulsion is not a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance.

The Board has voted not to hear any expulsion appeals. Instead, appeals of expulsion must be filed with the County Circuit or Superior Court.

The Superintendent shall develop administrative guidelines that provide appropriate procedures for implementing this policy and comply with applicable statutes.

The Board authorizes the Superintendent to develop administrative guidelines to provide for the referral of a student to the juvenile court.

The Principal may report all expulsions and second suspensions to the Bureau of Motor Vehicles in accordance with law and the Bureau's guidelines. 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.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with imposing discipline under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Board 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 Board 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 Board Policy 8315 - Information Management) created or received as part of an investigation of student misconduct or disciplinary action taken shall be retained in accordance with Board Policy 8310 - Public Records, Board Policy 8315 - Information Management, and Board Policy 8330 - Student Recordsand the Corporation's records retention schedule.

Virtual Discipline Policy

It is the policy of New Prairie United School Corporation that student discipline is recognized as essential to the orderly operation of any school and classroom. In order to maintain an environment conducive to quality education, this Virtual Discipline Policy has been created by corporation personnel and reviewed by the corporation's attorneys. The purpose of this Virtual Discipline Policy is to clarify

expectations for student conduct in the virtual classroom and to provide notice of the possible consequences of inappropriate conduct in the virtual classroom.

Student conduct shall be governed, at all times, and regardless of the mode of instruction, by Ind. Code § 20-33-8 *et seq.*, the corporation's Student Discipline Policy, and the Student Disciplinary Code as set forth in each school's handbook. Conduct that is unacceptable in the physical classroom or on school grounds is equally unacceptable in the virtual classroom. While students and parents have an expectation of privacy in their home, conduct that occurs in front of a camera, and in view of peers and teachers in the virtual classroom, shall be governed by applicable law and corporation policy. Cameras must be turned on in order for students to engage in virtual instruction. The purpose of the camera is to document attendance, to ensure student participation and engagement, and to safeguard academic honesty and integrity. Parents and students are cautioned, however, that the camera will capture activity that takes place within its frame and that there is no expectation of privacy with regard to any activity that takes place on camera in view of teachers and pupils in the virtual classroom.

The context in which student behavior occurs is important and may be taken into consideration by school and corporation administrators in determining whether there has been a violation of the Student Discipline Policy or the Student Disciplinary Code, the severity of the infraction, and the appropriate penalty, if any, under the circumstances.

A student subject to discipline under this Policy, the Student Discipline Policy, or the Student Disciplinary Code shall be entitled to due process as set forth by law.

Privacy and the Virtual Classroom

Students and parents have a reasonable expectation of privacy with regard to what takes place in their home *outside of the view of teachers and peers in the virtual classroom*. Students should be cautioned that the virtual classroom is for instruction and for engaging with peers and teachers for educational purposes. Students shall not handle or display personal items, toys or images, or engage in conduct unrelated to the lessons taking place. Students who engage in conduct in the virtual classroom that, if it were to have taken place in the physical classroom or on school grounds, violates the Student Discipline Policy or the Student Disciplinary Code shall be subject to discipline in accordance with the Student Discipline Policy, the Student Disciplinary Code, and/or this Policy.

School and/or corporation officials may be required, as mandatory reporters, to alert local law enforcement and/or the Department of Child Services if they have reason to believe that a student is in imminent danger and that the safety and well-being of the student is at risk. This may include students handling or displaying firearms, explosives, or other weapons in the virtual classroom, even if it is subsequently learned that the firearm, explosive, or other weapon is a toy or facsimile, as it is not always possible to determine remotely whether the firearm, explosive, or other weapon is real or not.

Conduct in the Virtual Classroom

Parents, guardian, teachers, and school personnel are expected to work together to improve student behavior and academic performance. School staff will endeavor to communicate with parents/guardians regarding student behavior that interferes with the learning environment.

Students are responsible for all content posted through their online account. Students are prohibited from sharing their online account username or password or using the username or password of another

student. A student who learns that their username or password is being used by someone else must report the issue immediately to the teacher and/or principal.

The following is a *non-exclusive* list of behaviors that are prohibited in the virtual classroom and that may result in disciplinary action in accordance with the Student Discipline Policy and the Student Disciplinary Code as set forth in the school's handbook and this Policy (see additional prohibited behaviors in the Student Discipline Policy and the Student Disciplinary Code):

- Antagonistic or discriminatory language of any kind with regard to race, religion, gender, intelligence, age, orientation, disability or socioeconomic status
- Bullying/Cyberbullying
- Threatening or intimidating other persons
- Use of obscene, degrading, or profane language (written, verbal, pictures, drawings, audio, video)
- Displaying pornography, nudity, or images of nudity
- Committing lewd or sexual acts
- Handling or displaying firearms, explosives, or other weapons, including toys or facsimiles
- Possessing, using, manufacturing, and/or distributing tobacco, drugs, alcohol, or vaping products
- Any criminal or other illegal activity encouraging the unlawful use, possession, manufacture, or distribution of tobacco, drugs, or alcohol

Conduct in the virtual classroom related to the display or handling of firearms, explosives, or other weapons (including toys or facsimiles) or drugs, or other conduct that raises legitimate concerns about the safety and welfare of a student, must be reported immediately to the school principal and School Resource Officer in order to assess whether the matter must be reported to local law enforcement and/or the Department of Child Services.

Consequences of Inappropriate Online Conduct

Students are expected to conduct themselves appropriately while under school supervision and to comply with the policies that govern student conduct. Parents and students must be aware that conduct that is unacceptable and disruptive in the physical classroom environment or on school grounds is equally unacceptable in the virtual classroom. The School Board recognizes, however, that virtual learning is still a new experience for students and families, and that the context in which student conduct occurs may be taken into account in determining the appropriate penalty, if any, imposed for violations of the Student Discipline Policy or the Student Disciplinary Code in the virtual classroom.

Student conduct in the virtual classroom shall be subject to the same progressive discipline standards as if the conduct occurred in the physical classroom or on school grounds, as set forth in the Student Discipline Policy and the Student Disciplinary Code. It is important to remember that the seriousness of the conduct at issue will dictate the actions of the administrators and the nature of the penalty ultimately imposed. A student may be subject to a severe penalty even for a first offense, depending on the seriousness of the conduct at issue.

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Legal
I.C. 20-33-8-16.5
I.C. 20-33-8-16.5
I.C. 20-8-33-33
I.C. 20-18-2-6.5
I.C. 20-33-2
I.C. 20-33-2-25
I.C. 20-33-8-3
I.C. 20-33-8-7
I.C. 20-33-8-13.5
I.C. 20-33-8-14
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I.C. 20-33-8-31
I.C. 20-33-8-34
I.C. 20-34-3-9
I.C. 20-34-4-5
I.C. 35-31.5-2-86
I.C. 35-47-1-5
I.C. 35-47.5-2-4
20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act (IDEA)
20 U.S.C. 7151
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973) (Section 504)

DRIVER'S LICENSE LAW – BUREAU OF MOTOR VEHICLES

5610.01 - **DRIVER'S LICENSE LAW – BUREAU OF MOTOR VEHICLES**

Driver's License/Permit Privileges

State Law prohibits the Bureau of Motor Vehicles from issuing a driver's license or permit to a student less than eighteen (18) who is under an expulsion from school.

The Bureau of Motor Vehicles is also required to invalidate a student's license or permit for the above reason.

A student whose license or permit has been denied or invalidated for the above reason will be eligible for a license or permit or have a license or permit revalidated upon the earliest of one (1) of the following events:

A. the student turns eighteen (18);

B. the end of the semester in which the student is reinstated in school; or

C. the suspension, expulsion, or exclusion is reversed after a hearing.

Furthermore, the Bureau of Motor Vehicles may not issue a driver's license or permit to a student who is:

A. at least thirteen (13) but less than eighteen (18);

B. a habitual truant; and

C. identified in a list submitted to the Bureau of Motor Vehicles until the student turns eighteen (18).

A student identified as a habitual truant is entitled to a review of the student's attendance record at least once a year to determine if the student's attendance has improved so that the student may become eligible for a driver's license or permit.

A student is "truant" when an absence from school or class is without the knowledge and approval of a school official and parent.

A student who has been found to be truant for the third time in a school year is considered a "habitual truant." The school principal may withdraw the designation of "habitual truant" when the student has attended school for 180 school days without another truancy.

IN-SCHOOL DISCIPLINE

5610.02 - **IN-SCHOOL DISCIPLINE**

It is the purpose of this policy to provide an alternative to out-of-school suspension. The availability of in-school discipline options is dependent upon the financial ability of the School Board to support such programs.

In-school discipline will only be offered at the discretion of the building principal for offenses found in the Student Code of Conduct.

If offered, in-school discipline will be available to all students, regardless of whether or not the student has a disability.

The Superintendent is to establish administrative guidelines for the proper operation of such programs and to ensure that appropriate due-process procedures are followed as applicable.

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DUE PROCESS RIGHTS

5611 - **DUE PROCESS RIGHTS**

The School Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the School Corporation's disciplinary procedures.

The Superintendent shall establish administrative guidelines to ensure that all members of the staff follow due process procedures when dealing with students. In addition, a statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

T.C. 1/29/26

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Legal
I.C. 20-33-8-18
I.C. 20-33-8-19

COURT ASSISTED RESOLUTION OF SUSPENSION AND EXPULSION

5620 - **COURT ASSISTED RESOLUTION OF SUSPENSION AND EXPULSION**

The Superintendent and the juvenile court may enter into a voluntary agreement for court assisted resolution of school suspension and expulsion cases. The agreement may require the court to supervise or provide for the supervision of the expelled or suspended student who has been referred to the court by the School Corporation.

The agreement may require the court do one (1) or more of the following:

A. establish a flexible program for the suspension of the student;

B. supervise the student;

C. require the student to participate in a school program including an alternative educational program.

The agreement may require that the School Corporation do one (1) or more of the following:

A. define the violation for which the student has been suspended or expelled;

B. refer the student to the court;

C. establish a school program including an alternative school educational program for the supervision of the student.

If the School Corporation enters into the agreement, the discipline rules adopted by the School Corporation must specify violations for which the student may be referred to the court. The agreement must provide how the expenses of supervising the student are funded.

A student shall be given an informal hearing before the court in a setting agreed upon by the court and the School Board as soon as practicable following the student's referral to the court after notice of the hearing has been provided to the student's parents. The hearing is not a hearing to determine whether the student is a child in need of services. However, if the court determines that a student may:

A. be a child in need of services;

B. have committed a delinquent act;

the court may notify the office of Family and Children or the prosecuting attorney. A parent or guardian may be present, and may be required to be present, during the hearing.

All records of the student's court appearance shall be expunged from his/her record upon the student's completion of the out-of-school suspension or expulsion program.

Legal
I.C. 20-33-8-12
20 U.S.C. 1415

USE OF FORCE AND CORPORAL PUNISHMENT IN THE COURSE OF STAFF SUPERVISION OF STUDENTS

5630 - **USE OF FORCE AND CORPORAL PUNISHMENT IN THE COURSE OF STAFF SUPERVISION OF STUDENTS**

The Limited Use of Force

The Board recognizes that there are likely to be occasions in which a staff member must use limited physical force in the supervision of students in order to:

A. prevent a student from injuring him/herself or others including self-defense and the defense of others by a staff member;

B. stop a student from damaging the property of the Board or others; or

C. end the disruption of an educational function or prevent interference with a school activity.

In these circumstances, the staff member shall use no more force than the force that is necessary to accomplish the objective of the use of force.

Corporal Punishment

As used here, "corporal punishment means the intentional infliction of mild temporary physical discomfort on a student for the purpose of addressing misconduct." Corporal punishment shall not be used by the Board's employees.

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Legal
I.C. 20-26-5-4
I.C. 20-33-8-8 to 11
Ingraham v. Wright, 430 U.S. 651 (1977)
State v. Fettig, 884 N.E. 2d 341 (Ind. App. 2008)
Barocas V. State, 949 N.E. 1256 (Ind. App. 2011)
Littleton v. State, 954 N.E. 2d 1070 (Ind. App. 2011)

USE OF SECLUSION AND RESTRAINT WITH STUDENTS

5630.01 - **USE OF SECLUSION AND RESTRAINT WITH STUDENTS**

It is the policy of the Board that all students are to be treated with dignity and respect and to be free from abuse. The Board supports the promotion and training of appropriate student behavior as part of the Corporation's curriculum. It is the policy of the Board to use prevention, positive behavior intervention and support, and conflict de-escalation to eliminate or minimize the need for the use of seclusion or restraint with students. This policy applies to all students, regardless of the existence of a disability.

General Guidelines

Any behavioral intervention shall be consistent with a student's rights to be treated with dignity and respect and to be free from abuse.

Any behavioral intervention used shall be consistent with the student's most current individualized education program (IEP) and with the student's behavioral intervention plan (BIP), if applicable.

Every effort shall be made to eliminate or minimize the need for the use of seclusion or restraint with a student, including the use of prevention, positive behavior intervention and support, and conflict de-escalation prior to the use of seclusion or restraint, except in the case of an emergency, as defined in the seclusion and restraint plan.

Seclusion and restraint shall be used only: 1) as a last resort safety procedure employed after another, less restrictive procedure has been implemented without success; and 2) when there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

Seclusion and restraint shall be used only for a short period of time or until the imminent risk of injury has passed.

Regular training of appropriate school employees/staff members on the proper use of effective alternatives to seclusion and physical restraint and the safe use of seclusion and physical restraint in situations involving imminent danger of serious physical harm to the student, school employees or others is required, as indicated in the seclusion and restraint plan.

The student shall be monitored by a staff member at all times during the use of seclusion or restraint to ensure the appropriateness of its use and the safety of the student and others.

Corporation employees shall never use mechanical restraints to restrict student's freedom of movement and shall never use a drug, medication or other chemical to control behavior or restrict freedom of movement, except as authorized by a licensed physician or other qualified health professional. Corporation employees shall never give a student any drug or medication that is not a standard treatment and dosage for the student's medical or psychiatric condition.

The seclusion and restraint plan shall apply to all students and not only students with disabilities.

Seclusion and restraint shall not be used as a means of punishment or discipline, coercion or retaliation, or as a matter of convenience.

Seclusion and restraint shall never be used in a manner that restricts a student's breathing or intentionally harms the student.

The use of seclusion or restraint, particularly when there is repeated use for an individual student, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, revision of strategies currently in place to address behavior that imposes imminent risk of injury, including engaging in a functional behavioral assessment and reviewing and/or modifying the student's IEP or BIP. In positive strategies are not in place, Corporation employees shall consider developing them.

Behavioral strategies to address behavior that imposes imminent risk of injury that result in the use of seclusion or restraint shall address the underlying cause or purpose of the behavior.

Parents or guardians shall be informed of and have access to the plan on seclusion and restraint at the student's school or other educational setting, as well as applicable Federal, State or local laws.

A student's parent must be notified as soon as possible when an incident involving the student that includes the use of seclusion or restraint occurs. Schools must designate the employee who will be responsible for documenting every instance in which seclusion or restraint was used on a student. The documentation shall include a detailed account of the incident, including the circumstances that led to the use of restraint and/or seclusion.

Any instance of seclusion or restraint must be documented as indicated in the seclusion and restraint plan. Such documentation shall, at a minimum, be in writing, include sufficient detail to provide for the collection of specific data that would enable teachers, staff and other personnel to review seclusion and restraint policies in order to implement modifications to the Corporation's plan. Data collected from the use of either seclusion or restraint shall be reviewed at least annually in order to improve prevention, positive behavioral intervention and support, and conflict de-escalation techniques in order to avoid the use of seclusion and restraint.

The Board directs the Superintendent or the local Director of Special Education to develop a seclusion and restraint plan that, at a minimum, incorporates these guidelines and specifies the training required, notification procedures, and timelines. The plan must be reviewed annually and updated as needed.

Revised 5/19/14

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SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS

5722 - **SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS**

The School Board sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, 'school-sponsored student media' shall include both student publications and productions. School-sponsored student media does not include student expression related to classes that are not directly associated with student publications/productions. The term 'publication' shall include distribution, transmission, and dissemination of a student publication, regardless of its medium. 'Student publications' shall include any written materials (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing), as well as material in electronic or online form including, but not limited to, Apps and Services (as defined in Bylaw 0100), webpages/sites, web logs ('Blogs'), video or audio clips, postings of Social Media (as defined in Bylaw 0100), and newsletters of announcements transmitted by e-mail, text, wireless broadcast, or other similar distribution/dissemination.

The term 'performance' shall include presentation and broadcast of a student production. 'Student productions' shall include vocal, musical, and/or theatrical performance, impromptu dramatic presentation, or any electronic media (including, but not listed to, radio and television programs, videoblogs ('vlogs'), podcasts, Social Media (as defined in Bylaw 0100), and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology).

Only Corporation-approved social media (as defined in Bylaw 0100) may be used to host school-sponsored student media, in accordance with Policy 7544. School-sponsored student media also must comply with Policy 7540.02.

For purposes of this policy, 'school community' is defined to include students, School Corporation employees (i.e., administrators and professional and classified staff), parent/family members, and other individuals who are invited by the Superintendent to view a performance or receive directly from the Corporation a publication.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to minors as that term is defined in the Children's Internet Protection Action ("CIPA"); speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products, or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board

authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

Student expression related to classrooms or educational settings, not otherwise directly associated with school-sponsored student publications/productions, are nonpublic forums. As nonpublic forums, the content of such student expression can be regulated for legitimate, pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of these student expressions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

While ordinarily, nonpublic forum student expression may be published/performed only to members of the school community, the Superintendent may authorize specific nonpublic forum student expression to be published/performed outside the school community (i.e., to the general public). A teacher, student, or group of students who wish to have nonpublic forum student expression published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

All school-sponsored student media are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the type and/or content of all school-sponsored student media prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may prohibit further speech that is grammatically incorrect, poorly written, inadequately researched, biased or prejudiced, vulgar, profane, or unsuitable for immature audiences.

School-sponsored student media may be published/performed only to members of the school community.

While ordinarily school-sponsored student media may be published/performed only to members of the school community, the Superintendent may authorize specific student media to be published/performed outside the school community (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit a request for prior written approval for such publication/performance to the Superintendent.

Students and staff will monitor comments posted to social media platforms/sites that have been approved under Policy 7544 for use as school-sponsored student media. Comments will be monitored to verify the age-appropriateness of the material, whether unprotected speech is involved, and whether there is compliance with posted rules for use of the forum and the platform's/site's applicable terms of service. Comments that are not age-appropriate for the student-audience for the school-sponsored publication, constitute unprotected speech, and/or violate the posting rules for the use of the forum and/or the platform's/site's applicable terms of service will be removed. The review of posted comments will be conducted in a viewpoint-neutral manner and consistent with State and Federal law.

Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech.

Advertising is permitted. Any advertisements must be consistent with Policy 9700.01.

Advertisements submitted for publication or inclusion in a production shall be reviewed for a determination that they are appropriate for juveniles. The Superintendent and/or Board retain the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

General Prohibitions

Regardless of their status as non-public or limited-purpose public forums, the Board prohibits publications, productions, and advertisements that:

A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;
B. fail to identify the student or organization responsible for the publication/performance;
C. solicit funds for non-school organizations or institutions when such solicitation has not been approved by the Board.

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EQUAL ACCESS FOR NONCORPORATION-SPONSORED,STUDENT CLUBS AND ACTIVITIES

5730 - **EQUAL ACCESS FOR NONCORPORATION-SPONSORED,STUDENT CLUBS AND ACTIVITIES**

The School Board will not permit the use of school facilities by noncorporation-sponsored student clubs and activities or Corporation- sponsored, extra-curricular clubs and activities during instructional hours. During noninstructional time, however, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of the religious, political, philosophical, or other content of the activity.

An application for permission for noncorporation-sponsored student clubs and activities to meet on school premises shall be made to the building principal who shall grant permission provided that s/he determines that:

A. the activity has been initiated by students;

B. attendance at the meeting is voluntary;

C. no agent or employee of the Corporation will promote, lead, or participate in the meeting;

D. the meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school;

E. nonschool persons do not direct, conduct, control, or regularly attend the activity.

A student initiated group granted permission to meet on school premises shall be provided the same rights and access and shall be subject to the same administrative guidelines that govern the meetings of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's race, color, creed, religion, gender, national origin, disability, or social or economic status.

The Board will not permit the organization of a fraternity, sorority, or secret society. The Superintendent may exclude nonstudents from directing, controlling, or attending any such meetings of students.

A professional staff member may be assigned to attend a student initiated meeting in a custodial capacity but shall not participate in the activity. No professional staff member shall be compelled to attend a student-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

The principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.

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Legal

Equal Access Act of 1984, 20 U.S.C. 4071 et seq.
Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.
Civil Rights Act of 1964, 42 U.S.C. 2000e
I.C. 20-33-12

PARENTAL-MARRIED STATUS OF STUDENTS

5751 - **PARENTAL-MARRIED STATUS OF STUDENTS**

Neither marriage nor pregnancy shall be limiting factors for the education of any student in the schools of this Corporation.

The School Board's responsibility for the education of all school-age children includes the education of pregnant students, whether married or unmarried. Any variation from continuing regular school classes shall be based upon the assessed needs of such students.

The school may request medical verification of a student's ability to continue in all classes in his/her program.

SEARCH AND SEIZURE

5771 - **SEARCH AND SEIZURE**

The School Board recognizes its obligation to balance the privacy rights of its students with the School Corporation's responsibility to provide students, faculty, and authorized visitors with a safe, hygienic, and alcohol/drug-free learning environment.

In balancing these competing interests, the Board directs the Superintendent to utilize the following principles:

A. **School Property**

School facilities such as lockers and desks are school property provided for student use subject to the right of the Superintendent to enter the facility as needed and inspect all items in the facility searched. Students shall not have an expectation of privacy in any facility provided by the school and shall not be permitted to deny entry to a Corporation administrator by the use of a lock or other device.

B. **Student's Person and Possessions**

Prior to a search of a student's person and personal items in the student's immediate possession, consent of the student shall be sought by an administrator. If the student does not consent, such a search shall be permitted based only upon the administrator's individualized reasonable suspicion to believe that the search shall produce evidence of a violation of a law, school rule, or a condition that endangers the safety or health of the student or others. Searches of the person of a student shall be conducted and witnessed by a person of the same gender as the student and shall be conducted in a private place. The student shall be given the option of selecting the witness from the faculty members on the school premises at the time of the search. A searched student's parent or guardian shall be notified of the search within twenty- four (24) hours if possible.

Searches, pursuant to this policy, also shall be permitted in all situations in which the student is under the jurisdiction of the Board as defined by I.C. 20-33-8-14.

Permission for a student to bring a vehicle on school property shall be conditioned upon consent of the search of the vehicle and all containers inside the vehicle by a school administrator with reasonable suspicion to believe the search shall produce evidence of a violation of law, a school rule, or a condition that endangers the safety or health of the student driver or others. The student shall have no expectation of privacy in any vehicle or in the contents of any vehicle operated or parked on school property.

If a Corporation student has died, transferred, dropped out, or otherwise withdrawn from enrollment in the Corporation, the Corporation shall 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. The Superintendent may request the assistance of a law enforcement agency in implementing any aspect of this policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the Superintendent, the search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to law enforcement officers.

C. **Breath Test Instruments**

Administrators are authorized to arrange for the use of breath-test instruments for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

D. **Metal Detectors**

To address the Corporation's duty to maintain a safe learning environment free of the potential presence of weapons, school officials, school resource officers and other school personnel trained in the usage of metal detectors are authorized to use metal detectors, either hand-held wands or walk through devices, for the purpose of determining if a person is in possession of weapons or other dangerous metal objects and/or other unauthorized objects (e.g., vape pens and other prohibited equipment/devices). When the school administration has a reasonable suspicion to believe weapons or other dangerous metal objects and/or other unauthorized objects (e.g., vape pens and other prohibited equipment/devices) are in the possession of an identified person, a search of the identified person and/or of their possessions shall be conducted in accordance the requirements of this policy's provisions for searching a Student's Person or Possessions (B. above) and AG7440A - Metal Detector Search Procedures.

E. **Use of Dogs**

The Board authorizes the use of specially-trained dogs to detect the presence of drugs or devices such as bombs on school property under the conditions established in the Superintendent's administrative guidelines.

Anything found in the course of a search pursuant to this policy that constitutes evidence of a violation of a law or a school rule or that endangers the safety or health of any person shall be seized and utilized as evidence if appropriate. Seized items of value shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items of no value and seized items that may not lawfully be possessed by the owner shall be destroyed.

The Superintendent or Principal, as appropriate, shall promptly record in writing the following information for each search conducted pursuant to this policy:

A. the information upon which the search was based

B. the date, time, location, students or places searched, and persons present

C. a description of each item seized and its disposition

D. the date and time of notice to the parent or guardian in the case of a search of the student's person

The Superintendent shall prepare administrative guidelines to implement this policy.

Revised 2/25/19
Revised 12/18/23

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Legal
I.C. 20-33-7-5
I.C. 20-33-8-32
U.S. Constitution, 4th Amendment

WEAPONS

5772 - **WEAPONS**

Except for a person who legally may possess a firearm and has been authorized by the School Board to carry a firearm in or on School Corporation property, the Board prohibits students 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.

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 legally may 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, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, or endangering the health or safety of persons. Weapons include, but are not limited to, firearms, tasers, handguns, stun guns, guns of any type whatsoever, 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 (such as bombs, incendiary devices, grenades, Molotov cocktails, rockets with a propellant charge of more than four (4) ounces, etc.). A "knife" is defined as "an instrument that: 1) consists of a sharp edged 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))

This policy also prohibits possession of look-alike items that could be mistaken for weapons, false fire alarms, false bomb threats, or intentional calls to falsely report a dangerous condition, and similar conduct.

The Superintendent is authorized to establish administrative guidelines on weapons which require students to report knowledge of weapons and threats of violence by students and staff immediately to the building principal. Failure to report such knowledge may subject the student to immediate suspension and potential expulsion from school.

Exceptions to this policy include:

A. theatrical props used in appropriate settings;

B. starter pistols used in appropriate school related sporting events.

The Superintendent shall report 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 also may be subject to disciplinary action, up to and including expulsion.

Revised 11/28/06
Revised 2/27/12
Revised 10/27/14

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Legal
I.C. 10-21-3
I.C. 20-33-8-16
I.C. 20-33-9-1 et seq.
I.C. 35-47-5-2.5
I.C. 35-47-9
20 U.S.C. 7151

STUDENT FUND-RAISING

5830 - **STUDENT FUND-RAISING**

The School Board acknowledges that the solicitation of funds by or from students must be limited since compulsory attendance laws make the student a captive donor and may also disrupt the program of the schools.

For purposes of this policy "student fund-raising" shall include the solicitation and collection of money by or from students for any purpose and shall include the collection of money in exchange for tickets, papers, or any other goods or services for approved student activities.

The Board will permit student fund-raising by students in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools. The Board requires that for any fund- raiser by student clubs and organizations, as well as by School Corporation-support organizations, which involve the sale to students of food items and/or beverages to be consumed on campus, the food and/or beverage items to be sold comply with the current USDA Dietary Guidelines for Americans and the USDA's Smart Snacks in Schools regulations. Further, if approved, fund-raisers that involve the sale to students of food items or beverages to be consumed on campus may be conducted during the school day which is defined as midnight to thirty (30) minutes after the school day.

Fund-raising by approved school organizations, that is, those organizations whose funds are managed by the Corporation, may be permitted in school by the principal. Such fund-raising off school grounds may be permitted by the Superintendent.

Fund-raising by students on behalf of school-related organizations whose funds are not managed by the Corporation may be permitted on school grounds by the Superintendent.

The Board will permit fundraising that involves any games of chance, such as bingo games, charity game nights, raffles, door prizes, fundraising festivals, activities related to pull tabs, punch-boards, tip-boards, and the like. However, any fundraiser involving games of chance must comply with Indiana law, including obtaining the appropriate license or permits.

Involvement of students under the age of eighteen (18) in fundraisers involving games of chance is limited as follows:

In compliance with I.C4-32.2-5-21, no student under the age of eighteen (18) may play, participate in, or sell tickets for any of the following types of fund-raising events - bingo games, charity game nights, raffles, door prizes, fund-raising festivals, activities related to pull tabs, punch-boards, tip-boards, and the like.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

Use of the name, logo, or any assets of the Corporation, including but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the Superintendent.

All other fund-raising by Corporation support organizations shall be done in accordance with Policy 9211 and Policy 9700.

The Superintendent shall establish administrative guidelines for the solicitation of funds which shall:

A. specify the times and places in which funds may be collected;

B. describe methods of solicitation which do not place undue pressure on students;

C. limit the kind and amount of advertising for solicitation;

D. ensure proper distribution or liquidation of monies remaining in a student activity account when the organization is defunct or disbanded;

E. ensure proper supervision of students during such activity.

The Superintendent shall distribute this policy and the guidelines that implement it to each organization granted permission to solicit funds.

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Legal
I.C. 4-32.2-4
I.C. 4-32.2-5
I.C. 4-32.2-5-21
42 U.S.C. 1779
7 C.F.R. Parts 210 and 220

CRIMINAL GANGS AND CRIMINAL GANG ACTIVITY

5840 - **CRIMINAL GANGS AND CRIMINAL GANG ACTIVITY**

The School Corporation adopts this policy pursuant to State law in order to address the detrimental effects of criminal gangs and criminal gang activity on its students, demonstrate its commitment to preventing and reducing criminal gang membership and eliminating criminal gang activity, educate Corporation students, employees, and parents about criminal gangs and criminal gang activity, and comply with State and Federal laws and regulations.

The Corporation prohibits criminal gang activity and similar destructive or illegal group behavior on Corporation property, on buses owned by the Corporation or used to transport Corporation students, and at school-sponsored functions. The Corporation prohibits reprisal or retaliation against individuals who report criminal gang activity and similar destructive or illegal group behavior or who are victims, witnesses, bystanders, or others with reliable information about an act of criminal gang activity and similar destructive or illegal group behavior.

Definitions

A. "Criminal gang," as used in this policy, means a group with at least three (3) members that specifically:

    1. either:

        a. promotes, sponsors, or assists in, or

        b. participates in, or

    2. requires as a condition of membership or continued membership

    the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery (I.C. 35-42-2-1).

B. "Criminal gang activity," as used in this policy, means to:

    1. actively participate in a criminal gang;

    2. knowingly or intentionally commit an act:

        a. with the intent to benefit, promote, or further the interests of a criminal gang; or

        b. for the purpose of increasing the person’s own standing or position within a criminal gang;

    3. knowingly or intentionally solicit, recruit, entice, or intimidate another person to join a criminal gang or remain in a criminal gang;

    4. threaten another person because the other person:

        a. refuses to join a criminal gang;

b. has withdrawn from a criminal gang; or

c. wishes to withdraw from a criminal gang;

when engaged in by a student who attends a Corporation school.

Procedures for Reporting and Investigating Suspected Criminal Gang Activity

All Corporation employees shall report any incidence of suspected criminal gang activity to the principal and the school safety specialist. As well, students and parents, who choose to do so, may report an incident of criminal gang activity to the principal. The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services.

A Corporation employee who in good faith reports an incident of suspected criminal gang activity in compliance with the procedures of this policy and any Corporation employee, parent, or student who in good faith participates in any judicial or other proceeding resulting from the report or relating to the subject matter of the report is immune from any civil or criminal liability for damages arising from his/her actions.

Each school principal or designee shall conduct a thorough and complete investigation of each report of suspected criminal gang activity and each report of reprisal or retaliation. The principal or designee shall initiate the investigation promptly but no later than two (2) instructional day(s) of the report of the alleged incident. The principal may appoint additional staff and the principal or designee may request the assistance of law enforcement to assist in the investigation for the safety of the administration, Corporation staff, or students. The investigation shall be completed and written findings prepared by the principal or designee as soon as possible but no later than five (5) instructional days from the date of the report of the alleged incident.

The principal or designee shall submit the report to the Superintendent within ten (10) instructional days of completing the investigation. The Superintendent shall report the results of each investigation to the Board on a regular basis during its scheduled Board meetings.

The Superintendent is authorized to issue guidelines to define the range of ways in which Corporation staff and the principal or designee shall respond once an incident of criminal gang activity is confirmed, according to the parameters described in the Corporation's code of student conduct. The Board recognizes that some acts of criminal gang activity may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts while other acts may be so serious or involve individuals outside the school that they require a response by local law enforcement officials.

Appropriate consequences and remedial action will be imposed when students are found to have engaged in criminal gang activity, criminal gang intimidation, or criminal gang recruitment on Corporation property, while riding on Corporation buses or buses used to transport Corporation students, and at school-sponsored events or when they are found to have engaged in retaliatory conduct towards a Corporation employee or student who reported an incident of criminal gang activity, according to the severity of the offense and considering both the developmental age of the student offender and the student's history of inappropriate behavior, per the code of student conduct. Consequences and appropriate remedial action for a student who engages in criminal gang activity may range from positive behavioral interventions up to and including suspension or expulsion. Incidents that result in the expulsion of a student(s) or alternative school placement of a student(s) will be

referred to the local law enforcement officials for further investigation. The principal shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings and the Superintendent's guidelines. As appropriate, the principal may provide intervention and/or relevant support services (i.e., refer to counseling, establish training programs to reduce criminal gang activity and enhance school climate, enlist parent cooperation and involvement or take other appropriate action). The principal shall inform the parents of all students involved in alleged incidents as provided below, and, as appropriate, may discuss the availability of counseling and other intervention services.

The principal shall provide the parents of the students who are parties to any investigation with information about the investigation, in accordance with Federal and State laws and regulations. This information includes the nature of the investigation, whether the Corporation found evidence of criminal gang activity, and whether consequences were imposed or services provided to address the activity. This information is to be provided immediately upon completion of the investigation and issuance of written findings by the principal or designee.

Annual Reporting of Investigations to the State

Each school principal or designee shall record the number of investigations of criminal gang activity disposed of internally and the number of cases referred to local law enforcement (disaggregated by race, ethnicity, age, and gender) and report this information to the Superintendent before May 15 each year.

The Superintendent shall submit a written report to the Indiana Department of Education, on forms developed by the Department, before June 2 of each year outlining the activities undertaken as part of the Corporation's compliance with I.C. 20-26-18. This report shall include the number of investigations of criminal gang activity disposed of internally and the number of cases referred to local law enforcement for the entire Corporation in the past year, disaggregated by race, ethnicity, age, and gender.

Establishment of Education Programs

In its efforts to address criminal gang activity, the Board establishes the following educational programs:

A. An evidence-based educational criminal gang awareness program for students, Corporation employees and parents; and

B. A Corporation employee development program to provide training to Corporation employees in the implementation of this policy.

Information about the Types of Services, Including Family Support Services, for a Student Suspected of Participating in Criminal Gang Activity

The Superintendent shall provide information about the supports and services available for students who are "at risk" for and/or suspected of participating in criminal gang activity and their families, including:

A. gang awareness education for students, parents, faculty/personnel, law enforcement, and community stakeholders that, at a minimum, shows potential for effectiveness based on research, revised and updated regularly to reflect current trends in gang and gang-like activity;

B. culturally and/or linguistically appropriate services/supports for parents and families;

C. counseling coupled with mentoring for students and their families;

D. referral to community organizations and civic groups that offer related programs or counseling;

E. viable, sustainable after-school programs developed in collaboration with other stakeholders;

F. related extra-curricular activities.

Recommendations Concerning Criminal Gang Prevention and Intervention Services and Programs for Students that Maximize Community Participation and the Use of Federal Funding

The Superintendent shall seek Federal funding to implement criminal gang prevention and intervention services and programs, including the following:

A. Dissemination of criminal gang awareness information to students and parents. The gang awareness information should be revised and updated regularly to reflect current trends in gang activity.

B. Integration of available School Resource Officer Programs.

Publication of the Policy

The Superintendent shall ensure that this policy is posted on the Corporation's internet website and annually disseminate this policy to all parents who have children enrolled in a school within the Corporation. This may be done through distribution of student handbooks. The Superintendent shall ensure that notice of the Corporation's policy appears in the student handbooks and all other Corporation publications that set forth the comprehensive rules, procedures, and standards for schools within the Corporation.

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I.C. 20-18-2-2.8
I.C. 20-19-3-12
I.C. 20-26-18-1 et seq.
I.C. 20-33-9-10.5
I.C. 20-33-9-14
I.C. 35-31.5-2-27.4
I.C. 35-31.5-2-74
I.C. 35-31.5-2-264.5
I.C. 35-45-9-1
I.C. 35-45-9-3
I.C. 35-45-9-4
I.C. 35-45-9-5

SOCIAL EVENTS

5850 - **SOCIAL EVENTS**

The School Board recognizes the value of student social events in enhancing and enriching the educational experience for the children of this community.

The Board will make school facilities available and provide appropriate staff for the conduct of social events within the school facilities which have been approved by the principal.

School social events which take place outside school facilities must be approved by the Superintendent.

As voluntary participants in school social events, students shall be held responsible for compliance with rules set forth for their conduct, and infractions of those rules will be subject to the same disciplinary measures applicable during the regular school program.

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the rules of the school.

The Superintendent shall develop administrative guidelines for the conduct of student social events.

STUDENT ATTENDANCE AT SCHOOL EVENTS

5855 - **STUDENT ATTENDANCE AT SCHOOL EVENTS**

The School Board encourages students to attend as many school events held after school as possible, without interfering with their school work and home activities. Enthusiastic spectators help to build school spirit and encourage those students who are participating in the event.

However, in order to ensure that students attending as nonparticipants are properly safe-guarded, the Board recommends that all elementary and pre-high school students be accompanied by a parent or adult chaperone when they arrive at the event and throughout its duration. The Board will not be responsible for students if they attend without an adult chaperone.

The Board will continue to provide adequate supervision for all students who are participants in Corporation-sponsored events.

STUDENT PRODUCTION OF GOODS AND SERVICES

5870 - **STUDENT PRODUCTION OF GOODS AND SERVICES**

It is the policy of the School Board that students may produce goods and services for nonprofit community organizations or groups during school hours or in school activities only to the extent that such production furthers the educational development of those students. Care must be exercised by the administration in interpreting this policy to avoid exploitation of the students.

PUBLIC PERFORMANCES BY STUDENTS

5880 - **PUBLIC PERFORMANCES BY STUDENTS**

The School Board recognizes the value to students of sharing their talents and skills with the community through participation and performances in public events.

The Board endorses such performances when:

A. they constitute a learning experience which contributes to the educational program;

B. the circumstances of the event do not pose a threat to the health, safety, and well-being of the students who will be involved.

All requests for public performances by students require the approval of the principal.

The Superintendent shall develop administrative guidelines to implement this policy which include the requirement that parental permission is sought and received before students participate and that the interests of our students are to be protected and guarded against exploitation.

STUDENT EMPLOYMENT

5895 - **STUDENT EMPLOYMENT**

The School Board believes that attendance at school should occupy a student's full attention and should take precedence over nonschool-related employment.

If a student must work while attending school, s/he should receive counseling and assistance in seeking appropriate job opportunities and in correlating work schedules with school studies and activities. 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 proper issuing officer prior to being employed in all jobs except those excluded by State statute. The student shall receive the employment certificate from the accredited school that the student attends or from the school corporation in which the student resides.

The school principal, in writing, shall assign a staff member who meets the requirements of Indiana law to serve as the employment certificates issuing officer for the accredited school. The issuing officer may issue an employment certificate only to a minor whose employment is necessary and only after the receipt of the following two (2) documents: proof of age and proof of prospective employment. Proof of age documents are those listed in the State statute. 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.

The issuing officer may deny an employment certificate to a student whose academic performance does not meet the Corporation’s standards or whose attendance is not in good standing. The issuing officer also has the right to revoke an employment certificate previously issued to a student if the school determines that there has been a significant decrease in the student’s grade point average or attendance after s/he begins to work. When it appears that a job is detrimental to a student’s academic status, it is the responsibility of the school to advise the parents and the employer to ensure that the student’s education remains the primary focus.

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 employment certificate and driver's license may be revoked or the application may be denied.

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 school for receiving the employment certificate.

The Superintendent shall prepare guidelines that:

A. comply with Indiana laws on student employment

B. provide for all students employed in out-of-school jobs to be monitored by staff regarding school attendance and achievement in order to determine the effects on school performance of the students assuming out-of-school work commitments.

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I.C. 22-2-18-14 I.C. 22-2-18-16 I.C. 22-2-18-18 I.C. 22-2-18-19
I.C. 22-2-18-14 I.C. 22-2-18-16 I.C. 22-2-18-18 I.C. 22-2-18-19
I.C. 9-24-2-1, 20-33-2-28.5

AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURE

6105 - **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURE**

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the School Board authorizes the acceptance and distribution/transmission of electronic records to and from School Corporation staff and other persons, as well as between Corporation staff members.

The Board authorizes the Treasurer, Board President, and/or the Board Secretary to prepare and utilize a electronic signature, in lieu of their manual signature, and to affix such facsimile signature to any of the following instruments: checks; drafts; warrants; vouchers; or other instruments for the payment of money and necessary or desirable in connection with the withdrawal of Corporation funds for and on its behalf. The individuals specified above may affix their manual or electronic signature to the instruments identified so long as they continue to act as such officers/employees. The use of electronic signatures is expressly approved by the Board. Said checks, drafts, warrants, vouchers, or other instruments for the payment of money may be drawn or relate to the accounts of the Corporation with the various financial institutions (depositories/banks) with which the Corporation conducts business.

The Superintendent shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with the mandates of State and Federal agencies or programs, including Medicaid.

All Corporation staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all Corporation staff and other persons who use electronic signatures when completing transactions with the Corporation shall do so in compliance with State law.

The Board directs that the financial institutions (depositories/banks), with which the Corporation does business, are authorized and requested to accept, honor, cash, pay or transfer, without limit as to the amount or without further inquiry, checks bearing the authorized signature(s) as provided by the immediately preceding paragraph whether tendered in payment of an individual obligation or deposited in the account of the Corporation. The Treasurer is directed to provide written notice of the adoption of any electronic signature to the depository from which funds are to be withdrawn, which notice shall include a description of the device to be used, a specimen of such electronic signature, and a copy of this policy. Prior to use of the electronic signature, the written approval of such depository must be obtained.

With regard to the acceptance and distribution/transmission of electronic records and electronic signatures, the Superintendent may specify the following:

A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.

C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

Electronic signature is defined to include, but is not limited to, the reproduction of any authorized signature by a copper plate or by a photographic, photostatic, or mechanical device. Electronic signature does not authorize the use of a rubber stamp signature for any of the instruments detailed above.

In order to protect the Board and its employees from loss, damage or expense occasioned by the unauthorized use of a electronic signature, the Board directs the Treasurer to procure for the Corporation and for the individuals identified above a surety bond in such amount as approved by its legal advisor.

The actual electronic signature should be maintained under the care, custody and control of the Treasurer's Department and, as further precaution, all checks must be entered into the check register so that all numbers can be accounted for.

Revised 11/23/20

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I.C. 5-1-14-18
I.C. 26-2-8 Uniform Electronic Transactions Act
15 U.S.C. 7001 et seq.
SBOA Memorandum re Electronic Signature (April 14, 2020)

GRANT FUNDS

6110 - **GRANT FUNDS**

It is the objective of the School Board to provide equal educational opportunities for all School Corporation students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the Corporation that benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs the Superintendent deems would be of aid to the students of this Corporation. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school corporations and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accord with Federal regulations and guidelines.

No Federal funds received by the Corporation shall be used:

A. for construction, renovation, or repair of any school facility, except as authorized under the Federal award;
B. for transportation, unless otherwise authorized under the Federal award;
C. to develop or distribute materials or operate programs or courses of instruction directed at youth that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
D. to distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds or at school sponsored activities;
E. to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
F. to operate a program of contraceptive distribution in schools; or
G. or the provision of a dangerous weapon or training in the use of a dangerous weapon except with respect to programs authorized under the Federal award that provide students with educational instruction or educational enrichment activities.

The Superintendent shall review grant opportunities and authorize the development of proposals.

Grant Proposal Development

A. All grant proposals must support at least one (1) Corporation goal or priority.

B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.

The Superintendent may identify a project director prior to proposal submission.

Grant Administration

A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards as well as Board policies and administrative guidelines.

B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.

C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations, and objectives, and the terms and conditions of the grant award.

D. The Corporation, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.

E. All Federal funds received by the Corporation will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the Corporation's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

   Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The Corporation shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

F. The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.

Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local, and grantor statutes, rules, and regulations; the terms and conditions of the Federal award; and Corporation policies and administrative guidelines.

The Corporation shall provide for the following:

A. Identification, in Corporation accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification

shall include the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.

B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant. Maintaining records that sufficiently identify the amount, source, and expenditure of Federal funds for Federal awards. These records must contain information necessary to identify Federal awards, authorizations, financial obligations, unobligated balances, as well as assets, expenditures, income, and interest. All records must be supported by source documentation.

C. Effective control and accountability for all funds, property, and assets. The Corporation must safeguard all assets and ensure they are used solely for authorized purposes.

D. Comparison of expenditures with budget amounts for each Federal award.

E. Written procedures to implement the requirements of 2 C.F.R. 200.305 regarding payment.

F. Written procedures for determining the allowability of costs in accordance with Federal regulations and the terms and conditions of the Federal award.

G. Further, the Corporation must:
    1. establish, document and maintain effective internal control over the Federal award that provides reasonable assurance that the Corporation is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;

    2. comply with the U.S. Constitution, Federal statutes, regulations and the terms and conditions of the Federal award;

H. Actual expenditures or outlays must be compared with budgeted amounts for each Federal award.

I. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability, including, but not limited to, the following areas:

    1. cash management in accordance with 2 C.F.R. 200.305

    2. allowability of costs in accordance with subpart E and the terms and conditions of the Federal award

    3. conflict of interest

    4. procurement

    5. equipment management

    6. conducting technical evaluations of proposals and selecting recipients

    7. compensation and fringe benefits

    8. travel

J. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.

K. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the Corporation.

Audit Requirements

A single or program-specific audit (2 C.F.R. 200.514, 2 C.F.R. 200.507) is required for any year if the Corporation expends $1,000,000 or more in Federal awards during the Corporation's fiscal year. When Federal awards expended are less than $1,000,000 the Corporation may be exempt from Federal audit requirements (2 C.F.R. 200.501) for that year. However, in all instances, the Corporation's records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and the Government Accountability Office (GAO).

The Corporation shall:

A. arrange for the audit required in accordance with 2 C.F.R. 200.509 and make sure that the audit is properly performed and submitted in accordance with 2 C.F.R. 200.512;
B. prepare financial statements including the schedule of expenditures of Federal awards in accordance with 2 C.F.R. 200.510;
C. promptly follow up and take corrective action on audit findings, including preparing a summary schedule of prior audit findings and a corrective action plan (2 C.F.R. 200.511); and
D. provide the auditor access to personnel, accounts, books, records, supporting documentation, and any other information needed for the auditor to perform the audit.

Certifications and Records Retention

Financial reports must include a certification, signed by an official who is authorized to legally bind the Corporation. The certification should state:

"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343, and Title 31, Sections 3729-3730 and 3801-3812."

Each certification must be maintained pursuant to the requirements of 2 C.F.R. 200.334. The Corporation shall retain all Federal award records for three (3) years from the date of submission of the final financial report or longer if required by the Board-adopted records retention schedule.

Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant’s period of performance.

It includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines and similar revenues raised by a recipient are not

program income Proceeds from the sale of real property, equipment or supplies are not program income. Finally, license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under the Federal award subject to 57 C.F.R. Part 401 are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the Corporation uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will be used only for current costs unless the Corporation is otherwise directed by the Federal awarding agency or pass-through entity.

Mandatory Disclosures

The Corporation must promptly disclose whenever they have credible evidence of a violation of Federal criminal law potentially affecting the Federal award including any, but not limited to, fraud, embezzlement, bribery, gratuity violations, identity theft, or sexual assault and exploitation, or a violation of the civil False Claims Act (2 C.F.R. 200.113) regarding the obligation to report credible information related to conduct prohibited by the Trafficking Victims Protection Act, 22 U.S.C. 7104c.

Whistleblower Protections

An employee of the Corporation may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information to the appropriate agency or individual that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, See Policies 1411 - Required Reports an nd Protection of Whistleblowers, 3211 - Required Reports and Protection of Whistleblowers, 4211 - Required Reports and Protection of Whistleblowers, and 8900 - Anti-Fraud.

Revised 12/16/13
Revised 2/25/19
Revised 5/22/23

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Legal
I.C. 20-26-5-4
Compliance Supplement for Single Audits of State and Local Governments
20 U.S.C. 7906
Education Department General Administrative Regulations (EDGAR)
34 C.F.R. 75.707, 76.563. 76.565, 76.707
2 C.F.R. 200.56, 200.71, 200.77, 200.80, 200.112, 200.302, 200.307
2 C.F.R. 200.309, 200.310, 200.313, 200.318-.320, 200.343(b)&(e)

INTERNAL CONTROL STANDARDS AND PROCEDURES

6111 - **INTERNAL CONTROL STANDARDS AND PROCEDURES**

The Superintendent shall establish, document and maintain effective internal control standards and procedures for all funds received by the School Corporation, including financial grants and awards from Federal or State sources, that provide reasonable assurance that the Corporation is managing the program and funds in compliance with statutes, Federal and State regulations, and the terms and conditions of grants and awards made to the Corporation.

The Corporation shall have a process that provides reasonable assurance regarding the achievement of the following objectives:

A. effectiveness and efficiency of operations;

B. reliability of reporting for internal and external use; and

C. compliance with applicable laws and regulations.

These internal controls should comply with the guidance in "Standards for Internal Control of the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The internal control standards and procedures must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal and State reports; maintain accountability for all funds, property, and assets; and demonstrate compliance with Federal and State statutes, Federal and State regulations, and the terms and conditions of grants and awards.

The internal control standards and procedures also must provide reasonable assurance that these transactions are executed in compliance with Federal and State statutes, Federal and State regulations, and the terms and conditions of grants and awards that could have a direct and material effect on any grant or award, as well as any other Federal and State statutes and regulations that are identified in the Federal Compliance Supplements and/or directives of the State Board of Accounts (SBOA).

Additionally, the Corporation’s internal control standards and procedures must provide reasonable assurance that all Federal and State funds, property, and other assets are safeguarded against loss, damage, theft, fraud, unauthorized use, or unauthorized disposition.

Further, erroneous or irregular material variances, losses, shortages, or thefts of any amount of Corporation funds or property whose source is a Federal grant or award are considered material and therefore are to be reported immediately to the SBOA as required by Federal and State law.

If the Corporation is declared to be unaudited by the Indiana State Board of Accounts because it failed to reconcile accounts, records, files, or reports, the Corporation shall bring its accounts into an auditable condition within ninety (90) days.

Other than with respect to Corporation funds or property whose source is a Federal grant or award, any erroneous or irregular material variances, losses, shortages, or thefts of Corporation funds or property in excess of:

A. With respect to cash funds: $1,000.00 in any fund

B. With respect to assets other than cash funds: any asset valued in excess of $500.00

are considered material and therefore are to be reported immediately to the SBOA as required by State law.

The Corporation shall:

A. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal grants and awards;

B. comply with State statutes and regulations related to the management and control of all funds received by the Corporation;

C. evaluate and monitor its compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of Federal grants and awards, and State and local funds received;

D. investigate all variances, losses, shortages, or thefts of Corporation funds or property, document the investigation and its results, and maintain a record of the investigation and its results;

E. take prompt action when instances of noncompliance are identified;

F. report all misappropriations of Corporation funds or property to the SBOA and the county prosecuting attorney whenever a Corporation employee has actual knowledge of or reasonable cause to believe that a misappropriation has occurred;

G. provide, upon employment and periodically thereafter, training concerning the internal control standards and procedures established for the Corporation for any personnel whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the Federal government, State government, the Corporation, or other governmental entities; and

H. take reasonable cybersecurity and other measures to safeguard protected information, including protected "personally identifiable information" (PII) and other types of information. This also includes information that the Federal agency or pass-through entity designates as sensitive or other information that the Corporation considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

   PII is defined at 2 C.F.R. 200.1 as "information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. "

The definition of PII is not attached to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

Suggested resources:

A. *Standards for Internal Control in the Federal Government,* issued by the Comptroller General of the United States;

B. *Internal Control Integrated Framework* (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;

C. *Circular A-110 Compliance Supplement* issued by the U.S. Office of Management and Budget;

D. *Circular A-133 Compliance Supplement* issued by the U.S. Office of Management and Budget; and

E. Internal control guidance issued by the U.S. Department of Education.

Revised 3/24/25

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Legal
I.C. 5-11-1-27
2 C.F.R. 200.1
2 C.F.R. 200.203
2 C.F.R. 200.303
State Examiner Directive 2015-6 (SBOA 11-18-15)
I.C. 5-11-1-9(b)

CASH MANAGEMENT OF GRANTS

6112 - **CASH MANAGEMENT OF GRANTS**

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The School Corporation's payment methods shall minimize the time elapsing between the transfer of funds from the Federal agency or the Indiana Department of Education (IDOE) (pass-through entity) and disbursement by the Corporation, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The Corporation shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The Corporation shall request grant funds payments in accordance with the provisions of the grant. Additionally, the Corporation's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit payment requests as often as necessary when electronic fund transfers are used or at least monthly when electronic transfers are not used. See Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the Corporation uses a **cash advance** payment method, the following standards shall apply:

A. The timing and amount of the advance payment requested must be as close as is administratively feasible to the actual disbursement by the Corporation for direct program or project costs and the proportionate share of any allowable indirect costs.

B. The Corporation shall make timely payments to contractors in accordance with contract provisions.

C. Whenever possible, advance payment requests by the Corporation must be consolidated to cover anticipated cash needs for all Federal awards received by the recipient from the awarding Federal agency.

D. If available, the Corporation shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on Federal funds before requesting additional cash payments.

E. The Corporation shall account for the receipt, obligation and expenditure of funds.

F. Advance payments shall be deposited and maintained in insured accounts whenever possible.

G. Advance payments shall be maintained in interest bearing accounts unless the following apply:

    1. The Corporation receives less than $250,000 in Federal funding per year.

    2. The best available interest-bearing account would not reasonably be expected to earn interest in excess of $500 per year on Federal cash balances.

3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

4. A foreign government or banking system prohibits or precludes interest bearing accounts.

5. An interest-bearing account is not readily accessible (for example, due to public or political unrest in a foreign country).

H. Pursuant to Federal law and regulations, the Corporation may retain interest earned in an amount up to $500 per year for administrative costs. Any additional interest earned on Federal funds must be returned annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment.

I. All interest in excess of $500 per year must be returned to PMS regardless of whether the Corporation was paid through PMS. Instructions for returning interest can be found at https://pms.psc.gov/grant-recipients/returning-funds-interest.html.

J. All other Federal funds must be returned to the payment system of the Federal agency. Returns should follow the instructions provided by the Federal agency. All returns to PMS should follow the instructions provided at https://pms.psc.gov/grant-recipients/returning-funds-interest.html.

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2 C.F.R. 200.305

COST PRINCIPLES - SPENDING FEDERAL FUNDS

6114 - **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

Cost Principles

A cost is reasonable if it does not exceed an amount that a prudent person would incur under the circumstances prevailing when the decision was made to incur the cost. Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

   To determine whether a cost is reasonable, consideration shall be given to:

   1. whether the cost is generally recognized as ordinary and necessary for the Corporation's operation or the proper and efficient performance of the Federal award;
   2. the restraints or requirements imposed by such factors as sound business practices; arm’s length bargaining; Federal, State, local, tribal and other laws and regulations; and terms and conditions of the Federal award;
   3. market prices for comparable costs for the geographic area;
   4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the Corporation, its employees, its students or membership (if applicable), the public at large, and the Federal Government; and
   5. whether the cost represents a deviation from the Corporation's established written policies and procedures for incurring costs.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the Corporation can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the Federal award;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;

4. the cost aligns with identified needs based on results and findings from a needs assessment; and
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the cost is assignable to that Federal award or other cost objective in accordance with the relative benefits received. This standard is met if the cost satisfies any of the following criteria:

1. is incurred specifically for the Federal award;
2. benefits both the Federal award and other work of the Corporation and can be distributed in proportions that may be approximated using reasonable methods;
3. and is necessary to the overall operation of the Corporation and is assignable in part to the Federal award in accordance with these cost principles.

B. Conform to any limitations or exclusions set forth in the cost principles in 2 C.F.R. Part 200 or in the terms and conditions of the Federal award.
C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Corporation.
D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
E. Be determined in accordance with generally accepted accounting principles.
F. Be representative of actual cost, net of all applicable credits or offsets.

   The term "applicable credits" refers to those transactions that offset or reduce direct or indirect costs allocable to the Federal award. Examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; insurance refunds or rebates and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the Corporation relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.
G. Not be included as a match or cost-share requirements of any other Federally-financed program in either the current or a prior period, unless the specific Federal program authorizes Federal costs to be treated as such.
H. Be adequately documented:

   1. in the case of personal services, the Superintendent shall implement a system for Corporation personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
   2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

I. Administrative closeout costs may be incurred until the due date of the final report(s). If incurred, these costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency.

   All other costs must be incurred during the approved budget period. At its discretion, the Federal agency is authorized to waive prior written approvals to carry forward unobligated balances to subsequent budget periods.

   The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Corporation authorized to incur financial obligations of the funds awarded, including any funds carried forward or

other revisions pursuant to the 2 C.F.R. 200.308. Prior written approval from the Federal agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods unless waived.

Selected Items of Cost

The Corporation shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, Corporation staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Corporation and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable, and Corporation personnel shall follow those rules as well.

Statutory requirements may limit the allowability of costs. Any costs that exceed the maximum amount allowed by statute may not be charged to the Federal award. Only the amount allowable by statute may be charged to the Federal award.

Payments made for costs determined to be unallowable by the Federal agency, cognizant agency for indirect costs, or pass-through entity must be refunded (with interest) to the Federal Government.

Prior Written Approval

To avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, the Corporation may seek the prior written approval of the Federal agency (or, for indirect costs, the cognizant agency for indirect costs) before incurring the cost. The absence of prior written approval on any element of cost will not, in itself, affect the reasonableness or allocability of that cost unless prior approval is specifically required for allowability.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect:

The association of costs with a Federal award determines whether costs are direct or indirect. Costs charged directly to a Federal award are typically incurred specifically for that Federal award. Costs that otherwise would be treated as indirect costs may be considered direct costs if they are directly related to a specific award. Costs incurred for the same purpose in like circumstances must be treated consistently as direct or indirect.

A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

   These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment

purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.). If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit.

B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective and are not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved.

   These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

   Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the Corporation, the governing body of the Corporation, compensation of the Superintendent, compensation of the chief executive officer of any component of the Corporation, and operation of the immediate offices of these officers.

   The salaries of administrative and clerical staff normally should be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

   1. Administrative or clerical services are integral to Federal award.
   2. Individuals involved can be specifically identified with a Federal award.
   3. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Indiana Department of Education (IDOE) or the pass- through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Timely Obligation of Funds

Financial obligations are orders placed for property and services, contracts and sub-awards made, and similar transactions that require payment under a Federal award that will result in expenditures by a Corporation under a Federal award.

The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations at 34 C.F.R. 75.707.

If the obligation is for:

A. Acquisition of real or personal property - on the date the Corporation makes a binding written commitment to acquire the property.
B. Personal services by an employee of the Corporation - when the services are performed.
C. Personal services by a contractor who is not an employee of the Corporation - on the date the Corporation makes a binding written commitment to obtain the services.
D. Performance of work other than personal services - on the date the Corporation makes a binding written commitment to obtain the work.

E. Public utility services - when the Corporation receives the services.
F. Travel - when the travel is taken.
G. Rental of real or personal property - when the Corporation uses the property.
H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All financial obligations must occur during the period of performance. Period of performance means the time interval between the start and end date of a Federal award, which may include one or more budget periods. Identification of the period of performance in the Federal award consistent with 2 C.F.R. 200.211 does not commit the Federal agency to fund the award beyond the currently approved budget period. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN. Note, however, that certain Federal awards have specific requirements that restrict the use of funds beyond the initial period of performance.

In the case of a State-administered grant, financial obligations under a grant may not be made until the whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the agency or the pass-through entity (e.g., Indiana Department of Education) to reimburse for pre-approval expenses.

If a Federal agency or pass-through entity approves an extension, or if the Corporation extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and grants, regardless of the period of availability, the Corporation shall liquidate all financial obligations incurred under the award not later than ninety (90) calendar days after the conclusion of the period of performance of the award (or an earlier date as agreed upon by IDOE and the Corporation. For direct Federal grants, the Corporation shall liquidate financial obligations incurred under the award not later than 120 calendar days after the conclusion of the period of performance of the award. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the agency. Consequently, the Corporation shall closely monitor grant spending throughout the grant cycle.

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2 C.F.R. 200.1
2 C.F.R. 200.403-407
2 C.F.R. 200.413(a)-(c)
2 C.F.R. 200.430(a)
2 C.F.R. 200.431(a)

2 C.F.R. 200.439
2 C.F.R. 200.458
2 C.F.R. 216, 309, and 471
2 C.F.R. 344(b)
34 C.F.R. 75.703
34 C.F.R. 75.707
34 C.F.R. 76.707
34 C.F.R 76.708(a)

TIME AND EFFORT REPORTING

6116 - **TIME AND EFFORT REPORTING**

As a recipient of Federal funds, the School Corporation shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of Title 2 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects, as well as internal controls. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services also may include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation—fringe benefits. Anticipated employee compensation amounts, including hourly costs and/or stipends, shall be approved by the School Board before any costs are incurred. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

A. is reasonable for the services rendered, conforms to the Corporation's established written policy, and is consistently applied to both Federal and non-Federal activities; and

B. follows an appointment made in accordance with the Corporation's written policies and meets the requirements of Federal statute, where applicable.

Time and Effort Reports

The reports:

A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;

B. are incorporated into the official records of the Corporation;

C. reasonably reflect the total activity for which the employee is compensated by the Corporation, not exceeding 100% of the compensated activities;

D. encompass both Federally assisted and other activities compensated by the Corporation on an integrated basis;

E. comply with the Corporation's established accounting policies and practices;

F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The Corporation also shall follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. The Payroll Office is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data shall be made available only to authorized auditors.

Reconciliations

Budget estimates are not used as support for charges to Federal awards. However, the Corporation may use budget estimates for interim accounting purposes. The system used by the Corporation to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the Corporation and entered into the Corporation's records in a timely manner.

The Corporation's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

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2 C.F.R. 200.430, 200.431

INVESTMENT INCOME

6144 - **INVESTMENT INCOME**

The School Board authorizes the Corporation Treasurer to make investments of available monies from the several funds of the School Corporation in:

A. bonds, bills, or notes of the United States; obligations, the principal and interest of which are fully guaranteed by the United States; or obligations of the State;
B. certificates of deposit issued by financial institutions organized and authorized to operate in this State;
C. commercial paper rated prime 1 or prime 2 at the time of purchase and maturing not more than 270 days after the date of purchase;
D. any other instrument defined by Indiana Code.

The purpose of the investments is to maximize the returns on the Corporation's excess cash balances consistent with safety of those monies and with the desired liquidity of the investments.

Investments in U.S. Treasury securities and those other securities completely guaranteed by the Treasury as to payment of principal and interest may be purchased in any dollar amount up to 100% of the available reserves.

Investments in other types of authorized securities may be made with the provision that no more than seventy percent (70%) of the total current investment portfolio consists of one (1) type of security.

All investments must mature or be redeemable within one (1) year of the date of purchase, not to exceed two (2) years.

The Corporation Treasurer is authorized to contract with a depository for the operation of a cash management system under the following conditions:

A. the contract is in writing
B. the contract provides for the investment of funds by the depository with the written approval of the Corporation Treasurer
C. the depository keeps all records concerning investment cash management
D. the investments are made in accordance with State law with maturities not to exceed two (2) years
E. the contract, which cannot exceed two (2) years, is awarded using the Corporation's bidding procedure

The Corporation Treasurer may request, no more often than four (4) times per year, that each public depository report the amount of monies deposited by him/her and the total value of the pool of securities pledged to secure the monies of this Corporation held by the depository.

The Corporation Treasurer shall include in the monthly report to the Board all cash in all accounts on deposit as well as the annual investment assets of the Board.

The Board also requires the Corporation Treasurer to report to the Board monthly:

A. the types and amounts of each investment and the interest earned on each;
B. the transactions occurring since the last report.

An obligation when received by the Corporation Treasurer, shall be deposited with the bank or trust company having the deposit of the money of the particular fund from which the obligation was purchased.

Money in the several funds of the Corporation may be commingled for the purpose of making an investment. The Treasurer also may join with other school treasurers, and other governmental entities, for the purpose of investing Corporation funds pursuant to an interlocal cooperation agreement under I.C. 36-1-7. S/He shall account for such investments separately.

The Board may authorize the Board's investing officer to invest in certificates of deposit from depositories that have been designated by the State Board of Finance as a depository for State funds under I.C. 5-13-9-5 but have not been designated by the Corporation's Board of Finance established by Board Bylaw 0151.1. This authorization shall be in the form of a resolution approved by the Board. Such resolution must provide that the authority to invest in these certificates of deposit granted by the resolution expires on a date that is not later than two (2) years after the date of the Board's vote adopting the resolution.

Revised 5/19/14

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Legal
I.C. 5-13-9, 20-26-5-4
I.C. 5-13-9 –Deposit and investment of public funds
I.C. 5-13-9-5(a) – Authorization to invest in certificates of deposit
I.C. 20-26-5-4 – Specific powers
I.C. 20-26-10-9 – Joint Investment fund; administration; designated depositories
I.C. 36-1-2-10 – "Municipal corporation" defined to include "school corporation"
I.C. 36-1-2-13 – "Political subdivision" defined to include "municipal corporation"
I.C. 36-1-7 – Interlocal Cooperation
State Board of Accounts Public Schools Manual Part 14

SHORT-TERM INDEBTEDNESS

6145 - **SHORT-TERM INDEBTEDNESS**

When the School Board determines that an emergency condition exists within a particular fund(s) and that the revenue being generated will not meet the current projected needs, the Superintendent or Director of Finance may initiate procedures to acquire the necessary revenue from emergency loans, advance draws, or tax anticipation warrants.

The appropriate bid procedure is to be followed for all short-term loans authorized by the Board. Funds are to be borrowed from the institutions or organizations offering the terms most favorable to the School Corporation following approval by the Board.

The Corporation may borrow the money necessary to finance a “public work” project that will cost not more than $2,000,000.00 or an “eligible efficiency project” that will cost not more than $3,000,000. A “public work” means a project for the construction of a public building, highway, street, bridge, sewer, drain, or any other public facility that is paid for out of public funds. An “eligible efficiency project” means a project necessary or useful to carrying out an interlocal cooperation agreement entered into by two or more political subdivisions or governmental entities under I.C. 36-1-7 or a project necessary or useful to the consideration of local government services.

The Corporation may borrow the money for this purpose from a financial institution in Indiana by executing and delivering to the financial institution a negotiable note of the School Corporation for the sum borrowed. The note must bear interest, with both principal and interest payable in equal installments on January 1st and July 1st each year over a period not exceeding ten (10) years.

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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I.C. 20-48-1
I.C. 36-9-41

ASSESSMENT OF TRANSFER TUITION FOR STUDENTS ENROLLED ON A CASH TRANSFER TUITION BASIS

6150 - **ASSESSMENT OF TRANSFER TUITION FOR STUDENTS ENROLLED ON A CASH TRANSFER TUITION BASIS**

The School Board shall assess transfer tuition according to I.C. 20-26-11-6(b) and - 13 for a student enrolled in the Corporation on a cash transfer tuition basis.

Cash transfer tuition shall be computed as provided in I.C. 20-26-11-6-(b) and – 13 and shall be paid in a lump sum or on an installment schedule of payments recommended by the Superintendent and approved by the Board. An installment payment schedule approved by the Board shall provide for the payment in full of the cash transfer tuition amount before the last student day of the school year. Failure to make a transfer tuition installment payment pursuant to the installment schedule approved by the Board may be the basis for the expulsion of a student enrolled on a cash transfer tuition basis.

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I.C. 20-26-11-6
I.C. 20-26-11-13
I.C. 20-33-8-30
511 IAC 1-6

BAD CHECKS AND UNCOLLECTABLE DEBTS

6151 **- BAD CHECKS AND UNCOLLECTABLE DEBTS**

When the School Corporation receives a check from a student or parent that, when deposited, is returned marked "insufficient funds", the Corporation Treasurer shall provide an opportunity for the payor to make proper payment or to arrange for a satisfactory payment schedule. If payment is not received within thirty (30) days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the School Board authorizes the Corporation Treasurer to remove the fee or charge from the Corporation's Accounts Receivable and to take appropriate action against the student and/or the parents.

If efforts to collect an amount due the Corporation have not been successful and, in the opinion of the Treasurer (hereafter "the staff"), the Corporation Treasurer further efforts to collect the amount due are unlikely to be successful. The Corporation Treasurer follows the resolution authorizing the Corporation Treasurer to follow collection procedures.

Outstanding (Stale Dated) Checks - Unclaimed Property Process

Checks that are outstanding, meaning they have not been cashed by the payee, after a period of thirty (30) days after issuance, shall be deemed to be a "stale" check. Any stale check shall be treated as unclaimed property consistent with the guidance provided by Indiana's Unclaimed Property Division and its Reporting Guidelines for unclaimed property, including due diligence prior to remittance and annual reporting of unclaimed property.

Insufficient Funds Checks

When the Corporation receives a check that is not honored upon presentation to the respective bank or other depository institution, the Treasurer/CFO is authorized to take appropriate action. If payment is not received within thirty (30) days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Board authorizes the Treasurer to remove the fee or charge from the Corporation's Accounts Receivable and to take appropriate action against the payer. The payer may be charged a fee for insufficient funds (NSF fee) not to exceed $25.00 for a returned check. A check may be presented for payment not more than three (3) times. However, only one (1) NSF fee may be charged.

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I.C. 24-4.5-7-202
I.C. 32-34-1.5

STUDENT FEES AND CHARGES

6152 - **STUDENT FEES AND CHARGES**

The School Board may assess and collect a reasonable fee for lost or significantly damaged curricular materials. The Superintendent shall develop administrative guidelines for the selection, care, custody, maintenance, and return of all curricular materials and supplementary materials and equipment and provide for the assessment of fees for lost or significantly damaged curricular materials.

The late return of borrowed books or materials from the School Corporation's school libraries will be subject to appropriate fees.

Any fees collected by members of the staff are to be turned in to the Business Office within twenty-four (24) hours after collection.

Fees assessed for lost or significantly damaged curricular materials or equipment shall be collected in accordance with the Superintendent's administrative guidelines (AG 2510B - Collection of fees for Lost or Significantly Damaged curricular Materials).

If the above course of action does not result in the fee being collected, the Board authorizes the Superintendent Designee to take the student and/or the parents to Small Claims Court for collection if the claim does not exceed the jurisdictional limit of the county small claims court. If the claim exceeds the jurisdictional limit of the county small claims court, the Board authorizes the Corporation's local counsel or another attorney to pursue a collection action in the appropriate court against the student and/or the parents.

Fees collected for lost or significantly damaged curricular materials shall be deposited in a separate curricular materials account (I.C. 20-40-22-9) for the school in which the student was enrolled at the time the fee was imposed.

The Corporation may write-off any outstanding unpaid fees that are not for curricula materials, of $5.00 or less if not paid by October 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, or unpaid fees that are not for curricular materials, in excess of $5.00 may, at the discretion of the school treasurer or designee, be witten off 1 year after the end of the school year or activity season in which the debt was incurred. Fees in excess of $5.00 may be witten off at any time, if the Principal or designee determines the student's parents, or the student, if age eighteen (18) or older or an emancipated minor, is unable to pay.

Revised 2/26/18

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I.C. 20-33-5-11
Indiana State Board of Accounts, Public Schools Audit Manual

Indiana State Board of Accounts, School Administrator
McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11301 et seq.
Education for Homeless Children and Youths Program Non-Regulatory Guidance, p. 25 (US DOE July 2016)

FISCAL PLANNING

6210 - **FISCAL PLANNING**

The School Board shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the School Corporation and to plan for the financial needs of the educational program. The Board will strive to maintain both short and long range projections of the Corporation's financial requirements.

Accordingly, the Board directs the Director of Finance to:

A. include cost estimates of all ongoing financial requirements;

B. prepare a long range year-by-year plan for the maintenance and replacement of facilities and equipment;

C. maintain a plan of anticipated local, State, and Federal revenues;

D. meet periodically with the appropriate officials of the local municipality or county to review planned expenditures and the joint effect of school and community costs on tax rates;

E. report to the Board any serious financial implications that emerge from the Corporation's ongoing fiscal planning.

In addition, the Board directs the Director of Finance to maintain annually a detailed calendar year forecast of estimated expenditures and revenues of the Operations Fund.

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I.C. 20-26-5-4

BUDGET PREPARATION

6220 - **BUDGET PREPARATION**

The Corporation's operational and educational plan is reflected in its budget. Each year, the School Board will cause to have prepared and then review and approve the Education Fund, Operations Fund, Debt Service Fund, Rainy Day Fund, and Referendum Fund which constitute the budget of the Corporation.

The Board, by resolution, has established a 'rainy day fund' as a part of its budget preparation process. Transfers to the rainy day fund must be made after the last day of the Corporation’s fiscal year. The adoption resolution must specify the purposes of the fund as well as the sources of funding for the fund. The rainy day fund is subject to the same appropriation process as other funds for which taxes are raised. The Board may not transfer more than ten percent (10%) of its annual budget for that year to its rainy day fund.

When presented to the Board for review and/or adoption, the proposed budget shall include, as appropriate:

A. An explanation of each item of expense proposed for the ensuing year;
B. The sources and amounts of anticipated revenues;
C. An appropriations resolution.

Revised 11/28/06
Revised 3/25/13
Revised 2/25/19
Revised 10/28/19
Revised 6/22/20

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I.C. 6-1.1-17-5.3
I.C. 20-40-2
I.C. 20-40-20
I.C. 20-40-21
I.C. 36-1-8-5

BUDGET HEARING

6230 - **BUDGET HEARING**

The annual budget adopted by the School Board represents the Board's position on the allocation of resources required to operate an appropriate system of education. All reasonable means shall be employed by the Board to present and explain that position to all interested parties. The public budget hearings shall be conducted in accordance with the law.

Each member of the Board and each School Corporation administrator shall be sufficiently acquainted with the budget and its underlying purposes to answer questions from members of the public.

At the public hearing to adopt the budget, the Corporation shall acknowledge whether the anticipated transfer amount from the Education Fund to the Operations Fund during the next calendar year shall be more than fifteen percent (15%) of the total revenue deposited in the Education Fund.

Also, at the public hearing, the Corporation shall annually specify the Corporation's revenue spending plan associated with a referendum tax levy. The spending plan includes:

A. an estimate of the amount of annual revenue expected to be collected;
B. the specific purposes for which the revenue collected shall be used, and
C. an estimate of the annual dollar amounts that shall be expended for each purpose.

The budget approved by this Board shall be made available to the public in the manner and at the places required by law.

The final adoption of the proposed annual budget shall be made by the Board after completion of the public hearing.

Revised 6/22/20
Revised 5/22/23
T.C. 8/25/25

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Legal
I.C. 6-1.1-17-5.3
I.C. 20-26-5-4
I.C. 20-46-1-8(e)
I.C. 20-46-1-8(f)

BUDGET IMPLEMENTATION

6231 - **BUDGET IMPLEMENTATION**

The School Board places the responsibility of administering the budget, once adopted, with the Superintendent.

The Superintendent shall be authorized to proceed with making financial commitments, purchases, and other expenditures within the limits provided in the budget, limitations stated in Board policies, and within legal authority expressed in State statutes.
Listings of expenditures, appropriate financial reports, and budget comparison reports shall be submitted monthly to the Board to keep members informed as to the status of the budget and overall financial condition of the Corporation.
If, during the fiscal year, it appears to the Superintendent that actual revenues are less than estimated revenues, including the available equity upon which the appropriations from the fund were based, the Superintendent shall present to the Board recommended amendments to a Fund that will prevent expenditures from exceeding revenues. Such recommendations shall be in accordance with the requirements of the law and provisions of the negotiated agreements.

Legal
I.C. 20-26-5-4

REQUIRED ADM COUNTS FOR THE PURPOSE OF STATE FUNDING AND VERIFICATION OF RESIDENCY FOR MEMBERSHIP

6250 - **REQUIRED ADM COUNTS FOR THE PURPOSE OF STATE FUNDING AND VERIFICATION OF RESIDENCY FOR MEMBERSHIP**

The School Board expects enrolled students to be in regular attendance and engaged in the School Corporation's education programs in accordance with the provisions of the State compulsory attendance law, other provisions of State student attendance statutes found in I.C. 20-33-2, and the provisions of Policy 5200 -Attendance. Additionally, the Board expects the cooperation of parents in monitoring the attendance of their children to comply with the above statutes and policies.

A major portion of State funding for school corporations is determined by a count of enrolled students taken on days selected by the Indiana State Board of Education (SBOE). This count is referred to as the Average Daily Membership ("ADM") count. The fall ADM and spring ADM counts are to be exact counts of eligible students enrolled in the Corporation by grade and school on the dates set by SBOE for the ADM count. An eligible student is a student who is enrolled in the Corporation on the ADM count day. A student may not be counted as an eligible student in more than one school corporation. Pursuant to State and Federal law, the fall count of ADM shall be made on October 1 or another date set by the SBOE to align the count of ADM with the Federal pupil enrollment ("PE") count. The spring count of ADM shall be made on a day during February fixed by the SBOE.

The Board requires the Superintendent to establish administrative guidelines that detail the procedures that shall be followed by all staff members involved in taking the ADM count in each school. These guidelines shall be made with the purpose of establishing internal controls to provide for timely and accurate ADM reporting to the Indiana Department of Education ("IDOE"). These guidelines also shall assign to a building level staff member the duty and responsibility of compiling the ADM count. The ADM count in each school building shall be documented by providing a list of student names and unique student numbers assigned to each student through the IDOE system of identification. The individual assigned the duty and responsibility of compiling the ADM count shall sign a written certification of authenticity and accuracy of the count total, the accompanying student list of names and numbers, and the acknowledgment that each student on the list is an "eligible student" for the Corporation's ADM count. The individual assigned the duty and responsibility of compiling, documenting, and certifying the count in each school building shall submit said count, documentation, and certification to an individual assigned by the Superintendent to compile the total ADM count for the Corporation. The guidelines also shall detail the individual responsible for retaining the records of the ADM count and related documentation. The supporting documentation of enrollment and attendance information by grade and school building shall be signed by the building principal and retained for audit purposes to substantiate the ADM count claimed. The guidelines shall require the individual submitting the ADM count to the IDOE to follow the IDOE Membership Layout instructional forms.

Before reporting any student for membership, the Corporation shall consider the following expectations regarding student residency verification as well as exceptions to residency requirements.

Definitions

A. 'Attending' means physical or virtual presence of a student with the expectation of continued services in the education programs for which the student is registered.

B. 'Enrolled' means to be:

1. registered with the Corporation to attend educational programs offered by or through the Corporation; and

2. attending these educational programs or receiving educational services.

Expectations for Student Residency Verification are as follows:

A. The Corporation shall maintain proof of Indiana residency for each student in the student's electronic or hard copy file.

B. Proof of residency shall be filed for each student whom the Corporation counts for membership.

1. For a student enrolling from one year to the next at the Corporation, a parent/guardian shall confirm re-enrollment of the student either in-person or through an online registration process. If the Corporation brings forward enrollment from the prior year, students cannot be reported for Membership (ME, MA, MV) without verification of consistent attendance prior to the ADM count day.

2. As part of the registration process (either in-person or online), the Corporation shall share the residency information it currently has on file for each student. The parent/guardian shall certify on a school-designed form that the student's address is either unchanged or changed. If changed, the new address shall be updated, and the parent/guardian shall be required to provide physical proof of the address change.

3. A parent/guardian does not have to refile proof of residency each year for a student unless the address changes.

C. Proof of residency shall be on hand for each student prior to the student being claimed on the fall and/or spring ADM count dates.

D. If a student enrolls in the Corporation during the school year, proof of Indiana residency shall be filed with the Corporation.

E. If a student has a change of address from one school year to another, the prior residency documents shall be maintained in the student's file. For audit purposes, the Corporation shall be able to produce a physical or scanned copy of residency proof for current and prior residency of each student.

F. The Board annually shall adopt or readopt a policy that specifies documentation, not to exceed two (2) items, required to verify Indiana residency.

G. The Board requires two separate items as documentation of proof of residency for its students with limited exceptions as set forth below:

    1. a current utility bill dated within sixty (60) days of student enrollment; examples could include gas, electricity, water, or similar bill. Note-a phone bill will NOT satisfy this requirement
    2. a current rental/lease agreement dated within sixty (60) days of student enrollment, a property tax statement, or other home or property ownership documentation

H. Other documentation supporting proof of residency, in addition to the two required items in Item G, may include a tax return, bank statement, mortgage statement, medical bill, or other similar information that provides a verifiable address. Documentation must be dated within sixty (60) days of student enrollment and the date shall be clearly identified and readable on the copy on file for the student.

    Copies of these documents shall be retained by the Corporation in each student's cumulative file.

Other Types of Proof of Residency:

Some students may not have required residency documents due to McKinney-Vento status, Third Party Custodial status, Foster Care status, etc. Below is guidance on each situation and documentation of proof of residency for these students that shall be maintained by the Corporation is set forth below.

McKinney-Vento (Homeless)

A completed IN Education for Homeless Children & Youth (INEHCY) McKinney-Vento Homeless Education Program Housing Questionnaire may serve as documentation of proof of residency for homeless students and shall be retained by the Corporation as proof of residency if the above-referenced documentation is not available. (See also Board Policy 5111.01 - Homeless Students)

Third-Party Custodial

The Corporation shall maintain the residency documents of the custodial guardian the student is residing with as documentation of proof of Indiana residency. (See also Board Policy 5111 - Determination of Legal Settlement and Eligibility for Enrollment of Student without Legal Settlement in the Corporation) in addition to a Residency Affidavit Form.

Placement of a student by DCS, FSSA, Courts, etc.

The Corporation shall maintain either of the following as documentation of proof of Indiana residency of the student:

A. Residency documents from the custodial guardian, foster family, etc. with whom the student is residing.

B. A court order, placement letter, or other document evidencing the placement on the appropriate state or county letterhead.

    (See also Board Policy 5111.03 - Children and Youth in Foster Care)

Exceptions to Indiana Residency Requirements include:

Foreign Exchange student

This applies to foreign exchange students who are residing in, enrolled, and attending the Corporation, excluding foreign students enrolled and attending with an F1 Visa. The Corporation shall maintain residency documents of the host family with whom the student is residing for proof of Indiana residency.

(See also Board Policy 5114 - Nonimmigrant Students and Foreign Exchange Program)

Student of an active Military family member

The Corporation shall maintain the following as documentation of proof of Indiana residency for a student of an active Military family member:

A. Official military order of deployment or pending transfer supported in writing on official letterhead from the appropriate military branch.

B. The address may include a temporary on-base leased home or apartment, purchased or leased home or apartment or Federal government housing or off-base military housing.

   (See also Board Policy 5111.02 - Educational Opportunity for Military Children)

All staff members who participate in 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 participating in the ADM count who fails to comply with this policy, the related administrative guidelines, and the directives of the IDOE and Indiana State Board of Accounts ("SBOA") for taking an ADM count is subject to disciplinary action up to and including termination.

If the Corporation offers a "virtual education program," more robust internal controls shall be developed to ensure the accuracy of ADM counts. The Board requires the Superintendent to include in the administrative guidelines controls that clarify under what conditions a student is considered to be "enrolled" when participating in a virtual education program and how much activity or progress a student shall engage in to be considered in attendance.

Note: This policy was prepared to meet the SBOA's requirements for a "student engagement policy" as outlined in the December 2019 School Bulletin, Volume 228, page 4. It has been further modified to meet the IDOE's August 27, 2020, Memorandum providing written guidance on verification of Indiana residency as it relates to reporting students for membership.

Revised 11/22/21
Revised 5/22/23
Revised 12/18/23
Revised 9/25/24

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Legal
I.C. 20-26-5-42.1
I.C. 20-26-11-2
I.C. 20-33-2
I.C. 20-43-1-7.5

I.C. 20-43-1-11.5
I.C. 20-43-43

PURCHASING

6320 - **PURCHASING**

It is the policy of the School Board that the Treasurer shall act as the purchasing agent for the Board. This policy applies only to purchases that are not paid from Federal funds or School Corporation matching funds. All purchases that are paid from Federal funds or Corporation matching funds shall be made pursuant to Policy 6325 - Procurements - Federal Grants/Funds.

Purchase or Lease of Materials and Performance of Public Works

The Board may purchase or lease materials in the manner provided in I.C. 5-22 and perform any public work, by means of its own workforce, without awarding a contract whenever the cost of that public work project is estimated to be less than $375,000, adjusted annually by the percentage change in the Consumer Price Index for all Urban Consumers as published by the United States Bureau of Labor Statistics. The department of local government finance shall annually publish the adjusted cost estimate threshold for the current year, determined in the manner required by this subsection, on the department's website. Before the Board may perform any work under this section by means of its own workforce, the Corporation must have a group of employees on its staff who are capable of performing the construction, maintenance, and repair applicable to that work. For purposes of this section, the cost of a public work project includes:

A. the actual cost of materials, labor, equipment, and rental;
B. a reasonable rate for use of trucks and heavy equipment owned; and
C. all other expenses incidental to the performance of the project.

Purchases of Supplies

For purposes of this policy "supplies" means any personal property. The term includes equipment, goods, and materials. The term does not include an interest in real property. For purposes of this policy "purchase" means buy, procure, rent, lease, or otherwise acquire.

The purchasing agent may make open market purchases of supplies totaling no more than $50,000 for a single item or a group of similar items.

The purchasing agent shall seek at least three (3) price quotations on purchases of supplies that are more than $50,000 but less than $150,000 except in cases of emergency or where materials are of such nature that price quotations would not result in a savings to the Corporation.

The purchasing agent shall mail an invitation to quote at least seven (7) days before the time fixed for receiving quotes.

If the purchasing agent receives a satisfactory quote, they shall award a contract to the lowest responsible and responsive quoter for each line or class of supplies required. The purchasing agent may reject all quotes.

If the purchasing agent does not receive a quote from a responsible and responsive quoter, they may purchase the items by following the procedure for items costing under $50,000.

When the purchase of, and contract for, single items of supplies, amounts to $150,000 or more, the Treasurer shall obtain competitive bids.

Competitive Bidding - Supplies

The purchasing agent shall follow the procedure described below in awarding a contract for supplies that equals or exceeds $150,000.

A. The purchasing agent shall issue an invitation for bids.
B. An invitation for bids shall include the following:

    1. A purchase description.
    2. All contractual terms and conditions that apply to the purchase.
    3. A statement of the evaluation criteria that shall be used, including any of the following:

        a. Inspection.
        b. Testing.
        c. Quality.
        d. Workmanship.
        e. Delivery.
        f. Suitability for a particular purpose.
        g. The requirement imposed in I.C. 5-22-3-5 for offers submitted by trusts.
    4. The time and place for opening the bids.
    5. A statement concerning whether the bid shall be accompanied by a certified check or other evidence of financial responsibility that may be imposed in accordance with rules or policies of the Board.
    6. A statement concerning the conditions under which a bid may be canceled or rejected in whole or in part as specified in I.C. 5-22-18-2.

Evaluation criteria that will:

A. affect the bid price; and
B. be considered in the evaluation for an award;

shall be objectively measurable.

Only criteria specified in the invitation for bids shall be used in bid evaluation.

The purchasing agent shall give notice of the invitation for bids in the manner required by I.C. 5-3-1. The purchasing agent also may provide electronic access to the notice through:

A. the computer gateway administered by the Office of Technology; or
B. any other electronic means available to the Corporation.

The purchasing agent shall open bids publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids.

Bids shall be:

A. unconditionally accepted without alteration or correction, except as permitted below; and
B. evaluated based on the requirements provided in the invitation for bids.

A contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder.

For a bidder to be considered responsive, the proposal shall:

A. respond to all bid specifications in all material respects;
B. contain no irregularities or deviations from the bid specifications that would affect the amount of the bid or otherwise provide a competitive advantage; and
C. comply specifically with the solicitation and instructions to bidders.

The purchasing agent also may consider whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning its:

A. experience (type of product or service being purchased, etc.);
B. financial condition;
C. conduct and performance on previous contracts (with the Corporation or other agencies);
D. facilities;
E. management skills; and
F. ability to execute the contract properly.

The purchasing agent may consider the following factors in determining whether a bidder is responsible:

A. the ability and character of the bidder to provide the supplies;
B. the integrity, character and reputation of the bidder; and
C. the competency and experience of the bidder.

The purchasing agent shall maintain the following information:

A. The name of each bidder.
B. The amount of each bid.
C. Other information required I.C. 5-22 and its rules.

The information described above is subject to public inspection after each contract award.

The Board allows correction or withdrawal of inadvertently erroneous bids, provided notification to the purchasing agent is given.

The purchasing agent shall make a written decision to:

A. permit the correction or withdrawal of a bid; or
B. cancel awards or contracts based on bid mistakes.

The purchasing agent shall not permit changes in:

A. bid prices; or
B. other provisions of bids prejudicial to the interest of the Board or fair competition;
C. after bid opening.

If a bidder inserts contract terms or bids on items not specified in the invitation for bids, the purchasing agent shall treat the additional material as a proposal for addition to the contract and may do any of the following:

A. Declare the bidder nonresponsive.
B. Permit the bidder to withdraw the proposed additions to the contract in order to meet the requirements and criteria provided in the invitation for bids.
C. Accept any of the proposed additions to the contract, subject to the following limitations.

The purchasing agent shall not accept proposed additions to the contract that are prejudicial to the interest of the Board or fair competition.

A decision of the purchasing agent to permit a change to the requirements of the invitation for bids shall be supported by a written determination by the purchasing agent which provides the justification for that change.

The Board reserves the right to reject any and all bids.

The Board shall be informed of the terms and conditions of all competitive bids. All bids shall be entered upon the records of the Board at its next meeting following the bid opening. The Board shall accept or reject bids in a Board meeting open to the public and award contracts as a consequence of such bids.

Purchases of Services

For purposes of this policy "services" means the furnishing of labor, time, or effort by a person not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance.

The purchasing agent may purchase as follows:

A. For purchases of services anticipated to exceed $50,000 in a single school year:

    1. If the purchasing agent has purchased services previously from a vendor, the purchasing agent may continue to purchase services from that vendor as long as the Board is satisfied with the services delivered by the vendor.
    2. If a new vendor is sought to provide services, the purchasing agent shall issue a request for proposal asking that interested vendors submit proposals to serve as vendors for those specific services. Notice of the request for proposal may be sent directly to potential vendors and/or posted on the Corporation's website. The purchasing agent shall interview those vendors who respond to the request for proposal that the purchasing agent believes are able to provide the services sought and shall select the vendor from those interviewed. The purchasing agent may seek input from other administrators or Board members in making the selection.

B. For all other purchases of services, the purchasing agent may select the vendor they believe is the most appropriate vendor who provides the services sought.

Such purchases shall be brought to the Board for approval at the next regular meeting.

Public Works Projects - Less than $300,000

Whenever the cost of a public works project will be at least $50,000 but less than $300,000, the following procedure applies:

A. The Board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by mailing them a notice stating that plans and specifications are on file in a specified office. The notice shall be mailed not less than seven (7) days before the time fixed for receiving quotes.
B. The Board shall not require a person to submit a quote before the meeting at which quotes are to be received. The meeting for receiving quotes shall be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.
C. The Board shall award the contract for the public work to the lowest responsible and responsive quoter.
D. The Board may reject all quotes submitted.

Public Works Projects - At Least $300,000 (Competitive Bidding)

Whenever the cost of a public works project will be at least $300,000, the following procedure applies:

A. The Board shall prepare general plans and specifications describing the kind of public works project required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by I.C. 8-14-2-1) of a road, street, or bridge, the specifications shall show how the weight or volume of the materials will be accurately measured and verified.
B. The Board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by section 3 below.
C. Upon the filing of the plans and specifications, the Board shall publish notice in accordance with I.C. 5-3-1 calling for sealed proposals for the public works project. If the Board receives electronic bids, the Board also shall provide electronic access to the notice of the bid solicitation through the computer gateway administered under I.C. 4-13.1-2-2(a)(6) by the Office of Technology.
D. The notice shall specify the place where the plans and specifications are on file and the date fixed for receiving bids.
E. The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the Board. The period of time between the date of the first publication and receiving bids may not be more than:

    1. six (6) weeks if the estimated cost of the public works project is less than twenty-five million dollars ($25,000,000); and
    2. ten (10) weeks if the estimated cost of the public works project is at least twenty-five million dollars ($25,000,000).

F. The Board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public works project, and the equipment that the bidder has available for the performance of the public works project. The statement shall be submitted on forms prescribed by the State Board of Accounts.
G. The Board shall not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids shall be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before. Notwithstanding any other law, bids may be opened after the time designated if both of the

following apply:

1. The Board makes a written determination that it is in the best interest of the Board to delay the opening.
2. The day, time, and place of the rescheduled opening are announced at the day, time, and place of the originally scheduled opening.

H. The Board shall:

1. award the contract for public works project or improvements to the lowest responsible and responsive bidder; or
2. reject all bids submitted.

I. If the Board awards the contract to a bidder other than the lowest bidder, the Board shall state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The Board shall keep a copy of the minutes or memoranda available for public inspection.

J. In determining whether a bidder is responsive, the Board may consider the following factors:

1. Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.
2. Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.
3. Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

K. In determining whether a bidder is a responsible bidder, the Board may consider the following factors:

1. The ability and capacity of the bidder to perform the work.
2. The integrity, character, and reputation of the bidder.
3. The competence and experience of the bidder.

L. The Board shall require the bidder to submit an affidavit that the bidder has not entered into a combination or agreement:

1. relative to the price to be bid by a person;
2. to prevent a person from bidding; or
3. to induce a person to refrain from bidding; and
4. that the bidder's bid is made without reference to any other bid.

Purchasing Using Online Reverse Auctions

The Board authorizes the purchasing agent to conduct a reverse auction for the purchase of supplies by using an Internet purchasing site for issuing an invitation for bids and receiving bids.

The purchasing agent shall establish procedures for:

A. transmitting notices, solicitations, and specifications;
B. receiving offers;
C. making payments;
D. protecting the identity of the bidder or offeror;
E. providing for the display of the amount of each offer previously submitted for public viewing;
F. establishing the deadline by which offers shall be received and shall be considered to be open and available for public inspection;
G. establishing procedures for the opening of offers; and

H. maintaining adequate documentation regarding reverse auctions so that the transactions may be audited according to law.

The purchasing agent may charge a bidder in a reverse auction a fee set in the written procedures adopted above.

An internet purchasing site used for a reverse auction shall do the following:

A. provide information that the purchasing entity considers necessary or beneficial to potential bidders.
B. display the amount of all bids previously submitted regarding the reverse auction for public viewing.
C. conceal information that identifies a bidder.
D. comply with I.C. 5-22.

Procurement

The Board shall be informed of the terms and conditions of all competitive bids. All bids must be entered upon the records of the Board at its next meeting following the bid opening. The Board shall accept or reject bids in a Board meeting open to the public and award contracts as a consequence of such bids.

The president and secretary of the Board are entitled, on behalf of the Board, to sign any contract. These contracts may include, but are not limited to, employment contracts and contracts for goods and services. However, each contract must be approved by a majority of the full Board. In the absence of the president or secretary, the vice president may sign the contract with the officer who is present.

Exceptions to the foregoing requirements may be permitted when purchasing from vendors who have been awarded State contracts or when purchasing from authorized State institutions.

All specifically identified purchases that are within a program may be made upon authorization of the Superintendent.

The Board may designate a committee of at least two (2) of the Board members or a committee of not less than two (2) Corporation employees to open and tabulate bids:

A. in connection with the purchase of supplies, materials, or equipment;
B. for the construction or alteration of a building or facility; or
C. for any similar purpose.

Those bids:

A. may be opened by the committee at the time and place fixed by the advertisement for bids;
B. shall be read aloud and tabulated publicly, to the extent required by law for governing bodies; and
C. shall be available for inspection.

Those bids shall be reported to and the tabulation entered upon the records of the Board at its next meeting following the bid opening.

A bid may not be accepted or rejected by the committee but shall be accepted or rejected solely by the Board in a Board meeting open to the public.

The purchasing agent is authorized to make emergency purchases, without prior approval, of supplies needed to keep the Corporation's schools in operation.

Such purchases shall be brought to the Board for approval at the next regular meeting.

In order to promote efficiency and economy in the operation of the Corporation, the Board requires that the periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped, but with staggered delivery dates, shall be made a part of the bid specifications.

Before the New Prairie United School Corporation employees places a purchase order, they shall have the Treasurer check whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the Corporation. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

A. an opportunity be provided to as many responsible suppliers as possible to do business with the Corporation;
B. a prompt and courteous reception, as conditions permit, be given to all who call on legitimate business matters;
C. where the requisitioner has recommended a supplier, the Treasurer may make alternate suggestions to the requisitioner if, in their judgment, better service, delivery, economy, or utility can be achieved by changing the proposed order;
D. upon the placement of a purchase order, the Treasurer shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations;
E. unless otherwise permitted by the purchasing agent, no purchase of supplies shall be allowed without a properly-signed purchase order. Employees shall be held personally responsible for anything purchased without a properly signed purchase order.

During the current year provisions may be made in these agreements for renewal for the succeeding year, subject to appropriations being available.

Contracts can be awarded by the Treasurer without Board approval for any single item or group of identical items costing less than $50,000. All other contracts require Board approval prior to purchase.

Procurement – Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the United States Department of Education (USDOE) requirements (2 C.F.R. 200.317 - .326) for the administration and management of Federal grants and Federally-funded programs. The Corporation shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative

guidelines (AG 6320A) and comply with 34 C.F.R. 80.36. Please refer to Policy 6325 - Procurements - Federal Grants/Funds.

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Revised 12/14/15

Revised 8/26/24

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Legal
I.C. 5-22-2-21
I.C. 5-22-2-30
I.C. 5-22-2-38
I.C. 5-22-3-3
I.C. 5-22-6-1 and 5-22-6-2
I.C. 5-22-7-1 et seq.
I.C. 5-22-7.5 - Online Reverse Auctions
I.C. 5-22-8-2, 5-22-8-3
I.C. 5-22-10-1 et seq.
I.C. 5-22-16-1, 5-22-16-2
I.C. 20-26-4-6, 20-26-4-8
I.C. 20-26-5-4
I.C. 36-1-12-2
Education Department General Administrative Regulations (EDGAR)
2 C.F.R. 200.317 - .326
I.C. 36-1-12-3
I.C. 36-1-12-4
I.C. 36-1-12-4.7
I.C. 36-1-12-4.7I.C. 36-1-12-49

PROCUREMENT - FEDERAL GRANTS/FUNDS

6325 - **PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid from Federal funds or School Corporation matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, and School Board policies and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with the U.S. Department of Education requirements (2 CFR 200.317-.200.327), including consideration of small businesses, and minority businesses, and women's business enterprises, veteran-owned businesses, and labor surplus area firms for the administration and management of Federal grants and Federally-funded programs. The Corporation shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the Corporation's documented general purchasing Policy 6320 and AG 6320.

All Federally-funded contracts in excess of $2,000 related to construction, alteration, repairs, painting, or decorating of public buildings or public works must comply with Davis-Bacon and Related Acts prevailing wage requirements.

All Corporation employees, officers, agents, and Board members who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, agents, and Board members engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3113 and Policy 4113 – Conflict of Interest.

The Corporation shall avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. When appropriate, an analysis should be made between leasing and purchasing property or equipment to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the Corporation may enter into State and local intergovernmental agreements, where appropriate, for procurement or use of common or shared goods and services.

Competition

All procurement transactions under the Federal award shall be conducted in a manner that provides full and open competition and is in accordance with 2 C.F.R. 200.319 and 200.320, good administrative practice and sound business judgement. To ensure objective contractor performance and eliminate unfair competitive advantage, the Corporation shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids from competition for such procurements.

Examples of situations that may restrict competition include, but are not limited to:

A. unreasonable requirements on firms for them to qualify to do business;

B. unnecessary experience and excessive bonding requirements;

C. noncompetitive pricing practices between firms or between affiliated companies;

D. noncompetitive contracts to consultants that are on retainer contracts;

E. organizational conflicts of interest;

F. specification of only a 'brand name' product instead of allowing for an 'or equal' product to be offered and describing the performance or other relevant requirements of the procurement; and

G. any arbitrary action in the procurement process.

To the extent that the Corporation uses a pre-qualified list of persons, firms or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources to ensure maximum open and free competition. The Corporation allows individuals to apply for consideration to be placed on the list at any time.

The Corporation shall ensure prequalified lists of persons, firms, or products that are used in procurement transactions are current and include enough qualified sources to provide maximum open competition. When establishing or amending prequalified lists, the Corporation (or subrecipient) must consider objective factors that evaluate price and cost to maximize competition. The Corporation shall not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the Corporation, the Corporation is not prohibited from developing written procedures of procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or provided services on a contract, and other worker protections. The Corporation may also make inquiries of bidders about these subjects and assess the responses. Scoring mechanisms must be consistent with the U.S. Constitution, applicable Federal statutes and regulations, and the terms and conditions of the Federal award.

Solicitation Language (Purchasing Procedures)

The Corporation shall have written procedures for procurement transactions. These procedures must require that all solicitations made pursuant to this policy;

A. adhere to the competition requirements and restrictions listed above;

B. incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured;

   The description may include a statement of the qualitative nature of the property, equipment, or service to be procured. When necessary, the description must set forth those minimum essential characteristics and standards to which the property, equipment, or service shall conform. Detailed product specifications should be avoided if at all possible.

   When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a "brand name or equivalent" description of features to provide procurement

requirements may be used. The specific features of the named brand must be clearly stated; and

C. identify any additional requirements that the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The Corporation shall have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

A. **Informal Procurement Methods**

Informal procurement methods for small purchases expedite the completion of transactions, minimize administrative burdens, and reduce costs. Information procurement methods may be used when the value of the procurement transaction under a Federal award does not exceed the simplified acquisition threshold or a lower threshold established by the State. The informal procurement methods include:

1. **Micro-purchases**

Procurement by micro-purchase is the acquisition of property or services, the aggregate dollar amount of which does not exceed $10,000.00. To the extent practicable, the Corporation should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive price or rate quotations if the Purchasing Agent identified in Policy 6320 considers the price to be reasonable based on research, experience, purchase history, or other relevant information and maintains documents to support the Purchasing Agent's conclusion. The Corporation shall maintain evidence of this reasonableness in the records of all purchases made by this method.

2. **Simplified Acquisitions**

The Corporation is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the Corporation must be authorized or not prohibited under State, local, or tribal laws or regulations.

B. **Formal Procurement Methods**

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public notice and must be competitive. The formal methods of procurement are:

1. **Sealed Bids**

Sealed bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment amounts to more than $250,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed the amount allowed by Indiana

statute.

In order for sealed bidding to be feasible, the following conditions shall be present:

a. a complete, adequate, and realistic specification or purchase description is available;
b. two (2) or more responsible bidders have been identified as willing and able to compete effectively for the business; and
c. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price.

When sealed bids are used, the following requirements apply:

a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
b. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond, and comply with the requirements of I.C. 5-22-7-2.

c. All bids shall be opened at the time and place prescribed in the invitation for bids; bids shall be opened publicly.

d. A firm fixed price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the invitation for bids, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts must be used to determine the low bid only when the Corporation determines they are a valid factor based on prior experience .

e. The Board reserves the right to reject any or all bids, but must document and provide a justification for all bids it rejects .

2. **Proposals**

Procurement by proposals is a method in which either a fixed price or cost-reimbursement contract is awarded. P This method is used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. Indiana law stipulates a threshold for which sealed bids are required. (See Policy 6320.)

If this method is used, the following requirements apply:

a. Requests for proposals require public notice, and must identify all evaluation factors and their relative importance.
b. Proposals shall be solicited from an adequate number of sources.
c. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the program, Corporation considering price and other factors.

The Corporation may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can be used only to procure A/E professional services. The method cannot be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

3. **Noncompetitive Procurement**

   Procurement by noncompetitive proposals may be used only when one or more of the following circumstances apply:

   a. the aggregate amount of the procurement transaction does not exceed the micro-purpose threshold;

   b. the procurement transaction can only be fulfilled by a single source;

   c. the public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;

   d. the Corporation requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or

   e. after soliciting several sources, competition is determined inadequate;

Domestic Preference for Procurement

The Corporation should, to the extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards, contracts, and purchase orders funder the Federal award.

Procurement of Recovered Materials

The Corporation must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6962. These requirements include:

A. procuring only items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000;

B. procuring solid waste management services in a manner that maximizes energy and resource recovery; and

C. establishing an affirmative procurement program for the procurement of recovered materials identified in the EPA guidelines.

The Corporation should, to the greatest extent practicable and consistent with law, purchase acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water-efficient; and are sustainable.

This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products.

Contract/Price Analysis

The Corporation shall perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the Simplified Acquisition threshold identified above. The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price without looking at the individual cost elements. The Corporation must not use the "cost plus a percentage of cost" and "percentage of construction costs" methods of contracting.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the Corporation according to cost principle requirements.

Time-and-Materials Contracts

The Corporation may use a time-and-materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the Corporation is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Because this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the Corporation sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the Corporation shall assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Doing Business with Other Persons

The Corporation shall award contracts only to responsible contractors that possess the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the Corporation and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Corporation shall consider such factors as (1) contractor integrity; (2) public policy compliance; (3) proper classification of employees; 4) record of past performance; and (5) financial and technical resources. If the Purchasing Agent determines a contractor is not responsible, that determination must be made in writing.

The Corporation shall not subcontract with or award subgrants to any person or company who is excluded or disqualified. For contracts over $25,000, the Corporation shall confirm that the person with whom the Corporation intends to do business is not excluded or disqualified by checking the Federal Government's System for Award Management Exclusions at www.sam.gov; collecting a

certification from that person; or adding a clause or condition to the covered transaction with that person.

Bid Protest

The Corporation maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the Federal agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package for resolution. Bid protests shall be filed in writing with the Superintendent within seventy- two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The Corporation shall maintain records sufficient to detail the history of each procurement transaction. These records shall include, but are not limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Record Retention

The Corporation must retain all Federal award records for three (3) years from the date of submission of the final financial report, or as otherwise required pursuant to the Board-adopted records retention schedule, whichever is longer. For awards that are renewed quarterly or annually, the Corporation must retain records for three (3) years from the date of submission of the quarterly or annual financial report, respectively, or as otherwise required pursuant to the Board-adopted records retention schedule if longer. Records to be retained include but are not limited to, financial records, supporting documentation, and statistical records. Other records retention requirements shall be in accordance with 2 C.F.R. 200.334 and the Board-adopted records retention schedule.

The Corporation must collect, transmit, and store Federal award information in a machine-readable format. The Corporation may substitute electronic versions of original paper records through duplication or other forms of electronic conversion, provided that the procedures are subject to periodic quality control reviews. Quality control reviews must ensure that electronic conversion procedures provide safeguards against the alteration of records and assurance that records remain in a format that is readable by a computer system.

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Legal
I.C. 5-22-2-21
I.C. 5-22-2-30
I.C. 5-22-2-38
I.C. 5-22-3-3
I.C. 5-22-6-1
I.C. 5-22-6-2
I.C. 5-22-7-1 et seq.
I.C. 5-22-8-2
I.C. 5-22-8-3
I.C. 5-22-10-1 et seq.
I.C. 5-22-16-1
I.C. 5-22-16-2
I.C. 20-26-4-6
I.C. 20-26-4-8
I.C. 20-26-5-4
2 C.F.R. 200.317 - .327
2 C.F.R. 200.334 - 200.337
2 C.F.R. 200.520
Appendix II to 2 C.F.R. Part 200

APPROVAL OF CONTRACTS

6330 - **APPROVAL OF CONTRACTS**

All contracts obligating the School Corporation or the School Board, whether written or oral, and however named (contract, agreement, amended contract, amended agreement, memorandum of understanding, lease, note, etc.) shall be approved by the Board. Contracts not approved by the Board shall be considered null and void.

The following contracts shall be reviewed by legal counsel before Board approval:

A. any contract requiring an Opinion of Counsel as a condition of closing a lease, bond, tax warrant, or similar transaction; and

B. any contract waiving any legal rights of the Corporation or the Board.

Additionally, in order to ensure compliance with all local, State, and Federal ordinances, laws, regulations, applicable case law, and government grant requirements, the Superintendent shall have all contracts, leases, and agreements meeting the criteria specified below reviewed by legal counsel before presentation to the Board for approval:

A. any contract obligating the Board to take any action other than the payment for the product or service contracted for

B. any contract obligating the Board to refrain from taking any action

C. any agreement to settle any lawsuit, claim, dispute, or administrative action

D. any contract for the sale, lease, or purchase of real estate

E. any contract for construction, renovation, remodeling, demolition, or other public work

F. any contract for professional services obligating the Corporation or the Board beyond the current fiscal year

G. any contract for work or services related to environmental sites or conditions

H. any contract obligating the Corporation or the Board to make purchases or payment for goods, work, or services on an ongoing basis beyond the current fiscal year

I. any collective bargaining agreement

J. any employment agreement

K. any contract between parents and students

L. any contract involving intellectual property, including trademarks, copyrights, patents or naming rights

M. any contract requiring use of a single vendor's products or services

N. any contract for insurance or surety, fidelity, performance, or payment bonds

O. any contract for medical or healthcare services

P. any contract obligating the incurring or repayment of debt, or requiring the Corporation to forego use of similar products or services if the Corporation should choose not to make further appropriations of revenues to fund the lease or contract

Please note that contracts, with limited exceptions such as contracts requiring more than a year to perform or involving the purchase or lease of real estate, may be written or oral. An oral contract may be formed by an offer (by the vendor or the Corporation), and acceptance (by the Corporation or the vendor). This policy applies to both written and oral contracts.

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I.C. 20-26-4-8
I.C. 20-26-5
I.C. 32-21-1-1

USE OF CREDIT (PROCUREMENT) CARDS

6423 - **USE OF CREDIT (PROCUREMENT) CARDS**

The School Board recognizes the value of an efficient method of payment and recordkeeping for certain expenses.

The Board, therefore, authorizes the use of Corporation credit (procurement) cards.

The Superintendent shall develop administrative guidelines that specify those authorized to use credit (procurement) cards, the types of expense which can be paid by credit (procurement) card, and their proper supervision and use.

The administrative guidelines should also require that a log be kept which includes the names of the individuals using the cards, their position, estimated amounts to be charged and the date the card is issued and returned.

Credit (procurement) cards are not to be used to bypass the accounting system of the School Corporation. In addition, credit (procurement) cards are not to be used for personal expenses not related to Corporation activities.

Procedures for payment of expenses charged to credit (procurement) cards must be according to Board policy for the payment of claims, Policy 6470.

COOPERATIVE PURCHASING

6440 - **COOPERATIVE PURCHASING**

The School Board recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this Corporation through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units.

The Board authorizes the Superintendent to negotiate such joint purchase agreements for services, supplies, and equipment which may be determined to be required from time-to-time by the Board and which the Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

Cooperative or joint purchases require an agreement approved by the Board and the participating contracting body(ies) which shall specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party; and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

The Superintendent is also authorized to submit to the State, prior to January 1st of each year, a listing of the major equipment items the Corporation anticipates purchasing in the next fiscal year for the purpose of participating in State-wide pricing contracts. Any items, subsequently purchased through such a pricing contract, must be a purchase contract between the vendor and this School Corporation and conducted in accordance with Indiana law.

Legal
I.C. 20-26-3, 20-26-5-4, 20-26-10-1, 20-26-10-10

CONFLICTS OF INTEREST AND VENDOR RELATIONS

6460 - **CONFLICTS OF INTEREST AND VENDOR RELATIONS**

Conflicts of Interest

The School Board shall not knowingly approve a contract or purchase using any funds received from a Federal grant or award in which a Board member, employee, or agent of the Board has a pecuniary interest

The Board shall not knowingly approve a contract or purchase using funds other than any of those received from a Federal grant or award in which a Board member, Corporation employee, or agent of the Board or their spouse or dependent profits or has a pecuniary interest unless the member, employee, or agent with the profit or pecuniary interest makes the written disclosure on State Board of Accounts Form 236 required in I.C. 35-4.1-1-4, and the disclosure is approved by vote of the Board before the Board vote on the contract or purchase.

A Board member shall not participate in the discussion or vote on the acceptance of their disclosure and the vote on the contract or purchase addressed by their disclosure.

A Corporation employee or agent of the Board shall not be called upon to contribute to or participate in the Board's discussion on the acceptance of their disclosure and the contract or purchase addressed by their disclosure.

The Superintendent shall see that a written disclosure of a conflict of interest on State Board of Accounts Form 236 that is approved by the Board is filed with the State Board of Accounts and the Clerk of the Circuit Court within fifteen (15) calendar days after approval by the Board.

Notwithstanding the above provision, the standards prohibiting conflict of interest in Bylaw 0144.3, Board Policy 1130, Board Policy 3113, and Board Policy 4113 apply to all Corporation employees, officers (that is, all members of the Board), or agents of the Board. No written disclosure shall exempt a Corporation employee from disciplinary action for violation of the conflict of interest provisions in those policies.

For the purpose of this policy "the terms "pecuniary interest" and "profit" have the meaning given to those terms in I.C. 35-44.1-1-4.

Selection of Vendors

The Corporation’s purchasing agent or committee (see Policy 6320) shall not extend or give preference to any vendor. Each contract, service, product, and vendor recommended favorably to the Board by a Board member or Corporation employee shall be recommended based upon a favorable assessment of the quality, quantity, price, and delivery proposed. Where bidding is required, recommendations shall be based on the lowest bid from a responsive and responsible bidder. Past experience with a provider may be considered in determining if the proposed provider is "responsible" as that term is used in this

policy. The terms "responsible" and "responsive" shall have the meaning given them by I.C. 36-1-12-4 (10) & (11).

The Board expects its members, Corporation employees, contractors, and contractors' employees to disclose a personal or spouse or dependent's pecuniary interest or profit in a contract or purchase approved by the Board and to report possible violations of these Board expectations by others to the Superintendent. Parents, volunteers, contractors and concerned citizens are encouraged to report possible violations of the Board's expectations, if they believe a violation has occurred.

Reporting Violations and Whistleblower Protection

The Board is committed to protection of persons reporting violations, i.e., "whistleblowers". Specific protection is addressed for administrators in Policy 1411, for professional staff members (all certificated employees who are not administrators) in Policy 3211, and for support staff in Policy 4211.

Reports by contractors and their employees are protected by this policy.

A contractor or an employee of a contractor, hereafter an "employee/contractor", who is aware of acts by a Board member, Corporation employee, or another employee/contractor that possibly violates Federal or Indiana law or Board policy shall report this conduct to his/her immediate supervisor. If the employee's immediate supervisor is not responsive or the supervisor is the person whose behavior is in question, the employee/contractor shall report the possible violation the Superintendent. If the reported conduct relates to the Superintendent, the report shall be filed directly with the Board President.

If a violation of law or Board policy is reported, the employee/contractor will be directed to put the report in writing. An employee/contractor making such a report in writing and his/her spouse and dependents, shall be protected from retaliation for making a report pursuant to this policy if the employee/contractor had a good faith belief at the time the report was made that the information reported was true.

Sanctions and Debarment of Contractors

Contractors are subject to sanctions, including debarment. As used here, "debarment" means exclusion from eligibility for future consideration for a specific or indeterminate period, or cancellation of the current contract or relationship upon a finding by the Board that the greater weight of the credible information available to the Board demonstrates that the contractor knowingly violated a law, Board policy, or made a false report under this policy. Contractors may also be subject to debarment if they knew of a violation of law or Board policy involving or related to the business of the Board but did not make a report confirmed in writing to a supervisor in accordance with this policy.

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Legal
I.C. 5-22-7 (competitive bidding)
I.C. 5-22-16-1 (responsibility)

I.C. 5-22-16-2 (responsiveness)
I.C. 22-5-3-3 (employees of contractors)
I.C. 35-44.1-1-4 (conflict of interest)
I.C. 36-1-12-4 (bidding procedure for public works)
I.C. 36-1-12-4(10) (responsive)
I.C. 36-1-12-4(11) (responsible)
2 C.F.R. 200.112, 200.113, 200.318

PAYMENT OF CLAIMS

6470 - **PAYMENT OF CLAIMS**

The School Board directs the prompt payment of legitimate claims by suppliers of goods and services to the School Corporation.

Each bill or obligation of this Board must be itemized fully and verified before a warrant can be drawn for its payment.

When an invoice is received, the Superintendent shall verify that a voucher is submitted properly, that acceptable goods were received or satisfactory services rendered, that the expenditure is included in the Board's budget and funds are available for its payment, that the amount of the invoice is correct, and a signed claim has been submitted for any amount over $100.00.

All payments shall be submitted for Board approval in the form of a listing that includes the vendor's name; the number and amount of the check; and the description of the item.

All warrants or checks that are drawn on the funds of the School Corporation that are outstanding and unpaid for a period of two (2) or more years as of the last day of December of the year are void and will not be honored by any financial institution for payment or deposit.

Legal
I.C. 20-26-4-1, 5-11-10.5-2

PAYROLL DEDUCTIONS

6520 - **PAYROLL DEDUCTIONS**

For those employees not covered by the terms of a negotiated agreement, the School Board authorizes that certain deductions may be made from an employee's paycheck upon receipt of proper written authorization on the appropriate form. Subject to I.C. 22-2-6-2 and other applicable law, deductions may be made for:

A. Federal, State, and local income tax;

B. Social Security and Medicare (FICA);

C. Indiana State Teachers Retirement Fund or Public Employees Retirement Fund;

D. county local option income tax;

E. Section 125 deductions (cafeteria plans);

F. U.S. Savings Bonds;

G. savings in a chartered credit union;

H. contributions to charitable or nonprofit organizations;

I. payment of group health or life insurance premiums for a plan in which at least ten percent (10%) of the School Corporation's employees participate;

J. other deductions as permitted by I.C. 22-2-6-2.

Employees shall notify the Corporation’s administrative offices in writing if they wish to participate in this payroll deduction program. Any payroll deduction agreement provided by an employee must otherwise comply with all of the provisions of applicable law and may be terminated as said law provides upon notice given in writing by either party.

To the extent permitted by law, the Board also declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to contribute such withheld amounts to an employee benefit plan described in section 403(b) or 457(b) of the Internal Revenue Code, which has been made available by the Corporation ("403(b) or 457(b) Plan"). Such contributions will be subject to the terms and conditions of the employee’s salary reduction agreement and the Corporation’s administrative guidelines that are adopted from time to time with respect to the 403(b) or 457(b) Plan, including the following:

A. Amounts withheld at an employee’s election for contribution to a 403((b) or 457(b) Plan will only be forwarded to a company/vendor that has been previously approved by the board and continues to remain on the Board’s approved list of vendors.

B. An employee must complete a standard salary reduction agreement that has been pre-approved by the Corporation.

C. By providing employees with payroll deduction services for contributions to a benefit plan, the Board is not providing any financial advice to employees.

D. The Board does **not** guarantee the return or quality of any tax-sheltered annuity, mutual fund, or other investment selected by an employee, and it is intended that the Board and the Corporation shall have no liability whatsoever for any investment alternative offered by an approved vendor or selected by an employee.

E. All costs incurred in the administration of the 403(b) or 457(b) Plan and corresponding investment fees shall be paid from the assets of the applicable 403(b) or 457(b) Plan.

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I.C. 22-2-6-2
Internal Revenue Service Code Section 403(b)

TRAVEL PAYMENT AND REIMBURSEMENT/RELOCATION COSTS

6550 - **TRAVEL PAYMENT AND REIMBURSEMENT/RELOCATION COSTS**

Travel expenses incurred for official business travel on behalf of the School Corporation shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines. Travel costs may include the transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the Corporation.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. All expenses will be paid with a purchase order or corporation credit card. Unauthorized costs and additional expenses incurred for personal preference or convenience shall not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests. Expenses paid without a purchase order or corporation credit card are also unauthorized and not eligible for reimbursement.

The use of Corporation credit cards is intended for in person purchases only. Corporation credit cards should not be loaded into personal apps. National conferences that may necessitate ride hailing services such as Uber or Lyft may be the exception with prior approval.

The use of delivery services such as DoorDash, UberEats, Grubhub and Postmates frequently creates a fraud hold which may prevent further use of the corporation credit card while on Corporation business. Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would 1) require circuitous routing; 2) require travel during unreasonable hours; 3) excessively prolong travel; 4) result in additional costs that would offset the transportation savings; or 5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.

Relocation Cost Reimbursement

The Board does not reimburse for relocation costs.

Travel payment and reimbursement provided from Federal funds must be authorized in advance and shall be reasonable and consistent with the Corporation's travel policy and administrative guidelines. For travel paid for with Federal funds, the travel authorization shall include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the Corporation's travel policy.

All travel shall comply with the travel procedures and rates established in the administrative guidelines. All costs incurred with Federal funds shall meet the cost allowability standards within Policy 6110 - Grant Funds.

To the extent that the Corporation's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his/her designee), must apply to travel under Federal awards.

Revised 2/25/19
Revised 5/22/23
Revised 12/18/23
Revised 3/25/24
Revised 3/24/25

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Legal
2 C.F.R. 200.464
2 C.F.R. 200.474
2 C.F.R. 200.475

CROWDFUNDING

6605 - **CROWDFUNDING**

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the School Corporation – be it a specific classroom, grade level, department, school, or curricular or extra-curricular activity.

“Crowdfunding” is defined as the solicitation of resources from individuals and/or organizations to support identified activities or projects that enhance the educational program or a specific cause approved by the Corporation. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

All approved crowdfunding activities shall protect the privacy of students, children, and young adults in accordance with Corporation policies and administrative guidelines and applicable State and Federal law, including FERPA and IDEA.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become the property of the Corporation or school. Cash or equivalent payment to Corporation personnel is prohibited. All fiscal transactions shall comply with appropriate Corporation policies

All crowdfunding activities are subject to this policy and other applicable Board policies including, but not limited to, Policy 5830 – Student Fundraising, Policy 9211 – Corporation-Support Organizations, and Policy 9700 – Relations with Special Interest Groups as well as any administrative guidelines approved by the Superintendent to implement this policy.

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PETTY CASH

6620 - **PETTY CASH**

The School Board recognizes the convenience afforded the day-by-day operation of the schools by the establishment of a Petty Cash Fund not to exceed $250 ($500 maximum).

The Board shall allow small petty cash funds to be established provided controls are imposed by the Superintendent to prevent abuse of such funds or total spending to exceed the fund appropriation.

The custodian of the petty cash fund shall ensure that the funds in his/her care shall be disbursed only for minor expenditures not readily deferred. No petty cash fund may be used to circumvent the purchasing procedures required by law and the policies of the Board. A receipt for petty cash must be signed by the person making the request and include such supporting documentation as may be appropriate. The petty cash box must be secured daily.

The custodian of the petty cash fund shall prepare a schedule of disbursements when the funds available have declined to less than twenty-five percent (25%) of the full amount authorized and shall show the disbursements by line account numbers. The custodian shall submit the schedule to the Superintendent with a voucher requesting replenishment in like amount.

All petty cash funds will be closed out for audit at the end of the school year and unused funds will be returned to the depository.

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I.C. 36-1-8-3

OPERATIONS CASH CHANGE FUND

6621 - **OPERATIONS CASH CHANGE FUND**

The School Board recognizes the convenience of a cash change fund in the day-to-day operations of the School Corporation.

The Board authorizes the establishment of a cash change fund by means of a check drawn on the Corporation's Operations Fund in an amount designated by the Board. The fund shall be under the direction of the Superintendent who may designate a building cashier who shall be responsible for providing change as needed and for the safekeeping and accounting of cash change funds in their possession.

The Superintendent may request the Board to increase or decrease the amount of this fund appropriate to the need of the schools. When the fund is no longer needed, all remaining monies shall be returned to the Operations Fund.

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I.C. 36-1-8-2

SCHOOL TECHNOLOGY FUND

6655 - **SCHOOL TECHNOLOGY FUND**

The School Board shall establish a School Technology Fund. The fund consists of monies received by the School Corporation for a specific purpose or purposes, by gift, endowment, or pursuant to any Federal statute, which was held in a separate fund, is no longer needed, and no local tax funds are involved. However, no such funds shall be accepted unless the terms of the gift, endowment or payment and their acceptance are so stated that the School Board is not divested of any authority which they now have or may be granted by law. Funds so received for specific purposes and any earnings from them may be disbursed without appropriation. Any money saved by the School Corporation as a result of universal service discounts provided to the School Corporation under the Federal Telecommunications Act of 1996 must be transferred to the School Technology Fund. Property taxes levied for a Operations Fund shall not be transferred to the School Technology Fund.

Money in the fund may not be used to purchase software programs to be used exclusively for administrative purposes. However, if a particular software program is to be used for administrative purposes and other authorized purposes, a pro rata portion of the cost of the software program may be paid from the fund.

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Legal
I.C. 21-2-11-6
I.C. 21-2-11-6.5
I.C. 21-2-18

EDUCATIONAL FOUNDATION

6670 - **EDUCATIONAL FOUNDATION**

The School Board may receive the proceeds from a grant, a restricted gift, an unrestricted gift, a donation, and endowment, a bequest, a trust, an agreement to share tax revenue received by a city or county, or other funds not generated from taxes levied by the School Corporation to create a foundation if the foundation is:

A. exempt from Federal taxation under Section 501 (c)(3);

B. organized as an Indiana nonprofit corporation for the purpose of providing education funds for scholarships, teacher education, capital programs, and special programs.

The foundation retains all rights to a donation including investment powers. The foundation may hold a donation as permanent endowment.

The foundation agrees to do the following:

A. Distribute the income from a donation only to a School Corporation.

B. Return a donation to the general fund of the School Corporation if the foundation:

1. loses its status as an exempt foundation under Section 501 (c)(3);
2. is liquidated;
3. violates any state law.

The School Board may appoint members of the foundation board. The Treasurer of the School Corporation may serve as the Treasurer of the foundation.

Legal
I.C. 20-26-5-22.5

RECOGNITION

6680 - **RECOGNITION**

The purpose of this policy is to permit the School Board to honor its staff, former Board members, and other nonemployee persons with plaques, pins, token retirement gifts and awards, and other amenities.

The Board wishes to also honor staff, students, citizens, and advisory groups for their contributions with appropriate recognitions and authorizes administrators to purchase meals, refreshments, and/or other amenities to further the interests of the Corporation.

The Board hereby affirms that the expenses incurred as listed above do serve a public purpose. The Board believes that "public purpose" serves for the promotion of education, rapport with the business community, community relations, and the encouragement of nonemployees to serve as volunteers as well as furthering other interests.

Legal
I.C. 20-26-5-4

FAIR LABOR STANDARDS ACT ("FLSA")

6700 - **FAIR LABOR STANDARDS ACT ("FLSA")**

Statement of Policy

It shall be the policy of the School Board to comply with the provisions of the Fair Labor Standards Act of 1938.

Definitions of Terms Applicable to this Policy:

A. **"Employ"** means to suffer or permit work.

B. **"Exempt Employees"** means an employee who is exempt from the FLSA minimum wage and overtime provision. These employees may include executive, administrative, professional, and computer employees earning at least a specified minimum salary.

C. **"FLSA"** means the Fair Labor Standards Act of 1938 as amended by 29 U.S.C. Section 201 et seq. and the regulations implementing this Act found, in part, at 29 C.F.R. Part 541.

D. **"Non-Exempt Employee"** means an employee who is not exempt from the FLSA minimum wage and overtime provisions.

E. **"Primary Duty"** means the principal, main, major, or most important duty that the employee performs. Determination of an employee's primary duty shall be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole.

F. **"Salary Basis"** means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis.

G. **"Workday"** means the period between the time on any particular day when an employee commences his/her "principal activity" and the time on that day at which s/he ceases such principal activity or activities. The workday may therefore be longer than the employee's scheduled shift, hours, tour of duty, or production time.

H. **"Workweek"** means the seven (7) day period of time beginning on Friday at 12:00 a.m. and continuing to the following Thursday at 11:59 p.m. (i.e., Sunday 12:00 a.m. to Saturday 11:59 p.m.).

Minimum Wage

It is the policy of the Board to pay at least the minimum wage required by the FLSA to all covered, non-exempt employees, unless an employee's individual contract or the terms of an applicable collective bargaining agreement provide for greater benefits than mandated by the FLSA or Indiana law.

Recordkeeping Responsibilities

It shall be the responsibility of all non-exempt employees to record and submit an accurate account of their time worked each week on approved forms or via electronic or machine timecards. An employee's

misrepresentation or failure to submit an accurate account of their time worked may subject the employee to discipline up to and including discharge.

Non-exempt employee time records shall be verified by a supervisor who has personal knowledge of the hours worked by the employee. It shall be a violation of this policy for a supervisor to ask a non-exempt employee to record fewer hours than were actually worked by the employee.

A non-exempt employee's time record is an official school record and shall be maintained for a period of not less than three (3) years.

Overtime

Overtime for hourly non-exempt employees shall be paid at a rate of one and one-half times the employee's regular rate of pay for each hour worked in a workweek in excess of forty (40) hours worked.

Overtime may be authorized only by a supervisor and shall be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from a supervisor may be subject to disciplinary action up to and including discharge.

Joint/Dual Employment

Joint/Dual Employment exists when:

A. An employee is employed in two (2) wage positions or a salaried and a wage position with the New Prairie United School Corporation, and

B. at least one of the positions is non-exempt:

    1. If one of the positions is exempt, the hours may not have to be added together to calculate the number of overtime hours worked. To determine this, the duties of the two (2) positions shall be combined as if one (1) position. If the percentage of time spent performing non-exempt duties exceeds fifty percent (50%), the employee is considered non-exempt and hours worked shall be added together for the two (2) positions.

    2. If both positions are non-exempt, hours worked are cumulative, and overtime shall be paid after forty (40) hours are worked in a workweek in one (1) or a combination of positions.

    3. If the two (2) positions are paid at different rates, a weighted average shall be used as the regular rate for determining overtime compensation due.

Joint employment does not exist when the employee independently seeks employment with another school corporation or another state agency.

Volunteers

The FSLA requires that non-exempt employees shall be compensated for all hours they are required or permitted to work. Thus, even though employees volunteer to work beyond their normally scheduled hours, the employer shall compensate employees for those hours worked. An individual is considered to be a volunteer only if the following conditions are met:

A. Services are performed for which no compensation is received beyond expenses of a nominal fee; and

B. Services rendered are not the same type services that the individual is employed to perform for the school employer.

Example: A custodial employee wishing to volunteer as a lay coach for a sport team. This individual is not considered an employee while volunteering.

Exemptions

Certain school employees shall be exempt from the overtime and minimum wage provisions of the FLSA and shall therefore be exempt employees for the purposes of this policy. Exempt employees may include, but are not limited to, the following categories:

A. Executive

B. Administrative

C. Learned Professionals

D. Computer Employees

The tests for these exemptions can be found in the administrative guidelines that accompany this policy.

Deduction from Exempt Employees Pay

The Corporation reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

A. when the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability;

B. for absences of one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice or providing compensation for salary lost due to illness;

C. to offset amounts employees receive as jury or witness fees, or for military pay;

D. for penalties imposed in good faith for infractions of safety rules of major significance;

E. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions.

The Corporation shall not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

In addition to the foregoing, exempt employees who accrue personal leave and sick leave may have their pay reduced or may be placed on unpaid leave for absences due to personal reasons of less than one (1) full day when leave is not used by the employee because:

A. permission to use leave has not been sought or permission has been sought and denied;

B. the employee's accrued leave has been exhausted; or

C. the employee chooses to use leave without pay.

Deductions from the pay for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

The Corporation recognizes that with limited legally permissible exceptions, no deductions shall be taken from the salaries of exempt employees. If an exempt employee believes that any improper deduction has been made from their salary, the exempt employee shall report the matter immediately to the Superintendent or Business Manager. If the deduction is deemed inappropriate, the exempt employee shall be promptly reimbursed for the entire amount of the deduction and the Corporation shall make a good faith commitment to avoid any recurrence of the error.

Nursing Mothers

As required by Federal law, the School Board shall take steps necessary to support School Corporation employees who decide to breastfeed their infants by providing additional unpaid break time, as necessary, for lactating employees to express breast milk for their infants on Corporation premises.

Prior to returning to work from maternity leave, it shall be the employee's responsibility to notify their supervisor of their intent to continue breastfeeding their infant(s), and of the need to express milk during work hours. Further, it shall be the responsibility of the employee to keep their supervisor informed of their needs in this regard throughout the period of lactation.

The building administrator shall designate a private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public can be prevented, and an employee using this area can be shielded from view.

An employee can express milk during regularly scheduled break periods for up to one year following the birth of the employee's child. The Superintendent (if the employee is a central office administrator), Principal, or employee's supervisor shall make an accommodation if the time of regular breaks needs to be adjusted or if additional and/or longer breaks are needed. In the event that more breaks are needed or the break(s) need to be longer than legally required, the additional time required shall be unpaid, and the employee's work schedule or work day shall, therefore, be modified accordingly. The Superintendent (if the employee is a central office administrator), Principal, or employee's supervisor shall work with the employee to make these necessary modifications.

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T.C. 12/18/23

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Legal
29 U.S.C. Section 201 et seq.
29 U.S.C. 207(r)
29 C.F.R. Part 541

SYSTEM OF ACCOUNTING

6800 - **SYSTEM OF ACCOUNTING**

It is the policy of the School Board that a chart of accounts be established in accordance with the requirements of the State Board of Accounts for the accounting of all School Corporation funds.

The Director of Finance shall be responsible for the proper accounting of all Corporation funds. S/He shall ensure that expenditures are budgeted under and charged against those accounts which most accurately describe the purpose for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts which most accurately describe the purposes for which such monies are to be or have been spent.

A report of the revenues and expenditures in the Education Fund, Operations Fund, and the Debt Service, and Rainy Day Fund(s) shall be made to the Board on a monthly basis by the Corporation Treasurer.

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Legal
I.C. 5-11-1-2

FACILITIES PLANNING

7100 - **FACILITIES PLANNING**

The School Board recognizes that careful, prudent planning is essential to the efficient operation of the schools and that planning must be grounded on accurate data. In order to assure that future Corporation construction supports the educational program and responds to community needs, the Board will prepare a capital construction plan and will revise that plan periodically thereafter. The plan shall include a thorough description and analysis of local and regional demographic factors which influence general population growth and public school enrollments.

In order to apprise the Board of the continuing relevance of the Board's capital construction plan, the Superintendent shall:

A. report to the Board on the number of resident students attending school and number of new residential units approved in the Corporation;

B. report to the Board on the enrollment by grades during the school year annually;

C. conduct a "kindergarten roundup" each spring of the number of students who will be enrolled in the schools of the Corporation in September of the year in which the estimate is made and report the results to the Board.

In planning for the enlargement or modification of its facilities, the Board shall consider not only the number of children whose educational needs must be met, but also the physical requirements of the program it deems best suited to meet those needs. Each school building and site shall provide suitable accommodations to carry out the educational program of the school including provision for the disabled, pursuant to law and regulation.

In the case of a remonstrance to proposed remodeling or construction of a school facility, school facilities and equipment may not be used to respond to the remonstrance unless equal access to such facilities and equipment is provided to persons whose position is in opposition to that of the School Board.

The law prohibits the expenditure of money by the School Corporation to promote a position or to pay for the gathering of signatures on a petition or remonstrance; the use of employee to promote a position on a petition or remonstrance during the employee’s work hours or paid overtime hours; and using students to transport written materials to their residences including a statement within any other communication sent to the student’s residence.

Legal
I.C. 6-1.1-20-10
511 IAC 21-2-15

NOTICE OF PROCUREMENT OF PROFESSIONAL SERVICES

7101 - **NOTICE OF PROCUREMENT OF PROFESSIONAL SERVICES**

The School Board, pursuant to Indiana law, hereby determines to neither provide nor publish a notice for the requirement of professional services for a project under consideration by the Board involving the construction, remodeling, rehabilitation, or repair of any building or facility owned or leased by the School Corporation.

However, the Board, by a majority vote, may determine to provide or to publish a notice for professional services required for a project. If the Board determines to provide or to publish a notice, the notice shall comply with the requirements of Indiana law.

For purposes of this policy, professional services mean those services performed by a licensed architect, a professional engineer, or a land surveyor.

Legal
I.C. 5-16-11.1.2, 5-16-11.1-4

POSSESSION OF FIREARMS AND WEAPONS BY VISITORS

7217 - **POSSESSION OF FIREARMS AND WEAPONS BY VISITORS**

Application of this Policy

This policy applies to "visitors" meaning persons who come onto property or a vehicle owned by the School Corporation or used by the Corporation for school purposes. The term includes members of the general public, students enrolled in other schools or school corporations, and employees of entities providing services to the Corporation, but does not include Corporation employees covered by Policy 1617, Policy 3217, or Policy 4217 or currently enrolled students covered by Policy 5772.

Possession of a "Weapon" other than a "Firearm" by a Visitor

The School Board prohibits visitors from possessing, storing, making, or using a weapon other than a firearm 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. This prohibition does not apply to weapons under the control of a law enforcement officer.

The term "weapon" means any object which, in the manner in which it is used, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage or endangering the health or 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 (such as bombs, incendiary devices, grenades, Molotov cocktails, or rockets, with a propellant charge of more than four (4) ounces, etc.). A "knife" is defined as "an instrument that: 1) consists of a sharp edged 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))

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, , except for the possession of a firearm by a person who legally may possess a firearm and has been authorized by the Board to carry a firearm in or on Corporation property. As used in this policy and as defined by Indiana law, "firearm" means any weapon that is capable of expelling, designed to expel, or that readily may be converted to expel a projectile by means of an explosion. However, State law permits a person who legally may 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.

Reporting Violations of this Policy

The Superintendent and/or designee shall report a visitor who violates this policy to law enforcement officials and may take any necessary steps to exclude the visitor from Corporation property and Corporation sponsored events.

If authorized by the Board, exceptions shall 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.

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Revised 2/27/12
Revised 12/13
Revised 5/19/14
Revised 10/27/14

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Legal
I.C. 10-21-3
I.C. 34-28-7-2
I.C. 35-47-1-5
I.C. 35-47-5-2.5
I.C. 35-47-9
20 U.S.C 7151

GIFTS, GRANTS, AND BEQUESTS

7230 - **GIFTS, GRANTS, AND BEQUESTS**

The School Board is duly appreciative of public interest in and good will toward the schools manifested through gifts, grants, and bequests. The Board reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest which it considers appropriate; and to reject those which it deems inappropriate or unsuitable. If accepted, the Board will attempt to carry out the wishes of the donor.

All gifts, grants, or bequests shall be accepted and acknowledged by the Board.

Gifts, grants, and bequests shall become the property of the Board and will be subject to use by the Corporation as determined by the policies and administrative guidelines applying to all properties, equipment, materials, and funds owned by the Board.

Any equipment purchased by an organization for use in the school or at a Corporation-related event shall be submitted to the Board, prior to purchase, so it can determine if the Corporation would incur any liability by its use.

The Board reserves the right to not accept such liability and thus deny the use of the equipment by students or Corporation employees.

Legal
I.C. 20-26-7-6 et seq.

SITE ACQUISITION

7240 - **SITE ACQUISITION**

It is the policy of the School Board that real property acquisition price be based on a true value with regard for fair remuneration to the seller but not on enhancement of the value of the site to the seller. The presence of a school to service a potential development in itself enhances the profit potential to a developer. It is the Board's sole purpose to provide a service to the residents in a development at the least possible cost to the taxpayers.

Discussion of possible school sites may be carried on in a closed session of the Board, but all official actions must be taken in an open, public meeting. Official Board action is required to execute a valid contract, and a record of that action must be a part of the minutes of the Board. The process used in acquiring real property must be in accordance with law. Any deviation from the strict requirements of the law may render the transaction void.

Legal
I.C. 36-1-10.5-5

COMMEMORATION OF SCHOOL FACILITIES

7250 - **COMMEMORATION OF SCHOOL FACILITIES**

From time-to-time, the School Board may wish to commemorate a school or Corporation facility (gymnasium, swimming pool, athletic field, etc.) by means of a plaque, naming the facility after a person, or some other honor. Such commemoration should be reserved only for those individuals who have made a significant contribution to the enhancement of education generally or the Corporation in particular or to the well-being of the Corporation, community, State or nation.

Any employee of the Corporation thus honored must be deceased or no longer employed by the Corporation prior to the Board's selection of his/her name for commemoration honor.

DISPOSITION OF REAL PROPERTY

7300 - **DISPOSITION OF REAL PROPERTY**

The School Board believes that the efficient administration of the School Corporation requires the disposition of property no longer necessary for the maintenance of the educational program or the operation of the Corporation.

'Real Property' means land, including land improvements, structures, and appurtenances thereto, but excludes movable machinery and equipment.

The Board shall direct the periodic review of all Corporation property and authorize the disposition by sale, donation, trade, or discard of any property not required for school purposes in accordance with the provisions of this policy and Policy 7310 - Disposition of Surplus Property. Furthermore, the sale or disposal of real property must comply with I.C. 36-1-11.

All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a public Board meeting. A preliminary review of offers to purchase or lease shall include: source of offer, date of offer, expiration date of offer, and intended use of property.

All property considered for lease or sale shall be reviewed by the Board prior to solicitation of offers. The solicitation of offers by the Board shall include an expiration date.

The authorized agents of the Board to review all purchase or lease offers pertaining to the sale or lease of property shall be the Superintendent and the Board Finance Committee. The Board shall give final approval of all contracts.

In consideration of the best interest of the Corporation and of the residents and taxpayers, the Board reserves the right to reject any and all offers at its sole discretion, regardless of price and terms, except offers from charter schools and State educational institutions.

Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.

In the case of charter schools and State educational institutions, a resolution must be adopted by the charter school or State educational institution stating that the covered school building can be operated within the charter school's or State educational institution's budget.

Potential purchasers shall demonstrate a reasonable likelihood of obtaining necessary city/township approvals and/or compliance with city/township zoning ordinances.

Money derived from the sale or exchange of property that is no longer needed for school purposes shall be placed in any school fund established by law that the Board considers appropriate.

Lease or Sale of Property to Charter Schools and/or State Educational Institutions:

Except as specified below, before the Board may dispose of real property previously used for instruction, the Board shall make available for lease or purchase any school building owned by the

Corporation or any other entity that is related in any way to or created by the Corporation or the Board, including but not limited to a building corporation, that is vacant and unused and previously was used for classroom instruction to any charter school in order for the charter school to conduct prekindergarten through grade 12 classroom instruction or to a State educational institution to use for an academic purpose.

No later than thirty (30) days after the date a governing body of a school corporation determines at a public meeting to cease using a covered school building for classroom instruction on student instructional days for a school year, the Board shall:

A. notify the State Department of Education (SDOE) of the official action and the effective date that the school building will be closed, no longer used, or no longer occupied;

B. make the school building available for inspection by a charter school or State educational institution that notifies the SDOE that it is interested in leasing or purchasing the school building; and

C. make the following information available to the interested charter school(s) or State educational institution(s):

1. Estimates of the operating expenses for the school building for the past three (3) years.

2. Written information regarding the condition of the building, including the age of the roof and the HVAC system, and any known conditions which, in the Board's opinion, require prompt repair or replacement.

3. A legal description of the property.

Throughout the process of the sale, lease, or disposal of Corporation school buildings, the Corporation is responsible for the maintenance of the vacant or unused school building until the building has been sold or leased to a charter school, state educational institution, an accredited nonpublic school or postsecondary educational institution or otherwise is eligible for sale or disposal pursuant to the provisions of this policy and state law. This maintenance includes protection against theft or vandalism, fire protection, and protection from damage during adverse weather conditions. The Corporation will maintain the physical condition of the vacant or unused school building as it was on the last day it was used for classroom instruction. The Corporation is financially responsible for any damage or destruction to the vacant or unused school building prior to the lease or purchase.

The Corporation shall lease the school building to a charter school ot State educational institution for one dollar ($1) per year for as long as the charter school uses the school building for classroom instruction or the State educational institution uses the facility for an academic purpose for a term at the charter school/State educational institution's discretion, including the option to purchase the school building for $1, or sell the school building for one dollar ($1), if the charter school/State educational institution does the following:

A. Within ninety (90) days of receiving notice from the SDOE, a charter school or State educational institution must submit a preliminary request to purchase or lease the school building.

B. Within ninety (90) days of receiving the SDOE's notice, a charter school or State educational institution must submit to the Corporation the following information:

1. The name of the charter school or State educational institution that is interested in leasing or purchasing the vacant or unused school building.
2. A time frame, which may not exceed three (3) years from the date that the school building is to be closed, no longer used, or no longer occupied, in which the charter school or State educational institution intends to begin providing classroom instruction in the vacant or unused school building.
3. A resolution, adopted by the board of the charter school or State educational institution, stating that the board has determined that, after the charter school or State educational institution has made any necessary repairs or modifications, the school building will be sufficient to meet the charter school's or State educational institution's needs and can be operated within the charter school's budget.

Not later than fifteen (15) days after the date the Indiana Department of Education (IDOE) receives a notice from a school corporation that has determined to cease using a covered school building for classroom instruction on instructional days, the IDOE shall provide written notice to all interested persons regarding the notice from the school corporation.

Upon receipt of the SDOE's notification that it has not received any preliminary requests to purchase or lease the school building, the Corporation may sell or otherwise dispose of the school building in accordance with I.C. 36-1-11, I.C. 20-25-4-14, I.C. 20-26-5-4(a)(7), and I.C. 20-26-7.1-8. Provided, however, that not later than fifteen (15) days after the Board passes a resolution to sell, exchange, lease, demolish, hold without operation, or dispose of a school building, the Board shall submit an application to the State Attorney General to obtain a certification that the Board is in compliance with the requirements of I.C. 20-26-7.1.

If a Corporation school building is sold to a charter school or State educational institution pursuant to this procedure, and the charter school or State educational institution, or any subsequent owner, subsequently sells or transfers the school building to a third party, the charter school or State educational institution or subsequent owner must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the Corporation. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

A charter school or State educational institution that purchases a school building from the Corporation assumes total control of the school building and must maintain the school building, including utilities, insurance, maintenance, and repairs. In the event a charter school or State educational institution does not use the school building for classroom instruction within two (2) years after acquiring the school building, the school building shall revert to the Corporation, which may sell or otherwise dispose of the school building under I.C. 36-1-11.

During the term of a lease, the charter school or State educational institution is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. If the lease involves co-locating charter schools or a State educational institution, the obligations under the lease of the school building shall be joint and several. The Corporation is responsible for any debt incurred for or liens that attach to the school building before the charter school or State educational institution leased the school building.

Exceptions:

The procedure described above does not apply to:

A. A school building that has been vacated to renovate the building for future use by the Corporation.

B. A school building that has been vacated to demolish the building and build a new school building on the same site.

C. An emergency manager of a distressed school corporation under I.C. 6-1.1-20.3.
D. A school corporation that has had a designation as a distressed political subdivision under I.C. 6-1.1-20.3 within the previous three (3) years.

A lease entered into by the Board under I.C. 20-26-5-4(a)(7) prior to January 1, 2019, with an accredited nonpublic school shall remain in full force and effect. The Board may, during or at the expiration of the term of such lease, sell the school building leased under I.C. 20-26-5-4(a)(7) to the nonpublic school at a purchase price mutually agreed to by the Board and the nonpublic school.

The Attorney General has broad authority to investigate complaints that a Corporation has not complied with the provisions established regarding the lease, sale, destruction, or disposal of a school building.

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Revised 6/22/20
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Legal
I.C. 20-23-6-9
I.C. 20-26-5-4
I.C. 20-26-7-1
I.C. 36-1-11
2 C.F.R. 200.78, 200.85

DISPOSITION OF SURPLUS PROPERTY

7310 - **DISPOSITION OF SURPLUS PROPERTY**

The School Board requires the Superintendent to review the property of the Corporation periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy.

A. **Instructional Material**

The Corporation shall review instructional materials (i.e., textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum;
2. information that may not be current; and/or
3. worn beyond salvage.

B. **Equipment**

For purposes of this policy, equipment shall mean tangible personal property (including information technology systems), a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles that retains its shape and appearance with use, is nonexpendable, having a useful life of more than one (1) year, and a per-unit cost that equals or exceeds $5,000 and does not lose its identity when incorporated into a more complex unit. The Corporation shall inspect the equipment used in the instructional program periodically to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment are no longer readily available;
2. repair records indicate equipment has no usable life remaining;
3. obsolete and no longer contributing to the educational program;
4. some potential for sale at a school auction;
5. creates a safety or environmental hazard.

C. **Textbooks**

Before the Corporation mutilates or otherwise destroys a textbook, it shall provide at no cost and subject to availability one (1) copy of each textbook that is no longer scheduled for use in the School Corporation to:

1. the parent of each child who is enrolled in a corporation school and who wishes to receive a copy of the textbook; and

2. if any textbooks remain after such distribution to parents, to any resident who wishes to receive a copy.

If any textbooks remain after such distribution, each school shall store the remainder for at least three (3) months before disposing of them. A school may sell any of the undistributed texts to another school corporation at any time during the period of storage.

D. **Disposition**

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste disposal in compliance with 2 C.F.R. 200.313 and 200.314.

If the Board passes a resolution to close a high school, the Corporation shall develop a plan relating to the preservation or transfer of memorabilia, trophies, or other property that may have historical significance as determined by the Board. The plan shall be made available for public inspection and posted to the Corporation's website.

When there is a residual inventory of unused supplies exceeding $10,000 in aggregate value at the end of the period of performance, and the supplies are not needed for any other Federal award, the Corporation may retain or sell the unused supplies. Unused supplies mean supplies that are in new condition, not having been used or opened before. The aggregate value of unused supplies consists of all supply types, not just like-item supplies. The Federal agency or pass-through entity may be entitled to compensation in an amount prescribed in 2 C.F.R. 200.314

When equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, the Corporation shall request disposition instructions from the Federal agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made in accordance with the disposition instructions of the Federal agency.

Equipment with a current fair market value of $5,000 (per unit) or less may be retained, sold, or otherwise disposed of with no further obligation to the Federal awarding agency.

Except as provided in §200.312 (b) - Federally-owned and exempt property, or if the Federal agency fails to provide requested disposition instructions within 120 days, items of equipment with a current fair-market value in excess of $10,000 (per unit) may be retained or sold by the Corporation. The Federal agency is entitled to an amount calculated by multiplying the percentage of the Federal agency's contribution toward the original purchase by the current market value or proceeds from the sale. If the equipment is sold, the Federal agency may permit the Corporation to retain from the Federal share 1,000 of the proceeds, to cover expenses associated with the selling and handling of the equipment.

The Corporation may transfer title to the property to the Federal Government or to an eligible third party, provided that, in such cases, the Corporation shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

When included in the terms and conditions of the Federal award, the Federal agency may permit the Corporation to retain equipment or authorize a pass-through entity to permit the Corporation to retain equipment, with no further obligation to the Federal Government unless prohibited by Federal statute or regulation.

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Legal
2 C.F.R. 200.312, 200.313
I.C. 20-26-5-4
I.C. 36-1-11

HYGIENIC MANAGEMENT

7420 - **HYGIENIC MANAGEMENT**

The School Board recognizes that the health and physical well-being of the students of this Corporation depends in large measure upon the cleanliness and sanitary management of the schools.

The Board directs that a program of hygienic management be instituted in the schools and explained annually to all staff members.

The Superintendent shall cooperate with the State Board of Health to inspect each school for cleanliness and sanitation each year.

The Superintendent shall prepare, in consultation with health authorities, procedures for the handling and disposal of body wastes and fluids. Such procedures shall include the protection of staff members who clean or handle blood or blood-soaked items, vomitus, saliva, urine, or feces; the disinfection of surfaces and items in contact with such matter; the disposal of such matter in sealed containers; and the frequent and thorough cleansing of hands and any other body parts that contact such matter. In addition, the Superintendent shall implement annual staff training programs on universal precautions and other infection control measures adopted by the Indiana State Board of Health.

The Superintendent shall develop and supervise a program for the cleanliness and sanitary management of the school buildings, the school grounds, and school equipment pursuant to law.

The cleanliness of each school building shall be the responsibility of the principal.

Legal
I.C. 16-41-11-1 et seq.
I.C. 20-26-5-4
410 IAC 1-4

SAFETY STANDARDS

7430 - **SAFETY STANDARDS**

The School Board believes that the employees and students of this School Corporation, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board will provide reasonable and adequate protection to the lives, safety, and health of its employees and students.

In accordance with State law, the Board will designate safe areas and comply with disaster protection guidelines. The Superintendent shall be responsible for the maintenance of standards in the facilities to prevent accidents and to minimize their consequences.

The Superintendent shall, with the approval of the Board, designate an individual to serve as the school safety specialist for the Corporation. The school safety specialist shall:

A. conduct periodic audits of health and safety conditions within the facilities of the Corporation in accordance with the Federal OSHA standards adopted by the State and report any violations to the Superintendent;

B. have the authority to organize and direct the activities of a Corporation's safety committee;

C. serve on the county safety commission, if one is established within the county;

D. participate in the school safety training when the county safety council determines it is to be held;

E. assist the county safety council with the development of a safety plan for each school in the Corporation;

F. coordinate the safety plans of each school in the Corporation as required by rules adopted by the Indiana State Board of Education;

G. act as a resource for other individuals in the Corporation on issues related to school discipline, safety, and security.

The Corporation shall test the drinking water in any child care facility or preschool operated by the Corporation before January 1, 2026, to determine whether lead is present in the drinking water in a concentration that equals or exceeds the action level for lead. Drinking water testing required by this section must be performed in accordance with the lead sampling program for school buildings and child care facilities conducted by the Indiana Finance Authority. If the drinking water in a Corporation's child care facility or preschool has been tested through a lead sampling program conducted by the Indiana Finance Authority, additional testing is not required. If the testing of the drinking water in a Corporation child care facility or preschool indicates that the presence of lead in the drinking water equals or exceeds the action level for lead, the Corporation shall take action to reduce the concentration of lead in the drinking water to a level below the action level for lead by:

A. eliminating the source of the lead in the drinking water; or

B. installing a water filtration system that will reduce the level of lead in the drinking water to a level below the action level for lead. The water filtration system must meet the requirements of I.C. 16-41-21.2-4(e) and (f).

The Superintendent shall ascertain that the employees and students of this Corporation are aware of their rights to an environment free of recognized hazards, that they are properly trained in safety methods, that protective devices and equipment are available to meet safety standards, and that proper guidelines and records are maintained to meet the requirements of the law.

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Legal
I.C. 5-2-10.1-9
I.C. 16-41-21.2
I.C. 20-34-3-19
511 IAC 2-4-1

USE OF TOBACCO ON SCHOOL PROPERTY

7434 - **USE OF TOBACCO ON SCHOOL PROPERTY**

The School Board recognizes that the use of tobacco presents a health hazard that can have serious consequences for the user and the nonuser and is, therefore, of concern to the Board.

For the purposes of this policy "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; spit tobacco, also known as smokeless, dip, chew, nicotine pouch and snuff, in any form; and all electronic nicotine delivery systems (ENDS) such as e-cigarettes and vape and hookah pens.

The use of tobacco products poses health issues for the user and second-hand smoke is a threat to the personal health of others. In addition, nicotine is a powerfully addictive substance and the use of tobacco products could lead to nicotine addiction. In order to protect students and staff from the adverse impact of tobacco smoke on indoor air quality and encourage students to not use tobacco in any form, the Board prohibits the use of tobacco within any facility owned or leased or contracted for by the Board.

The Board also prohibits the use of tobacco anywhere 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 and shall remain in effect at all times. Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, special purpose buses, vans, trucks, and cars.

The Superintendent and Building Principals shall ask an individual who is smoking in violation of this policy to refrain from smoking and cause to be removed from School Corporation property an individual who is smoking in violation of this policy and fails to refrain from smoking after being asked to refrain from smoking.

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Revised 3/26/12
Revised 7/22/13
Revised 10/27/14

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Legal
I.C. 7.1-5-12 Prohibition of Smoking in Public Places and on School Buses
I.C. 16-41-37.5 Indoor Air Quality in Schools
20 U.S.C. 6081 et seq.
20 U.S.C. 7182
U.S.D.O.E. Memorandum, 1995

FACILITY SECURITY PROGRAM

7440 - **FACILITY SECURITY PROGRAM**

Construction and maintenance of safe and secure facilities to support the instruction of students by the School Corporation's staff involves a substantial investment of public funds. It is therefore in the interest of the school community that the School Board protect its investment in facilities by implementing a security program.

The Superintendent shall develop and supervise a program for the security of the Corporation's students, staff, visitors, buildings, grounds and equipment. This program may include the use of video and audio monitoring and recording equipment on the Corporation's grounds and in the Corporation's vehicles.

The Board directs the Superintendent to identify persons who knowingly or negligently damage property or expose persons to the risk of harm in the course of Corporation activities. If persons responsible for harm or risk of harm to a person or property damage are identified, the Board directs the Superintendent and staff to cooperate in the prosecution of these persons and to pursue recovery of the cost of repair or replacement of damaged property.

In implementing the security program required by this policy, the Board authorizes the Superintendent to direct a person to not come on Corporation property leave Corporation property, or that s/he may not attend a Corporation activity when the Superintendent determines that the person's presence may be a danger to others. If a person does not comply with such a directive, the Board authorizes the Superintendent to seek arrest of the person by a law enforcement officer and prosecution of the person for the Level 6 felony of Criminal Trespass on School Property, as found at I.C 35-43-2-2(b)(1) or (2). A decision by a designee of the Superintendent may be reviewed and modified by the Superintendent.

The Superintendent is authorized to purchase and install walk-through metal detectors and video and audio monitoring equipment on school property in order to protect the health, welfare, and safety of students, staff, parents and other visitors, and Corporation property.

The Superintendent also is authorized to purchase hand-held metal detectors and permit administrative staff, school resource officers, and other personnel trained in the usage of hand-held metal detectors to utilize such metal detectors as a part of a comprehensive program of school security and safety of students, staff, parents and other visitors.
Metal detectors, both walk-through and hand-held wands, will be used only in accordance with the Superintendent's administrative guidelines.

When a school administrator has a reasonable suspicion to believe a weapon is in the possession of a person, walk-through and hand-held metal detectors may be used.

The Board authorizes the random search of allpersons entering Corporation buildings, boarding or riding Corporation buses/vehicles owned by, or contracted for, the Corporation, entering Corporation property, attending events on Corporation property, attending school activities off site. Such searches

may be conducted using walk-through or hand-held metal detectors as a part of a comprehensive program of safety and security.

The Superintendent shall report to the Board, no later than the next Board meeting, any significant incident involving vandalism, theft, personal safety, or other security risk and the measures being taken to address the situation.

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Revised 3/22/10
Revised 7/22/13
Revised 2/25/19

T.C. 12/18/23

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Legal
I.C. 20-26-5-4(a)(2), (4) and (5)
I.C. 20-33-8
I.C. 35-43-2-2(b)

ELECTRONIC MONITORING AND RECORDING

7440.01 - **ELECTRONIC MONITORING AND RECORDING**

The School Board authorizes the use of video and audio monitoring equipment on School Corporation property and on buses. The monitoring equipment shall be used to protect the Corporation's property and assets from theft and vandalism, through deterrence and documentation. No representation shall be made that the monitoring system is capable of insuring the protection of persons or property.

The monitoring of the conduct of persons on Corporation property is intended to assist students, staff, and visitors in protecting themselves and their property. Video and audio monitoring is to complement other means being employed by the Board and staff to provide a safe and secure working and learning environment for students and staff.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance/electronic monitoring systems serve to complement other means being employed in the Corporation to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus security.

The Superintendent is responsible for approving where and when to install and operate fixed-location monitoring equipment. The building principals and administrators responsible for other facilities shall be responsible for recommending the use of monitoring in those facilities. Monitoring equipment may be placed in common areas in the Corporation's facilities. Common areas include hallways, entryways, offices where students, employees, and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries, parking lots and other outside areas, and in school buses. Except in extraordinary circumstances such as a response to possible bullying, hazing, harassment, personal injury, property damage, or theft, and only with the written authorization of the Superintendent, monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas). In assessing whether extraordinary circumstances exist, the Superintendent shall consult with Corporation legal counsel before authorizing placement of monitoring equipment in private areas in which privileged communications occur (unless there is express consent given by the office occupant), or conference/meeting rooms, or in individual classrooms during instructional times. Access to live monitoring or recordings made in private areas will be based on the need for access to respond to the information obtained. Corporation employees are authorized to carry and use video and audio recording equipment when video and audio documentation would assist in performing the duties of their position. The Board authorizes security personnel to use body-worn monitoring equipment while on duty.

A person who blocks, moves, or alters the location or viewing angle of monitoring equipment, or attempts to do so, shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings in which monitoring equipment may be deployed. These signs shall notify people entering through that entrance that their communication and actions may be monitored and recorded in the facility they are entering. Students and staff also shall be advised of the use of monitoring the recording equipment in Corporation facilities and on Corporation property.

Information obtained from monitoring and recording may be used to support the safe and orderly operation of the Corporation's schools and facilities. This includes providing access to monitoring or recordings to law enforcement officers when proper authority in support of the requested access is provided.

Records obtained through the use of monitoring equipment installed and operated in compliance with this policy may be authenticated and used as evidence in any forum in which its use would assist in the search for the truth concerning the recorded event. Recording that focuses on and follows a specific student or staff member may become a part of the student's education record or the staff member's personnel file.

Monitoring and recording equipment capability shall not be used to intercept or record communication between persons unless at least one of the participants is aware of the possibility of monitoring and recording. The results of monitoring or recording shall not be used for any tortious or criminal purpose and shall never be used in violation of the rights of the persons whose communication is monitored or recorded.

Not all monitoring will result in the recording of what is monitored. Where a recording is made, not all recordings will include both audio and video, and the quality of recorded audio or video is not warranted to always be intelligible. Where audio or video records are made, they may be destroyed if a timely request is not made pursuant to this policy.

Smart Sensor Monitoring Technology

To protect students and faculty, promote security, and protect the health, welfare, and safety of students, staff, and visitors, the Board authorizes the use of smart sensor electronic monitoring equipment on school property, including in school buildings and on school vehicles. Smart sensor monitoring technology uses devices that can sense, collect, and process a variety of environmental information. Information obtained through smart sensor devices may be used to identify intruders and persons breaking the law, Board policy, or the Student Code of Conduct; as such, it may be used as evidence in disciplinary actions and may be provided to law enforcement in appropriate circumstances.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Smart sensor monitoring systems serve to complement other means that the Corporation employs to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a smart sensor monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the smart sensor monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by

staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus safety and security.

The Superintendent is responsible for determining where to install and operate fixed-location smart sensor monitoring equipment in the Corporation. The determination of where and when to use smart sensor equipment shall be made in a nondiscriminatory manner. Smart sensor monitoring equipment may be placed in designated areas in school buildings (e.g., school hallways, restrooms, classrooms, gymnasiums, libraries, locker rooms, entryways, the front office, and other areas where students, employees, and visitors are permitted to freely come and go). The Superintendent shall post notices in areas where smart sensor monitoring equipment is in use.

Any person who takes action to block, move, or alter the location of a smart sensor device shall be subject to disciplinary action.

Any information obtained from smart sensor monitoring systems may only be used to support the orderly operation of the Corporation's schools and facilities and for law enforcement purposes and not for any other purposes. As such, information obtained through the use of smart sensor monitoring equipment may be used as evidence in any disciplinary proceedings or administrative proceedings, or provided to local law enforcement, subject to Board policy and administrative guidelines.

Smart sensor monitoring technology is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of smart sensor monitoring equipment and will take appropriate action in any case of wrongful use of this policy or such technology.
Monitoring and recording equipment will not be used for the purpose of routine staff appraisal/evaluation.

Further, if an employee is assigned to work remotely (i.e., telework), the administration is authorized to conduct observations that consist of the supervisor watching the employee perform job responsibilities through means of a live-stream that includes both video and audio, provided the employee is afforded advanced notice of the observation.

Additionally, nothing herein shall prevent the administration from using information gathered through electronic means (i.e., viewing a video-recording or live-stream of an employee working) for employment purposes, including but not limited to completing components of an evaluation.

Recordings containing personally identifiable information about a student shall not be released except as required or authorized by the Family Educational Rights and Privacy Act ("FERPA"). A parent or guardian of a student and a student who is eighteen (18) years of age or older, shall have access to relevant portions of any video or audio recording related to disciplinary charges against the student. Upon written request to the building principal, if the requested access does not violate State and/or Federal law (i.e., the privacy rights of any other student whose images appear on the recording), a recording may be exhibited to a parent/guardian and an eligible student. However, the parent/guardian and student will not be given a copy of the recording.

School personnel with responsibility for the program of a student may have access to relevant portions of a recording related to the services they delivered to the student and any disciplinary charge against the depicted student.

The Board shall maintain monitoring recordings for a limited period. Any request to view a recording under this policy must be made within thirty (30) days of the event/incident. Unless an investigation is being conducted, or the Corporation's legal counsel advises that specific recordings must be preserved pursuant to a "litigation hold" notice, recordings may be destroyed after thirty (30) days. If, however, action is taken by the Board/administration based upon recorded events, the recordings shall be kept for a minimum of two (2) years from the date of the action taken. Recordings also may be kept beyond the normal retention period if they are going to be used for training purposes. This policy shall not be interpreted to guarantee the destruction of a recording after any specific length of time.

With the knowledge of the persons depicted, students, staff, or a parent/guardian may record a school event open to the public, such as a play, music performance, athletic contest, graduation, or Board meeting. Instruction may be recorded for staff evaluation or educational, or research purposes.

The Superintendent may develop administrative guidelines consistent with this policy to address the use of monitoring and recording equipment in school buildings, school buses, and on property owned and/or operated by the Corporation.

Monitoring is to be implemented in accordance with this policy and the Superintendent's guidelines. The use of monitoring and recording equipment in violation of this policy will result in disciplinary action.

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Revised 11/22/21
Revised 8/25/25

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Legal
FERPA, 20 U.S.C. 1232g
34 C.F.R. 99.1-99.67
Title I of the Electronic Communication Privacy Act of 1986
18 U.S.C. 2510-2521

SMALL UNMANNED AIRCRAFT SYSTEMS

7440.03 - **SMALL UNMANNED AIRCRAFT SYSTEMS**

Any individual who violates this policy shall be referred to local law enforcement and/or subject to discipline, if an employee or student.

The School Board prohibits the operation of small Unmanned Aircraft Systems (sUAS) at any time on property that is owned or leased or contracted for by the Board by any individual who is not authorized to do so by the Superintendent. Small Unmanned Aircraft Systems are commonly known as drones.

Pursuant to the Indiana High School Athletic Association's (Association) Administrative Procedures, Guidelines and Policies, the Board also prohibits the operation of a sUAS at any Association event conducted on property owned or leased or contracted for by the Board. School Corporation officials shall deny admission or entry to anyone attempting to use a sUAS until the event has been completed.

To be authorized to operate a sUAS on property owned or leased or contracted for by the Board, a staff member or administrator or other individual (agent) under contract with the Board must have a Remote Pilot Certificate issued by the Federal Aviation Administration (FAA). Further, the sUAS must be registered with the FAA and properly marked in accordance with 14 CFR Part 107.

A staff member, administrator, or agent of the Board who is authorized to operate a sUAS on property owned or leased or contracted for by the Board also must also comply with all rules set forth in 14 CFR Part 107. (See Administrative Guideline 7440.03)

Failure to adhere by all rules set forth in 14 CFR Part 107 and Administrative Guideline 7440.03 may result in loss of authorization to operate a sUAS on property owned or leased or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination for an employee and expulsion for a student.

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PROPERTY INVENTORY

7450 - **PROPERTY INVENTORY**

As steward of the School Corporation's property, the School Board recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall conduct a complete inventory of all Corporation-owned equipment every two (2) years.

For purposes of this policy, 'equipment' shall mean tangible personal property (including information technology systems, a mobile or fixed unit of furniture or furnishings, , a machine, an apparatus, or a set of articles that retains its shape and appearance with use, is non-expendable, having a useful life of more than one (1) year, and a per-unit cost that equals or exceeds $500.00 as a single unit represents an investment of money that makes it feasible and advisable to capitalize the item, and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than $500.00.

It shall be the duty of the Business Manager to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

The Business Manager shall maintain a system of property records which shall show, as appropriate to the item recorded, description and identification (serial number or other identification number), manufacturer, and year of purchase.

Title to equipment acquired under a Federal award will vest upon acquisition to the Corporation, subject to the following conditions:

A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.

B. While the equipment is being used for the originally authorized purpose, the Corporation (or subrecipient) must not dispose of or encumber its title or other interests without the approval of the Federal agency or pass-through entity.

C. The equipment may be only used and disposed of in accordance with the provisions of the Federal agency or the pass-through entity and Policy 7300 - Disposition of Real Property, Policy 7310 - Disposition of Surplus Property, and AG 7310 - Disposal of Corporation Property.

D. The Corporation must use the equipment for the project or program for which it was acquired and for as long as needed, whether or not the project or program continues to be supported by the Federal award. The Corporation must not encumber the equipment without prior approval of the Federal agency or pass-through agency.

E. When no longer needed for the original project or program, the equipment may be used in other activities in the following order of priority.

1. activities under other Federal awards from the Federal agency that funded the original program or project; then
2. activities under Federal awards from other Federal agencies. These activities include consolidated equipment for information technology systems.

F. During the time that equipment is used on the project or program for which it was acquired, the Corporation must also make the equipment available for use on other programs or projects supported by the Federal Government, provided that such use will not interfere with the purpose for which it was originally acquired. First preference for other use of the equipment must be given to other programs or projects supported by the Federal agency that financed the equipment. Second preference must be given to programs or projects under Federal awards from other Federal agencies. Use for non-federally funded projects is also permissible, provided such use will not interfere with the purpose for which the equipment was originally acquired. The Corporation should consider charging user fees as appropriate. If the Corporation does not use equipment to earn program income, it must not charge a fee that is less than a private company that would change for similar services unless specifically authorized by Federal statute.

G. When acquiring replacement equipment, the Corporation may either trade in or sell the equipment and use the proceeds to offset the cost of the replacement equipment.

H. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number FAIN), title holder, acquisition date, cost of the property, percentage of Federal agency contribution towards the original purchase, the location, use, and condition of the property, and ultimate disposition data, including date of disposal and sale price of the property.

I. A physical inventory of the property must be conducted and results reconciled with property records at least once every two (2) years.

J. A control system must be in place to ensure safeguards for preventing loss, damage, or theft of the property. Any such loss, damage, or theft of the property must be investigated. The Corporation must notify the Federal agency or pass-through entity of any loss, damage, or theft of equipment that will have an impact on the program.

K. Regular maintenance procedures shall be implemented to keep the property in proper working condition.

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Legal
2 C.F.R. 200.313
2 C.F.R. 200.439 (b)(2)

ACCOUNTING SYSTEM FOR CAPITAL ASSETS

7455 - **ACCOUNTING SYSTEM FOR CAPITAL ASSETS**

The School Board shall maintain a capital asset accounting system. The capital asset system shall maintain sufficient information to permit the following:

A. the preparation of year-end financial statements in accordance with Generally Accepted Accounting Principles (GAAP);

B. adequate insurance coverage;

C. control and accountability.

Capital assets are defined as those tangible assets of the School Corporation

A. with a useful life in excess of one (1) year;

B. with an initial cost equal to or exceeding the amount determined periodically in the Corporation's administrative guidelines;

C. which are capitalized in accordance with GAAP; and

D. which the Corporation intends to hold or continue in use for an extended period of time.

Further, some items may be identified as "controlled" assets that, although they do not meet all capital asset criteria, are to be recorded on the capital asset system to maintain control.

Capital assets shall be classified as follows:

A. land, buildings (facilities), equipment, and intellectual property (including software), whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as a financed purchase under Government Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards; and

B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

Leased capital assets and assets that are jointly-owned shall be identified and recorded on the capital asset system.

Capital assets shall be recorded at actual, or if not determinable, estimated purchase price or fair market value at the time of acquisition. The method(s) to be used to estimate such price or market value shall be established by the Superintendent, pursuant to the State Board of Accounts, Department of Local Government Finance, I.C. 29-1-15-14 and 2 C.F.R. 200.439.

Normally, the cost recorded is the purchase price or construction costs of the asset. Also included are any other reasonable and necessary costs incurred to place the asset in its intended use that can be directly related to the asset. Such costs may include the following:

A. Legal and title fees, closing costs;

B. Appraisal and negotiation fees, surveying fees;

C. Damage payments;

D. Land preparation costs, demolition costs;

E. Architect and accounting fees;

F. Design and consulting fees;

G. Transportation charges.

Donated or contributed assets should be recorded at their fair market value on the date donated or acquired.

The Corporation will capitalize items with an individual value equal to or greater than $5000. Improvements or renovations to existing machinery and equipment will be capitalized only if the change causes the total cost to exceed $5000, extends its useful life by two (2) or more years, and if the total costs will be greater than the current book value and less than fair market value. The Corporation should capitalize items whose individual acquisition costs are less than the threshold if those assets in the aggregate are significant, i.e., exceed the threshold.

The Superintendent shall develop administrative guidelines to ensure proper purchase, transfer, and disposal of capital assets.

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Legal
2 C.F.R. 200.1
2 C.F.R. 200.436
2 C.F.R. 200.439
2 C.F.R. 200.465
I.C. 20-40-18-6
I.C. 20-40-18-7
I.C. 29-1-15-14
U.S. Department of Education's FAWs on Uniform Guidance (July 2024)
GASB Implementation Guide No. 2021-1, Implementation Guidance Update - 2021
State of Indiana Capital Asset Management Policy (July 1, 2009)

USE OF SCHOOL FACILITIES

7510 - **USE OF SCHOOL FACILITIES**

Community Use of School Facilities

The New Prairie United School Corporation encourages the use of school facilities by the citizens of the School District. Such use of facilities and grounds shall not infringe upon the original and necessary purpose of the property or interfere with the educational programs of the schools including but not limited to the co-curricular and extra-curricular activities.

The School Corporation will permit the use of school facilities when such permission has been requested in writing by a responsible organization or group of citizens and approved according to the required application and specific guidelines.

All local, State, and Federal statutes will be followed for all building use requests and/or rentals.

The following guidelines regarding free use, rental rates and fees for school buildings shall be in effect for facility use.

A. School auditorium, gymnasium and other available rooms/facilities may be open free of charge for the following sponsored activities:

    1. All regular school functions
    2. NPUSC recreation programs
    3. NPUSC adult and community education programs
    4. Regular parent/community sponsored business meetings of schools and/or school district
    5. Professional educational organizations of the NPUSC
    6. Employee organizations of the NPUSC for specified and approved school business meetings
    7. Catastrophic events – pending Superintendent/designee approval

B. Schools, classrooms, gymnasiums and other available rooms and facilities may be open to groups at the cost of NPUSC trained personnel for the following sponsored activities:

    1. Community organizations or groups formed for charitable, civic, educational and recreational purposes. Examples: 4-H Clubs, Scout Groups, Youth Athletic Groups
    2. Events sponsored by parent organizations outside of the regularly scheduled business meetings
    3. General community meetings established for the purpose of sharing information to the general public free of charge.

4. Other educational institutions operating classes within the NPUSC

C. School auditoriums, gymnasiums and other available rooms/facilities may be rented at the cost of NPUSC trained personnel plus an hourly rate for reservation of the space to the following organizations or groups:

1. Political organizations
2. Fraternal and service organizations
3. Religious organizations except for regular church services
4. Musical and dramatic organizations
5. Labor and management groups
6. Civic/Social organizations
7. Educational institutions operating classes within the NPUSC

The use of school facilities, buildings and grounds shall not be granted for the following:

A. Private social functions

B. Any purpose which is prohibited by law

C. Any purpose which may be in conflict with the educational purpose of the NPUSC

D. Any activity which may be of detriment to the physical plant safety and integrity of any/all facilities

No liability shall attach the NPUSC, any employee, officers, or members of this Corporation specifically as a consequence of permitting access to these grounds and facilities.

The Superintendent shall develop administrative guidelines for the granting of permission to use School Corporation facilities including a schedule of fees. (Proposed schedule attached to the end of this document)

A. Each user may be required to present evidence of the purchase of organizational liability insurance to the limit as prescribed by the School Board of Trustees.

B. Use of school equipment in conjunction with the use of Corporation facilities must be requested specifically in writing. The user of school equipment assumes liability for any damage or loss to such equipment that occurs while in use during the time of the request to use facilities. Where guidelines specify, no item of equipment may be used except by a qualified operator.

C. Users shall be financially liable for damage to the facilities and/or equipment as well as proper and adequate supervision.

D. Groups or persons will not be granted access to school facilities when the requests are in conflict and/or competition with school system programs. In addition, requests for building usage will be denied to groups/persons who fail to meet proper responsibilities concerning the use and/or rental of facilities.

Section 1. Superintendent's Designee and Principal Authority

A. The supervision control of the use of school property shall be the responsibility of the principal, and/or Superintendent's designee of the building used or rented. The principal, and/or Superintendent's designee shall be responsible for the enforcement of all Board policies and all administrative regulations.

B. Any area or part of any area of any indoor or outdoor school facility may be declared by the principal, and/or Superintendent's designee to be closed to the public or anyone who is using or renting the facility. Such closing may be either temporary or at regular and stated intervals and may be closed either for all uses or for certain uses, for the protection of persons or property, or for the efficient and effective operations of the school buildings or programs under his/her supervision.

C. The principal from time to time may, for specific occasions, delegate the authority granted by this section to individual employees who have sufficient ability and authority to fulfill this responsibility.

Section 2. Written Application and Agreement

A. An application for use or rental of school property shall be required by anyone requesting usage or rental of a given space. Applications may be obtained from the school website and shall be signed by an authorized corporation, association, organization, individual or other group. Such application shall be:

    1. submitted electronically via a proper building/NPUSC usage reservation form

    2. submitted no less than twenty-one (21) days prior to the date on which the property is to be used or rented, provided that the principal and/or Superintendent's designee for good cause may, at his/her discretion, require a lesser time; and

    3. submitted on the "Application and Agreement for Use or Rental of School Property" form, Board Policy Manual Exhibit #405 which shall be signed by the applicant electronically and incorporated by reference all Board policies and all Administrative Regulations applicable to the user or rental of school property.

B. Approval or denial will be indicated via e-mail to the e-mail address submitted on the electronic building usage reservation form.

Section 3. Regulations Governing the Use or Rental of School Property

Regulations for the safety and protection of persons and property.

A. School property shall not be used in such a manner as to exceed the lawful seating or other required capacity of such property.

B. The users or renters shall be responsible for and insure that at all times sufficient adult supervision, to be determined by the building principal, and/or Superintendent's designee is provided during the use or rental of such property, which supervision shall be adequate to protect persons and property from any reasonably foreseeable injury.

C. In no event may persons under twenty-one (21) years of age be permitted use or rental of school property without supervision by at least one (1) person twenty-one (21) years of age or older.

D. Applicants for use or rental who request to enter into the written agreement for use or rental of school property shall be twenty-one (21) years or older.

E. At all times during the use or rental of indoor school property, the principal, and/or Superintendent's designee shall require an employee be on duty in the building to assist in the protection of school property. Such employee, as a part of this assignment, shall be responsible for opening, closing and locking the building.

F. A member of the cafeteria staff must be present when the kitchen is used. Rules will apply to the use of the kitchen and/or cafeteria.

G. Keys to school buildings and equipment shall not be provided to any person who is not an employee authorized to use or possess such school keys.

H. Each user or renter shall have the duty to use reasonable care for the protection of persons and school property. All users or renters, jointly and severally, shall be liable for any damage, injury or loss to persons or property that occurs during the users' or renters' occupancy or use of said school property.

I. No school property of any kind or description shall be removed from any school building at any time by a person without the express prior permission of the principal, and/or Superintendent's designee of the school.

J. Use of school buses by outside organizations:

    1. Limited to 100 miles from the Superintendent's office

    2. Limited to use for one (1) day

    3. Organization shall make arrangements for driver – driver must be regular employee of school system – fully qualified to serve as a bus driver

    4. Organization must purchase all fuel used and pay for tolls

K. The user or renter of school property shall obtain the names of any witnesses and persons or property injured or damaged as a result of any accident or intentional act that may occur during said use or rental, and shall furnish a full written report which shall include:

    1. names and statements of all witnesses;

    2. names or persons injured;

    3. any statements made by parties involved in the injury or damage;

    4. description of any property damaged, with extent of damage; and a

    5. short narrative or relevant facts of the incident.

Section 4. Regulations for the Use of Gyms in the New Prairie United Schools by All Adult Individuals, Groups, or Organizations

A. The gym is available for use by only if it has not been previously scheduled for other activities.

B. The activity will be canceled if the Corporation requires the use of the gym, even on short notice.

C. The request to use the gym must be made and signed by the captain of the requesting team or a responsible individual who legitimately represents the group making the request.

D. The principal, and/or Superintendent's designee will designate the doors to be used for entry and exit. These designated doors must be used at all times.

E. Permitted activities are limited to the gym area only.

F. The time allowed for each requested use of the facility is limited to two (2) hours unless an extended period is approved by the principal and/or superintendent designee.

G. There will be no showers available for use by the group using the gym.

H. Smoking is not permitted in the building and on school grounds at any time.

I. The individual signing the request for use of the gym is responsible for the absolute control of all individuals who may cause problems during the time the gym is being used by the group.

J. Children **may not** come to the activity under any circumstances. Use of the facility is strictly limited to adults.

*The use of Corporation buildings and materials is subject to New Prairie United School Board Policy #405.

Section 5. Regulations for the Efficient Use of School Property

A. Payment Procedures and Regulations

1. All rental fees are due upon receipt of invoice.

2. All rental fees are to be paid to the Corporation Treasurer. The Treasurer will accept checks written to New Prairie United School Corporation.

3. The Treasurer, upon receiving any rental fees, will deposit the fees into the Corporation's general fund.

B. Other Regulations

1. Use or rental of school facilities does not include the use of recreational equipment, furniture, projection and other audio-visual equipment, stage equipment, public address systems, or any other such equipment of a similar nature, unless such use or rental is provided for in the "Application and Agreement for Use or Rental of School Property". However, any furniture or equipment which is in a particular room rented, and which is not stored or locked for safekeeping, may be used.

2. Renting, either on a casual or regular basis, shall not imply that provision will or may be made for storage facilities for the users' or renters' supplies or equipment.

3. No equipment or material may be erected, installed or used in any building or on any school property without the consent of the supervising principal, and Superintendent's designee.

Section 6. Rental Rates

Rental rates for agencies or groups that have more than fifty percent (50%) attendees residing within the Corporation boundaries may at the discretion of the superintendent or designee have reduced or waived rates:

(See attached Rental Rates)

Community Use of School Facilities Rental Rates (excludes consumable supplies)

Group Category	**A**	**B**	**C**
Computer Room Regular Hours	Free	$25/hour	$25/hour + $25/day
Computer Room Extra Hours	Free	$34/hour	$34/hour + $25/day
Computer Equipment	Free	$30/day	$30/day
Classroom/Library/Cafe Regular Hours	Free	$25/hour	$25/hour + $15/day
Classroom/Library/Cafe Extra Hours	Free	$34/hour	$34/hour + $15/day
Laboratory/Foods Regular Hours	Free	$25/hour	$25/hour + $25/day
Laboratory/Foods Extra Hours	Free	$34/hour	$34/hour + $25/day
*Pool Regular Hours (plus cost of lifeguard)	Free	$25/hour	$25/hour + $100/day
*Pool Extra Hours (plus cost of lifeguard)	Free	$34/hour	$34/hour + $100/day
LGI Regular Hours	Free	$25/hour	$25/hour + $100/day
LGI Extra Hours	Free	$34/hour	$34/hour + $100/day
* Auditorium Regular Hours	Free	$25/hour	$25/hour + $100/day
*Auditorium Extra Hours	Free	$34/hour	$34/hour + $100/day

Gymnasium Regular Hours	Free	$25/hour	$25/hour + $100/day
Gymnasium Extra Hours	Free	$34/hour	$34/hour + $100/day
Tables	Free	$3/day	$3/day
Folding Chairs	Free	$.30/day	$.30/day
Athletic Fields (Baseball, Soccer, Football, Track, Tennis Courts)	Free	$25/hour	$125/day

* See attached chart for extra personnel/usage charges that may apply for Auditorium and Pool rental

(If custodial staff is not on duty, there may be an additional charge of 1.5 times the hourly rate plus benefits.)

	Category A - NPUSC Sponsored	**Category B - Non-Profits**	**Category C - For-Profit**
Auditorium			
Performance Rate	*Direct Costs	*Direct Costs	$100.00
Non-Performance Rate	*Direct Costs	*Direct Costs	$50.00
Dressing Rooms	No Cost	$50.00	$75.00
Auditorium Tech Director/Supervisor	No Cost	$25.00/hour	$25.000/hour
Lighting/Sound Technicians	No Cost	$15.00/hour, per technician	$15.00/hour, per technician

Stage Hands	No Cost	$10.00/hour, per technician	$10.00/hour, per technician
Pit Orchestra Shell	No Cost	actual removal/ replacement costs	actual removal/ replacement costs
House Attendants	No Cost	$10.00/hour, per attendant	$10.00/hour, per attendant
Custodians	No Cost	1.5 x rate, plus benefits	1.5 x rate, plus benefits
Security	Negotiable	Negotiable	Negotiable
Pool			
Pool Supervisor (not to replace lifeguard)	No Cost	$25.00/hour	$25.00/hour

Facilities Use Agreement

Purpose

The School District promotes community use of the school facilities during the hours when school is not in session. The use of the facilities will follow the priority of: (1) school-sponsored activities; (2) community recreation, youth groups, and cultural activities; (3) other activities.

General public use requests must be shown to be: (1) likely to contribute to the physical, moral, and ethical well-being of the participants; (2) legally and culturally acceptable; and (3) open to all regardless of color, sex, creed or national origin.

Agreement

A building use agreement must be signed by an authorized representative of the lessee using the school facility and a representative of the lessor, New Prairie United School Corporation. The contract must be received no later than two (2) weeks prior to the scheduled event. Such contract must be in complete and confirmed status when received by Lessor. Failure to meet with this deadline will result in the release of tentative date of use to another party. The Lessor, New Prairie United School Corporation, reserves the right to cancel this Facility Use Agreement in the event of an emergency, which requires that, the facility be available to the Lessor for its use at the same time as the scheduled event. If this

occurs, the Lessor, New Prairie United School Corporation, will attempt to provide a substitute facility to the Lessee.

Advertising

Authorization for use of school facilities shall not be considered as endorsement of or approval of the activity group or organization nor for the purposes it represents. All uses will be by written contract. Any advertising or announcement by the user must include the following statement: "This program is sponsored by (name of user). Use of school district facilities does not constitute support of or endorsement by the New Prairie United School Corporation." In a print advertisement or announcement, the disclaimer must be the same size as the font used to announce the location of the program. The remedy for failure to comply with this provision will be to immediately rescind the facility use contract.

Schedule of Needs and Special Terms

Specific arrangements for schedules, times, personnel, equipment, and supplies shall be made through the Business Services Office no later than two (2) weeks prior to the scheduled event. The Lessor assumes no obligation to meet any changes in requests and/or arrangement that have not been stated in the completed building use agreements.

The use of the pool requires a certified lifeguard on deck at all times.

Cost

With each request, charges will be determined on the basis of established rental rates, projected personnel, equipment, and supply costs. Actual personnel, equipment and supply costs will be charged and billed to the lessee after the scheduled event. Payment is made payable to New Prairie United School Corporation.

Cancellation

In the event of necessary cancellation of the scheduled event, the Business Services Office shall be notified at least two (2) weeks in advance of the scheduled event. Failure to provide such advance notice will result in a Cancellation Fee of:

Category A - None
Category B - $10.00
Category C - $50.00

Supervision

The Lessee must provide sufficient supervision for crowd control, ticket sales, ushers, security of personal property and enforcement of the facility Rules and Regulations, and applicable state laws and local ordinances.

Custodial Staff Personnel

A custodian must be on duty at all times when all other facilities are in use. Use of school kitchens shall require the presence of the cafeteria manager or designated employee. If personnel is required, the cost is assessed to the lessee.

Facility Use and Group Contract

At all times, orderly conduct shall be required of the lessee and the participants in the scheduled event, including the performers and the audience. If it is believed that a request for facility use will result in disorderly conduct or whose activities may be detrimental to the school or community, the request for facility use will be refused. The lessee and the participants shall confine themselves and their activities to the areas specified in the contract. The areas used shall be left in a clean and orderly condition. ALCOHOLIC BEVERAGES ARE NOT PERMITTED ON ANY SCHOOL PROPERTY AND PREMISES. THE USE OF TOBACCO PRODUCTS IS NOT PERMITTED ON SCHOOL PROPERTY.

By request of the Fire Department and concern for public safety, fire and/or open flame are not permitted. The Fire Department and Police Department have the authority to inspect the facilities at any time for the safety of the patrons.

Organization Liability

The lessee shall be responsible for the repair and/or replacement of school equipment or property damaged beyond reasonable or normal expectation.

District Liability

The School District shall not be held liable for accidents and /or injury suffered by individuals engaged in activities occurring within or upon the school facilities during the time the facilities are being rented. The School District assumes no liability for loss of property.

Indemnification

As a condition for use of the facility, Lessee agrees to indemnify, save and hold harmless New Prairie United School Corporation, its employees, representatives, and agents from any and all claims, liabilities, demands, lawsuits, allegations, judgments, and all forms including attorney fees and recoverable costs, (singularly or collectively 'claims') including claims for bodily, emotional, and personal injury, property damage or loss, brought or made against it, arising out of, relating to, caused by, or resulting from Lessee's use of the facility, including claims relating to, arising out of, or caused by the physical condition of the facility, whether or not the basis of the claim(s) was caused by or contributed to, in whole or in part, the negligence of the New Prairie United School Corporation, its employees, representatives, and agents.

Insurance

Upon request for use of the facility, the Lessee shall procure Comprehensive General Liability (CGL) Insurance naming New Prairie United School Corporation as a Name Insured or Additional Insured having the same coverage and coverage limits as the "Named Insured". The CGL policy shall have bodily and personal injury coverage limits of no less the $1 million and property damage coverage limits of no less than $500,000. The CGL policy must include effective dates covering the time period Lessee has contracted to use the facility. At least forty-eight (48) hours before Lessee commences use of the facility, it shall provide written proof of its procurement of the CGL policy required by this provision, including an acknowledgement by the insurance carrier providing the CGL policy that if the CGL policy is cancelled for any reason prior to the effective dates identified in the policy, it will immediately notify, in writing, New Prairie United School Corporation of the cancellation.

Inspection

The Lessee inspected the physical condition of the facility, is fully aware of the physical condition of facility, accepts the use of the facility in an "as is" condition, and agrees to comply with all terms and conditions of the Facility Use Agreement, including the "Indemnification provision, knowing the physical condition of the facility."

Termination

Failure to comply with Title IX regulations of the Civil Rights Acts and any and all laws, rules and regulations, and ordinances of the State of Indiana, and the New Prairie United School Corporation shall constitute good and sufficient cause for termination of the building use agreement and discontinuation of facility use.

Revised 9/12/06
Revised 5/18/09
Revised 10/27/14
Revised 6/22/15
Revised 7/27/20

Legal
I.C. 20-26-5-1, 20-26-5-4, 20-26-8-1
511 IAC 6-2-1(b)(5)

LENDING OF CORPORATION-OWNED EQUIPMENT

7530 - **LENDING OF CORPORATION-OWNED EQUIPMENT**

The School Board believes that Corporation-owned equipment is a valuable resource which may be loaned for community use under certain conditions only, provided that such use does not infringe on the original and necessary purpose of the equipment or interfere with the educational program of the Corporation.

The Board may lend specific items of equipment on the written request of the user and approval granted by the Superintendent.

The user of Corporation-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return.

Corporation equipment may be removed from Corporation property by students or staff members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. The consent of the Superintendent is required for such removal.

Staff members or students using Corporation-owned equipment shall be liable for any damage or loss to the equipment.

Personal use of Corporation equipment or facilities by staff or students will be in accordance with the Superintendent's administrative guidelines.

STAFF USE OF PERSONAL COMMUNICATION DEVICES

7530.02 - **STAFF USE OF PERSONAL COMMUNICATION DEVICES**

Use of personal communication devices ("PCDs") has become pervasive in the workplace. For purposes of this policy, "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, and/or other web-enabled devices of any type. Whether the PCD is Corporation-owned and assigned to a specific employee or school official or personally-owned by the employee or school official (regardless of whether the Corporation pays the employee or school official an allowance for his/her use of the device, the Corporation reimburses the employee or school official on a per-use basis for their business-related use of his/her PCD, or the employee or school official receives no remuneration for his/her use of a personally-owned PCD), the employee or school official is responsible for using the device in a safe and appropriate manner and in accordance with this policy and its accompanying guidelines, as well as other pertinent Board policies and procedures.

Conducting Corporation Business Using a PCD

Employees and school officials are permitted to use a Corporation-owned and/or personally owned-PCD to make/receive calls, send/receive emails, send/receive texts, send/receive instant messages, or videos & social media that concern Corporation business of any kind.

Employees and school officials are responsible for archiving such communication(s) in accordance with the Corporation's requirements.

A. Make no attempt to permanently delete any communication on a Corporation owned device
B. Make available, if needed upon request, any school-related communication on a personal device. Reference policy 8310

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones

Employees and school officials whose job responsibilities include driving are prohibited from holding or using their device while operating a moving motor vehicle during work duties. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees and school officials shall pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message or e-mail, or browsing the Internet using a PCD while operating a moving motor vehicle is strictly prohibited. Exceptions to these prohibitions are to place a call to 911 to report a bona fide emergency or using the telecommunications device with hands-free or voice-activated technology. In cases of reporting a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cell phone, electronic device, mobile phone, or telecommunications device. In the interest of safety for employees, school officials, and other drivers, employees and school officials are required to comply with all applicable State laws and local ordinances while driving, including any laws that prohibit texting or holding/using a cell phone or other PCD while driving.

Employees and school officials may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty To Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees and school officials are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on a PCD regardless of whether they are Corporation-owned and assigned to a specific employee or school official or personally-owned by the employee or school official.

PCD communications, including calls, text messages, instant messages, and e-mails sent or received may not be secure. Therefore, employees and school officials should use discretion when using a PCD to relay confidential information, particularly as it relates to students.

Additionally, PCD communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records.

Further, PCD communications about students, including text messages, instant messages and e-mails sent and/or received by a Corporation employee or school official using his/her PCD may constitute education records if the content includes personally identifiable information about a student.

Communications, including text messages, instant messages and e-mails sent and/or received by a Corporation employee or school official using his/her PCD, that are public records or student records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. PCD communications that are student records should be maintained pursuant to Policy 8330 – Students Records.

It is the responsibility of the Corporation employee or school official who uses a PCD for Corporation business-related use to archive all text messages, instant messages and e-mails sent and/or received using his/her PCD in accordance with the Corporation's requirements.

Finally, PCD communications and other electronically stored information (ESI) stored on the staff member's or school official's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Employees and school officials are required to comply with Corporation requests to produce copies of PCD communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

At the conclusion of an individual's employment or official service (whether through resignation, nonrenewal, or termination), the employee or school official is responsible for informing the Superintendent or his/her designee of all public records, student records and ESI subject to a Litigation Hold that is maintained on the employee's or school official's Board-owned Corporation-owned PCD. The Corporation's IT department/staff will then transfer the records/ESI to an alternative storage device.

If the employee or school official also utilized a personally-owned PCD for work-related Corporation-related communications, and the device contains public records, students records and/or ESI subject to a Litigation Hold, the employee or school official must transfer the records/ESI to the Corporation's custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment or official service. The Corporation's IT department/staff is available to assist in this process. Once all

public records, student records and ESI subject to a Litigation Hold are transferred to the Corporation's custody, the employee or school official is required to delete the records/ESI from his/her personally-owned PCD.

If a PCD is lost, stolen hacked or otherwise subjected to unauthorized access, the employee or school official must notify the Superintendent immediately so a determination can be made as to whether any public records, student records and/or ESI subject to a Litigation Hold has been compromised and/or lost. Pursuant to Policy 8305 Information Security and its accompanying guidelines, the Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was were encrypted.

The Board prohibits employees and school officials from maintaining the following types of records and/or information on their PCDs and/or cell phones:

A. student personally identifiable information

B. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)

C. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

It is suggested that employees and school officials lock and password-protect their PCDs when not in use.

Employees and school officials are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees and school officials are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those 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, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Personal Use of PCDs While at Work

During work hours personal communications made or received, regardless of whether on a PCD or a regular telephone or network computer, can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDs while at work for personal business. Employees

are asked to limit personal communications to breaks and lunch periods and to inform friends and family members of the Board's policy in this regard.

Corporation employees may carry PCDs and/or cell phones with them while at work including while operating Corporation equipment, but are subject to the following restrictions:

A. Excessive use of a PCD and/or cell phone for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.

B. Employees are personally and solely responsible for the care and security of their personally-owned PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, personally-owned PCDs brought onto Corporation property, or the unauthorized use of such devices.

Potential Disciplinary Action

Violation of any provision of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws also may result in disciplinary action up to and including termination.

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Legal
Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)
Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)
20 U.S.C. 1232g
34 CFR Part 99

COMPUTER TECHNOLOGY AND NETWORKS

7540 - **COMPUTER TECHNOLOGY AND NETWORKS**

The School Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of School Corporation operations.

Although students' use of Corporation technology resources (see definition in Bylaw 0100) is required to participate in and benefit from certain aspects of the Corporation's curriculum and to participate in online assessment, unsupervised use of technology resources may be limited or denied if such use is not under the direct supervision of school staff if a student's use of Corporation technology resources is in violation of the Corporation's policy regarding acceptable use. Students and their parents must sign and submit a Student Technology Acceptable Use and Safety form annually. (See also, Policy 7540.03)

The Superintendent shall develop and implement a written Corporation Technology Plan (CTP) annually. One of the primary purposes of the CTP is to evaluate new and emerging technologies and how they will play a role in student achievement and success and/or efficient and effective Corporation operations.

Annually the Superintendent shall require the review of the implementation of the current CTP, update that plan as need be, and recommend the updated plan for approval by the Board. The CTP will address the need for Corporation technology resources for all the Corporation’s instructional, operational and business functions, including, but not limited to software licenses, infrastructure hardware and software, technical support, telecommunication devices, servers, data storage, and recovery systems (both internal and external).

The Superintendent shall create a Technology Governance Committee to oversee and guide the development of the CTP. The Superintendent shall appoint individuals to the Technology Governance Committee that include representatives of all educational, administrative and business/operational areas in the Corporation.

The CTP shall state the procedures for the proper acquisition of technology. The CTP also shall provide guidance to staff and students about making safe, appropriate and ethical use of Corporation Technology Resources, as well as inform both staff and students about disciplinary actions that will be taken if its Technology Resources are abused in any way or used in an inappropriate, illegal, or unethical manner. See Policy 7540.03 – Student Technology Acceptable Use and Safety and AG 7540.03 – Student Technology Acceptable Use and Safety, and Policy 7540.04 – Staff Technology Acceptable Use and Safety and AG 7540.04 – Staff Technology Acceptable Use and Safety.

The Superintendent, in conjunction with the Director of Technology, shall review and report any changes, amendments, or revisions to the Board annually.

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies and the Student Code of Conduct, further govern students’ and staff members’ use of their personal communication devices (PCDs) (see Policy 5136 and Policy 7530.02). Users have no right or expectation of privacy when using Corporation Technology Resources (including but not limited to privacy in the

content of their personal files, e-mails and records of their online activity when using the Corporation's computer network and/or Internet connection).

Further safeguards shall be established so that the Board's investment in both hardware and software achieves the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to: using social media to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying.

The Board prohibits students from using Corporation Technology Resources to access and/or use social media for other than instructional purposes.

Staff may use social media for business-related purposes. Staff may use Corporation-approved social media platforms/sites in accordance with Policy 7544. Authorized staff may use Corporation Technology Resources to access and use social media Corporation-approved social media platforms/sites to increase awareness of Corporation programs and activities, as well as to promote achievements of staff and students, provided the Superintendent approves, in advance, such access and use. Use of Corporation-approved social media platforms/sites for business-related purposes is subject to Indiana's public records laws and, as set forth in Policy 7544, staff members are responsible for archiving their social media and complying with the Corporation's record retention schedule. See Policy 8310 – Public Records and AG 8310A – Access to Public Records.

Staff shall comply with Policy 7544, Policy 7540.04 and Policy 7530.02 when accessing social media from Corporation Technology Resources or from personal technology resources.

Staff shall comply with Policy 7540.04 and Policy 7530.02 when using Corporation Technology Resources to access and/or use social media.

Staff shall comply with Policy 7544, Policy 7540.04 and Policy 7530.02 when accessing social media from Corporation Technology Resources or from personal technology resources.

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TECHNOLOGY PRIVACY

7540.01 - **TECHNOLOGY PRIVACY**

The School Board recognizes its staff members' right to privacy in their personal lives. This policy serves to inform staff members of the Corporation's position with respect to staff-member privacy in the educational and workplace setting and to protect the Corporation's interests.

All computers, telephone systems, electronic mail systems, and voice mail systems are the Corporation's property and are to be used primarily for business purposes. The Corporation retains the right to access and review all electronic and voice mail, computer files, data bases, and any other electronic transmissions contained in or used in conjunction with the Corporation's computer system, telephone system, electronic mail system, and voice mail system. Staff members should have no expectation that any information contained on such systems is confidential or private.

Review of such information may be done by the Corporation with or without the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the Corporation retains the right to access information in spite of a password. All passwords or security codes must be registered with the Corporation. A staff member's refusal to permit such access may be grounds for discipline up to and including discharge.

Computers, electronic mail, and voice mail are to be used for business and educational purposes. Personal messages via Corporation-owned technology should be limited in accordance with the Superintendent's guidelines. Staff members are encouraged to keep their personal records and personal business at home.

Because the Corporation's computer and voice mail systems are to be used primarily for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

The Corporation is interested in its resources being properly used. Review of computer files, electronic mail, and voice mail will only be done in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the contents of such discovery will not be reviewed by the Corporation, except to the extent necessary to determine if the Corporation's interests have been compromised. Any information discovered will be limited to those who have a specific need to know that information.

The administrators and supervisory staff members authorized by the Superintendent have the authority to search and access information electronically.

All computers and any information or software contained therein are property of the Corporation. Staff members shall not copy, delete, or remove any information or data contained on the Board's computers/servers without the express permission of the Superintendent or designee or communicate any such information to unauthorized individuals. In addition, staff members may not copy software on any Corporation computer and may not bring software from outside sources for use on Corporation

equipment without the prior approval of the Superintendent. Such pre-approval will include a review of any copyright infringements or virus problems associated with such outside software.

DIGITAL CONTENT AND ACCESSIBILITY

7540.02- **DIGITAL CONTENT AND ACCESSIBILITY**

A. **Creating Digital Content**

The School Board authorizes staff members and students to create content for the School Corporation's website and Corporation-approved/affiliated apps and services (see Bylaw 0100 - Definitions) (digital content).

Corporation-generated and school-related digital content must comply with State and Federal law, e.g., copyright laws, Children's Internet Protection Act (CIPA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act (ADA), and Children's Online Privacy Protection Act (COPPA), and reflect the professional image/brand of the Corporation, its employees, and students. Corporation-generated digital content must be consistent with the Corporation's Mission Statement and is subject to prior review and approval of the Superintendent before being published on the Corporation's website or Corporation-approved/affiliated apps and services.

School-related student-created content for the Corporation's website or Corporation-approved/affiliated apps and services is subject to Policy 5722 - School-Sponsored Student Publications and Productions.

Creation of school-related content by students for the Corporation's website or Corporation-approved affiliated apps and services must be done under the supervision of a Corporation staff member.

B. **Purpose of Digital Content**

The Superintendent shall have final editorial authority over all content placed on the Corporation's servers or Corporation-affiliated servers and displayed on the Corporation's webpages, websites, and/or apps and services. The Superintendent has the right to remove pages or links from any webpage or website, as well as require that apps and services created by a Corporation staff member be removed from the Corporation's servers or Corporation-affiliated servers, based upon the Superintendent's determination that the content is inappropriate or is not accessible to individuals with disabilities.

The purpose of digital content covered by this policy is to educate, inform, and communicate. The following criteria shall guide the development of Corporation-generated digital content:

1. **Educate**

   Digital content provided shall be suitable for and usable by students and teachers to support the curriculum and Corporation's objectives.

2. **Inform**

   Digital content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. **Communicate**

   Digital content may communicate information about the plans, policies and operations of the Corporation to members of the public and other persons who may be interested in and/or affected by Corporation matters.

The information published on the Corporation's website and Corporation-approved/affiliated apps and services should reflect and support the Corporation's policies and philosophy, including any mission statement.

When the digital content includes a photograph or information relating to a student, including Corporation-issued email accounts, the Corporation shall abide by the provisions of Policy 8330 - Student Records.

All links included on the Corporation's webpages, websites, and apps and services also shall meet the above criteria and comply with State and Federal law (e.g., copyright laws, CIPA, Section 504, ADA, and COPPA). Nothing in this paragraph shall prevent the Corporation from linking the Corporation's webpages, websites, and apps and services to 1) recognized news/media outlets, e.g., local newspapers' websites, local television stations' websites, or 2) to webpages, websites, and apps and services that are developed and hosted by outside commercial vendors pursuant to a contract with the Board. The Board recognizes that such third party webpages, websites, and apps and services may not contain age-appropriate advertisements that are consistent with the requirements of Policy 9700.01 - Advertising, Commercial Activities, and Sponsorships/Naming Rights, AG 9700B - Criteria for Commercial Messages, and State and Federal law.

Under no circumstances is Corporation-generated digital content to be used for commercial purposes, political lobbying, or to provide financial gains for any employee or student. As part of this prohibition, digital content contained on the Corporation's website shall not: 1) include statements or other items that support or oppose a candidate for public office, the investigation, prosecution or recall of a public official, or the passage of a tax levy or bond issue; 2) include a link to a website of another organization if the other website includes such a message; or 3) communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

Under no circumstances shall a staff member post on their personal web pages/websites or private digital accounts (i.e., non-Corporation-approved/affiliated apps and services) student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Corporation's website or Corporation-approved/affiliated apps and services (e.g., Schoology/Powerschool) for the purpose of conveying information to students and/or parents.

Staff members are prohibited from requiring students to go to the staff member's personal webpages or websites and/or private digital accounts (i.e., non-Corporation-approved/affiliated apps and services) (including but not limited to the staff member's personal accounts on Facebook, Instagram, Pinterest, YouTube Channel(s), or TikTok site(s)) to check grades, obtain class assignments and/or class-related materials, or to turn in assignments.

If staff members create digital content related to their classes, they shall be hosted on the Corporation's website or a Corporation-approved/affiliated apps and services.

The Corporation's website, including school-specific websites, generally shall be open/available to the public unless specific digital content is unique to a specific child and/or includes student personally identifiable information, in which case the information must be password-protected or access to it must be otherwise restricted. When digital content involving student personally identifiable information or information concerning coursework particular to a specific student's classes/assignments is password-protected/access is otherwise restricted, the student's parent(s)/guardian(s) will continue to have access to that digital content.

Digital content published on the Board's website should reflect an understanding that both internal and external audiences shall be viewing the information.

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable tostaff and students who publish digital content on the Board's website and Corporation-approved/affiliated apps and services.

The Corporation retains all proprietary rights related to the design of and content for its website(s) and any apps and services it operates and/or is affiliated with, absent written agreement to the contrary.

In order for a student's school work (i.e., work that is created in or for a class or as part of a school-sponsored extracurricular activity) to be displayed on the Corporation's website, the student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) shall provide written permission and expressly license its display without cost to the Corporation.

Likewise, prior written permission of a student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) is necessary for a student to be identified by name on the Corporation's website.

C. **Accessibility of Web Content and Mobile Apps**

The Corporation is committed to providing individuals with disabilities an opportunity equal to that of individuals without disabilities to participate in the Corporation's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The Corporation is further committed to ensuring individuals with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any Corporation programs, services, and activities delivered online through the web or a mobile app, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the Corporation's programs, services, and activities delivered in person or online.

This policy reflects the Corporation's commitment to and intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, 34 C.F.R. Part 104, Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. 12131, and 28 C.F.R. Part 35, in all respects. For purposes of this policy, "web content" means "information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions." Examples of

web content include text, images, sounds, videos, controls, animations, and conventional electronic documents (e.g., content in the following electronic file formats: portable document formats ("PDF"), word processor file formats, presentation file formats, and spreadsheet file formats). Additionally, "mobile applications" ("mobile apps") means "software applications that are downloaded and designed to run on mobile devices, such as smartphones and tablets."

1. **Technical Standards**

   Web content and mobile apps that the Corporation provides and/or makes available, directly or through contractual, licensing or other arrangements, shall comply with the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1, Level AA standards, unless the Board can demonstrate that such compliance would result in a fundamental alteration in the nature of its programs, services, or activities, or an undue financial and administrative burden.

   Notwithstanding the preceding, Federal regulations provide for the following content types to have limited exemption from the WCAG 2.1, Level AA requirements:

   a. Archived web content (provided all four [4] Federal criteria are met).
   b. Preexisting conventional electronic documents (with specific restrictions).
   c. Third party content that is not created pursuant to a contract between the Board and a third party.
   d. Password-protected documents pertaining to a specific student or account.
   e. Preexisting social media posts.

Even when the preceding exceptions apply, however, the Corporation still will provide effective communication and reasonable modifications in accordance with the ADA.

In addition, documents currently used for accessing Corporation programs, services, programs, and/or activities do not qualify for the above exceptions, regardless of creation date.

When a person with a disability cannot access Corporation-generated or affiliated web content or mobile apps that meet WCAG 2.1, Level AA standards, the Corporation will: 1) provide alternate means of access to the same information and functionality; 2) make reasonable modifications to policies, practices, or procedures; 3) ensure effective communication through appropriate auxiliary aids and services; and 4) respond to accommodation requests within five (5) business days. Such accommodations may include: a) alternative document formats (large print, Braille, audio); b) telephone or in-person assistance for online services; or c) email or mail delivery of information typically accessed online.

2. **Digital Accessibility Coordinator**

   The Board designates its Section 504/ADA Compliance Coordinator(s) and/or Technology Director as the Corporation's Digital Accessibility Coordinator(s). That/Those individual(s) is/are responsible for coordinating and implementing this policy.

The Board commits to providing the Digital Accessibility Coordinator with sufficient resources and authority to coordinate and implement this policy and any corresponding guideline(s), subject to oversight by the Superintendent and the Board.

See Policy 2260.01 - 504/ADA Prohibition Against Discrimination Based on Disability for the Section 504/ADA Compliance Coordinator('s)(s') contact information.

3. **Third Party Content**

Links included on the Corporation's website and Corporation-approved/affiliated mobile apps that pertain to its programs, activities, and/or services also shall meet the above criteria and comply with State and Federal law (e.g., copyright laws, CIPA, Section 504, ADA, and COPPA). The Corporation's Digital Accessibility Coordinator(s) or designee(s) will vet online content available on the Board's website and through Corporation-approved/affiliated mobile apps that are related to the Corporation's programs, activities, and/or services for compliance with the criteria for all new content published on the Corporation's website and mobile apps after adoption of this policy.

Content posted by third parties (e.g., members of the public) on Corporation platforms is exempt from the WCAG 2.1, Level AA requirements. Those platforms, however, along with content posted by the Corporation staff or contractors, must be fully compliant.

Additionally, nothing herein shall prevent the Corporation from including links on its website(s) and apps and services to:

a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites); or

b. webpages, websites, or apps and services that are developed and hosted by outside vendors or organizations that are not part of the Corporation's program, benefits, or services.

The Board recognizes that such third party webpages, websites, and apps and services may contain advertisements that are not age-appropriate or consistent with the requirements of Policy 9700.01 - Advertising, Commercial Activities, and Sponsorships/Naming Rights, AG 9700B - Criteria for Commercial Messages, and State and Federal law.

4. **Regular Audits**

The Corporation, under the direction of the Digital Accessibility Coordinator(s) or designees, shall audit at regular intervals the Corporation's digital content to ensure it meets the required technical standards.

This audit shall occur at least annually.

If problems are identified through the audit, such problems will be documented, evaluated, and if necessary, remediated within a reasonable period.

5. **Reporting Concerns or Possible Violations**

If a person accessing the Corporation's web content and/or Corporation-approved/affiliated mobile apps (e.g., a student, prospective student, employee, guest, or

visitor) ("user") believes that specific web content and/or a mobile app has violated the WCAG 2.1, Level AA standards, the user may contact the Digital Accessibility Coordinator with any accessibility concerns. The user also may file a formal complaint utilizing the procedures set out in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

D. **Instructional Use of Apps and Services**

The Board authorizes the use of apps and services to supplement and enhance learning opportunities for students, either in the classroom or for extended learning outside the classroom.

The Board requires the Director of Technology pre-approve each of the apps and services that a teacher intends to use to supplement and enhance student learning. To be approved, the apps and services shall have a FERPA-compliant privacy policy and comply with all requirements of the COPPA, CIPA, and Section 504/ADA, including the WCAG 2.1, Level AA accessibility standards.

The Board further requires the use of a Corporation-issued e-mail address in the login process for Corporation-approved/affiliated apps and services.

E. **Training**

The Corporation will provide periodic training for its employees who:

1. create web content, documents, or multimedia materials;
2. manage the Corporation's website and digital services;
3. select and contract with technology vendors; and
4. work on online communications.

The training should cover this Policy and responsibilities associated with the specified staff members' roles related to implementation of this policy and ensuring the Corporation's digital content is appropriate and accessible.

Such training shall be facilitated by qualified individuals with demonstrated knowledge, skill, and experience concerning the accessibility standards and ADA compliance.

F. **One-Way Communication Using the Corporation Websites and/or Corporation-Approved/Affiliated Apps and Services**

The Board approves the use of the Corporation's website and Corporation-approved/affiliated apps and services to promote school activities and inform stakeholders and the general public about Corporation news and operations.

Such communications constitute public records that shall be archived.

When the Board or Superintendent designates communications distributed via the Corporation's website and/or Corporation-approved/affiliated apps and services to be one-way communication, public comments are not solicited or desired, and the website, or app or service is to be considered a nonpublic forum.

If the Corporation uses apps/services that do not allow the Corporation to block or deactivate public comments, the Corporation's use of those apps/services shall be subject to

Policy 7544 - Use of Social Media, unless the Corporation is able to withhold all public comments automatically.

If unsolicited public comments can be withheld automatically, the Corporation shall retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Access to Public Records, but it shall not review or consider those comments.

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Revised 8/26/24

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Legal
P.L. 106-554, Children's Internet Protection Act
15 U.S.C. 6501 et seq., Children's Online Privacy Protection Act
20 U.S.C. 6777, 9134
47 U.S.C. 254, Communications Act of 1934, as amended
28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities - Effective 6/24/2024)
34 C.F.R. Part 99, Family Educational Rights and Privacy Act
47 C.F.R. 54.520, Children's Internet Protection Act

STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

7540.03 - **STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY**

The educational value of student technology and internet access is the joint responsibility of students, teachers, parents and employees of the New Prairie United School Corporation (NPUSC). Since access to technological advances are a valuable and limited resource, students are expected to place a premium on the quality of use. Taking up valuable bandwidth and access time to pursue frivolous ends, would not be consistent with the mission of the NPUSC. These statements represent a guideline to the Acceptable Use Policies of NPUSC. Ultimately, parents and guardians of our students are responsible for setting and conveying the standards that their children should follow when using media and information sources. NPUSC makes the district's complete Internet policies and procedures available for review by all parents, guardians, and other members of the community.

Care, Usage, and Expectations (See Board Policy 5136 - Personal Communication Devices, Policy 5513 - Care of School Property, and Policy 7530 -Lending of Corporation-Owned Equipment)

A. All users must be consistent with the educational mission and goals of the school district.
B. The intent of the use policy is to make clear certain cases, which are consistent with the educational objectives of the school district, not to exhaustively count all such possible uses.
C. The Superintendent and his designees may at any time make determinations that particular users are or are not consistent with the purpose of the school district.
D. Parent requesting for their students to participate in accessing the Internet, must sign the form provided by the school stating that they wish such access. (Forms 7540.03F1) All students are also required to sign the form affirming that they have read, understand and will abide by the policies and the procedures pertaining to the Internet Acceptable Use policy.
E. Electronic devices loaned or leased to students and staff shall be used only for educational purposes that directly relate to school projects or assignments, unless otherwise explicitly authorized by a building administrator or designees.
F. Users are responsible for the proper care of electronic devices at all times, whether on or off school property, including costs associated with repairing or replacing the device.
G. Users must report a lost or stolen device to the building administrator immediately. If the Administrator cannot locate the device, then the parents will need to file a report with the school resource officer and/or the local police.
H. The policy and rules apply to the use of the electronic device at all times and/or places, on or off school property. Students are responsible for obeying and additional rules concerning care of devices issued by school staff.
I. The device configuration shall not be altered in any way by users. No software applications shall be installed, removed, or altered on the device unless permission is explicitly given by the teacher or building administrator.
J. The device is to be used only by the student or staff member to whom it is issued. The person to whom the device is issued will be responsible for any activity or action performed on the device.
K. School issued iPads and all accessories must be returned to NPUSC for any reason or whenever requested by a staff member. If a student fails to return the iPad or accessories at

the end of their senior school year or upon termination of enrollment with NPUSC they will be subject to a financial liability until the iPad and accessories are returned, in good condition, or associated fees are received, up to and including the full replacement cost of the device and associated accessories.

L. Students are given curriculum items via the iPad. If a parent or guardian wishes not to have their student take the iPad, then the parent or guardian is responsible to access/print that information at their own expense.
M. All HS & MS students will return their assigned iPads (with cases) at the end of the school year during the final week(s) of school. Students will keep their individual charging cables and power bricks during summer vacation. When they receive their iPad in July, they will use the charging cable and power brick that was originally issued to them. NOTE: Power bricks should last a very long time but charging cables can be fragile depending on how well students take care of them. Faulty or lost bricks or cables may be replaced by purchasing them from their school.
N. Students will be able to use their iPad to complete eLearning days unless it is in repair and or had misuse. eLearning days are classified by the IDOE as a regular instructional day for students. Not completing work on an eLearning day or the allotted days to follow will result in an incomplete grade.
O. Under the Children's Internet Protection Act (CIPA), districts are required to restrict minors' access to internet-based materials. The District has licensed a commercial internet filtering package that meets or exceeds the CIPA requirements for student protection. Students using district-provided Internet access must first have the permission of and must be supervised by the district's professional staff. Students using district-provided Internet access are responsible for good behavior online just as they are in a classroom or other area of the school. If students use their personal device using their own data plan (3G/4G), they will not be filtered by the district Internet filter. Inappropriate use of the Internet using a personal data plan will be subject to discipline. The same general rules for behavior and communications apply. Parents should be made aware of student Internet use by means of a written notice, perhaps in the student handbook or a student delivered handout.

Outlining Prohibited Uses (See Board Policy 5517.01- Bullying, Policy 7543 - Remote Access to the Corporation's Network, and Policy 7540.03 - Student Network and Internet Acceptable Use and Safety)

A. Accessing or Communicating Inappropriate Materials – Users may not access, submit, post, publish, distribute, forward, download, scan or display defamatory, abusive, obscene, vulgar, sexually explicit, sexually suggestive, threatening, discriminatory, harassing, bullying and/or illegal materials or messages.
B. Illegal Activities – Users may not use the school district's computers, electronic devices, networks, email, iTunes accounts, or Internet services for any illegal activity or in violation of any Board policy/procedure or school rules.
C. Violating Copyrights or Software Licenses – Downloading, copying duplicating and distributing software, music, sound files, movies, images or other copyrighted materials without the specific written permission of the copyright owner is prohibited, except when the use falls within the Fair Use Doctrine of the United States Copyright Law (Title 17, U.S.C.) and content is cited appropriately.
D. Plagiarism – Users may not represent as their own work any materials obtained on the Internet (such as term papers, articles, music, etc.). When using other sources, credit must be given to the copyright holder.
E. Use for Non-School-Related Purposes – School district's computers, electronic devices, networks and Internet services are provided for purposes related to educational programs, school operations, and performance of job responsibilities. Incidental personal use of school devices is permitted as long as such use: 1) does not interfere with the user's responsibilities and performance; 2) does not interfere with system operations or other system users; and 3) does not violate this policy and the accompanying rules, or any other Board policy,

procedure or school rules. “Incidental personal use” is defined as use by an individual for occasional personal communications.

F. Misuse of Passwords/Unauthorized Access – Users may not share passwords; use of other users’ passwords; access or use other users’ accounts; or attempt to circumvent network security systems.
G. Malicious Use/Vandalism – Users may not engage in any malicious use, disruption or harm to the school district’s computers, electronic devices, network and Internet services, including but not limited to hacking activities and creation/uploading of computer viruses and erasing information.
H. Avoiding School Filters – Users may not attempt to use any software, utilities or other means to access Internet sites or content blocked by the school filters. “Jailbreaking” is considered Avoiding School Filters.
I. Unauthorized Access to Blogs/Social Networking Sites, Etc. – Users may not access blogs, social networking sites, etc. prohibited by building administration or the NPUSC Technology Department. Teachers and students using authorized social networking sites for educational projects or activities shall follow the age requirements and legal requirements that govern the use of social networking sites in addition to the guidelines established in this policy.
J. Wasting System Resources – Users shall not use the network in such a way that would waste system resources or disrupt the use of the network by others. This includes but is not limited to excessive printing, file storage, online games, and video/audio streaming not directly related to educational projects, as determined by the supervising instructor or building administrator.
K. Unauthorized Equipment – Users may not attach unauthorized equipment, including personal laptops, tablets, and handheld devices, to the district’s secured network without permission from the NPUSC Technology department.
L. Electronic devices will not be decorated with stickers, writings, or other markings.
M. Users shall not use school district computers or networks for purposes of personal profit.
N. The use of cameras in any type of electronic device is strictly used for educational purposes only.
O. Cameras used in the restroom, locker room, and swimming pool are strictly prohibited.
P. Use of student personal email and iTunes accounts on the electronic device will be strictly used for educational purposes only.
Q. Monitoring may include, but it is not necessary limited to, visual observations of online activities during class sessions or use of specific monitoring tools tp review browser history and network, server, and computer logs.

Consequences for Misuse (See Board Policy 5136 - Personal Communication Devices, Policy 5600 - Student Discipline, Policy 5610 - Suspension and Expulsion of Students, and Policy 5771 - Search and Seizure)

A. School administrators may revoke the use of an iPad due to poor performance in academics, attendance, and/or behavior.
B. Violation of policies or rules governing the use of electronic devices or any careless use of the device may result in a student’s device being confiscated and/or a student only being allowed to use the device under the direct supervision of school staff. The student will also be subject to disciplinary action for any violations of Board policies/procedures or school rules.
C. Use of the Internet is a privilege, not a right. Students violating policies pertaining to standards of conduct or Internet use shall be subject to revocation of privileges and potential disciplinary and/or appropriate legal action.

Artificial Intelligence in Schools

NPUSC recognizes the emerging impact Artificial Intelligence (AI) can bring to the student learning

process. AI may be used under the approval and direction of NPUSC teachers for academic purposes to assist in the learning process. AI may not be used for purposes of plagiarism or academic dishonesty. AI may not be used in any situation that would lead to the harassment or bullying of another student, teacher, staff, or administration. Any inappropriate usage of AI for academic dishonesty or harassment/bullying of another student, teacher, staff, or administration may be subject to academic accountability or student discipline at the discretion of NPUSC administration.

Use of Artificial Intelligence/Natural Language Processing Tools for School Work

Students are required to rely on their own knowledge, skills, and resources when completing school work. In order to ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, the use of Artificial Intelligence (AI) and Natural Language Processing (NLP) tools (collectively, "AI/NLP tools") is strictly prohibited for the completion of school work. The use of AI/NLP tools, without the express permission/consent of a teacher, undermines the learning and problem-solving skills that are essential to academic success and that the staff is tasked to develop in each student. Students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI/NLP tools and they should ask their teachers when they have questions and/or need assistance. Unauthorized use of AI/NLP tools is considered a form of plagiarism and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct.

Notwithstanding the preceding, students can use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

A. **Research assistance:** AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.
B. **Data Analysis:** AI/NLP tools can be used to help students analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments - e.g., scientific experiments and marketing research.
C. **Language translation:** AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.
D. **Writing assistance:** AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.
E. **Accessibility:** AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments understand spoken language.

As outlined above, under appropriate circumstances, AI/NLP tools can be used as a supplement to but not a replacement for traditional learning methods. Consequently, with prior teacher permission/consent, students can use such resources to help them better understand and analyze information and/or access course materials. If a student has any questions about whether they are permitted to use AI/NLP tools for a specific class assignment, they should ask their teacher.

Textbook and Technology Fees (See Board Policy 6152 -Student Fees and Charges)

A. A textbook rental fee shall be accessed and shall not exceed the combined cost of the material used, freight and/or handling and processing a student's iPad or an issued iPad loaner.
B. When school property, equipment, or supplies are damaged, lost, or taken by a student, a fee will be assessed. The fee will be reasonable, seeking only to compensate the school for the expense or loss incurred. The device, bag, cord and/or case apply to this policy. In the event the above course of action does not result in the fee being collected, the Board authorizes the Chief Financial Officer to pursue collections.
C. The iPad may be restricted due to:

    1. Failure to pay for iPad damages and/or cost of repair within thirty (30) business days or the approved payment plan through the Chief Financial Officer. The New Prairie United School Corporation has contracted with a professional collection service to secure delinquent book rental fees, and any charges the school may assess for but not limited to lost books, cafeteria fees, library nooks, extracurricular activities, fund raising, and tuition. The initial charge will be ten dollars, ($10.00) per account (each student name is an individual account) for that company's services. Should the professional collection service request to initiate additional steps, individuals will be subject to additional charges which may include but not limited to late fees, client collection fees, reasonable attorney fees, and court costs on any outstanding balance.
    2. Failure to pay for textbook rental by the end of the first semester or approved payment plan through the Chief Financial Officer.
    3. Multiple instances for iPad damages.
    4. Total replacement of the iPad.

Accidental or Intentional Damage (See Board Policy 5136 - Personal Communication Devices, Policy 7530 -Lending of Corporation-Owned Equipment, and Policy 7540.03 -Student Network and Internet Acceptable Use and Safety)

A. Accidental, purposeful, and/or malicious damage as determined by school administrators will be subject to the full replacement value of the electronic device. In addition, students may be responsible for compensating the school district for any losses, costs, or damages incurred for violations of Board policies/procedures and school rules including the cost of investigating such violations. The school district assumes no responsibility for any unauthorized charges or costs incurred by users while using school district computers, devices, or the school network. Parents may choose to purchase private insurance available through the school for their child's device.
B. NPUSC makes no assurances of any kind, whether expressed or implied, regarding any Internet service provided. The school district will not be responsible for any damages the user suffers. Use of any information obtained via the Internet is at the user's own risk. The school district will not be responsible for any damages users suffer, including but not limited to:

    1. Loss of data resulting from delays or interruption in service.
    2. Accuracy of quality of information stored on school district's computers.
    3. Nature of quality of information gathered through NPUSC's Internet access or email.
    4. Personal property used to access school district computers or network for school district-provided Internet access.
    5. For unauthorized financial obligations resulting from NPUSC's Internet.

6. NPUSC and its employees and agents assume no responsibility for illegal activities of students while using school computers or school-issued electronic resources.

C. Device Insurance is offered by the Corporation to students at a nominal charge. If a student purchases the device insurance they are allowed two (2) damage claims per school year after which they will be charged the current repair or replacement cost for any subsequent damage. Costs will be evaluated and set by the Treasurer's Office, in conjunction with the Technology Department, at the start of a school year. The insurance coverage does not include the iPad case, power cord, or power adapter.

Student Information Security (See Board Policy 7540.01 -Technology Privacy and Policy 8330 - Student Records)

A. Users may not reveal personal information, including a home address and phone number, and email about themselves or another individual on any unsecured electronic medium, such as web sites, blogs, podcasts, videos, wikis, or social networking sites. If users encounter dangerous or inappropriate information or messages, they shall notify the school administration immediately.
B. Staff may post student pictures on district/school/classroom “public” web sites as long as the student’s name or other identifying information is not stored only on district-approved secure sites that require a username and password for authorized individuals to access.
C. NPUSC staff must maintain the confidentiality of student data in accordance with the Family Education Rights and Privacy Act (FERPA).
D. The Superintendent, principals, and other administrators may review and monitor all student computer and Internet activity to maintain system integrity and ensure that users are acting responsibly. Privacy is not guaranteed. There is no expectation of privacy. Electronic messages and files stored on school-based computers are school property.

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STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.04- **STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The School Board provides School Corporation Technology Resources and Information Resources (as defined by Bylaw 0100 - Definitions) to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The Corporation's computer network and Internet system do not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of Corporation Technology Resources and Information Resources by principles consistent with applicable local, State, and Federal laws, and the Corporation's educational mission. This policy, its related administrative guidelines, Board Policy 7544 - Use of Social Media and AG 7544 - Use of Social Media, and any applicable employment contracts and collective bargaining agreements govern the staffs' use of the Corporation's Technology Resources and Information Resources and staff's personal communication devices (PCDs) when they are connected to the Corporation's computer network, Internet connection and/or online educational apps and services, or when used while the staff member is on Corporation-owned property or at a Corporation-sponsored activity (see Board Policy 7530.02 - Web Content, Apps and Services).

Users are prohibited from engaging in actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like) when using Corporation Technology Resources and Information Resources. Because its Technology Resources are not unlimited, the Board also has instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right to or expectation of privacy when using Corporation Technology Resources and Information Resources (including but not limited to privacy in the content of their personal files, e-mails, and records of their online activity when using the Corporation's computer network and/or Internet connection).

Staff members are expected to utilize Corporation Technology Resources and Information Resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services will be guided by Board Policy 2520 – Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that provides students and staff with access to up-to-date, highly relevant information that will enhance their learning and the education process. Further, Corporation Technology Resources provide students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

The Corporation may not be able to limit access technologically through its Technology Resources to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past, when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources which may not have been screened by educators for use by students of various ages.

The Board prohibits the sending, receiving, viewing, or downloading of materials that are harmful to minors on computers and other technology related devices owned or leased by the Corporation or connected to the Corporation's computer network.

The Board prohibits an employee from using Corporation Technology Resources and Information Resources to:

A. engage in lobbying (as defined in I.C. 2-7-1-9) that is outside the scope of the employee's duties;
B. engage in illegal activity; or
C. violate the Corporation's cybersecurity policy (if applicable).

Pursuant to Federal law, the Corporation has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children’s Internet Protection Act or I.C.35-49-2-2. At the discretion of the Board or Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using Corporation Technology Resources and Information Resources if such disabling will cease to protect against access to materials that are prohibited under the Children’s Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The Superintendent or Director of Technology may unblock temporarily or permanently access to websites or online educational apps and services containing appropriate material if access to such sites has been blocked inappropriately by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protective actions of the technology protection measures. The Superintendent or Directory of Technology may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

A. the safety and security of students while using e-mail, chat rooms, social media, and other forms of direct electronic communications;

B. the inherent danger of students disclosing personally identifiable information online;

C. the consequences of unauthorized access (e.g.,"hacking," "harvesting," "digital piracy," "data mining," etc.), cyberbullying and other unlawful or inappropriate activities by students online; and

D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and staff members will monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

Building principals are responsible for providing training so that users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Corporation Technology Resources. All users of Corporation Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Staff will be assigned a school email address that they are required to utilize for all school-related electronic communications, including those to students, parents, and other constituents, fellow staff members, and vendors or individuals seeking to do business with the Corporation.

With prior approval from the Superintendent or Designee, staff may direct students who have been issued school-assigned email accounts to use those accounts when signing-up/registering for access to various online educational services, including mobile applications and apps and services that will be utilized by the students for educational purposes under the teacher's supervision.

Staff members are responsible for good behavior on Corporation Technology Resources and Information Resources, i.e., behavior comparable to that expected when they are in classrooms, in school hallways, on other school premises and at school-sponsored events.

Communications on Education Technology are often public in nature. The Board does not approve any use of its Technology Resources and Information Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Staff members may use Corporation Technology Resources and Information Resources to access or use social media only if it is done for Corporation educational or business-related purposes.

Staff members' use of Corporation Technology Resources and Information Resources to access or use social media shall be consistent with Policy 7544 - Use of Social Media and its accompanying guidelines.

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the Corporation's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property, including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

General school rules for behavior and communication apply.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action may be imposed against them. Users are personally responsible and liable, both civilly and criminally, for uses of Technology Resources and Information Resources not authorized by this Board Policy and its accompanying guidelines.

The Board designates the Superintendent, the Assistant Superintendent and Director of Technology as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of Corporation Technology and Information Resources. Users who violate this policy will be subject to disciplinary action, up to and including termination.

Social Media Use

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parent consent (see Board Policy 8330 - Student Records). Education records include a wide variety of information, and posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential student or employee information may be disciplined.

Nothing in this policy is intended to interfere with any school employee's rights under applicable law with respect to union organizing or collective bargaining.

Use of Artificial Intelligence/Natural Language Processing Tools

Staff are permitted to use Artificial Intelligence (AI) and Natural Language Processing (NLP) tools (collectively, "AI/NLP tools") to accomplish their job responsibilities so long as the use is ethical, responsible, and does not violate any provisions of this policy (e.g., it does not infringe on students' or staff members' privacy rights, violate their duty to maintain confidentiality related to personally identifiable information, etc.

With respect to students, it is the Board's policy that they are required to rely on their own knowledge, skills, and resources when completing school work. In order to ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, students are prohibited from using AI/NLP tools to complete school work. The use of AI/NLP tools without the express permission/consent of a teacher is considered to undermine the learning and problem-solving skills that are essential to a student's academic success and that the staff is tasked to develop in each

student. Consequently, students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI/NLP tools, and they are expected to ask their teachers when they have questions and/or need assistance. A student's unauthorized use of AI/NLP tools is considered a form of plagiarism, and any student found using such tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct.

Notwithstanding the preceding, students are allowed to use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

A. Research assistance: AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.
B. Data Analysis: AI/NLP tools can be used to help students to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments, e.g., scientific experiments and marketing research.
C. Language translation: AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.
D. Writing assistance: AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.
E. Accessibility: AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments to understand spoken language.

As outlined above, under appropriate circumstances, AI/NLP tools can be used effectively as a supplement to but not a replacement for traditional learning methods. Consequently, with prior teacher permission/consent, students can use AI/NLP tools to help them better understand and analyze information and/or access course materials. If a student has any questions about whether they are permitted to use AI/NLP tools for a specific class assignment, they should ask their teacher.

This policy shall be posted on the Corporation's website.

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Revised 11/26/12
Revised 2/23/15
Revised 6/22/20
Revised 5/22/23

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Legal
P.L. 106-554 (2000), Children's Internet Protection Act
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)
18 U.S.C. 1460
18 U.S.C. 2246

18 U.S.C. 2256
20 U.S.C. 6301 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)
20 U.S.C. 6777, 9134 (2003)
47 C.F.R. 54.500 - 54.523
I.C. 2-7-1-9
I.C. 20-26-5-40.5
I.C. 35-49-2-2□□□

ARTIFICIAL INTELLIGENCE

7540.09 - **ARTIFICIAL INTELLIGENCE ("AI")**

The School Board recognizes the positive impact that artificial intelligence ("AI") technology may have on the School Corporation's educational program and operations. The Superintendent is authorized to support the use of AI technology when its use is consistent with the Corporation's mission, goals, and operational integrity.

Any use of AI technology in the Corporation's educational program or operations must be in accordance with State and Federal law as well as Board policies including, but not limited to, the following: Board Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs and Activities; Board Policy 5136 - Personal Communication Devices; Board Policy 5500 – Student Conduct; Board Policy 7540.03 – Student Technology Acceptable Use and Safety; Board Policy 7540.04 – Staff Technology Acceptable Use and Safety; Board Policy 8330 – Student Records; Board Policy 8350 - Confidentiality; and Board Policy 8351 - Security Breach of Confidential Databases.

Violation of this policy may result in disciplinary consequences. Students may be disciplined for violations, up to and including suspension or expulsion. Staff may be disciplined for violations, up to and including suspension or termination of employment. The Administration will refer any illegal acts to law enforcement.

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ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN

7541 - **ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN**

The Board of School Trustees is committed to maintaining and protecting the Corporation's Information System. The Board believes that a complete and accurate Information System which includes educational, student, fiscal and personnel information is vital to the Board's ability to deliver uninterrupted educational service to the community it represents. To that end, the Superintendent, shall develop, test and maintain an *Electronic Data Processing Disaster Recovery Plan* for use in the event a disaster should disable the Corporation's electronic data processing equipment.

The Plan may include:

A. adequate equipment insurance;

B. a list of the applications that are used by the Corporation;

C. procedures used to backup all programs and data on a daily, monthly, quarterly and year-end basis;

D. backup storage off-site;

E. maintenance agreements for hardware and software (including, but not limited to the operating system);

F. a list of vendor contacts to be called for the immediate replacement of disabled equipment or corrupted software;

G. as a last resort, the procedure to create payroll checks and budgetary checks, and perform other necessary accounting functions, manually or off site.

PROPERTY
p07542

NETWORK ACCESS FROM PERSONALLY-OWNED COMPUTERS AND/OR OTHER WEB- ENABLED DEVICES

7542 - **NETWORK ACCESS FROM PERSONALLY-OWNED COMPUTERS AND/OR OTHER WEB- ENABLED DEVICES**

Corporation students and employees, as well as contractors, vendors and agents of the Corporation, shall not be permitted to access the Corporation's server and internal network, while on-site at a Corporation facility, from their personal computers and/or web- enabled devices of any type.

REMOTE ACCESS TO THE CORPORATION'S NETWORK

7543 - **REMOTE ACCESS TO THE CORPORATION'S NETWORK**

Access to the Corporation's Website (www.npusc.k12.in.us) is encouraged.

The following resources shall be available on the Corporation's website:

A. the Corporation's calendar of events

B. (grade book program)

C. (required State report)

D. Board agendas and minutes

The Board encourages employees, parents, students, and community members to check the Corporation's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally identifiable nature of the information provided through that resource (e.g., the grade book program and e-mail system). If a user name and password, or login procedure, is necessary to access a resource, information shall be provided on the website explaining who is eligible for a user name and password, how to obtain a user name and password, and detailed instructions concerning the login process.

Access to the Corporation Network through Server

Board members/Corporation employees/students are permitted to use their personally-owned or Corporation-owned computer or workstation and/or web-enabled devices of any type to remotely (i.e. away from Corporation property and facilities) access the Corporation's server and thereby connect to the Corporation's Network. This policy is limited to remote access connections that are used to do work on behalf of or for the benefit of the Corporation, including, but not limited to, reading or sending e-mail and reviewing Corporation-provided intranet web resources and completing assigned coursework.

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

A. his/her device computer/device must have, at the minimum, the anti-virus software specified in the Corporation's standards for remote access and connection

B. the individual may only access the Network using his/her assigned user name and password

   The individual must not allow other persons, including family members, to use his/her user name and password to login into the Network. The user may not go beyond his/her authorized access.

C. his/her device may not be connected to any other network at the same time s/he is connected to the Network, with the exception of personal networks that are under the complete control of the user

D. the individual may not access non-Corporation e-mail accounts (e.g. Hotmail, Gmail, Yahoo, AOL, and the like) or other external resources while connected to the Network

E. his/her device may not, at any time while the individual is using remote access to connect to the Network, be reconfigured for the purpose of split tunneling or dual homing

F. use of the Network is contingent upon the individual abiding by the terms and conditions of the Corporation's Network and Internet Acceptable Use and Safety policy and guidelines

Users may be required to sign the applicable agreement form (Form 7540.03 F1 or Form 7540.04 F1) prior to being permitted to use remote access.

Additional standards and regulations for remotely accessing and connecting to the Corporation network shall be developed and published in AG 7543 - Standards and Regulations for Remote Access and Connection.

Any user who violates this policy may be denied remote access and connection privileges.

Any employee who violates this, and/or agent who violates this policy may have his/her contract with the Corporation terminated; and any student who violates this policy may be disciplined up to and including suspension or expulsion.

USE OF SOCIAL MEDIA

7544- **USE OF SOCIAL MEDIA**

Technology is a powerful tool to enhance education, communication, and learning.

The School Board authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents/guardians, staff, and the general public. Social media is defined in Bylaw 0100.

The Superintendent is charged with designating the Corporation-approved social media platforms/sites, which shall be listed on the Corporation's website.

In designating Corporation-approved social media platforms/sites, the Superintendent shall specify which platforms/sites are appropriate for use at the Corporation-level, the building level or department level, for extra-curricular activities, and at the individual level by employees for professional purposes.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media (as defined in Bylaw 0100) are a powerful and pervasive technology that afford students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates that the Corporation provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. See Board Policy 7540.03 – Student Technology Acceptable Use and Safety.

The Corporation recognizes that employees may use social media for personal as well as professional reasons. The Corporation neither encourages nor discourages employees' use of social media for personal purposes. The Corporation regulates employees' use of social media for purposes related to their Corporation assignment to the same extent as it regulates any other form of employee communication in that regard.

The Corporation uses approved social media platforms/sites as interactive forms of communication and accepts public comments. The Corporation-approved social media platforms/sites are considered limited public forums. As such, the Corporation will monitor posted comments to verify they are on-topic, consistent with the posted rules for use of the forum, and in compliance with the platform/site's applicable terms of service. The Board's review of posted comments will be conducted in a viewpoint-neutral manner, and consistent with State and Federal law. Employees' personal posts on the public platforms/sites are limited/restricted to matters of general public interest that are not related to the employee's specific employment and wholly unrelated to the employee's job responsibilities (i.e., matters where it is clear the individual is posting not in an official capacity, but simply as a member of the public). Employees in administrative positions are ordinarily not permitted to post personal comments on matters of general public interest because to do so could be misconstrued as Board-sponsored speech.

Each Corporation-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site and use of the account/site for

only that/those purpose(s) and in accordance with any specified procedures and applicable terms of service. Users are personally responsible for the content of their posts.

Social Media for Instructional and School-Sponsored Activities

Staff may, with prior approval/authorization from the Principal, use social media platforms/sites for classroom instruction or school-sponsored activities. When a staff member uses a Corporation-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of Corporation-approved social media platforms/sites must be consistent with the Student Code of Conduct, Policy 5722/AG 5722 – School-Sponsored Student Publications and Productions, Policy 7540.03/AG 7540.03 – Student Technology Acceptable Use and Safety, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personally identifiable information about students, employees, and volunteers through Corporation-approved social media without appropriate consent.

Expected Standards of Conduct on Corporation-Approved Social Media

Employees who access Corporation-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access Corporation-approved social media platforms similarly are expected to conduct themselves in a respectful, courteous, and civil manner.

Corporation-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with Corporation operations; or interferes with the rights of others. The Corporation may exercise editorial control over the style and content of student speech on Corporation-approved social media if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The Corporation is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on Corporation-approved social media sites. Corporation employees are prohibited from posting or releasing confidential information about students, employees, volunteers, or Corporation operations through social media without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the Superintendent concerning Corporation operations).

Corporation communications that occur through the use of Corporation-approved social media platforms/sites – including staff members' use of social media with school-sponsored activities, and comments, replies, and messages received from the general public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes. (See AG 8310A – Requests for Public Records)

If a staff member uses Corporation-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Principal

concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

Employee's Use of Corporation Technology Resources To Access Social Media for Personal Use

Employees are permitted to use Corporation technology resources (as defined in Bylaw 0100) to access social media for personal use during breaks, mealtimes, and before and after scheduled work hours.

They are reminded that the Corporation may monitor their use of Corporation technology resources.

Employees' Use of Personal Communication Devices at Work To Access Social Media for Personal Use

Employees are permitted to use personal communication devices to access social media for personal use during breaks and mealtimes.

Employees are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative guidelines. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job or violates State or Federal law, Board policies, or administrative guidelines, the Corporation may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

This policy and its corresponding administrative guideline will be reviewed and updated as necessary.

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Legal
Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)
Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)

VOLUNTEERS

8120 **- VOLUNTEERS**

The School Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the staff responsible for the implementation of those programs and activities.

The Superintendent shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. The Superintendent shall not be obligated to make use of volunteers whose abilities are not compatible with the School Corporation's needs.

Volunteer Coaches

Before allowing an individual to serve as a volunteer coach, the Corporation shall conduct an expanded criminal history check (as defined in I.C. 20-26-2-1.5) on the volunteer coach **at the expense of the corporation**.

Additionally, before the Corporation hires or allows an individual to coach an Indiana High School Athletic Association-recognized sport, the Corporation must take the following steps:

A. ask the individual:
    1. whether the individual is or has been accredited by the association; and
    2. if the individual is or has been accredited by the association, whether the individual's accreditation has ever been suspended or revoked.
B. request references from the individual;
C. contact the references that the individual provides to the Corporation; and
D. contact the association to determine whether the individual's accreditation has ever been suspended or revoked.

The Corporation shall make a report to the Department of Child Services if a volunteer coach has engaged in suspected child abuse or neglect.

The Corporation shall report to the association when a volunteer coach accredited by the association has been convicted of an offense described in I.C. 20-28-5-8(c) or of a known comparable offense in another state. These offenses include:

A. A sex crime under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).
B. Kidnapping (I.C. 35-42-3-2).
C. Criminal Confinement (I.C. 35-42-3-3).
D. Incest (I.C. 35-46-1-3).
E. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).
F. Dealing in methamphetamine (I.C. 35-48-4-1.1).
G. Manufacturing methamphetamine (I.C. 35-48-4-1.2).
H. Dealing in a Schedule I, II, or III controlled substance (I.C. 35-48-4-2).
I. Dealing in a Schedule IV controlled substance (I.C. 35-48-4-3).
J. Dealing in a Schedule V controlled substance (I.C. 35-48-4-4).

K. Dealing in a counterfeit substance (I.C. 35-48-4-5).
L. Dealing in marijuana, hash oil, hashish, or salvia is a felony (I.C. 35-48-4-10).
M. 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).
N. Homicide (I.C. 35-42-1).
O. Voluntary manslaughter (I.C. 35-42-1-3).
P. Reckless homicide (I.C. 35-42-1-5).
Q. Battery as any of the following: (I) 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). (ii) 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). (iii) 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).
R. Aggravated battery (I.C. 35-42-2-1.5).
S. Robbery (I.C. 35-42-5-1).
T. Carjacking (I.C. 35-42-5-2) (before its repeal).
U. 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)).
V. Burglary is 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).
W. Human trafficking (I.C. 35-42-3.5).
X. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).
Y. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.
Z. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.
AA. 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.

The Corporation shall report suspected misconduct by a volunteer coach that may constitute a crime to local law enforcement.

Without conferring the rights of an employee on a volunteer coach, the Corporation shall comply with I.C. 22-5-3-1 (Indiana's blacklisting law) regarding a volunteer coach, including the provisions for civil immunity regarding disclosures made about a volunteer coach.

Other Volunteers within NPUSC

With respect to all other volunteers that have direct contact with students on school grounds during the school day:

To protect students and staff members, the Board requires an inquiry into the personal background of each volunteer who is likely to have direct, ongoing contact with children within the scope of their service as a volunteer.

Each volunteer who is in direct contact with students will be required to submit to a Limited Criminal History Record Check through the Indiana State Police before the start of their volunteer service. Additional information may be required to complete the record check, including fingerprints at the volunteer's expense.

The procedures shall ensure that information and records obtained from criminal history inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or to defend a decision made pursuant to this policy.

The Board shall prohibit volunteer service by an individual who has been 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.

The Board also shall prohibit volunteer service by an individual who has been 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. Likewise, the Board shall terminate the volunteer service of an individual who has been 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.

The Board may prohibit volunteer service by or terminate the volunteer service of an individual who is the subject of a substantiated report of child abuse or neglect.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time at the expense of the volunteer if the Corporation has reason to believe that the volunteer:

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); or
C. has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b).

The Superintendent is to inform each volunteer that the volunteer:

A. shall agree to abide by all Board policies and Corporation guidelines while on duty as a volunteer;
B. will be covered under the Corporation's liability policy, but the Corporation shall not provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the volunteer eligible for workers' compensation;
C. will be asked to sign a form releasing the Corporation of any obligation should the volunteer become ill or receive an injury as a result of the volunteer's services;
D. will be required to report any arrest or the filing of criminal charges against the volunteer;
E. will be required to report any convictions for a crime while serving as a volunteer;
F. will be required to report any substantiated report of child abuse or neglect of which the volunteer is the subject.

The Superintendent also shall ensure that each volunteer is properly informed of the Corporation's appreciation for the volunteer's time and efforts in assisting the operation of the schools.

Off-Campus Staff Members/Volunteers

Purpose

To ensure the safety and well-being of all students, the Board is committed to maintaining a secure environment by thoroughly vetting individuals who may have direct and ongoing contact with students through off-campus activities or services during the school day.

The Board requires an inquiry into the personal background of each off-campus staff member and/or volunteer who is likely to have direct, ongoing contact with students within the scope of their service. This applies to any individual not employed directly on campus but acting in a capacity where interaction with students occurs.

Background Check Requirements

Each off-campus staff member/or volunteer who is not under the direct supervision of NPUSC and is in direct contact with students must either:

A. provide consent for their Board-approved background check to be shared with the school corporation on a yearly basis; or
B. submit to an expanded criminal history check utilized by the school corporation at their expense.

The required background check shall include the following components:

A. An expanded criminal history check as defined by Indiana Code (I.C.) 20-26-2-1.5;
B. An Indiana expanded child protection index check, as defined by I.C. 20-26-2-1.3;
C. An expanded child protection index check in any other state where the individual has resided;
D. A search of the National Sex Offender Registry maintained by the United States Department of Justice;
E. A search of the State child abuse registry applicable to each state of residence;
F. An Indiana Bureau of Motor Vehicles driver history report is required if the individual's duties involve transporting students or operating a vehicle on behalf of the corporation.

Compliance and Enforcement

Failure to consent to this policy will result in disqualification from participation in any activity or service involving direct contact with students during school hours. Only background checks approved by the Board will be considered and must be completed on a yearly basis before contact with students will be allowed.

Revised 12/16/10
Revised 4/24/17
Revised 6/22/20
Revised 5/22/23

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Legal
I.C. 5-2-22
I.C. 10-13-3
I.C. 20-26-2-1.3

I.C. 20-26-2-1.5
I.C. 20-26-5-10, -11 and -11.5
I.C. 20-26-14-2.5
I.C. 20-26-14-8
I.C. 20-26-14-9
I.C. 20-28-5-8(c)
I.C. 22-5-3-1

PERSONAL BACKGROUND CHECK - CONTRACTED SERVICES- DS

8121 - **PERSONAL BACKGROUND CHECK – CONTRACTED SERVICES**

To protect students and staff members, the School Board requires an inquiry into the personal background of each contractor, subcontractor, and employee of a contractor or subcontractor who is likely to have direct, ongoing contact with children within the scope of their contracted service or employment.

The Superintendent shall establish the necessary procedures to provide that (1) individuals serving as contractors or subcontractors submit to a background check and (2) entities operating as contractors or subcontractors conduct an inquiry into the background information of their employees who are likely to have direct, ongoing contact with children, that shall include the following:

A. an expanded criminal history check as defined by I.C. 20-26-2-1.5

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

C. an expanded child protection index check in other states

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

E. beginning July 1, 2017, a search of the State child abuse registry

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

Eligibility

Each contractor and subcontractor shall require that their employees certify under penalty of perjury their eligibility to be employed by the contractor/subcontractor as a United States citizen or a qualified alien as a condition of any contract with the School Corporation.

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

The Board requires that an expanded criminal history check be conducted for each contractor or subcontractor who is likely to have direct, ongoing contact within the scope of their contract before or not later than thirty (30) days after the start of the contract. Likewise, the Board requires that each entity operating as a contractor or subcontractor conduct an expanded criminal history check for each employee who is likely to have direct, ongoing contact with children within the scope of their employment before or not later than thirty (30) days after the start of their employment.

If a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one type of expanded criminal history check, the Board shall 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 Board requires that an Indiana expanded child protection index check be conducted for each contractor or subcontractor who is likely to have direct, ongoing contact with children within the scope of their contract before or not later than sixty (60) days after the start of the contract. Likewise, the Board requires that each entity operating as a contractor or subcontractor conduct an Indiana expanded child protection index check for each employee who is likely to have direct, ongoing contact with children within the scope of their employment before or not later than sixty (60) days after the start of their employment.

The Board shall not contract with an individual who has been 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. Likewise, the Board shall cease contracting with or terminate the contract of an individual who has been 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. If the contract is with an entity, no employee of that contractor who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) may provide services under the contract with the School Corporation unless the conviction has been reversed, vacated, or set aside on appeal.

The Board also shall not contract with an individual who has been 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. Likewise, the Board shall terminate the contract of an individual who has been 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 the contract is with an entity, no employee of that contractor who has been convicted of an offense listed in I.C. 20-26-5-11.2(b) may provide services under the contract with the Corporation, unless the conviction has been reversed, vacated, or set aside on appeal.

The Board may refuse to contract with or terminate the contract of an individual who is the subject of a substantiated report of child abuse or neglect. If the contract is with an entity, the Corporation may refuse to contract with the entity or terminate the contract with the entity if it employs or contracts with an individual who is the subject of a substantiated report of child abuse or neglect.

Per I.C. 20-26-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item: An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.

Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the contractor or subcontractor.

Information and records obtained from inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with any mandatory State reporting requirements.

Mandatory Reporting

Each contractor and subcontractor providing services to the Corporation and each employee of a contractor or subcontractor providing services to the Corporation shall notify the Superintendent within two (2) business days of the:

A. arrest and/or filing of criminal charges against the contractor, subcontractor, or an employee of the contractor or subcontractor and the disposition of such arrest or filing of charges;
B. conviction of the contractor, subcontractor, or an employee of the contractor or subcontractor in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c);
C. conviction of the contractor, subcontractor, or an employee of the contractor or subcontractor in Indiana or another jurisdiction for an offense listed in I.C. 20-26-5-11.2(b) or I.C. 20-26-5-11.2(c); and
D. substantiated report of child abuse or neglect of which the contractor, subcontractor, or employee of the contractor or subcontractor is the subject.

Each individual serving as a contractor or subcontractor who is likely to have direct, ongoing contact with children in the course of providing services to the Corporation shall be required to report the arrest and the filing of criminal charges against the contractor or subcontractor, conviction of the contractor or subcontractor for a crime, and substantiated report of child abuse or neglect of which the contractor or subcontractor is the subject. Compliance with this requirement shall be verified by either:

A. inclusion of the requirement as a material term of the contractor's or subcontractor's contract; or
B. execution of a certificate of compliance with this policy which shall be maintained with the contract in the Corporation's files.

Each contractor and subcontractor providing services to the Corporation shall screen all employees who are likely to have direct, ongoing contact with children in the course of providing services to the Corporation. Screening shall be required only one (1) time during the period of the current contract with the Corporation as long as the contractor has continuously screened new hires, required the same of its subcontractors, and required that these employees report the arrest and the filing of criminal charges against the employee, conviction of the employee in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c), I.C. 20-26-5-11.2(b), or I.C. 20-26-5-11.2(c), and substantiated report of child abuse or neglect of which the employee is the subject. Compliance with this requirement shall be verified by either:

A. inclusion of the requirement as a material term of the contractor's or subcontractor's contract; or

B. execution of a certificate of compliance with this policy which shall be maintained with the contract in the Corporation's files.

Non-compliance with these requirements shall be a breach of a material term of any contract between a contractor/subcontractor and the Corporation.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the contractor, subcontractor, or employee of a contract or subcontractor:

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); or

C. has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b).

The Superintendent shall develop administrative guidelines to implement this policy. These procedures shall provide for the review of each reported arrest and/or criminal charge, criminal conviction of a contractor, subcontractor, or employee of a contractor or subcontractor in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c), I.C. 20-26-5-11.2(b), or I.C. 20-26-5-11.2(c), and substantiated report of child abuse or neglect of which the contractor, subcontractor, or employee of a contractor or subcontractor is the subject and for a response to the reported information that protects members of the school community from persons who may be dangerous to them. Failure of a contractor or subcontractor to remove an employee from direct contact with students, upon request from the Superintendent, shall be considered to be a material breach of the contractor's or subcontractor's contract with the Corporation.

Revised 3/22/10
Revised 4/23/12
Revised 6/20/16
Revised 4/24/17
Revised 2/26/18
Revised 10/28/19
Revised 5/22/23
Revised 8/25/25
T.C. 1/29/26

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Legal
I.C. 5-2-22
I.C. 10-13-3
I.C. 20-26-2-1.3
I.C. 20-26-2-1.5
I.C. 20-26-5-10
I.C. 20-26-5-11
I.C. 20-26-5-11.5
I.C. 20-28-5-8
I.C. 35-42-2-1
I.C. 35-42-2-1.3
I.C. 35-46-1-8
I.C. 35-47
I.C. 35-47.5
I.C. 35-48.4

SCHOOL CALENDAR

8210 - **SCHOOL CALENDAR**

The School Board recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the School Corporation.

The total number of days when the schools will be in session for instructional purposes shall be 180, and for purposes of receiving State school aid, such days will number no fewer than 180. A maximum of three (3) virtual instruction days may be used to meet the 180 day requirement unless: 1) the virtual school day includes teacher-directed synchronous instruction for at least fifty percent (50%) of the school day; or 2) a waiver is requested and granted.

Unless a waiver is obtained from the State Department of Education, all days lost due to snow, fire, epidemics, health conditions, et cetera cannot be counted as a part of the minimum days of instruction for State aid and must be made up by an in-person dayor an eLearning/virtual instruction day that meets the standards set by the State Department of Education and complies with State law.

The Superintendent shall submit to the State Department of Education the total number of actual instructional days no later than June 15th of each year.

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Legal
I.C. 20-18-2-17
I.C. 20-30-2-1
I.C. 20-30-2-2.7
I.C. 20-30-2-3

SCHOOL DAY

8220 - **SCHOOL DAY**

The School Board authorizes the school day to be arranged and scheduled by the administration. It is to offer the maximum education for the time spent within the limitations of school facilities and the laws and regulations of the State. Virtual instruction days, when scheduled as a part of the school calendar or employed as a make up day, shall comply with the requirements of State statutes and regulations of the State.

The Superintendent may close the schools, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. The Superintendent shall prepare administrative guidelines for the proper and timely notification of concerned persons in the event of any emergency closing of the schools.

The Superintendent shall have the authority to determine which school-related activities may be conducted if the schools are closed for a period of time. The Superintendent shall prepare appropriate guidelines for communication to students, parents, and others regarding the scheduling and the conduct of such activities.

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Legal
I.C. 20-30-2-2
I.C. 20-30-2-2.7
511 IAC 6-2-1.1

INFORMATION SECURITY

8305 - **INFORMATION SECURITY**

The School Corporation collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the Corporation. This information may be in hard copy or digital format, and may be stored in the Corporation or offsite with a third party provider.

Protecting Corporation data/information is of paramount importance. Information security requires everyone's active participation to keep the Corporation's data/information secure. This includes School Board members, staff members/employees, students, parents, contractors/vendors, and visitors who use Corporation Technology and Information Resources. The Corporation will work to protect the data/information, computer network or system from attack vectors, or methods by which the computer network or system is attacked, infiltrated, or otherwise compromised.

A cybersecurity incident is a malicious or suspicious occurrence that consists of one (1) or more of the categories of attack vectors and are defined as websites that:

A. jeopardize or may potentially jeopardize the confidentiality, integrity, or availability of an information system, an operational system, or the information that such systems process, store or transmit;
B. jeopardizes or may potentially jeopardize the health and safety of the public; or
C. violate security policies, security procedures, or acceptable use policies (See Policy7540.03 - Student Acceptable Use Policy/Policy 7540.04 - Staff Acceptable Use Policy)

A cybersecurity incident may consist of one (1) or more of the following categories of attack vectors: 1) ransomware; 2) business email compromise; 3) vulnerability exploitation; 4) zero-day exploitation; 5) distributed denial of service; 6) website defacement; or other sophisticated attacks as defined by the Chief Information Officer (CIO) and identified by the Corporation on its website.

Individuals who are granted access to data/information collected and retained by the Corporation must follow established procedures so that the information is protected and preserved. Board members, administrators, and all Corporation staff members, as well as contractors, vendors, and their employees, granted access to data/ information retained by the Corporation are required to certify annually that they shall comply with the established information security protocols pertaining to Corporation data/information. Further, all individuals granted access to Corporation Confidential Data/Information retained by the Corporation must certify annually that they will comply with the information security protocols pertaining to Confidential Data/Information. Completing the appropriate section of the Staff Technology Acceptable Use and Safety form shall provide this certification.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the safety and security of that data/information and the Corporation Technology Resources on which it is stored.

If an individual has any questions concerning whether this policy and/or its related administrative guidelines apply to him/her or how they apply to him/her, the individual should contact the Corporation's Technology Director or Information Technology Department/Office.

The Board authorizes the Superintendent to develop administrative guidelines that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of Corporation Data/Information. Within the established administrative guidelines, the Superintendent will determine a method for maintaining a repository of cybersecurity incidents.

Further, the Superintendent is authorized to develop procedures that would be implemented in the event of an unauthorized release of data/information. These procedures shall comply with the Corporation's legal requirements if such a breach of personally-identifiable information occurs.

The Superintendent shall require the participation of staff members in appropriate training related to the internal controls pertaining to the data/information that they collect, to which they have access, and for which they would be responsible for the security protocols.

Third-party contractors/vendors who require access to Corporation Confidential Data/Information will be informed of relevant Board policies that govern access to and use of Corporation Information Resources, including the duty to safeguard the confidentiality of such data/information.

Failure to adhere to this Policy and its related administrative guidelines ('AGs') may put Corporation data/information at risk. Employees who violate this policy and/or the administrative guidelines promulgated consistent with this policy may have disciplinary consequences imposed, up to and including termination of employment, and/or referral to law enforcement. Students who violate this Policy and/or AGs will be referred to the Corporation's disciplinary system and/or law enforcement. Contractors/vendors who violate this Policy and/or AGs may face termination of their business relationships with and/or legal action by the Corporation. Parents and visitors who violate this Policy and/or AGs may be denied access to Corporation Technology Resources.

The Superintendent shall conduct a periodic assessment of risk related to the access to and security of the data/information retained by the Corporation, as well as the viability of the Continuity of Organizational Operations Plan developed pursuant to Policy 8300.

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Legal
I.C. 4-13.1-1-1.3
I.C. 4-13.1-1-1.5
I.C. 4-13.1 -2-2

PUBLIC RECORDS

8310 - **PUBLIC RECORDS**

The School Board recognizes its responsibility to maintain and protect the public records of the Board and to make these records available for inspection and the purchase of copies in compliance with the Indiana Access to Public Records Act, I.C. 5-14-3-4 ("APRA").

"Public Records" Defined and Mandatory and Discretionary Exemptions

The public records of this Board are those records that are created, received, retained, maintained, or filed with the board or its officers, employees, or agents in any form including on paper and in any computer readable media. Certain records covered by this definition shall be maintained as confidential records pursuant to I.C. 5-14-3-4(a) unless production is ordered by a court under the rules of pre-trial discovery, while other records covered by this definition are subject to a discretionary exemption listed in I.C. 5-14-3- 4(b).

Protection of Public Records

A person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Level 6 felony in violation of I.C. 5-15-6-8. Public records may be destroyed when the LaPorte County Commission on Public Records created pursuant to I.C. 5- 15-6 has given written approval for the destruction of the record, or authority for destruction of the records is addressed by a retention schedule established and approved under I.C. 5-15-6.

Protection of Confidential Information in Public Records

As used in this policy, the term "redact" means to black out or cover with a permanent opaque material so that the content cannot be read. Where redaction is necessary, sufficient content shall be redacted so that the redacted content cannot be identified from the context.

The Board directs the Superintendent and Board employees having custody and supervision over public records to protect the confidentiality of records that are not to be disclosed under I.C. 5-14-3-4(a). This includes a person's Social Security Account Number ("SSAN") which shall be redacted from any public record released unless the SSAN is specifically required to be disclosed by a State or a Federal law or is ordered by a court under the rules of discovery.

Other information that shall be kept confidential includes personally identifiable information about a student protected by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g and 34 CFR Part 99, medical or genetic information about an employee, and information containing a trade secret as defined in I.C. 24-2-3-2.

Authorization to Assert Mandatory and Discretionary Exemptions

Given the time limitations established for compliance with a response to a request for records under the APRA, the Board directs the Superintendent to assert any exemption required to protect information that shall be kept confidential pursuant to I.C. 5-14-3-4(a); and the Board authorizes the

Superintendent to assert any discretionary exemption to the APRA found in I.C. 5-14-3-4(b) including: records that are intra-agency or inter-agency advisory or deliberative material; diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal; files of applicants for Board employment, and personnel files of Board employees, except that the following information from personnel files shall be disclosed:

A. the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the Board;

B. information relating to the status of any formal charges against a Board employee; and

C. the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

If personnel file information about a current or former employee is disclosed, the current or former employee shall be advised of the release of the information from their personnel file and a description of the released information.

Limited Access to Requests for Lists of Persons

Notwithstanding any other provisions of law or this policy, in compliance with I.C. 5-14-3-4(f), the Board shall not create a new list or provide a copy of an existing list that includes the names and addresses of persons (including e-mail addresses) in response to a request unless the Board is required by law to publish and disseminate the list to the public.

However, if the Board has created a list of names and addresses of persons, it shall permit a person to inspect and make memoranda abstracts from the list, excluding e-mail addresses unless access to the list is prohibited by law.

Requests for Lists of Employees or Students for Commercial or Political Purposes

When a list of employees and/or students is requested from the School Corporation, notwithstanding the general prohibition of asking a requesting party for the purpose of their request, the requesting party shall be required to disclose the proposed use of the list in writing, before their request is considered.

If the request is for:

A. a list of all employees of the Board, the employees in a particular school, a particular program, or classification of employee;

B. a list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution;

C. a list of students who are enrolled in the Corporation, or sorted by any criterion or criteria.

and the proposed use of the list is for political or commercial purposes, the request shall be denied (see I.C. 5-14-3-3(f)).

For purposes of this policy, "political purposes" means influencing the election of a candidate for Federal, State, legislative, local, or school board office or the outcome of a public question, or

attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question and "commercial purposes" means promotion of a product or service available from a business.

If all or any portion of a list of employees or student is disclosed, the party receiving the list shall be required to agree in writing that as a condition of release of the information, any information provided to them shall not be used for political or commercial purposes. A person or entity that violates such a written agreement and any person or entity that used a list obtained through them shall not be eligible to receive lists of persons through the Board in the future. The Superintendent is directed to provide for consistent and uniform enforcement of this prohibition among all similarly situated commercial and political entities.

Lists of Students for Use by Official Recruiting Representative of Armed Forces

Notwithstanding any policy to the contrary, a request for a list containing "directory information" as defined at I.C. 20-33-10-3 and the Family Rights and Privacy Act ("FERPA") from an official recruiting representative of an armed force of the United States pursuant to I.C. 20-33-10 and/or 9528 of the ESEA (20 U.S.C. 7908), as amended by the No Child Left Behind Act of 2001 (P.L. No. 107-110), shall not be denied. However, an official recruiting representative may be required to pay a fee that represents the actual costs of copying and mailing the student directory information to the recruiter.

This information shall not be provided if a high school student or the parent of a high school student submits a signed, written request at the end of the student's sophomore year that states that the student or the parent of the student does not want the student's directory information to be provided to official recruiting representatives of the armed forces of the United States. Notice of the right to object to the release of student directory information generally under FERPA, and to official recruiting representatives of the armed forces of the United States, specifically, shall be provided in annual notices given to all high school students and their parents, guardian, or custodian.

A request to inspect and/or purchase copies of a public record in the custody of the Board may be submitted orally during the regular business hours in the office in which such records are maintained. A written request to inspect and make notes from public records in the custody of the Board may be submitted by e-mail, facsimile, or USPS mail. Such a request submitted outside of the regular business hours in the office in which such records are maintained, shall be received at the beginning of the next regularly scheduled work day in that office.

A requesting party shall be required to describe the records sought with reasonable particularity.

The Board Public Access Officer ("PAO") designated by the Superintendent or a Board employee acting at the discretion of the PAO shall advise the requesting party whether any records specified in the request are available for inspection and copying. When the person making the request is physically present in a Board office, makes the request by telephone, or requests enhanced access to a record, a denial of disclosure occurs at the earlier of the time an employee of the Board refuses to permit inspection and copying of the requested record; or twenty-four (24) hours elapse after the request is received. When a request is made by mail, e-mail, or by facsimile, a denial of the request occurs at the earlier of the time a Board employee refuses to permit inspection and copying of the requested record or when seven (7) days have elapsed from the date the request was received by the Corporation.

The initial response to a request required by these time limitations does not need to be the final response of the Board to a request, but the initial response shall at least acknowledge receipt of the request and provide an initial assessment of the existence of records covered by the request. In preparing a final response of the Board following the initial response, the PAO shall comply with I.C. 5-14-3- 7 and shall take into account the other duties to be performed by Board employees with custody of the requested record and shall not cause or permit a material interference with the regular discharge of the other functions or duties of the Corporation or its employees.

In order to assure the integrity of the data maintained on the Corporation's computer network, and protect the confidentiality of protected information maintained by the Corporation, the Board shall not authorize enhanced access to public records on its computer network. However, records that are not confidential may be viewed by a requesting party in paper form printed out for inspection on paper by the PAO or a Board employee acting at the direction of the PAO.

Fees for Purchasing Copies of Public Records

Board public records may be inspected without charge. Purchase of copies of public records may be made upon payment of a fee. The Board establishes the following fee schedule for purchase of a copy of public records. These fees shall be uniform for all purchasers.

Copies shall be prepared by a Corporation employee and provided to a requesting party upon payment of a fee which is the greater of:

A. ten cents ($0.10) per page for copies that are not color copies or twenty- five cents ($0.25) per page for color copies; or

B. the actual cost of copying the document.

Certification of document as a true and accurate copy of an original record in the custody of the Corporation, five dollars ($5.00).

The Board shall charge a fee for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing a public record in the custody of the Corporation. The fee shall not exceed the sum of:

A. the Corporation's direct cost of supplying the information in that form; and

B. the standard cost of selling the same information to the public in the form of a publication if the Corporation has published the information and made the publication available for sale.

In response to a request for public records, the Board shall charge a fee for any time spent searching records that are in electronic format when the search exceeds five (5) hours. There shall be no charge for the first five (5) hours of a search. The fee for time beyond the first five (5) shall be the lesser of: (1) the hourly rate of the person making the search; or (2) twenty ($20) per hour. This hourly fee for searching for records in an electronic format applies only to time the person making the search actually spends searching the records in electronic format. No minimum fee shall be established. School personnel, doing an electronic search in response to a request for public records, shall make a good faith effort to complete the search within a reasonable time in order to minimize the amount of the search fee. Any fee charged shall be prorated to reflect any part of the search which is less than a full hour. No charge will be made for "computer processing time." "Computer processing time" is defined as

the amount of time a computer takes to process a command or script to extract or copy electronically stored data that is the subject of a public records request.

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Legal
I.C. 5-14-3, 5-15-6, 20-33-10

PUBLIC ACCESS TO EMPLOYEE CONTRACTS

8311 - **PUBLIC ACCESS TO EMPLOYEE CONTRACTS**

The contracts between the Board and its certificated employees are and always have been public records under I.C. 20-28-6-2(d) and the Indiana Access to Public Records Act, I.C. 5-14-3. This policy should promote a better understanding of these contracts.

Following Board approval of the Superintendent's employment contract, the Board shall direct that the provisions of that employment contract be posted on the Corporation's Internet website.

Administrator Contracts

The Superintendent shall post the provisions of each employment contract the Board has entered into with an administrator other than the Superintendent on the Corporation's Internet website. "Administrator" as used here means a certificated employee in a position outside the bargaining unit represented by a school employee organization in negotiations pursuant to I.C. 20-29-6.

Collective Bargaining Agreement with Teachers' Exclusive Representative

Not later than fourteen (14) business days after the Board and a school employee organization have reached an agreement on a contract pursuant to I.C. 20-29-6 and ratified the proposed agreement, the Board directs the Superintendent to post the ratified collective bargaining agreement on the Corporation's Internet website.

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Legal
I.C. 20-26-5-4.3: Superintendent's contract
I.C. 20-26-5-4.7: Administrator contracts
I.C. 20-29-6-19: Collective bargaining agreement
I.C. 5-3-1-1.5: Publication on newspaper website
I.C. 5-3-1-2(a): Publication of notice of Superintendent's contract

INFORMATION MANAGEMENT

8315 - **INFORMATION MANAGEMENT**

The School Board recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the Corporation outside the "Records Retention Schedule". In such situations, a "Litigation Hold" procedure will be utilized to identify and preserve information relevant to a specific matter. "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the Corporation will identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule". The Corporation will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the Corporation, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements. Failure to comply with a Litigation Hold notice may result in disciplinary action, up to and including possible termination.

Instances where the Board must maintain information outside the "Records Retention Schedule" include:

A. when the Board has specific information and/or written notice from an individual, parent or student of an intent to file an appeal of student discipline to State court;

B. when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;

C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;

D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees or agents at an administrative agency such as the Equal Employment Opportunity Commission, Indiana Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;

E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Indiana Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;

F. when the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation against that third party;

G. when the Superintendent recommends the termination of an employee to the Board pursuant to a labor contract;

H. when the Board explores, contemplates or initiates litigation.

Definitions

"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 disc/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; personal digital assistants ("PDAs" – including Palm, Blackberry, cellular phone, tablet PC, etc.); pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media shall also include any item containing or maintaining ESI that is obtained by the Corporation for Board member or employee usage or that an 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.

Initiation and Removal of a "Litigation Hold"

The Board or the Superintendent may initiate a "Litigation Hold" under this policy. If the Superintendent initiates a "Litigation Hold," s/he or the Board's legal counsel will notify the Board of the reason the Litigation Hold was instituted and its scope. When implementing a Litigation Hold, the Board or Superintendent may utilize an Electronically Stored Information Team ("ESI Team"). The Board's legal counsel shall be involved in implementation of the "Litigation Hold Procedure" outlined in AG 8315.

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. Any information maintained under this policy shall fall back under the "Records Retention Schedule" once the "Litigation Hold" is removed.

The Superintendent shall develop administrative guidelines outlining the procedures to be followed by Board members and employees when initiating and implementing a "Litigation Hold." This policy and its related administrative guidelines shall be posted and distributed in the manner described in AG 8315.

Legal
Federal Rules of Civil Procedure 34, 37(f)

PERSONNEL FILES

8320 - **PERSONNEL FILES**

It is necessary for the orderly operation of the School Corporation to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the Corporation and the Corporation's responsibilities to the employee.

The School Board requires that sufficient records exist to ensure an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with Corporation rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Indiana.

A social security number contained in the records of the school corporation (student or employee) may not be disclosed or released by the school corporation unless the record is specifically required by a State or a Federal Statute or is ordered by a court under the rules of discovery.

The Board delegates the maintenance of an employee personal information system to the Superintendent.

A single central file shall be maintained, and subsidiary records shall be maintained for ease in data gathering only.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file. The employee shall be informed whether requested information is legally required or whether s/he may decline to supply the information.

Personnel records shall be available to administrators in the performance of their responsibilities vis-a-vis an employee.

Only the public records portions of an employee's personnel file will be made available to a Board member except as specified in Bylaw 0143 - Board Member Authority.

Legal
I.C. 5-14-3, 5-14-3-4(a)(12)

STUDENT RECORDS

8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the School Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Student 'personally identifiable information' ('PII') includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person whom the School Corporation reasonably believes knows the identity of the student to whom the education record relates.

A social security number of a student contained in the records of the Corporation may be disclosed if the record is specifically required by a State or a Federal Statute or is ordered by a court under the rules of discovery.

PII concerning students shall be protected against theft, unauthorized access, alteration, disclosure, misuse, or invasion of privacy. Unless specifically authorized by the Superintendent or produced pursuant to a request under the Indiana Access to Public Records Act, PII concerning students shall not be left unprotected, shared, or transferred from Corporation records to any place not within the control of the Corporation. This includes any laptop computer or portable storage medium.

The Board is responsible for maintaining records of all students attending schools in this Corporation. In addition to records mandated by the Federal Government, the State of Indiana requires that the Corporation record or include in the official high school transcript for each high school student the following information:

A. attendance records;

B. the students' latest statewide assessment results;

C. any secondary-level and postsecondary-level certificates of achievement earned by the student;

D. any dual credit courses taken that are included in the core transfer library under I.C. 21-42-5-4;

E. a functional workplace Spanish designation on the student's transcript if the student successfully completed a Spanish language course that meets the requirements of I.C. 20-32-4-12(b).

The Board also authorizes the collection of other student information, including, but not limited to:

A. observations and ratings of individual students by professional staff members acting within their sphere of competency;

B. samples of student work;

C. information obtained from professionally acceptable standard instruments of measurement, such as interest inventories and aptitude tests, vocational preference inventories, achievement tests, and standardized intelligence tests;

D. verified reports of serious or recurrent behavior patterns;

E. rank in class and academic honors earned;

F. psychological tests;

G. custodial arrangements.

In all cases, permitted narrative information in student records shall be objectively based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials, and designated school personnel, who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

The term 'parents' includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term 'eligible student' includes any student who is eighteen (18) years of age or older, or who is enrolled in a postsecondary institution, regardless of his/her age.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student's educational records unless stated otherwise by court order. In the case of an eligible student, that is a student who is (eighteen (18) years of age or older), parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under Section 152 of the Internal Revenue Code.

A 'school official' is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), school psychologist, therapist, or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as 'school officials' for purposes of FERPA:

A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);

B. school psychologists, whether employed by a special education cooperative, interlocal, joint services organization, or an outside contractor, for purposes of the referral, evaluation, and identification of students suspected to have a disability;

C. contractors, consultants, volunteers, or other parties to whom the Board has outsourced a service or function otherwise performed by Board employees (e.g., a therapist, authorized information technology (IT) staff, and approved online educational service providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to

the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a 'school official' for purposes of FERPA, provided s/he meets the above-referenced criteria applicable to other outside parties. 'Designated school personnel' may include, but are not limited to, employees or agents of an insurance carrier providing a defense to the Corporation or its employees or agents, and Corporation legal counsel.

In the case of a health or safety emergency, 'appropriate officials' include local or State law enforcement officials, Department of Child Services (DCS) officials, trained medical personnel, and school administrators whose knowledge of PII in a student's education records is necessary to protect the health or safety of students or other persons on Corporation property. The term 'school administrator' includes a principal, an assistant principal, a superintendent, and an assistant superintendent.

'Legitimate educational interest' shall be defined as a 'direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the Corporation' or if the record is necessary in order for the designated school personnel official to perform an administrative, supervisory or instructional task for the Corporation or to perform a service or benefit for the student or the student's family or to provide a defense to the Corporation with respect to any of these tasks. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have a legitimate educational interest.

The Board authorizes the administration to:

A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or school corporation in which a student of this Corporation seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:

    1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification - Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);

    2. the parent or eligible student, upon request, receives a copy of the record; and

    3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;

B. provide disclose, or report on the education records of a student, including PII contained in the education records, without the consent of the student's parent or eligible student, to appropriate officials and the parents of an eligible student whose knowledge of the information is necessary to protect the health or safety of the student or other individuals if school administrators determine there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;

Information concerning any suspicious activity or potential criminal activity related to a child that is shared between a law enforcement officer and the Corporation or an appropriate official shall not be stored or maintained in any type of database.

C. request each person or party requesting access to a student's record to abide by the Federal and State regulations concerning the disclosure of information to a third party;

D. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;

E. disclose personally identifiable information from education records, without consent, to organizations conducting studies for, or on behalf of, the Corporation for purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative(s) of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the Corporation will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

F. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities;

The disclosed records must be used to audit or evaluate a Federal or State-supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception (see Form 8330 F16).

The Corporation will verify that the authorized representative complies with FERPA regulations.

G. disclose or report educational records to a State or local juvenile agency when the disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released; and the juvenile justice agency receiving the information certifies, in writing, that the agency or individual receiving the information has agreed not to disclose it to a third party, other than other juvenile justice agency, without the consent of the child's parent, guardian, or custodian.

A disclosure or reporting of educational records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the agency provides documentation to the Corporation that the agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to the supervision of the child as an adjudicated delinquent child.

The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if the Superintendent submits a written request establishing that the juvenile court records are necessary for the school to serve the educational needs of the child whose records are requested or to protect the safety or health of a student, an employee, or a volunteer at the school.

The school shall keep the records confidential. However, the confidentiality order does not prohibit the school from forwarding the juvenile records to another school or a person if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person.

The Corporation will comply with a legitimate request for access to a student's records within a reasonable period of time, but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities.

Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive an explanation and interpretation of the records.

The Corporation shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, the person viewing the record, the information disclosed, the date of disclosure, and the date parental/eligible student consent was obtained (if required).

Only 'directory information' regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Corporation's policy and administrative guidelines and/or those specified in the law.

DIRECTORY INFORMATION

Each year, the Superintendent shall provide public notice to students and their parents of the Corporation’s intent to make available, upon request, certain information known as 'directory information'. The Board designates as student 'directory information': a student's name; address; telephone number; date of birth; place of birth; e-mail address; photograph; major field of study; grade level; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; type of diploma awarded; awards received; honor rolls; scholarships.

The Board designates school-assigned email accounts as 'directory information' for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes. School-assigned email accounts shall not be released as directory information beyond this limited purpose and to any person or entity but the specific online educational service provider.

Directory information shall not be provided to any organization for profit-making purposes. The Superintendent may allow access to a school campus or give students' directory information to organizations that make students aware of educational or occupational options.

In accordance with Federal law, the Board may comply with FERPA when releasing students' information to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education that requests such information.

Parents and eligible students may refuse to allow the Corporation to disclose any or all of such 'directory information' upon written notification to the Corporation within thirty (30) days after receipt of the Superintendent's annual public notice.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or educational records or for the release of directory information, either parent may provide such consent unless specifically stated otherwise by court order.

The Corporation may disclose 'directory information' on former students without consent of the parent(s)/eligible student, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

Student Mental and Behavioral Health Services Records

Student Mental and Behavioral Health Services (SMBHS) records are documents relating to mental health or behavioral health services provided to students by (1) a provider certified or licensed by the State to provide mental or behavioral health services who is contracted or employed by the Corporation or a special education cooperative of which the Corporation is a member or (2) a community mental health center established under State law with whom the Corporation or a special education cooperative of which the Corporation is a member has entered into a memorandum of understanding. SBMHS records include but are not limited to mental health records, reports, notes, diagnosis(es) and/or appointments relating to a student who was referred by Corporation officials to receive mental or behavioral health services pursuant to State law or under a memorandum of understanding between the Corporation and a community mental health center established under State law or a provider certified or licensed by the state to provide mental or behavioral health services to students. SMBHS records are to be considered medical records and are confidential. SMBHS records that include any reports, notes, diagnosis(es) or appointments that result from a student's participation in any treatment relating to mental or behavioral health services provided by a community mental health center or appropriate provider that is contracted and paid for by the Corporation or a special education cooperative of which the Corporation is a member shall not be maintained in a student's permanent educational file/cumulative file. SMBHS records kept by a provider employed or contracted by the Corporation or a special education cooperative of which the Corporation is a member shall be maintained in separate student folders in a secured file under the control of the provider. Sharing of any reports or notes resulting from a conference with the student and the student's parent to address the student's potential need for and benefit from mental or behavioral health services with other Corporation officials is strictly prohibited.

Disclosure of Lists of Students for Political or Commercial Purposes

It is the policy of the Board not to release the lists of students for commercial or political purposes. This policy shall be equally applied to similarly situated organizations and persons. (I.C. 5-14-3-3(f))

Inspection of Information Collection Instrument

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a

student. Personal information for this section is defined as individually identifiable information, including a student's or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least seven (7) business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within five (5) business days of the principal receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

A. college or other postsecondary education recruitment, or military recruitment;

B. book clubs, magazines, and programs providing access to low-cost literary products;

C. curriculum and instructional materials used by elementary and secondary schools;

D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments), and the subsequent analysis and public release of the aggregate data from such tests and assessments;

E. the sale by students of products or services to raise funds for school-related or education-related activities;

F. student recognition programs.

The Superintendent shall prepare procedures to ensure that students and parents are adequately informed each year regarding their rights to:

A. inspect and review the student's education records;

B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;

C. consent to disclosures of personally-identifiable information contained in the student's education records, except disclosures allowed without parental consent;

D. challenge Board noncompliance with a parent’s request to amend the records through a hearing;

E. file a complaint of the Corporation's noncompliance with the United States Department of Education;

F. obtain a copy of the Corporation's policy and administrative guidelines on student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Corporation specifically as a consequence of permitting access or furnishing students' records in accordance with this policy and administrative guidelines.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the time frame for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Violation of this Policy

As provided for by State law, an employee or agent of the Board who intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by this policy may be disciplined or terminated.

Additionally, State law provides that a person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Level 6 felony unless the destruction is pursuant to a record retention schedule adopted by the County Public Records Commission.

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Revised 1/28/08
Revised 3/22/10
Revised 11/26/12
Revised 2/23/15
Revised 6/20/16
Revised 4/24/17
Revised 10/30/17
Revised 2/26/18
Revised 11/23/20
T.C. 5/22/23

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Legal
I.C. 5-14-3-3(f)
I.C. 5-14-3-4(a)(3) and (12)
I.C. 5-14-3-4(c)
I.C. 5-14-3-10
I.C. 5-15-6-8
I.C. 20-32-4-12
I.C. 20-33-2-13
I.C. 20-33-7-1 et seq.
I.C. 31-39-2-13.8

511 I.A.C. 7-38-1 et seq.
26 U.S.C. 152
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g
Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.
20 U.S.C. 7165(b)
20 U.S.C. 7908
34 C.F.R. Part 99
34 C.F.R. Part 300

LETTER OF REFERENCE OR EMPLOYMENT REFERENCE

8340 - **LETTER OF REFERENCE OR EMPLOYMENT REFERENCE**

Letter of Reference:

The School Board recognizes that an employee's request to an administrator for a letter of reference is an opportunity to share information about the staff member's performance with prospective employers. A current or former employee has no expectation that a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the administrator.

If an administrator opts to prepare such a letter, the Board expects that administrator to provide specific and truthful comments concerning the employee's actual performance that can be substantiated by the individual's personnel file.

Employment Reference:

Notwithstanding the preceding provision giving an administrator discretion to provide a letter of reference to a current or former employee, if another school makes a request for an employment reference for a current or former employee, in compliance with I.C. 20-26-5-11.5, the administrator shall disclose to the requesting school any incident known by the School Corporation in which the employee committed an act resulting in a substantiated report of abuse or neglect under Indiana law.

In accordance with State law, an administrator who, in the scope of his/her employment, provides a letter of reference or employment reference is entitled to at least a qualified privilege for his/her statements provided such statements were made in good faith.

All Corporation employees, including but not limited to an administrator who prepares a letter of reference or provides an employment reference pursuant to this policy, are prohibited from assisting a Corporation employee, contractor or agent in obtaining a new job if s/he knows or has probable cause to believe that such Corporation employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files. 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. No Corporation employee shall provide a letter of reference or an employment reference for any Corporation employee, former employee, contractor or agent if s/he knows or has probable cause to believe that such individual engaged in sexual misconduct regarding a minor or student in violation of State or Federal law.

Revised 11/28/06
Revised 4/24/17

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Legal
I.C. 20-26-5-11.5
I.C. 22-5-3-1
20 U.S.C. 7926, Section 8546 of the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA)

CONFIDENTIALITY

8350 - **CONFIDENTIALITY**

It is the policy of the School Board that when the Corporation receives in trust from a public agency information identified as confidential (whether such information is confidential by the Indiana Code, Common Law, Privilege Case Law or Federal Law), the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

This policy applies **only** to identified confidential information received from a public agency. However, under the Family Educational Rights and Privacy Act, anything that is made part of the student's records will be sent to a receiving School Corporation with notice to the parent.

In order to prohibit the unauthorized disclosure of information identified as confidential by the sending public agency, the Board may seek to obtain court protection by:

A. denying requests for release of such information absent subpoena or court order;

B. pursuing motions to quash or protective orders to prohibit unauthorized disclosure.

When possible, the Board will attempt to notify the sending public agency of the request for release of such information prior to complying with the request.

Legal
20 U.S.C., Section 1232g, 34 C.F.R. 99

SECURITY BREACH OF CONFIDENTIAL DATABASES

8351 - **SECURITY BREACH OF CONFIDENTIAL DATABASES**

It is the policy of the School Board that when unauthorized access or acquisition of data occurs, which would compromise the confidentiality or security of personal information maintained by the Corporation on a database, the Corporation will take appropriate action to assess the risk, and notify the affected individuals in accordance with law.

Scope

This policy applies to any security breach involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties having a business relationship with the Corporation and handling personal information on the Corporation's behalf. It is expected that those offices, individuals or entities operating, maintaining, and using databases containing personal information will effectively control access to the databases to protect against unauthorized access, acquisition, modification, use or disclosure of personal information.

In order to better protect personal information and facilitate the investigation of incidents of unauthorized access, employees shall not store personal information on a personal computer, server or other data storage equipment not owned or maintained by the Corporation.

Security Breach and Personal Information – Definitions

A "security breach" means the 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:

A. causes a material risk of identity theft or other fraud to the person or property of a resident of the State;

B. reasonably is believed to have caused a material risk of identity theft or other fraud to the person or property of a resident of the State; or

C. reasonably is believed will cause a material risk of identity theft or other fraud to the person or property of a resident of the State.

Unauthorized access of information will not be considered a security breach if:

A. the employee or agent acted in good faith in accessing the data;

B. the access was related to the activities of the Corporation or the employee's or agent's job-related duties; and

C. the employee or agent did not use the personal information for an unlawful purpose or subject the information to further unauthorized disclosure.

Also, the acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or pursuant subpoena, order or duty of a regulatory State agency, will not be considered a security breach.

For purposes of this policy, 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 of or more of the following (when the information is not encrypted, redacted, or altered by any method or technology in such a manner that the information is effectively obscured or unreadable):

A. Social Security number;

B. driver's license number or State identification card number; and/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.

Discovery of Security Breach and Notification

If an employee suspects, discovers and/or determines that a security breach has occurred, the employee shall promptly notify his/her immediate supervisor and the Superintendent, in writing.

The Superintendent shall determine and implement the steps necessary to correct the unauthorized access and requirements for notifying those individuals whose personal information may have been compromised.

The Superintendent shall develop and implement administrative guidelines related to this policy.

AUTHORIZATION FOR AUDIO, VIDEO, AND DIGITAL RECORDING

8355 - **AUTHORIZATION FOR AUDIO, VIDEO, AND DIGITAL RECORDING**

The School Board believes that the education of children is a joint responsibility, one it shares with the parents and other members of the school community. The Board realizes it has the responsibility of protecting the rights of students in keeping and sharing student records and maintaining the confidentiality of personally identifiable student information under the Family Educational Rights and Privacy Act and State law.

Any person wishing to make any audio, video or digital recording or other recording by electronic means on school premises, with the exceptions listed below, shall obtain the permission of the Superintendent prior to any recording.

Exceptions:

Any audio, video or digital recording authorized pursuant to Board Policy 2410 - Audio, Video, and Digital Recording of Meetings is not subject to additional authorization requirements under this policy.

The requirements of this policy shall not be interpreted to conflict with the provisions of Policy 5136 - Personal Communication Devices as it pertains to recordings. Nor shall the requirements of this policy be interpreted to extend to school-sponsored public events, where there can be no expectation of privacy. A school-sponsored public event is any school-related activity, whether free or at which an admission fee is charged, that members of the public may attend. These include but are not limited to athletic competition, plays, musical performances, awards ceremonies, and graduation. See Policy 9160 - Public Attendance at School Events for additional information about restrictions on recording at such events.

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Legal
I.C. 20-33-7
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and 34 C.F.R. Part 99

ANIMALS ON SCHOOL CORPORATION PROPERTY

8390 - **ANIMALS ON SCHOOL CORPORATION PROPERTY**

Introduction

The School Board recognizes that there are many occasions when animals are present on School Corporation property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents/guardians, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and Indiana law and this policy.

This policy shall apply to all animals on School Corporation property, including service animals.

Definitions

A. Animal shall be held to include every living creature other than a plant or a human.

B. Service animal as used in this policy has the meaning of the term in I. C. 16-32-3-1.5 and means an animal trained and providing services constituting a reasonable accommodation to a person with a disability. The term includes but is not limited to:

1. a hearing animal;
2. a guide animal;
3. an assistance animal;
4. a seizure alert animal;
5. a mobility animal;
6. a psychiatric service animal; or
7. an autism service animal.

For purposes of the administration of this policy, note that while some Federal regulations limit the scope of the term "service animal" to a dog or miniature horse, Indiana law establishes the broader definition set out above.

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.

Non-Service Animals in Schools and Elsewhere on Corporation Property

Animals, permitted in schools and elsewhere on Corporation, shall be limited to those necessary to support specific curriculum-related projects and activities., those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), those that provide a reasonable accommodation to a student in accordance with an Individualized Education Program or a Section 504 Plan, or those that serve as service animals as required by Federal and State law.

A non-service animal that is poisonous, a bite risk, or is otherwise dangerous to persons shall be housed and maintained in a manner so as to eliminate a risk of injury to a person. The risk of injury shall take into account that a student may not follow safety directives established for the handling of the non-service animal. This evaluation may result in a decision that despite the educational value of the non-service animal's presence, the educational value does not outweigh the risk of injury to a person.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the principal may permit animals other than service animals to be present in a Corporation school to support curriculum-related projects and activities only under the following conditions:

A. The staff member seeking approval to have a non-service animal in his/her classroom shall:

    1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;

    2. take precautions deemed necessary to protect the health and safety of students and other staff;

    3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and

    4. keep the surrounding areas in a clean and sanitary condition at all times.

B. Other staff members and parents/guardians of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

Humane Treatment of Animals

Animals kept on school premises shall be treated humanely and shall not be subjected to cruel treatment or housed in unsanitary or unnecessarily restrictive conditions. For purposes of this provision, "humanely" includes the provision of adequate food and fresh water, and the term "animal" means a sentient creature capable of assessing and responding to its environment.

Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be.

A service animal is the personal property of the student and/or parents/guardians. The Board does not assume responsibility for training, daily care, healthcare, or supervision of a student's 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. By admitting a service animal to Corporation property, the Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on Corporation property or at Corporation-sponsored events.

A service animal that meets the definition set forth in this policy shall be under the control of the student with a disability or a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability 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, effective performance of work or tasks, in which case the service animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Board Policy 8120.

The principal will be responsible for reviewing and determining whether the required documentation has been provided for the student's service animal. Services to a student shall not be suspended or withheld pending receipt of the requisite documentation for the service animal until the student or a parent/guardian has been given a reasonable period of time to submit any required documentation.

Removing and/or Excluding a Student's Service Animal

If a service animal demonstrates that it is not under the control of the student or its handler, the principal is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.

Similarly, if a service animal has demonstrated that it is not housebroken, the principal is responsible for documenting such behavior and for determining whether the service animal is to be removed and/or excluded from school property.

The principal or administrator responsible for the Corporation facility shall notify the Superintendent by e-mail if a service animal has been removed and/or excluded and shall document the reasons for the removal or exclusion.

The principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity and the complaint procedure set forth in Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity.

The procedures that are set forth in Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity shall not preclude a student and his/her parent/guardian from pursuing a complaint with the United States Department of Education's Office for Civil Rights, the United States Department of Justice, the Indiana Department of Education or the Indiana Civil Rights Commission.

Eligibility of a Student's Service Animal for Transportation

A student with a disability shall be permitted to access Corporation transportation with his/her service animal. There also may be a need for the service animal's handler, if the handler is someone other than the student, to access Corporation transportation.

When a service animal is going to ride on a school bus owned or leased by the Corporation, the student and his/her parents/guardians, or eligible student, and the handler, if s/he is someone other than the student, shall meet with the principal, Transportation Supervisor and/or bus driver to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on the bus/vehicle with a leash, tether or harness.

At the discretion of the principal, Transportation Supervisor and/or bus driver, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the service animal's functions and how students should interact with the service animal.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

While the bus/vehicle is in motion, the service animal shall remain positioned on the floor, at the student's feet.

Situations that would cause cessation of transportation privileges for the service animal include:

A. the student, or handler, is not able to control the service animal's behavior, which poses a threat to the health or safety of others;

B. the service animal urinates or defecates on the bus.

Prior to the first day of transportation, an eligible student (i.e., one who has reached the age of eighteen (18) and has not had a guardian appointed) or his/her parents/guardians shall be informed in writing of the types of service animal behaviors that could result in cessation of transportation privileges for the service animal.

If it is necessary to suspend transportation privileges for the service animal, for any of the above reasons, the decision may be appealed to the Superintendent.

Although transportation may be suspended for the service animal, it remains the Corporation's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus/vehicle is also documented during the school day, the service animal still may accompany the student in school.

Service Animals for Employees

In accordance with Policy 1623, Policy 3123, and Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Corporation provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the interactive process mandated by the Americans with Disabilities Act.

Food Service Employees

Food service employees who use a service animal shall be required to comply with the standards applicable to food preparation and food service set out in FDA Food Code Section 2-403.11. Failure to comply with these requirements represents a direct threat to health of others. This provision prohibits handling of animals by employees engaged in food preparation or service, but allows employees to use service animals if certain specific conditions are met. Section 6-501.115 states that service animals may be permitted in food consumption areas not used for food preparation. Food service employees may handle their service animals if, after handling a service animal, the employee washes his/her hands for at least twenty (20) seconds using soap, water, and vigorous friction on surfaces of the hands, followed by rinsing and drying as per Section 2-301.12.

Employees of vendors shall be accommodated as employees of the Corporation as long as this accommodation does not cause undue hardship for the Corporation or a direct threat to the health or safety of employees or others.

Service Animals for Parents/guardians, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by a service animal are permitted access to all areas of the Corporation's facilities where members of the public, as participants in services, programs, or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the Corporation's facilities with their service animal will accompany them during their visit.

An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at School Events.

Revised 12/14/15

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I.C. 16-32-3: Rights of Blind and Other Physically Disabled Persons
28 C.F.R. Part 35: Justice Department Regulations for Nondiscrimination on the Basis of Disability in State and Local Government Services
29 U.S.C. 794
29 C.F.R. 1630: EEOC Regulations Implementing the ADA as amended
34 C.F.R. Part 104: Regulations Implementing Section 504 of the Rehabilitation Act
34 C.F.R. Part 300: Individuals with Disabilities Education Act (IDEA) Regulations

SCHOOL SAFETY INFORMATION

8400 - **SCHOOL SAFETY INFORMATION**

The School Board is committed to maintaining a safe environment in all the School Corporation's schools.

The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes the best resources and coordinated efforts of Corporation personnel, law enforcement agencies, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-sponsored activity or while en route to or from school or a school-sponsored activity. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

In furtherance of its commitment to a safe school environment, the Board has prohibited weapons on school property and at school-sponsored events, except in very limited circumstances. See Board Policy 1617 - Weapons, Policy 3217 - Weapons, Policy 4217 - Weapons, Policy 5772 - Weapons, and Policy 7217 - Possession of Firearms and Weapons by Visitors. This prohibition is reasonably related to legitimate educational concerns, including the ability to provide a safe and secure learning and social environment for the Corporation's students and controlling and minimizing disruptions to the educational process. The presence of dangerous weapons on school property or at school-sponsored events, except under very controlled circumstances, creates a potentially dangerous situation for students, staff, and visitors and may trigger precautionary safety responses that disrupt the educational process and learning environment for students.

Federal law establishes a "Student Safety Zone" that extends 1,000 feet from the boundary of any school property in relation to weapons and drugs. Individuals are prohibited from possessing or using weapons or drugs at any time on Corporation property, within the Student Safety Zone, or at any school-related event.

In accordance with State and Federal law, each school within the Corporation shall establish a Safe School Committee, the composition of which shall be in accordance with the Superintendent's guidelines.

The Corporation shall establish a Safe School Committee at each school building. (I.C. 10-21-1-14)

Each *Safe School Committee* may include at least one (1) member who is a member of the support staff of the school or the Corporation career and technical education school.

The *Safe School Committee* shall be responsible for developing 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 the 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.

NOTE: The Corporation shall not disclose any record or part of any record if its disclosure would have a reasonable likelihood of threatening public safety by compromising the Corporation's security.

In developing the school's plan, the *Safe School Committee* shall seek input from representatives of the following:

A. the State Department of Education;

B. the Corporation's school safety specialist;

C. School Resource Officer(s);

D. Corporation Police Officer(s);
E. local law enforcement agencies;

F. the local Fire Marshal(s) or his/her designee(s);

G. local emergency medical services;

H. a member of the Board;

I. building administrators;

J. the local emergency management service agency;

K. and other employees as needed.

Safe School Committee's Duty To Implement the Safe and Drug-Free Schools and Communities Act

The *Safe School Committee* is responsible for implementing the Safe and Drug-Free Schools and Communities Act. To ensure that the Corporation remains compliant with Federal law, the *Safe School 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 I.C. 20-30-5-11 concerning the effects that alcoholic beverages, tobacco, prescription drugs, and controlled substances have on the human body and society at large.

To apply annually for matching grant funds from the Indiana secured school fund, the Corporation shall certify to the Department of Homeland Security that it has:

A. conducted a threat assessment for each school building it uses; and
B. entered into a memorandum of understanding (MOU) with a community mental health center established under State law or a provider certified or licensed by the State to provide mental or behavioral health services to students.

School Safety Specialist

The Corporation shall designate an individual to serve as the school safety specialist for the Corporation. The school safety specialist shall be chosen by the Superintendent with the approval of the Board. The school safety specialist shall 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, 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 the Corporation's safe school committees and other individuals in the Corporation on issues related to school discipline, safety, and security; and
F. Serve as a liaison for the Corporation regarding school safety matters with the secured school safety board, the Department of Homeland Security, the Department of Education, the Indiana Criminal Justice Institute, and other state agencies, as applicable.

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 health 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 measures to expedite notification of first responders and access to school property for first responders;
8. 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
9. 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 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. 10-21-1-12 that has jurisdiction over the Corporation.

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 provide law enforcement services 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 the appointing law enforcement agency;

b. is required to obey the rules and orders of the sheriff's department or the 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 appointed 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 does not include a law enforcement officer who is assigned to a school 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

A. The law enforcement officer appointed as a school resource officer must receive at least forty (40) hours of school resource officer training through:

1. the Indiana Law Enforcement Training Board was established by I.C. 5-2-1-3;

2. the National Association of School Resource Officers; or

3. another school resource officer training program approved by the Indiana law enforcement training board.

The school resource officer training must be completed within 180 days from the date the individual is initially assigned the duties of a school resource officer. However, if the current ADM of the Corporation is less than 1,000 students, the individual shall complete the school resource officer 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 may be employed:

A. through a contract between a local law enforcement agency and (1) the Corporation or (2) the Corporation and other school corporations or charter schools;

B. by the Corporation or the Corporation and other school corporations or charter schools;

C. by a local law enforcement agency that assigns the school resource officer to (1) the Corporation or (2) the Corporation and other school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the Corporation or the Corporation and other school corporations or charter schools; or

D. through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and (1) the Corporation or (2) the Corporation and other school corporations or charter schools.

If the Corporation enters into a contract for a school resource officer, the Corporation must enter into a memorandum of understanding with the law enforcement agency that employs or appointed the law enforcement officer who will perform the duties of a school resource officer unless the Corporation only has full-time school resource officers who are either employees of the Corporation's school police department or are employees of the Corporation who have successfully completed the law enforcement basic training requirements described in I.C. 5-2-1-9(d).

The memorandum of understanding described above for the employment of a school resource officer must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to assist the Corporation's school safety specialist and Safe School Committee with the development and implementation of school safety plans.

A school resource officer shall consult with local law enforcement officials and first responders when assisting the Corporation's school safety specialist and safe school committee in the development of the school safety plan.

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 Corporation 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.C. 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.

Security Police Training

In the case of a regular or special police officer who is assigned as a security police officer for the Corporation, the Board shall require that the police officer receive training and education, approved by the State Board of Education, that will enable the police officer to appropriately deal with individuals with Autism and Asperger's Syndrome.

Mental or Behavioral Health Services

The Corporation shall enter into a memorandum of understanding (MOU) with a community mental health center established under State law or a provider certified or licensed by the State to provide appropriate and necessary mental or behavioral health services to students.

The Corporation shall not refer a student to a mental health care provider or community mental health center for services unless the Corporation has received the written consent of the student's parent or guardian. If a referral is made, the Corporation may note the referral in the student's cumulative record, but shall not include any possible diagnosis or information concerning the student's mental health other than any medication that the student takes for their mental health. A student's record that contains medical information shall be kept confidential. A school counselor or other Corporation employee shall not diagnose a student as having a mental health condition unless his/her scope of practice includes diagnosing a mental health condition.

Prior to providing any referrals under an MOU, the Corporation shall:

A. Develop a process for a teacher or Corporation employee to notify a school official to contact a student's parent if the student demonstrates a repeated pattern of aberrant or abnormal behavior. The parental notification process shall include a conference with the school, student, and the student's parent;
B. Require that the aforementioned conference address the student's potential need for and benefit from:

    1. mental or behavioral health services; or

2. mental or behavioral health services provided by the community mental health center or appropriate provider that is contracted and paid for by the Corporation;

C. Establish a procedure for a parent who chooses to seek services for the student to follow that includes granting written parental consent for the student to receive mental or behavioral health services by a community mental health center or appropriate provider; and
D. Protect the confidentiality of any medical records that result from a student's participation in any treatment described in subpart B. above.

The Corporation is prohibited from:

A. sharing any reports or notes resulting from the provision of mental or behavioral health services described in subpart B.1 above with other school officials; and

B. maintaining any reports, notes, diagnoses, or appointments that result from a student's participation in any treatment described in B.1 or B.2 above in the student's permanent educational file. (See Policy 8330 - Student Records).

Threat Assessment

The primary purpose of a threat assessment is to minimize the risk of targeted violence at school. This policy is designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in the joint U.S. Secret Service and Department of Homeland Security publication, Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence. The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe school environment, protect and support potential victims, and provide assistance, as appropriate, to the student being assessed.

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Board authorizes the Superintendent to create building-level, trained threat assessment teams. Each Team shall be headed by the Principal and include: a school safety specialist, school counselor or guidance counselor, school psychologist (if available), instructional personnel, and, where appropriate, the School Resource Officer. At the discretion of the Superintendent, a threat assessment team may serve more than one (1) school when logistics and staff assignments require.

The Team will meet on a regular basis, and when the Principal learns a student has made a threat of violence or engages in communications or behaviors that suggest the likelihood of a threatening situation.

The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of violence to a target. If an inquiry indicates that there is a risk of violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat posed by the student in that situation.

The Board authorizes the Superintendent to create guidelines for the purpose of:

A. identifying team participants by position and role;

B. requiring team participants to undergo appropriate training;

C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment;

D. defining what types of information may be gathered during the assessment;

E. stating when and how parents/guardians of the student making the threat shall be notified and involved;

F. designating the individuals (by position) who are responsible for gathering and investigating information;

G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation.

Corporation employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent or Principal any expression of intent to harm another person or other statement or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 - Student Records and State and Federal law.

Persistently Dangerous Schools

The Board recognizes that State and Federal law require that the Corporation report annually incidents that meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered 'persistently dangerous' as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the Corporation's school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceeds the threshold number established in State policy, the Superintendent shall refer this to the *School Safety Committee* for the corporation so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.

When developed, the Superintendent shall make a report to the Board about this plan of corrective action and recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students

attending the school shall have the choice option as provided in Policy 5113.02 - School Transfer Options and AG 5113.02 - School Transfer Options.

In addition, the Superintendent shall meet with the *Safe School Committee* for the school corporation, discuss the school's designation as a persistently dangerous school, and develop a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by Policy 5113.02 - School Transfer Options and AG 5113.02 - School Transfer Options.

Bleeding Control Kits

A 'bleeding control kit' means a first aid response kit that contains at least the following:

A. One (1) tourniquet endorsed by the Committee on Tactical Combat Casualty Care.

B. A compression bandage.

C. A bleeding control bandage.

D. Protective gloves and a permanent marker.

E. Scissors.

F. Instructional documents developed by the Stop the Bleed national awareness campaign of the United States Department of Homeland Security or the American College of Surgeons Committee on Trauma, or both.

G. Other medical materials and equipment similar to those described in subdivisions (A) through (C), and any additional items that:

    1. are approved by local law enforcement or first responders;

    2. can adequately treat a traumatic injury; and

    3. can be stored in a readily available kit.

Each school year is subject to either:

A. an appropriation by the general assembly; or

B. the Corporation receiving sufficient bleeding control kits for each school in the Corporation from:

    1. donations from individuals or entities; or

2. gifts necessary to purchase the bleeding control kits.

The Corporation shall develop and 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 to 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 school corporation or charter school, 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; and

4. 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.

The Corporation may request direction to resources that are available to provide bleeding control kits to the Corporation from the Department of Homeland Security, the State Department of Education.

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Legal
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I.C. 10-21-1-9 School Safety Specialist
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I.C. 20-26-5-31
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I.C. 20-26-16
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I.C. 36-8-10-10.6
20 U.S.C. 7101 et seq., The Safe and Drug-Free Schools and Communities Act (Title IV, Part A of the Elementary and Secondary Education Act)
Title IX, Section 9532 of the No Child Left Behind Act of 2001
511 IAC 4-1.5-7 Crisis intervention plans
511 IAC 6.1-2-2.5 Safe schools and emergency preparedness planning
513 IAC 1 Seclusion and Restraint in Schools

ENVIRONMENTAL HEALTH AND SAFETY ISSUES - INDOOR AIR QUALITY, ANIMALS IN THE CLASSROOM, AND IDLING VEHICLES ON SCHOOL PROPERTY

8405 - **ENVIRONMENTAL HEALTH AND SAFETY ISSUES - INDOOR AIR QUALITY, ANIMALS IN THE CLASSROOM, AND IDLING VEHICLES ON SCHOOL PROPERTY**

The School Board recognizes its responsibility relative to student, employee, and visitor health and safety, and the need for development of a comprehensive program designed to provide a healthy, safe, and secure environment on School Corporation property and at Corporation-sponsored activities. To achieve this, it is the intent of the Board that the Corporation will avail itself of the most current, proven technologies in the fields of health, safety, and environmental sciences.

STUDENT, EMPLOYEE, AND VISITOR HEALTH AND SAFETY

The Corporation shall develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities within the Corporation, and promotes and incorporates the following:

A. Procedures describing a hazard identification and abatement program that requires the periodic inspection of Corporation facilities, the implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and the development of a corporation-wide hazard reporting procedure that enables employee/stakeholder participation. This program should also provide procedures for identifying and responding to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether or not appropriate requirements for environmental health and safety have been met.

B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not be limited to, the establishment of school and Corporation safe school committees, and the establishment of a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through available mediums in the Corporation.

C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students, assessing the safety of school traffic patterns, operating school clinics, administering medication and medical treatment, promoting laboratory and shop safety, promoting safety in sports and other outdoor activities, inspecting playground equipment and promoting safety on playgrounds, and assessing environmental exposure.

D. Procedures related to Corporation employee health and safety issues that include, but are not limited to, provision of work areas free from recognized hazards and OSHA-related programs that are required by Federal and State law, such as employee safety and health

training and training in hazard recognition, and defining employer and employee responsibilities and expectations related to health and safety.

E. Procedures describing an accident reporting and investigation system that provides for identification of root causes, determination of remedial and programmed corrective actions, and provides communication about accidents to employees and stakeholders.

F. Procedures that detail plans for foreseeable emergencies and fire prevention.

ANIMALS IN CLASSROOMS

Live animals shall be allowed in the classroom for educational purposes with the prior approval of the Principal.

Animals brought into a classroom must be humanely and properly housed in cages or leashed. Animals brought into the classroom must be known to be in good health. Animals that are poisonous, venomous, or dangerous will not be allowed in the classroom.

When bringing an animal into the classroom, consideration must be given to students or staff who may be allergic to the animal. In advance of the animal being brought to school, a notification will be sent home with the students in that class informing parents of the type of animal that will be coming into the classroom. Parents will have an opportunity to notify the teacher or the Principal if their child is allergic to the animal. If a parent responds to a concern regarding a possible allergic reaction to the animal, the Principal and teacher shall discuss options that may be considered. The name of the student with the allergy shall remain confidential.

If after an animal is brought to class and school officials become aware that an individual had an allergic reaction, the school shall resolve the issue and provide the necessary cleaning of all surfaces in the classroom to remove the allergen.

The care of an animal is the responsibility of the teacher. Cages and aquariums shall be cleaned by the teacher, not a student. Animal waste and materials from the cages shall be bagged and disposed of in a proper manner in a proper outside trash container. Waste water from an aquarium may be disposed of by flushing it down a toilet or any sink where food is not prepared. For animals staying in the classroom for longer than that day, it is the teacher's responsibility to provide care over the weekends and during vacations.

Under the teacher's supervision, students may handle the animal in the classroom after being given instruction on proper handling techniques for handling the animal, as well as proper hand washing techniques after handling the animal. When appropriate, students may feed the animal under the supervision of the teacher.

Live animal presentations and assemblies under the supervision and control of a trained professional may, at times, have more unique animals and may not be allowed in the classrooms. These presentations are allowed in accordance with the provisions of this policy.

Exceptions to this policy are service animals and fish in an aquarium, provided the fish are of a reasonable size and quantity.

Owners of pets (see AG 8605A) and service animals (see AG 9160B) brought on school property are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.

INDOOR AIR QUALITY (IAQ)

The Superintendent shall appoint a person to serve as the Indoor Air Quality (IAQ) Coordinator for the school corporation. The IAQ Coordinator shall serve as the lead contact person for matters related to indoor air quality in the facilities operated by the School Corporation. The IAQ Coordinator contact information shall be available to all students, parents, employees, and visitors by publishing the information on the school corporation's website and in school handbooks. The school corporation shall also notify the Indiana State Department of Health (ISDH) of the IAQ Coordinator's name and contact information.

Each school facility is to meet the 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.

The Board recognizes that excessive moisture levels within the schools can lead to conditions that are optimum for the development of biological contaminants, such as mold and fungi on building surfaces. The Board further recognizes that the presence of these contaminants can be harmful on contact with respiratory tissue.

Contributing factors to excessive moisture levels include the following:

A. roof leaks;

B. structural defects in the building;

C. improperly controlled humidity levels;

D. faulty HVAC systems.

As preventative measures, the Corporation shall do the following:

A. address the prevention of water intrusion as a priority IAQ issue and implement strategies toward its elimination;

   When a water leak or intrusion is discovered, corrective action shall be taken within forty-eight (48) hours.

B. maintain environmental conditions in occupied areas that are in compliance with applicable regulations and strive to conform to consensus industry standards;

C. implement a preventative maintenance program for HVAC systems, which shall include, but not be limited to, periodic filter replacement, inspection, cleaning and disinfecting processes, and procedures to eliminate the contribution to indoor air quality problems caused by this equipment;

D. implement a system for ensuring materials used and purchased for use in the construction, furnishing, and maintenance, including cleaning of facilities, do not contribute to health hazards to employees and students by degrading the quality of indoor air;

   In addition, activities that create indoor air quality health hazards shall not be permitted.

E. when mold or mold-contaminated material is discovered, corrective action shall be taken within forty-eight (48) hours.

Further, the school corporation shall endeavor to reduce irritants by not allowing the use of ozone generators sold as air purifiers while students are present in the classroom. Scented candles and air fresheners are not to be used in the classrooms.

In addition, the Superintendent shall develop administrative guidelines for the proper monitoring of the factors that contribute to excessive moisture and for the development of mitigation plans when, and if, problems with IAQ are identified.

SCHOOL BUS AND OTHER VEHICLE IDLING

In accordance with the Indiana State Department of Health regulations, the Board endeavors to limit vehicle emissions that may be introduced into school facilities, harming the indoor air quality.

The Corporation shall determine areas where idling is prohibited and post signs.

Drivers of all public and private vehicles are to turn off the engine if the vehicle is to be stopped for more than five (5) minutes in locations where the vehicle exhaust may be drawn into the building or while on school grounds. See Policy 8615 and AG 8615.

The staff will be informed of this policy at the start of each school year. Parents and students will be informed of this policy at the start of each school year at annual orientations or through student/parent handbooks.

POLLUTION CONTROL AND PREVENTION

In an effort to comply with environmental policy and applicable regulations, the Corporation shall develop and implement procedures designed to prevent air and water pollution, minimize or eliminate waste streams where possible, and identify possible sources of air and water pollution.

DRINKING WATER TESTING

The Superintendent is responsible for implementing the appropriate testing of drinking water in all school buildings in the Corporation prior to January 1, 2023. The Superintendent must test the water to determine whether the drinking water equals or exceeds the action level for lead established in the Code of Federal Regulations of fifteen (15) parts per billion or fifteen one-thousandths (.015) milligram of lead per liter of water. The Superintendent may satisfy the requirement for testing the drinking water in a school building if the drinking water in the school building:

A. was tested during the lead sampling program for school buildings conducted by the Indiana Finance Authority in 2017 and 2018;
B. is tested in the lead sampling program for school buildings and child care facilities conducted by the Indiana Finance Authority in 2019 and 2020; or
C. otherwise has been tested for compliance with the federal standards set forth above since calendar year 2016.

Any system exceeding the action level for lead shall implement all applicable source water treatment requirements established by the State of Indiana and pursuant to the Code of Federal Regulations necessary to reduce the lead level to below the action level for lead set forth above. After the implementation of applicable corrosion control and source water treatment requirements has been met, any system exceeding the lead action level shall complete a lead service line replacement. The Superintendent must provide a notice of lead tap water monitoring results to all students, staff, and

community members who are serving at the school sites that have been tested. If a system exceeds the lead action level, the Superintendent shall implement the public education requirements. The results of the treatment provisions shall be reported to the State of Indiana. The Corporation shall maintain records of the program in accordance with the Code of Federal Regulations.

The Corporation shall test the drinking water in any child care facility or preschool operated by the Corporation before January 1, 2026, to determine whether lead is present in the drinking water in a concentration that equals or exceeds the action level for lead. Drinking water testing required by this section must be performed in accordance with the lead sampling program for school buildings and child care facilities conducted by the Indiana Finance Authority. If the drinking water in a Corporation's child care facility or preschool has been tested through a lead sampling program conducted by the Indiana Finance Authority, additional testing is not required. If the testing of the drinking water in a Corporation child care facility or preschool indicates that the presence of lead in the drinking water equals or exceeds the action level for lead, the Corporation shall take action to reduce the concentration of lead in the drinking water to a level below the action level for lead by:

A. eliminating the source of the lead in the drinking water; or
B. installing a water filtration system that will reduce the level of lead in the drinking water to a level below the action level for lead. The water filtration system must meet the requirements of I.C. 16-41-21.2-4(e) and (f).

The Superintendent shall seek any State and Federal grant money available for lead sampling or testing, including any money available under the lead sampling program for school buildings and child care facilities conducted by the Indiana Finance Authority.

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Legal
Indiana Department of Health Model Policies
I.C. 16-41-21.2
I.C. 16-41-37.5
410 IAC 33-4-1 through 8
40 C.F.R. Part 141

DELEGATION FOR CONTINUED SCHOOL FUNCTIONING

8415 - **DELEGATION FOR CONTINUED SCHOOL FUNCTIONING**

The Superintendent and/or his/her designee are hereby authorized, empowered, and directed, to take any and all action as such person deems necessary or desirable as provided in the attached Emergency Delegation for Continued School Functioning Policy and that is otherwise permitted by law to the governing body and/or the administration to ensure the safety and well-being of our school community for the remainder of the current school term or until the national emergency has ended, whichever concludes first, without further action by this governing body. The governing body hereby designates the Board President, and/or the Vice President, to approve claims for payment presented by the Superintendent. The Board shall allow those claims at its first meeting after the Public Health Emergency has ended. The resolution authorizes and is not limited to the payment of at-will and/or hourly employees on noninstructional days.

This policy expires at the time of the first governing body meeting following the end of the emergency period.

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DELEGATION FOR CONTINUED SCHOOL FUNCTIONS DURING A DECLARED EMERGENCY

8416 - **DELEGATION FOR CONTINUED SCHOOL FUNCTIONS DURING A DECLARED EMERGENCY**

Upon declaration of an emergency by Federal, State or local officials, the School Board authorizes the Superintendent and the Superintendent's designees the authority to act on behalf of the Board in accordance with applicable law with respect to the actions listed in this policy.

The Superintendent will consult with the Board President, or if unavailable, the Vice President, on any actions considered to be taken when such action is not immediately required.

The Superintendent will advise the Board of any actions taken at the time when possible. The Superintendent must advise the Board of any actions taken no later than its next regularly scheduled board meeting. At such meeting, the School Board will review and ratify or approve the action(s) taken.

The Superintendent is authorized to take one or more of the following actions during a declared emergency but Federal, State, or local officials relating to a health, safety, or weather emergency:

A. To employ, contract for, reassign, change schedules or discharge employees necessary for school purposes during the public emergency period.
B. To continue payment of the salaries and compensation of persons and services consistent with existing contractual obligations. To reassign staff to other duties to ensure continued wages when regular assignments are interrupted by online learning or school closures. Too provide up to additional days of paid time off to address income losses impacted by the public emergency period.
C. To determine the number of persons or the amount of services needed to continue school operations during the public emergency period.
D. To determine the nature and extent of the duties of staff needed to continue school operations during the public emergency period including, but not limited to, reassignment of location, work schedule, specific duties, and job descriptions.
E. To approve the use of school facilities for use by other governmental or community health agencies to respond to declared public emergency.
F. To approve use of school vehicles, including buses, for transportation to respond to or to address community needs during the public emergency period.
G. To the extent feasible, to ensure instructional services to students are maintained through alternative methods such as eLearning, reduced instructional days, or other means deemed appropriate during the public emergency period.
H. To continue lunch program services for students, including permitting use of kitchens, kitchen facilities, kitchen equipment, and lunch rooms, and the purchases of materials and supplies for the lunch program, charging students for the operational costs of the lunch program, and fixing the price per meal or per food item during the public emergency period.
I. To operate the lunch program as an extracurricular activity during the public emergency period.
J. To participate in a surplus commodity or lunch aid program during the public emergency period.

K. To purchase curricular materials, to furnish curricular materials without costs, or to rent curricular materials to students, and to participate in a curricular materials aid program during the public emergency period.
L. To accept students transferred from other school corporations and to transfer students to other school corporations during the public emergency period.
M. To enforce, amend, or suspend rules, regulations, and procedures for the governance, management, and operations of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and students during the public emergency period.
N. To determine the closure of schools to ensure the safety and health of students and staff when necessary during the public emergency period.

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EMERGENCY PREPAREDNESS PLANS AND DRILLS

8420 - **EMERGENCY PREPAREDNESS PLANS AND DRILLS**

The School Board recognizes that its responsibility for the safety of students extends to possible natural and man-made disasters and such emergencies are best met by preparedness and planning.

The Superintendent shall ensure that a written emergency preparedness plan is developed for the School Corporation and each school in the Corporation in consultation with local public safety agencies. The plan shall contain the following:

A. appropriate warning systems

B. procedures for notifying other agencies and organizations

C. posting of evacuation routes

D. emergency preparedness instruction for staff and students

E. public information procedures

F. steps that will be taken prior to a decision to evacuate buildings or dismiss classes, and

G. provisions to protect the safety and well-being of staff, students and the public in case of:

1. fire;
2. natural disaster, such as tornado, flood, or earthquake;
3. adverse weather conditions, such as winter storms or extreme heat;
4. nuclear contamination, such as power plant or transport vehicle spills;
5. exposure to chemicals, such as pesticides, industrial spills and contaminants, laboratory chemicals and cleaning agents; and
6. man-made occurrences, such as student disturbance, weapon, weapon of mass destruction, contamination of water or air supply, hostage, and kidnapping incidents

Within sixty (60) days after the beginning of each school year, the Superintendent shall certify to the Indiana Department of Education (IDOE) that the emergency preparedness plans for the Corporation and each school have been reviewed and revised, if necessary. Within sixty (60) days of opening a new or significantly remodeled school, the Superintendent shall certify to the Indiana Department of Education (IDOE) that a new plan has been developed or that the existing plan has been reviewed and revised, if necessary.

In order to prepare students and staff for emergency situations, the Board requires the principal of each school in the Corporation to conduct emergency preparedness drills during the school year in compliance with the rules adopted by the State Board of Education, the State Fire Marshal and the Fire

Prevention and Building Safety Commission, as applicable. Each school and attendance center will conduct at least one (1) tornado and one (1) man-made occurrence disaster drill per semester.

At least one (1) man-made occurrence disaster drill must be an armed intruder drill and must be conducted within ninety (90) calendar days after the beginning of the school year.

Students shall not participate in any training or armed intruder drills that include as any part of the training or drill the expelling of any type of projectile at a student.

Armed intruder drills that include sensory components or activities shall not require student participation and shall not take place during regular school hours when a majority of the students are present. "Sensory components or activities" refer to aspects of an armed intruder drill intended to simulate a real armed intruder scenario that include: simulations of gunfire; simulations of gunshot wounds or other injuries; the use of a prop firearm; the use of a pellet gun; or participation in the drill by law enforcement personnel with drawn firearms.

Before conducting any training or drill that includes any sensory components or activities or the expelling of any type of projectile at a Corporation employee, the Corporation shall: (1) inform the employees who will participate of the use of sensory components or activities or the use of projectiles in the training or drill; and (2) obtain the written consent of each participating employee to participate in any training or a drill involving the use of sensory components or activities or the use of projectiles. Corporation employees who do not provide such written consent are not required to participate in that training or drill.

The Board directs the Superintendent to develop administrative guidelines that establish an armed intruder drill protocol which:

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.

These drills may be conducted instead of the monthly fire evacuation drill required by the State Fire Marshal; provided, however, that tornado and man-made occurrence drills conducted in place of a monthly fire drill may not be conducted in two (2) consecutive months and may not be conducted more than twice in a semester.

The Board requires the principal of each school to conduct the following additional emergency preparedness drills: Lockdown, Lockout, Hold, Evacuate, Shelter.

Each principal shall file a certified statement that all required drills have been conducted.

The Superintendent shall ensure that each principal complies with the requirement to file a certified statement that all required drills have been conducted.

All threats to the safety of Corporation facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

The Superintendent shall develop procedures for the handling of emergencies which include a plan for the prompt and safe evacuation of the schools.

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Legal
I.C. 10-21-1-10
I.C. 20-26-5-42.5
I.C. 20-34-3-20
I.C. 20-34-3-27
511 IAC 6.1-2-2.5
675 IAC 22

CHEMICAL MANAGEMENT AND PREPAREDNESS FOR TOXIC OR ASBESTOS HAZARD

8431 - **CHEMICAL MANAGEMENT AND PREPAREDNESS FOR TOXIC OR ASBESTOS HAZARD**

The School Board is concerned for the safety of the students and staff members and will attempt to comply with all Federal and State statutes and regulations to protect them from hazards that may result from exposure to toxic chemicals used in the classroom as a part of an instructional program, as well as toxic chemicals used for cleaning or maintenance or from the presence of asbestos materials used in previous construction.

CHEMICAL MANAGEMENT/TOXIC HAZARDS

In order to reduce student and staff exposure to chemical hazards used or kept at the school corporation facilities, the Superintendent will be responsible for developing and implementing a plan for minimizing exposure to these toxic hazards.

These hazards exist in chemicals and other substances used in the school setting such as in laboratories, science classrooms, kitchens, in the cleaning of school buildings, buses, and equipment, and the maintaining of school grounds.

The Superintendent will appoint an employee to serve as the Toxic Hazard Preparedness (THP) Officer who shall oversee the implementation of the Corporation's Chemical Management/Toxic Hazards Plan. The plan may include provisions to ensure when chemicals are used during a class, such as but not limited to chemistry, biology, or industrial technology, appropriate ventilation in proper working order must be used to minimize potential exposure to these chemicals (either the National Institute for Occupational Safety and Health (NIOSH) or the Occupational Safety and Health Administration (OSHA) guidelines for evaluating student exposure must be used).

PHASE-OUT/BANNED PRODUCTS

The Superintendent shall require that any chemicals, insecticides, or other materials that the Federal government is phasing out and/or banning by a certain date be immediately banned from use on Board property.

ASBESTOS

The Superintendent shall appoint a person to develop and implement the Corporation's Asbestos-Management Program which will ensure proper compliance with Federal and State laws and the appropriate instruction of staff and students.

The Superintendent shall also ensure that, when conducting asbestos abatement projects, each contractor employed by the Corporation is licensed pursuant to the Indiana Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

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Asbestos School Hazard Abatement, 20 U.S.C. 4011 et seq.
Asbestos Hazard Emergency Act, 40 C.F.R. Part 763
Toxic Substances Control Act 15, U.S.C. 2601 et seq.
I.C. 16-9-3-5, 16-41-37.5
410 IAC 33-4-8

PEST CONTROL AND USE OF PESTICIDES

8432 - **PEST CONTROL AND USE OF PESTICIDES**

The Corporation is committed to providing a safe environment for students. It seeks to prevent children from being exposed to pests and pesticides. While pesticides protect children from pests that may be found in the school and its surrounding grounds, under some circumstances they may pose a hazard to children. Therefore, pest control practices may involve a variety of chemical and non- chemical methods that are designed to control pests effectively while minimizing potential pesticide exposure.

The Corporation will:

A. annually inform parents and staff members of the Corporation's pest control policy at the time of student registration by a separate memorandum or as a provision in the staff and/or student handbook;

B. provide the name and phone number of the person to contact for information regarding pest control;

C. maintain a registry of parents, guardians, and staff members who want to receive advance notice of all pesticide use, and, provide such notice at the start of each school year and during the school year when a student enrolls in or transfers into a school;

   The Corporation's notice at the start of each school year shall invite parents, guardians, and staff members to be added to the pesticide notification list, and the Corporation shall permit a person to be added to the registry at any time upon their request.

D. provide notice of planned pesticide applications to parents and employees who have requested advance notice;

E. maintain written/printed/electronic records for two (2) years of any pesticide applications, and make these records available to anyone for inspection and copying upon request.

The Corporation will provide notice to those in the registry at least forty-eight (48) hours prior to the date and time the pesticide application is to occur unless an emergency is declared. The notice will include the date and time of the pesticide application, the general area where the pesticide is to be applied and the telephone number to contact for more information.

In case of emergency pesticide applications, because of immediate threat to the public health, the school shall give written notice as soon as possible.

The Corporation may provide for training of school employees to become certified pest control applicators. Financial support for such training may be provided by the Corporation subject to budgetary constraints of the Corporation.

The Superintendent shall prepare administrative guidelines for the implementation of this policy.

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Legal
I.C.15-16-5
357 IAC 1-16
ISBA, IAPSS, IASBO, Memorandum Dtd. 6/13/2000

REPORTING ACCIDENTS

8442 - **REPORTING ACCIDENTS**

The School Board directs that all reasonable efforts be made to ensure a safe learning and working environment for the students and employees of this Corporation. To that end, and so that legitimate employee claims for worker's compensation be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, an employee of the Board, or a visitor to the schools must be reported promptly and in writing to the Corporation business office. Injured persons shall be referred immediately to the appropriate personnel for such medical attention as may be needed.

The injured employee, visitor, or the staff member responsible for an injured student shall complete a form, available in the office of the principal, that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Board who suffers a job-related injury must report the injury and its circumstances to the principal or job supervisor, as appropriate, as soon as possible following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action.

The Superintendent shall prepare administrative guidelines which should include procedures for notification of the insurer.

CONTROL OF CASUAL-CONTACT, COMMUNICABLE DISEASES

8450 - **CONTROL OF CASUAL-CONTACT, COMMUNICABLE DISEASES**

The School Board recognizes that control of the spread of communicable disease spread through normal school contact is essential to the well-being of the school community and to the efficient School Corporation operation.

For purposes of this policy, "casual-contact, communicable disease" shall include the 2019 Novel Coronavirus Disease (COVID-19) invasive pneumococcal disease, meningococcal disease, mumps, norovirus infection, pertussis (whooping cough) scarlet fever and other strep infections, tuberculosis, varicella (chickenpox), and others designated by the Indiana Department of Public Health.

In order to protect the health and safety of the students, Corporation personnel, and the community at large, the Board shall follow all State statutes, Executive Orders, and Health Department regulations which pertain to immunization and other means for controlling casual-contact communicable disease spread through normal interaction in the school setting.

If a student exhibits symptoms of a casual-contact communicable disease, the principal will isolate the student in the building and contact the parents/guardians. Protocols established by the State and County Health Department shall be followed.

The Superintendent shall develop administrative guidelines for the control of communicable disease:

A. instruction of professional staff in the detection of these common diseases and measures for their prevention and control;

B. removal of students from Corporation property to the care of a responsible adult;

C. preparation of standards for the readmission of students who have recovered from casual-contact, communicable diseases;

D. filing of reports as required by statute and the State Department of Health.

Revised 2/27/12
Revised 7/27/20

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Legal
I.C. 20-34-3-9

PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS

8450.01 - **PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS**

During times of elevated communicable disease community spread (pandemic or epidemic), the Superintendent will issue periodic guidance through School Board plans/resolution(s) in alignment with Federal, State, and local public health officials and/or in accordance with governmental edicts or guidelines. In the case of health and safety emergencies, when there is a pandemic or epidemic, the School Corporation will follow the Pandemic and Epidemic Plan as established in Policy 8420.01 allowing for continuity of operations and establish necessary procedures and plans for re-opening to provide for a safe and healthy school environment.

School settings can be a source of community spread. Wearing face masks/coverings is important during these times and can help mitigate the risk of exposure from person to person.

These re-opening plans will address matters of dress related to health, such as the wearing of face masks or face coverings. As such, during times of elevated communicable disease community spread, all Corporation staff, students, volunteers, and visitors (including vendors) must wear appropriate face masks/coverings on school grounds unless:

A. not mandated by governmental guidelines or the Corporation-approved re-opening plan;
B. it is unsafe to do so;
C. doing so would significantly interfere with the Corporation's educational or operational processes; or
D. an employee's Section 504 plan or a student's individualized education program ('IEP') or Section 504 plan provides otherwise.

Face masks/shields will be provided by the Corporation to employees. Alternatively, employees may elect to wear their own face coverings if they meet the requirements the Corporation-approved re-opening plan, as well as any requirements issued by State or local health departments.

All face masks/coverings shall meet the requirements of the appropriate dress/staff grooming policies.

When face masks/coverings are required by the Board, and no exception included in the Corporation-approved re-opening plan has been applied, staff members who violate this policy shall be subject to disciplinary action in accordance with policies of the Board.

Face masks/coverings should:

A. Fully cover the mouth, nose, and chin;
B. Fit snugly against the side of the face so there are no gaps;
C. Not create difficulty breathing while worn;
D. Be held securely through either a tie, elastic, earloops, etc. to prevent slipping.

Removal of face masks/face coverings may be considered when:

A. Face masks/coverings in the school setting are prohibited by law or regulation;
B. Face masks/coverings are in violation of documented industry standards;
C. Face masks/coverings are not advisable for health reasons;
D. Face masks/coverings are in violation of the school's documented safety policies;
E. Face masks/coverings are not required when the staff works alone in an assigned work area; or
F. There is a functional (practical) reason for a staff member or volunteer not to wear a face mask/covering in the workplace;

A. Face masks/coverings are not advisable based on a health issue as documented by a licensed Indiana physician, psychologist; or

B. Necessary to accommodate a student with a disability.

The Board may be required to provide written justification to local health officials upon request explaining why a staff member is not required to wear a face mask/covering in the school. Therefore, if any exceptions are made to the requirement for face masks/coverings, the request for such exception must be submitted in writing to the individual's supervisor, and a decision on the request will be provided in writing.

Face Shields

Face shields that wrap around the face and extend below the chin can be considered as an alternative to face masks/coverings. Some situations where face shields would be useful include:

A. When interacting with students, such as those with disabilities, where communication could be impacted;
B. When interacting with English-language learners or when teaching a foreign language;
C. Settings where face masks/coverings might present a safety hazard (i.e. science labs); or
D. For individuals who have difficulty wearing a face mask/covering.

If individuals receive approval from the Corporation administration after discussing their request not to wear a face mask/covering/shield due to a physical, mental or developmental health condition, and/or if wearing a face mask/covering/shield would lead to a medical emergency or would introduce significant safety concerns, Corporation administration also may discuss other possible accommodations for the staff member. Such discussion shall follow Board policies and guidelines under Section 504 of the Rehabilitation Act of 1973 ('Section 504') and the Americans with Disabilities Act ('ADA').

School nurses or staff who care for individuals with symptoms must use appropriate personal protective equipment (PPE), provided by the Corporation, in accordance with OSHA standards.

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PARASITIC INFESTATION (HEAD LICE, BED BUGS)

8451- **PARASITIC INFESTATION (HEAD LICE, BED BUGS)**

Infestations of parasitic insects are a universal problem, present in the community at all times, and are particularly prevalent among elementary school-age children. Parasitic infestation is a nuisance but does not spread disease. Control of infestation is best handled by adequate treatment of the infested person and their immediate household and other close personal contacts. Parasitic infestation is not an indicator of uncleanliness or socioeconomic status. Parasitic infestations are spread most commonly by direct contact. However, much less frequently, they are spread by sharing clothing or belongings onto which parasitic insects have crawled, or nits attached to shed hairs may have fallen.

Communication from the school to parents directly and through parent and classroom education to the students helps increase awareness for both parents and children. Parents need to check their child's head, body, and belongings on a regular basis for signs of parasitic infestation and treat any infestation adequately and appropriately as necessary. Control depends on promptly finding and effectively treating infestations.

The school nurse or their designee shall be the only ones authorized to conduct examinations of students for an infestation.

If a student in the Corporation is found to have an infestation, the school nurse or designee shall notify the parent and ask the parent to pick the student up at their earliest convenience. In the case of a pediculosis capitis (lice) infestation, the parent shall be advised to administer an FDA-approved treatment (e.g., pediculicide/ovicide) by a qualified healthcare provider or seek treatment at a clinic specializing in parasitic removal. The student shall remain in the classroom until picked up by the parent. In the case of a bed bug infestation, the student's belongings shall be sealed and provided to the parent, and the parent shall be provided with information on the treatment of bites, control of the infestation, and the need to use a professional exterminator service in the home.

After treatment and upon returning to school, the student will be examined by the school nurse or designee, who may include the principal. The Corporation practices a policy of "no live insects" as the criterion for the return to school.

The Superintendent shall prepare administrative guidelines to provide for the implementation of this policy.

Revised 5/23/16
Revised 12/18/23

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AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)

8452 - **AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)**

The School Board has determined that it may enhance school safety to have an automatic external defibrillator (AED) placed in building(s) within the School Corporation.

An AED is a medical device that contains a heart monitor and defibrillator that is used to administer an electric shock through a person's chest wall to the heart. The built-in computer system of the AED assesses the patient's heart rhythm, determines whether defibrillation is needed, and then administers a shock, if necessary. Audible and/or visual prompts guide the user through the process of using the AED.

The Corporation shall 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 (IDOE) and the local health department, that includes 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 Trainers Association.
B. 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. AEDs must be placed in accordance with guidelines set by the American Heart Association or other nationally recognized guidelines focused on emergency cardiovascular care.
C. A requirement that the 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.
D. A requirement that the AEDs must be made available for use by all individuals, regardless of an individual's training.

Each Principal or Building Administrator shall manage the venue-specific emergency action plan for sudden cardiac arrest. The plan shall 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 shall 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 shall be shared with the participating students. The plan also shall be distributed to the Board.

The Superintendent shall develop a system by which each AED is maintained properly.

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 shall be required to participate in a sudden cardiac arrest training course, which includes the use of an AED. (See Policy 1520.08 - Employment of Personnel for Extracurricular Activities, Policy 3120.08 - Employment of Personnel for Extracurricular Activities, Policy 4120.08 - Employment of

Personnel for Extracurricular Activities, and Policy 8455 - Coach Training, References, and IHSAA Reporting)

The Board directs the Superintendent to develop guidelines that govern AEDs, including the use of the AED, and the placement of the AED. The Board also directs the Superintendent, in conjunction with the local emergency medical services, to review the guidelines, as appropriate. AEDs must be made available for use by all individuals, regardless of training.

Revised 8/26/24

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Legal
I.C. 16-31-3.5
I.C. 20-34-8
I.C. 34-30-12-1

CONTROL OF NONCASUAL-CONTACT COMMUNICABLE DISEASES

8453 - **CONTROL OF NONCASUAL-CONTACT COMMUNICABLE DISEASES**

The School Board seeks to provide a safe educational environment for both students and staff. It is the Board's intent to ensure that any student or member of the staff who contracts a communicable disease that is not communicated through casual contact will have his/her status in the Corporation examined by appropriately licensed medical personnel and that the rights of both the affected individual and those of other staff members and students will be acknowledged and respected.

For purposes of this policy, "noncasual-contact communicable disease" shall include:

A. AIDS - Acquired Immune Deficiency Syndrome;

B. ARC - AIDS Related Complex;

C. persons infected with HIV (human immunodeficiency);

D. Hepatitis B;

E. other like diseases that may be specified by the State Board of Health.

In its effort to assist in the prevention and control of communicable diseases of any kind, the Board has established policies on Immunization, Hygienic Management, and Control of Casual-Contact Communicable Diseases. The purpose of this policy is to protect the health and safety of the students, Corporation personnel, and the community at large, from the spread of the above-mentioned diseases.

The Board seeks to keep students and staff members in school unless there is definitive evidence to warrant exclusion. When the Superintendent learns that a student or Corporation employee may be infected with a noncasual-contact communicable disease, the Superintendent shall consult with the infected person's physician and/or the St. Joseph and LaPorte County Health Department to determine if the initial evidence warrants exclusion.

If the evidence is not sufficient to justify exclusion, the person shall remain in his/her current school environment.

If the County Health Officer determines the evidence indicates the person should be excluded from the school environment, the person shall be temporarily excluded.

When the Superintendent learns that an affected student is eligible for services under the IDEA and the student's physician or the County Health Department Officer believes the student must be removed from school, the Superintendent will direct the Students' Case Conference Committee to design an appropriate out of school program for the student.

The rights of any affected student, as well as those of any affected staff member, shall be protected in accordance with Federal and State laws on privacy, and confidentiality. In addition, the exclusion of any

staff member from the Corporation by the County Health Officer's decision will be done in accord with relevant sections of Indiana Statutes concerning sick leave.

Further, it is the Board's policy that all students and staff members should maintain normal contact with an affected student or staff member whose continued presence in the school setting has been determined by this process.

The Board directs the Superintendent to develop an educational program in accordance with Indiana Statute that will ensure proper instruction of students, professional staff, and support staff, on the principal means by which noncasual-contact communicable diseases are transmitted, as well as how they are not transmitted, and the more effective methods for restricting and/or preventing these diseases.

The Superintendent shall include in this, those educational materials which advocate prevention through abstinence.

Legal
20 U.S.C. 1232(g)
I.C. 20-34-3-17, 16-41-9, 20-34-3-9

CONTROL OF BLOOD-BORNE PATHOGENS

8453.01 - **CONTROL OF BLOOD-BORNE PATHOGENS**

The School Board seeks to protect those staff members who may be exposed to blood pathogens and other potentially infectious materials in their performance of assigned duties.

The Superintendent shall implement administrative guidelines which will:

A. identify those categories of employees whose duties create a reasonable anticipation of exposure to blood and other infectious materials;

B. provide for inoculation of the Hepatitis B vaccine at no cost to the staff member and in accordance with Federally- mandated scheduling;

C. ensure proper training in the universal precautions against exposure and/or contamination including the provision of appropriate protective supplies and equipment;

D. establish appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of exposure;

E. provide for record-keeping of all of the above which complies with both Federal and State laws;

F. develop an exposure control plan.

Legal
29 USC 1910.1030

COACH TRAINING, REFERENCES, AND IHSAA REPORTING

8455 - **COACH TRAINING, REFERENCES, AND IHSAA REPORTING**

The School Corporation shall comply with State law governing the training and certification of all coaches and athletic activity sponsors. This applies to all coaches, whether employees, volunteers, or other individuals, who are coaching with student-athletes.

CPR Certification Requirement-NPUSC Coaches, Sponsors, Volunteers

All extra-curricular and co-curricular programming coaches, sponsors, and approved volunteers are expected to be CPR certified for grades K-12.

NPUSC may provide CPR training options on-site each semester when possible. The expense of the certification will be the responsibility of NPUSC.

Coaches, sponsors, and volunteers are expected to complete CPR certification as soon as possible. CPR certification will be required as a condition of employment or to be approved as a volunteer. Failure to complete CPR certification in a timely manner as a coach, sponsor, or volunteer may lead to cancellation or non-renewal of an extra-curricular or co-curricular position or being approved as a volunteer.

The School Board requires that:

A. Prior to coaching football to students who are less than twenty (20) years of age, all head and assistant football coaches shall complete a certified coaching education course approved by the Indiana Department of Education (IDOE) not less than once during a two (2)-year period that:

    1. is sport-specific;
    2. contains player safety content, including content on:
        a. concussion awareness;
        b. equipment fitting;
        c. heat emergency preparedness; and
        d. proper technique;
    3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
    4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the

course before the end of the two (2)-year period, the coach shall complete instruction and successfully complete a test concerning the new information.

B. Prior to coaching students in grades 5-12, all head and assistant coaches of interscholastic sports other than football, including cheerleading, shall complete a certified coaching education course approved by the (IDOE) at least once during a two (2)-year period that:

    1. contains player safety content on concussion awareness;

    2. includes content for prevention of or response to heat-related medical issues that may arise from a student athlete's training;

    3. requires a coach to complete a test demonstrating comprehension of the content of the course; and

    4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach shall complete instruction and successfully complete a test concerning the new information.

C. A head or assistant coach of an intramural sport other than football who is coaching students in grades 5-12 may elect to complete the above-referenced certified coaching education course. If compliance with I.C. 20-34-7 is required by the coaching certification requirements for the intramural sport that the head or assistant coach is coaching, the coach shall complete the above-referenced certified coaching education course.

D. A 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 as determined by the (IDOE) shall complete the sudden cardiac training course offered by a provider approved by the IDOE. The sudden cardiac arrest training course shall include training in the use of an automated external defibrillator. The coach, marching band leader, drama or musical leader, or extracurricular activity sponsor shall complete this required sudden cardiac arrest training prior to coaching or leading the activity.

    The Corporation shall receive a certificate of completion from the provider for each coach, marching band leader, drama or musical leader, or extracurricular activity sponsor successfully completing the required sudden cardiac arrest training. The Corporation shall maintain all certificates of completion awarded for each individual who completes the sudden cardiac arrest training. A 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 who provides coaching or leadership services in good faith is not personally liable for damages in a civil action as a result of sudden cardiac arrest incurred by a student participating in an event in which students have an increased risk of sudden cardiac arrest except for an act or omission by the individual coach, leader or sponsor that constitutes gross negligence or willful and wanton misconduct.

Additionally, the Board requires that all head and assistant coaches of students of any age participating in interscholastic or intramural sports other than football, including cheerleading, shall complete a certified coaching education course approved by the S (IDOE) at least once during a two (2)-year period that:

A. contains player safety content on concussion awareness;

B. includes content for prevention of or response to heat-related medical issues that may arise from a student athlete's training;

C. requires a coach to complete a test demonstrating comprehension of the content of the course; and

D. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach shall complete instruction and successfully complete a test concerning the new information.

The Superintendent shall require that each person employed as a coach and athletic activity sponsor is qualified, has cleared a background check as required by State law and Board Policy 1521 - Personal Background Checks, References and Mandatory Reporting, Policy 3121 - Personal Background Checks, Policy 4121 - Personal Background Checks, References and Mandatory Reporting, Policy 8120 - Volunteers, or Policy 8121 - Personal Background Check - Contracted Services, and has received the training required by State law and this policy. Before allowing an individual to be a volunteer coach, the Corporation shall conduct an expanded criminal history check (as defined in I.C. 20-26-2-1.5) on him/her. Additionally, before the Corporation hires or allows an individual to coach an Indiana High School Athletic Association (IHSAA) recognized sport, the Corporation shall take the following steps:

A. ask the individual:

    1. whether the individual is or has been accredited by the association; and
    2. if the individual is or has been accredited by the IHSAA, whether the individual's accreditation has ever been suspended or revoked;

B. request references from the individual;
C. contact the references that the individual provides to the Corporation; and
D. contact the IHSAA to determine whether the individual's accreditation has ever been suspended or revoked.

All coaches and athletic activity sponsors shall be informed of Corporation policies regarding reporting requirements and investigation requirements for complaints of bullying or harassment and suspected child abuse/sexual abuse.

The Corporation shall report to the IHSAA, in a manner prescribed by the IHSAA, when a nonteaching or volunteer coach accredited by the IHSAA has been convicted of an offense described in I.C. 20-28-5-8(c) or I.C. 20-26-5-11.2(b) or of a known comparable offense in another state.

The Corporation shall report suspected misconduct by an administrator who is a coach that may constitute a crime to local law enforcement.

The Corporation shall report to the IHSAA when a professional staff member who is a coach accredited by the IHSAA has been convicted of an offense described in I.C. 20-28-5-8(c) or of a known comparable offense in another state.

The Corporation shall report to local law enforcement any suspected misconduct by an individual serving as a coach that may constitute a crime.

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Revised 11/22/21
Revised 5/22/23

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Legal
I.C. 20-26-5-11.2(B)
I.C. 20-26-14-8
I.C. 20-26-14-9
I.C. 20-28-5-8(C)
I.C. 20-34-7
I.C. 20-34-8

CHILD ABUSE AND NEGLECT

8462 - **CHILD ABUSE AND NEGLECT**

As an agency of the State, the School Board is concerned with the physical and mental well-being of the children of this School Corporation and will cooperate in the identification and reporting of cases of suspected child abuse or neglect in accordance with law.

Each staff member and youth coach employed by this Corporation, volunteer coach, and any volunteer shall be responsible for reporting immediately every case, whether ascertained or suspected, of abuse, abandonment, cruelty, or neglect resulting in physical or mental injury to a student by other than accidental means. If a staff member has reason to believe a child is a victim of abuse or neglect, they shall make a report immediately to the Department of Child Services ("DCS") by calling the Indiana Child Abuse and Neglect Hotline at 1-800-800-5556 and, if a crime is suspected, the appropriate local 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 the staff member made to DCS and/or the appropriate local law enforcement agency. 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, if a crime is suspected, the appropriate local law enforcement agency to ensure that they have received the report and an investigation has begun.

The building administrator shall secure prompt medical attention for any such injuries reported.

Information concerning alleged abuse or neglect of a student is confidential information and is not to be shared with anyone other than the administration, DCS, the local prosecutor, and, if a crime is suspected, the appropriate local law enforcement agency. 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.

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.

Building administrators should be mindful of the possibility of physical or mental abuse inflicted by a staff member. A staff member who violates this policy also may be subject to disciplinary action. Information concerning alleged abuse of a student by a teacher is confidential information and is not to be shared with anyone other than the parent(s), administration, DCS, and, if a crime is suspected, the appropriate local law enforcement agency. Any such instances, real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent after making a report of suspected abuse or neglect as described above.

The Board requires 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 may include:

A. an in-person presentation;
B. an electronic or technology-based medium, including self-review modules available on an online system;
C. an individual program of study of designated materials.

The training required by this policy shall count toward the Board's requirements for professional development and be provided during the Corporation employee's contracted day or at a time chosen by the employee.

Also, the Board requires each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee's employment to 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;
C. an individual program of study of designated materials.

This training shall count toward the requirements for professional development required by the Board.

Annually, the Corporation shall provide age-appropriate and research- and evidence-based instruction on child abuse and child sexual abuse to students in Kindergarten through Grade 12. This instruction may 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.

A staff member who violates this policy in any way may be subject to disciplinary action, up to and including termination.

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Legal
I.C. 20-26-5-35.5
I.C. 20-28-3-4.5
I.C. 20-28-3-7
I.C. 20-30-5-5.7
I.C. 31-33-1-1
I.C. 31-33-5-1
I.C. 31-33-5-2(b)
I.C. 31-33-5-3

I.C. 31-33-5-5(b)
I.C. 31-33-22-1(a)

REGISTERED SEX OR VIOLENT OFFENDERS

8470 - **REGISTERED SEX OR VIOLENT OFFENDERS**

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 School Board is committed to assisting the chief of police/sheriff and the local law enforcement agency with their responsibility for Community Notification of registered sex or violent offenders as required by law.

The Superintendent shall request that the chief of police/sheriff provide notice to the Superintendent 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.

When the Superintendent receives information from the chief of police/sheriff concerning the registration of a sex or violent offender in the county where the Corporation is located, the Superintendent shall disseminate the information to all Corporation employees whose duties include the supervision of and/or responsibility for students.

Employees who receive said information shall promptly notify the building principal if a registered sex or violent offender who does not attend the school is observed in the vicinity of the school or a bus stop area.

The building principal shall promptly notify the Superintendent if s/he is informed by an employee that if a registered sex or violent offender who does not attend the school is observed in the vicinity of the school or a bus stop area.

The Superintendent shall notify the local law enforcement agency if, in the judgment of the Superintendent, the presence of a registered sex or violent offender on school property appears to be without a legitimate purpose or otherwise creates concern for the safety of children. The Superintendent shall cooperate with the local law enforcement agency if any additional action is to be taken.

I.C. 35-42-4-14(b) makes it a Level 6 felony for a registered sex or violent offender who also is a "serious sex offender" within the meaning of I.C. 35-42-4-14(a) to enter school property. The Superintendent shall notify the local law enforcement agency if s/he learns that a registered sex or violent offender who also is a "serious sex offender" within the meaning of I.C. 35-42-4-14(a) is on school property.

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Legal
I.C. 11-8-8, Sex Offender Registration ("Zachary's Law")
I.C. 35-42-4-14
I.C. 36-2-13-5.5

FOOD SERVICE PROGRAM

8500 - **FOOD SERVICE PROGRAM**

The School Board shall provide cafeteria or serving facilities in all schools where space and facilities permit, and food service for the purchase and consumption of lunch for all students.

It is the intent of the Board to participate in the National School Lunch and School Breakfast Program and to offer paid, free, or reduced-price meals in accordance with the Child Nutrition Program, the National School Lunch Act, and Indiana law. The operation of the food service program shall also be in compliance with the regulations set forth in State law and regulations.

Students who are eligible for free or reduced-price meals shall be approved and properly accounted for by the Principal in accordance with criteria established by the Child Nutrition Program and the National School Lunch Act. The Board requires that the identity of students receiving free or reduced-price meals be safeguarded and kept confidential.

The operation and supervision of the food service program shall be the responsibility of the School Nutrition Program Director. The School Corporation shall adhere to the professional standards for school nutrition personnel who manage and operate the food service program, including the requirements related to hiring and training that are set forth in United States Department of Agriculture ("USDA") regulations.

Further, as required by USDA regulations and upon recommendation of the Superintendent, the Board shall certify annually:

A. The School Nutrition Program Director meets the hiring standards and training requirements set forth in USDA regulations; and
B. Each employee in the food service program has completed the applicable training requirements set forth in USDA regulations.

The Food Service program shall comply with Federal and State laws and regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. Further, the food-service program shall comply with Federal and State laws and regulations pertaining to the fiscal management of the program, as well as all the requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

Further, the Food Service program shall comply with the School Lunch Fund provisions of Chapter 4 of the State Board of Accounts *Uniform Compliance Guidelines for Indiana Public School Corporations*.

The superintendent shall recommend, and the Board shall approve, the cost of meals for elementary, middle, and high schools annually.

School Breakfast

School breakfast meals shall be made available to students at all schools in the Corporation. Each elementary, middle, and high school shall make a breakfast meal available if a student arrives at school on the bus less than fifteen (15) minutes before the first bell rings and shall allow the student at least fifteen (15) minutes to eat the breakfast.

Summer Food Service

The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer for financial reasons, the Board shall communicate that decision to its residents in a manner it determines to be appropriate.

Nutrition Standards

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold.

In adopting such standards, the Board shall:

A. consider the nutritional value of each food or beverage;
B. consult with a dietitian licensed under I.C. 25-14.5-4, a dietetic technician registered with the Commission on Dietetic Registration, or a school nutrition specialist certified or credentialed by the School Nutrition Association;
C. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the USDA and the United States Department of Health and Human Services; and
D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

The Corporation's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines.

The Superintendent shall require that the food service program serve foods in the schools of the Corporation that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report annually to the Board at one of its regular meetings regarding the Corporation's compliance with the standards.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

Competitive Food Sales

The Food and Nutrition Services Department shall comply with the provisions set forth in Federal law, incorporated in Indiana Code 20-26-9-18.5, regarding the sale of competitive food and foods of minimal nutritional value.

Food and beverage items sold during the school day outside the cafeteria may be operated on a "profit share" program with prior approval of the Director of the Food and Nutrition Services Department and the principal.

Meal Charges

Meals sold by the Corporation may be purchased by students, staff members, and community residents in accordance with the procedures established by the Superintendent.

A periodic review of the food-service accounts shall be made by the FSD. Any surplus funds from the National School Lunch Program or the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a la carte foods may accrue to the food-service program.

Cafeteria purchases may be prepaid into individual food service accounts. Prepayments into individual food service accounts may be made.

The only deductions made from prepaid accounts shall be for the purchase of meals or other allowable food purchases in the cafeteria.

If a student withdraws or graduates and has a positive balance of less than ten ($10), the balance may be receipted into the school lunch fund, where the school lunch program funds are maintained unless the parent requests a refund. If a student withdraws or graduates with a positive balance greater than ten ($10), the parents shall be notified by mail and given the option of receiving a refund within sixty (60) days. If no response is received within sixty(60) days, the account shall be closed and the funds shall no longer be available. Unclaimed balances shall be transferred to the school lunch fund,where the school lunch program funds are maintained.

If a student repeatedly comes to school with no lunch and no money for lunch, the Food Service Manager shall notify the Principal, as this may be a sign of abuse or neglect and proper authorities may be contacted.

Bad Debt/Uncollectable Debt

Significant negative lunch account balances of $50 or more that are not collected in the year when the debt was incurred shall be classified as bad debt. Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program.

Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable, is also unallowable. Any significant negative lunch account balance shall be pursued in accordance with Policy 6152 - Student Fees and Charges for collection before it is determined to be uncollectable to Policy 6151 - Bad Checks and Uncollectable Debts.

Once classified as bad debt, non-Federal funding sources shall reimburse the school lunch program account for the total amount of the bad debt. If funds to reimburse the Corporation for this bad debt are not available from another source, such as school or community organizations (like the PTA) or any

other non-Federal source, the funds to reimburse the school lunch program shall be transferred from the Corporation operations fund or other State or local funding to make that reimbursement.

Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b)(17) and 7 C.F.R. 210.15(b). Any related collection costs, including legal costs, arising from such bad debt after they have been determined to be uncollectable are also unallowable.

Any significant negative lunch account balance shall be pursued initially in accordance with Policy 6152 - Student Fees and Charges for collection before it is determined to be uncollectable pursuant to Policy 6151 -Bad Checks and Uncollectable Debts. Further, bad debt may be removed from accounts receivable in accordance with Policy 6151 - Bad Checks and Uncollectible Debts.

Negative Account Balances

Parents initially shall be notified by letter **once negative weekly**. Negative balances are expected to be corrected upon notification by Corporation personnel. The school kitchens shall be responsible for making this initial notification to parents.

Students shall be permitted to purchase meals from the Corporation's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance, subject to the following conditions.

Students may be permitted to accumulate a negative food service account balance not to exceed an amount equal to one school week of regular meal price. A student shall not be permitted to purchase a la carte items without a sufficient food service account balance or cash on hand. Likewise, any student who has a negative food service account balance may not purchase a la carte items with cash unless the student is also able to bring their food service account current.

A student who has exceeded the permissible negative balance amount in their food service account and does not have cash on hand sufficient to purchase a meal shall be treated respectfully. The Corporation shall provide meals to students with unpaid meal balances without stigmatizing them, shall provide parents of students who charge meals with notification when a student charges a meal, and shall make efforts to collect the charges incurred by the students so that the unpaid charges are not classified as bad debt at the end of the school year.

If a student has reached the permissible level of negative food service account balance, they shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to a negative food service account balance.

Students who have qualified for free lunches are still responsible for paying off any debt that was incurred prior to qualifying for free lunches.

Modifications Based on Compliant Medical Documentation

An adult student or student's parent requesting special dietary accommodations for a student with a disability that restricts the diet must provide the Medical Statement for Special Dietary Needs signed by a State-authorized medical authority, which is a medical professional authorized in the State of Indiana to write prescriptions. The request must contain the following information:

A. an explanation of how the student's physical or mental impairment restricts the diet;
B. the food(s)/type(s) of foods to be avoided;
C. the food(s)/type(s) of foods to be substituted;
D. additional pertinent information, if any, that shall assist in accommodating the student's needs.

If a Medical Statement for Special Dietary Needs is incomplete, unclear, or lacks sufficient detail, the special dietary accommodation coordinator or food service director shall request that the student or parent/guardian, as applicable, request that the medical authority supplement the response so that a safe meal can be provided.

A special dietary accommodation for a student who has a disability that restricts the student's diet must be supported by a Medical Statement for Special Dietary Needs, which should be submitted to the Food Service Director, who shall serve as the Special Dietary Accommodation Coordinator.

A student with a disability may have an individualized education program (IEP) or Section 504 plan that requires specific instruction, services, or accommodations related to the student's nutritional needs. If a student's IEP or Section 504 plan contains the same information that is required on a Medical Statement for Special Dietary Needs, then it is not necessary to obtain and submit a separate Medical Statement for Special Dietary Needs.

The individual making an initial request for such substitutions must inform the Food Service Director or Special Dietary Accommodation Coordinator that the student has a disability that restricts the student's diet. The Corporation shall honor the request upon receipt of the required documentation from a State-authorized medical authority. If the Special Dietary Accommodation Coordinator is unable to grant a requested accommodation following receipt of the medical authority's statement, the student or parent shall be provided with an explanation of the basis for the decision. Compliant requests shall be implemented immediately.

Disability Accommodation Grievance Procedure

The following procedure is intended to provide prompt and equitable resolution to any concern or disagreement regarding the food service program's administration of meal modifications made or requested on the basis of a student's disability. None of the procedures described in this section shall prevent a student or parent from pursuing a complaint with any State or Federal agency, including the USDA, using the procedures described at the end of this policy or otherwise available under Indiana or Federal law.

A. If an initial request for accommodation in the form of substituted meals is denied, the student or parent may request review of that decision by the Food Service Department and shall provide any communications between the student or parent and food service officials concerning the accommodation request, any documentation provided by a medical authority, and any additional information the student or parent believes is pertinent to the decision. A review of the materials provided and of the initial decision shall be completed, and a response provided to the student or parent as soon as practicable following receipt of the request for review. If the initial decision is reversed, including due to additional information provided on review, the dietary accommodations shall be implemented without delay. If the initial decision is affirmed, the decision is final.
B. Any other complaint or disagreement with the food service administration concerning the implementation of special dietary accommodations based on a student's disability shall be presented to the Special Dietary Accommodation Coordinator. The student or parent shall

specify the nature of the concern and any requested remedy in writing. The Coordinator shall promptly review the grievance and either contact the student or parent for any required clarification of the request or to seek to reach an agreement regarding how to best address the concern. If no agreement is reached, the Coordinator shall make a determination and notify the student or parent in writing as soon as practicable. If the grievance is affirmed in any respect, the Coordinator shall propose a plan for implementing appropriate remedial measures. If the student or parent is dissatisfied with the Coordinator's determination, the student or parent may submit a written request to the Building Principal or Superintendent for review. The Superintendent's determination shall be final.

Modifications Based on Noncompliant Medical Requests

On a case-by-case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who provide a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs, but which does not comply with the requirements above. To qualify for such consideration and substitutions, the medical statement must identify:

A. the medical or dietary need that restricts the student's diet; and
B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

Review

Upon receipt of a request for a special dietary accommodation, the Food Service Director or Special Dietary Accommodation Coordinator shall review the request to ensure it is supported as required by Federal law and Board policy, and if not, shall request additional or clarifying information from the student or parent making the request.

Implementation

When the need for a special dietary accommodation is supported by a Medical Statement for Special Dietary Needs signed by a State-authorized medical authority, the Corporation shall offer a reasonable modification that effectively accommodates the student’s disability. Following USDA Child Nutrition Program regulations, the Corporation may consider factors such as cost and efficiency, and is not required to prepare a specific meal, provide a specific brand of food, or provide a meal beyond the meals provided to other students.

For students who have an IEP or Section 504 plan that requires specific food-related accommodations, the Corporation shall provide the accommodation as required by law, seeking clarifying medical information, as necessary.

A special dietary request shall be approved and implemented upon submission of a completed authorized Medical Statement.

Student Absence

If a student receiving a special dietary accommodation is absent or does not wish to participate in school lunch on a day an accommodation is planned, the student or parent shall contact the Special Dietary Accommodation Coordinator by 9:00 a.m. the same day.

Renewing A Special Dietary Request

An authorized Medical Statement does not need to be updated annually. However, the Special Dietary Accommodation Coordinator may seek clarification or updates on special dietary requests annually.

Discontinuation of a Special Dietary Request

A special dietary request or part of a request may be discontinued by a parent by submitting the request in writing to the Special Dietary Accommodation Coordinator, or shall be discontinued consistent with the medical authorities' recommendation provided with the Medical Statement for Special Dietary Needs.

Emergency First Aid

In each school cafeteria, there shall be a poster that is easily visible and prominently placed that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals. During all times while the food service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed who has received instruction in methods to prevent choking and demonstrated an ability to perform the Heimlich maneuver.

Food Safety Compliance

In accordance with Federal law, the Food Service Department shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection shall be posted in a publicly visible location, and a copy of the report shall be available upon request.

Operation of the Food Service Program

With regard to the operation of the Corporation's Food Service program, the Superintendent shall require:

A. maintenance of sanitary, neat premises free from fire and health hazards;
B. preparation of food that complies with Federal food safety regulations;
C. planning and execution of menus in compliance with USDA requirements;
D. purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1130 - Conflict of Interest, Policy 1214 - Staff Gifts, Policy 3113 - Conflict of Interest, Policy 3214 - Staff Gifts, Policy 4113 - Conflict of Interest, Policy 4214 - Staff Gifts, and Policy 6460- Vendor Relations);
E. compliance with food holds and recalls in accordance with USDA regulations;
F. accounting and disposition of food-service funds pursuant to Federal and State law and USDA regulations;
G. safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
H. regular maintenance and replacement of equipment;
I. compliance with the Corporation’s time and effort record-keeping policy by all Corporation employees whose salaries are paid from USDA funds or with non-Federal funds used to meet a match or cost share requirement. (See Policy 6116 - Time and Effort Reporting)

The Corporation's Food Service program shall serve only food items and beverages as determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans. Any competitive food items and beverages that are available for sale to students à la carte in the dining area between midnight and thirty (30) minutes following the end of the last lunch period also shall comply with the current USDA *Nutrition Standards for the National School Lunch and School Breakfast Programs* and the USDA *Smart Snacks in Schools* regulations. Foods and beverages unassociated with the food-service program may be vended subject to the rules and regulations set forth in this policy.

The Superintendent shall require that the Food Service program serve foods in the schools of the Corporation that are wholesome and nutritious and reinforce the concepts taught in the classroom.

Vending Machines

The Board recognizes that vending machines can produce revenues that are useful to augment programs and services for students and staff. It shall, therefore, authorize their use in Corporation facilities, provided that the following conditions are satisfied:

A. The installation, servicing, stocking, and maintenance of each machine is contracted for with a reputable supplier of vending machines and their products;
B. No products are vended that would conflict with or contradict information or procedures contained in the Corporation's educational programs on health and nutrition;
C. No food or beverages are to be sold or distributed, which shall compete with the Corporation's food-service program;
D. Food and beverage items in vending machines for consumption on campus shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools regulations and applicable State law.

In accordance with the nutritional standards adopted by the Board, the placement of vending machines in any classroom where students are provided instruction is prohibited unless the classroom is also used to serve meals to students.

The profits from the sale of items in a vending machine shall be credited in the following manner:

A. Profit from vending machines available to students shall be used for the benefit of the students;
B. Profit from vending machines not available to students may be used for the benefit of the school, Corporation, or staff needs;
C. Profit from vending machines sponsored by an authorized student organization may be used to benefit the sponsoring organization, if approved by the Superintendent.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender status, sexual orientation, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "protected classes") or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible State or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at: https://www.usda.gov/sites/default/files/documents/ad-3027.pdf or https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sfa-civil-rights-complaints-procedure-template.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410; or
2. Fax: (833)256-1665 or (202) 690-7442; or
3. E-mail: program.intake@usda.gov.

This institution is an equal opportunity provider.

All verbal or written civil rights complaints regarding the school nutrition programs that are filed with the Corporation must be forwarded to the Civil Rights Division of USDA Food and Nutrition Service within three (3) days.

The above nondiscrimination statement complements the Corporation's nondiscrimination policies, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 1422/Policy 3122/Policy 4122—Nondiscrimination and Equal Employment Opportunity.

Policy Distribution

This policy shall be distributed in writing to all households at the start of each school year and to households transferring to the school or Corporation during the school year. The policy also shall be provided to all Corporation staff with responsibility for enforcing the policies.

Revised 11/28/06
Revised 10/27/14
Revised 12/14/15
Revised 10/30/17
Revised 2/25/19
Revised 10/28/19
Revised 3/22/21
Revised 11/22/21
Revised 5/22/23
Revised 3/25/24
Revised 3/24/25

Revised 8/25/25
T.C. 1/29/26

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Legal

I.C. 20-26-9-18
I.C. 20-26-9-18.5
I.C. 25-14.5-4
Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.
Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.
7 CFR Parts 15b, 210, 215, 220, 225, 226, 227, 235, 240, 245, 3015
2 C.F.R. Part 200
USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)
SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
34 CFR Part 104
Uniform Compliance Guidelines for Indiana Public School Corporation (Indiana State Board of Accounts)

FOOD SERVICE PROCEDURES

8500.01 - **FOOD SERVICE PROCEDURES**

The New Prairie United School Corporation Food Service Department is committed to providing safe food for consumption by all students, staff and visitors.

To accomplish this goal:

A. Child Nutrition Programs will comply with Federal, State, and local requirements.

B. A set of standard operating procedures will be in place and followed daily to ensure proper food handling techniques are used.

C. All recipes will be standardized with CCP's designated.

D. Monitoring of CCP's will be done as determined by the procedures.

E. All corrective actions will be noted on daily monitors.

F. All monitors at all schools will be reviewed monthly by the Food Service Director to ensure that all are being kept up to date. On days that HAACP is reviewed, a notation will be made in the log.

G. The Child Nutrition Programs will be managed by an individual who has a food safety certification and food service personnel will be trained in food safety.

H. Use of kitchen facilities must be approved by the Food Service Director and must be used under the supervision of a food safety certified food service staff member.

I. All foods for the Child Nutrition Program will be purchased from reputable suppliers with HAACP Programs in place.

J. Any student with a disability will be provided food substitutions or a special diet when the need is supported by a written statement or diet order which is signed by a licensed physician. The statement must include the child's disability, how the disability restricts the child's diet, the major life activity affected by the disability, and the foods to be omitted and substituted.

K. The Food Service Department may make food substitutions at their discretion for those students who do not have a disability but who are medically certified as having a special medical or dietary need. For accommodation of special menu modifications a special medical statement signed by a licensed medical authority must be submitted.

L. In accordance with the final rule "Fluid Milk Substitutions in the School Nutrition Programs" which requires that non- disability based milk substitutions meet specific nutrient standards, the Food Service Department will be substituting "Lactose Free Milk" only as a menu substitution for milk.

FOOD SERVICES - MEAL CHARGING AND UNCOLLECTIBLE DEBT (ds)

8500.02 - **FOOD SERVICES - MEAL CHARGING AND UNCOLLECTIBLE DEBT**

Operation and Supervision of the Food Service Program

The operation and supervision of the Food-Service program is the responsibility of the Nutrition Service Director. Food services will be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and government commodities. The Board will assist the program by furnishing available space, initial major equipment, and utensils.

Meal Charges

Lunches sold by the Corporation may be purchased by students, staff members and community residents in accordance with the procedures established by the Superintendent.

The Superintendent shall recommend and the Board shall approve the cost of meals for elementary, middle, and high schools annually.

The Board recognizes that circumstances may result in a student's need to charge lunch or breakfast on occasion and shall permit such charges.

Adult community residents shall not be permitted to charge meals.

The Superintendent shall develop procedures regarding meal charges, which shall be implemented by the Nutrition Service Director. The procedures will provide direction so that deposits into a student's account are not considered income to the child nutrition program until the student charges a meal to his/her account. Further, the procedures will: 1) provide direction so that students attending Corporation schools who do not have funds in their account or on-hand to cover the cost of their meal at the time of service are treated consistently, 2)address feeding students with unpaid meal balances without stigmatizing them, 3) provide for notification of parents when a student charges a meal, and 4) establish a plan to collect the charges made by students so that the unpaid charges are not classified as 'bad debt' at the end of the school year.

There will be no charge limit set on student accounts, however, negative lunch account balances shall not be permitted. The school corporation reserves the right to transfer funds from a positive sibling account to the student account with a negative balance when funds allow.

If a student has a negative lunch account balance, the student will not be permitted to charge any à la carte food or beverage items (this includes extra entrees or second meals).

Any negative lunch account balance should be pursued for collection before it is determined to be uncollectible pursuant to Policy 6151.

The Board's policy and Superintendent's procedure related to meal charges shall be distributed in writing to all households at the start of each school year and to households transferring to the school or Corporation during the school year.

Additionally, the Board's policy and Superintendent's procedure related to meal charges shall be distributed to all Corporation staff responsible for policy enforcement, including Corporation food service employees, accounting staff, and all other staff involved in enforcing any aspect of the meal charge policy. If the Corporation contracts with any third party to provide food services, the Board policy and Superintendent's procedure also must be distributed to the contractor and its employees working in the Corporation schools.

A lunch account becomes inactive after fifty-two (52) weeks with no deposits or withdrawals. An inactive lunch account that has a positive balance of $10.00 or less may be receipted back into the school lunch fund where the School Lunch Program funds are maintained. An inactive lunch account that has a nominal negative account balance of $10.00 or less may be offset against the positive balances in the Fund; provided, however, that if the parent requests and can document entitlement to the positive balance in the account, the parent is entitled to a refund of that amount.

Bad Debt/Uncollectible Debt

Negative lunch account balances that are not collected in the year when the debt was incurred shall be classified as bad debt. Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Once classified as bad debt, non-Federal funding sources shall reimburse the school lunch program account for the total amount of the bad debt. If funds to reimburse the Corporation for this bad debt are not available from another source, such as school or community organizations (like the PTA) or any other non-Federal source, the funds to reimburse the school lunch program shall be transferred from the Corporation operations fund or other State or local funding to make that reimbursement.

Once the uncollectible/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b)(17) and 7 C.F.R. 210.15(b). Any related collection costs, including legal costs, arising from such bad debt after they have been determined to be uncollectible also are unallowable.

Bad debt may be removed from accounts receivable in accordance with Policy 6151.

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WELLNESS

8510 - **WELLNESS**

As required by law, the Board establishes the following wellness policy for the Corporation as a part of a comprehensive wellness initiative.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the Corporation's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

Schools alone, however, cannot develop in students healthy behaviors and habits with regard to eating and exercise. It will be necessary for not only the staff but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits with respect to eating and exercise.

The Board sets the following goals in an effort to enable students to establish good health, healthy nutrition, and physical activity habits:

A. With regard to nutrition education:

B.

1. Nutrition Education shall be:

    a. Nutrition education shall be included in the health curriculum at all grade levels so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
    b. Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.
    c. Nutrition education standards and benchmarks shall be age-appropriate and culturally relevant.
    d. Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.

B. **With regard to physical activity:**

1. Physical Education:
    a. A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State.

b. Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks adopted by the State.

c. Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

d. Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.

e. Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.

f. Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, bullying, or harassment of any kind.

g. Planned instruction in physical education shall include cooperative as well as competitive games.

h. Planned instruction in physical education shall take into account gender and cultural differences.

2. Physical Activity:

a. Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day (e.g., classroom physical activity breaks).
b. All students in grades K - 5/6 shall be provided with a daily recess period. Recess shall not be used as a reward or punishment.
c. In addition to planned physical education, the school shall provide age-appropriate physical activities (e.g., recess during the school day, intramurals and clubs before and after school, and interscholastic sports) that meet the needs of all students, including males, females, students with disabilities, and students with special health care needs.
d. All students in grades 5 - 12 shall have the opportunity to participate in extracurricular activities and intramural programs that emphasize physical activity.
e. All before/after-school programs shall provide developmentally appropriate physical activity for the students who participate.

C. **With regard to other school-based activities:**

1. Free drinking water shall be available to students during designated meal times and may be available throughout the school day.
2. The schools shall provide at least twenty (20) minutes daily for students to eat.
3. Activities, such as tutoring or club meetings, shall not be scheduled during mealtimes, unless students may eat during those meetings.
4. Schools may limit the number of celebrations involving serving food during the school day to no more than four (4) parties per class per school year.

5. Students, parents, and other community members shall have access to, and be encouraged to use, the school's outdoor physical activity facilities outside the normal school day.
6. Schools provide students with affordable access to the varied and nutritious foods they need to be healthy and to learn well, regardless of unpaid meal balances.
7. The District has a closed campus policy. School staff may not provide permission for students to leave campus for the purpose of obtaining lunch.

D. **With regard to nutrition promotion:**

Any foods and beverages marketed or promoted to students on the school campus, during the school day, will meet or exceed the USDA Smart Snacks in School nutrition standards. This includes marketing on school property, on educational materials, where food is purchased, in school publications and school media, and through fundraisers.

Additionally, the Corporation shall encourage students to increase their consumption of healthful foods during the school day.

Furthermore, with the objectives of enhancing student health and well-being and reducing childhood obesity, the following guidelines are established:

A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, as well as to the fiscal management of the program.
B. The sale of foods of minimal nutritional value in the food service area during the lunch period is prohibited.
C. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).
D. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritional value. The school food service program may involve staff and school officials in the selection of competitive food items to be sold in the schools.
E. All after-school snack program foods will follow the ASSP (Afterschool Snack Program) nutrition standards.
F. A director who is properly qualified, certified, licensed, or credentialed, according to current professional standards, shall administer the food service program.
G. All food service personnel shall receive pre-service training in food service operations.
H. Continuing professional development shall be provided for all staff of the food service program in accordance with USDA professional standards.
I. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritional value.
J. The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.
K. All food service personnel shall receive pre-service training in food service operations.

L. Continuing professional development shall be provided for all staff of the food service program in accordance with USDA professional standards.

The wellness committee shall be an ad hoc committee of the Board with members recruited and appointed annually.

The wellness committee shall:

A. assess the current environment in each of the Corporation's schools;
B. measure the implementation of the Corporation's wellness policy in each of the Corporation's schools;

C. review the Corporation's current wellness policy;

D. recommend revision of the policy, as appropriate; and

E. present the wellness policy, with any recommended revisions, to the Board for approval or re-adoption if revisions are recommended.

Before the end of each school year, the wellness committee shall submit to the Superintendent and Board their report in which they describe the environment in each of the Corporation's schools and the implementation of the wellness policy in each school, and identify any revisions to the policy the committee deems necessary. In its review, the Wellness Committee shall consider evidence-based strategies in determining its recommendations.

The Superintendent shall report annually to the Board on the work of the wellness committee, including their assessment of the environment in the Corporation, their evaluation of wellness policy implementation Corporation-wide, and the areas for improvement, if any, that the committee identified. The committee also shall report on the status of compliance by individual schools and progress made in attaining goals established in the policy.

The Superintendent also shall be responsible for informing the public, including parents, students, and community members, on the content and implementation of this policy. In order to inform the public, the Superintendent shall distribute information at the beginning of the school year to families of school children, and post the wellness policy on the Corporation's website, including the assessment of the implementation of the policy prepared by the Corporation.

The Corporation shall assess the Wellness Policy at least once every three (3) years on the extent to which schools in the Corporation are in compliance with the Corporation policy, the extent to which the Corporation policy compares to model wellness policies, and the progress made in attaining the goals of the Corporation Wellness Policy. To ensure continuing progress, the Corporation will evaluate implementation efforts and their impact on students and staff using the following tool: https://www.cdc.gov/healthyschools/shi/index.htm.

The assessment shall be made available to the public on the School Corporation's website.

Nondiscrimination Statement

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funded by USDA (not all bases apply to all programs). Remedies and complaint-filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible State or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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1. Mail:
   U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410; or
2. Fax:
   (833) 256-1665 or (202) 690-7442; or
3. E-mail:
   program.intake@usda.gov

This institution is an equal opportunity provider.

The above nondiscrimination statement complements the Corporation's nondiscrimination policies, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 1422/Policy 3122/Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

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Revised 3/24/25

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Legal
I.C. 20-26-9-18
42 U.S.C. 1751 et seq.
42 U.S.C. 1758b
42 U.S.C. 1771 et seq.
7 C.F.R. Parts 210 and 220

FREE AND REDUCED-PRICE MEALS

8531 - **FREE AND REDUCED-PRICE MEALS**

The School Board recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide needy children with lunch at a reduced rate or at no charge to the student. It shall also provide breakfast in accordance with provisions in 20-26-9-3,4,6 of the Indiana Code.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Child Nutrition Program.

The Board designates the Superintendent to determine the eligibility of students for free and reduced-price meals in accordance with the criteria issued annually by the Federal government through the State Department of Education.

The schools shall annually notify all families of the availability, eligibility requirements, and application procedure for free and reduced- price meals by distributing an application to the family of each student enrolled in the school and shall seek out and apply for such Federal, State, and local funds as may be applied to the Corporation's program of free and reduced-price meals.

The Superintendent shall establish whatever administrative guidelines are necessary to ensure the program is conducted in accordance with guidelines established by the Indiana Department of Education.

Legal
I.C. 20-5-13.1
42 U.S.C. 1751 et seq.
42 U.S.C. 1771 et seq.

TRANSPORTATION

8600 - **TRANSPORTATION**

It is the policy of the School Board to provide transportation for students when the distance between their home and school makes the service advisable. This policy and any administrative guideline implementing it shall be implemented in compliance with Federal and State Law regulations of the Indiana State Board of Education and the State School Bus Committee.

Each September, the School Corporation must review the Corporation's school bus routes and school but safety policies to improve the safety of students and adults.

School buses shall be purchased, housed, and maintained by the Board for the transportation of students between their home areas and the schools of the Corporation to which they are assigned. School bus routes and buses used to transport NPUSC students shall also be contracted outside of the ownership of NPUSC. The Superintendent will prepare a process for the public bidding of school bus routes, to be bid on and awarded to school bus drivers who own their own school bus (known as “Contracted Drivers”). Bus routes may be awarded to school bus drivers owning their own bus at the recommendation of the Superintendent and approval of the Board The contracted driver becomes solely responsible for the safe transportation of students and maintenance of their privately owned school bus. See NPUSC Maintenance and Repair Expectations at the end of this policy. All use of tobacco-related products including smoking is prohibited on a school bus. A school bus is a motor vehicle that is designed and constructed for the accommodation of at least ten (10) passengers and used for the transportation of school children to and from school, school athletic games or contests, and other school functions. The term 'school bus' does not include a privately owned automobile with a capacity of not more than five (5) passengers that is used for the purpose of transporting school children to and from school.

A special purpose bus is any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers that meets the Federal school bus safety standards, except the requirement for stop arms and flashing lights, and that is used by the Board for transportation purposes not appropriate for school buses. A special purpose bus is not required to be constructed, equipped, or painted as specified for regular school buses. A special purpose bus is not subject to the limitation placed on a school bus of traveling no more than 200 miles out of state.

A special purpose or an appropriate vehicle may be used for transportation of students from one school to another school or between the student's residence and the school.

A special purpose bus or an appropriate vehicle may be used to transport students and their supervisors, including coaches, managers, and sponsors to athletic, other extracurricular school activities, and field trips.

A special purpose bus may be used to transport homeless or foster students. If more than seven (7) students are being transported to schools in the same school corporation, a school bus or a special purpose bus must be used. If seven (7) or fewer students are being transported to schools in the same school corporation, a special purpose bus or an 'appropriate vehicle' may be used to transport the

students. The driver must meet the qualifications for the driver of a school bus or special purpose bus is used.

An 'appropriate vehicle' is defined as a vehicle that:

A. is owned by the School Corporation or contracted for by the Corporation and
B. has a seating capacity of not more than fifteen (15) passengers including the driver. The term “appropriate vehicle” includes a car, truck, sport utility vehicle, minivan, or van.

A special purpose bus may be used to transport students for career and technical education programs. If more than seven (7) students are being transported to or from a career and technical education program, a school bus or a special purpose bus must be used. If seven (7) or fewer students are being transported to or from a career and technical education course an appropriate vehicle may be used to transport the students. The driver of the vehicle used to transport students to or from technical education programs must meet the qualifications for a driver of a school bus or special purpose bus set forth in State statute, as applicable, if a school bus or special purpose bus is used. A special purpose bus may be used to transport students from school to school or to/from school and a career and technical education program but may not be used to transport students between their residence and a career and technical education program.

An “appropriate vehicle” is defined as a vehicle that:

A. is owned by the Corporation or contracted for by the Corporation; and
B. has a seating capacity of not more than fifteen (15) passengers including the driver.

The term “appropriate vehicle” includes a car, truck, sport utility vehicle, minivan, or van.

If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid operator’s, chauffeurs, commercial drivers, or public passenger chauffeur’s license. If the special purpose bus has a capacity of more than fifteen (15) passengers, or is used to provide transportation

A. between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling;
B. between an individual's residence and the preschool facility site for preschool children who attend preschool offered by the Corporation; or
C. between an individual's residence and the program for persons with a developmental disability for persons with a developmental disability; the operator must meet the requirements of a regular school bus driver.

Transportation of eligible vocational or special education children between their home areas and schools outside the Corporation shall be arranged through the use of Corporation-owned vehicles, through cooperation with other Corporations, through commercial carriers, and/or by other means in the most efficient and economical manner.

The Board shall provide transportation to non-public school students with legal settlement in the Corporation when seats are available on a bus on an existing route. This transportation shall be provided without charge when the Board does not incur additional expense, and shall be to and from the students’ non-public school or the point on an established bus route that is nearest or most easily accessible to the non-public school.

The Board may elect to provide transportation to transfer students living outside of NPUSC Boundaries established by Policy 0113 at the discretion of the Board on a limited basis. Out of District NPUSC Bus Routes will be approved by the Board, provided bus seats and drivers are available.

NPUSC will provide transportation to students on both sides of the road at NPUSC perimeter boundary roads as established by policy 0113.

Vehicle routes shall be established so that an authorized vehicle stop is available within reasonable walking distance of the home of a student entitled to transportation services.

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus.

If the vehicle is equipped with safety belts that meet the standards stated in Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) and are standard equipment installed by the manufacturer, then each occupant shall have a safety belt properly fastened around his/her body at all times when the vehicle is in forward motion, as required by State statute.

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, the Superintendent shall present the school bus route to the Board for approval.

BUS STOP CRITERIA

GENERAL

A. The number of bus stops in the school district impacts the length of time students are on the bus and the number of buses required to provide acceptable service. Whenever possible, bus stops will be located at corners or intersections. Stopping at corners or intersections is generally safer due to the expectations of traffic. When a bus stops mid-block it can confuse motorists, whereas traffic anticipates the bus will stop or yield at the intersection.
B. Stop locations may change every year based on the student population and demographics.

The designated bus stops for loading and unloading are examined periodically for safety, efficiency, and economy. Sometimes unsafe conditions may develop creating hazards at locations previously considered safe stops. Therefore, changes can occur as a result of the recommendations from bus drivers, parents and school administrators

STOP LOCATIONS

Designated corner bus stops will be used in higher populated areas, on dead-end roads or cul-de-sacs.

- Type A and 54-passenger Type C buses will be allowed to enter cul-de-sacs for pick-up of special needs students as these buses require smaller turning radii.

Some streets within the School Corporation may be determined to be hazardous due to existing conditions such as narrowness, construction, poor visibility, or other safety issues which may result in buses not being allowed to enter or traverse.

Door-to-door stops will be kept to a minimum and usually only on designated hazardous routes

TRANSPORTATION TO NON-DESIGNATED STOP

Students will not be transported to or from places of employment, tutoring, lessons, or other non-residential or non-approved before or after school care.

STOP TIMES

A. Students must be at their assigned stop location five (5) minutes before the scheduled pickup time.
B. If students who routinely ride the bus are not at the stop when the bus arrives, the bus will make a brief stop to check for late arrivals, but the bus will not be required to wait if no students are present or visible. Special needs students shall be expected to adhere to this parameter, and drivers will not be required to wait longer than the time normally required for loading of the special needs student.
C. Transportation will not make calls to a household to determine if a student is riding.

NPUSC Maintenance and Repair Expectations

Contract Drivers shall maintain insurance as directed by the Superintendent. The Contract Drivers are *solely* responsible for maintenance and fuel for their buses. NPUSC buses are serviced every 2,000 miles so Contract Drivers shall every 2,000 miles inspect body mounts, grease, fluid check & top off (antifreeze, oil, windshield washer fluid, etc.), inspect undercarriage (exhaust, air tanks, brake pads, etc.), adjust brakes, check tires (pressure, tread and any irregularities), inspect all interior & exterior lights, check heater motors, check all emergency exits, check first aid kit and bodily fluid kit, check that fire extinguisher is secure, check windshield wipers, and horn as well as complete other necessary repairs and maintenance to ensure safe operation of the school bus. Every 12,000 miles, NPUSC and Contract Drivers check all of the above including: change oil & filter, and air filter once a year. Inspection by the State Police of all NPUSC Buses and Contract Drivers buses happens every year, twice a year if the bus is 12 years old or older.

“TRANSPORTATION SPECIFICATIONS, COVERAGES, LIMITS"

Certificate of Insurance must be acquired from all transportation contractors that provide services. The Certificate of Insurance must also include naming of NPUSC as an Additional Insured (not a “Named Additional Insured”) a Hold Harmless clause for NPUSC, a note on the Certificate that the insured’s policy is Primary and Non-Contributory in favor of NPUSC, and, when possible, a Waiver of Subrogation. The Certificate of Insurance should have a minimum coverage amount of $5,000,000 for bus vendors/contractors, name of contractor, and effective date of the policy prior to any service or work performed with these documents on file with the Superintendent's office. Coverage must also include liability insurance for proper care and supervision of students, with liability protection of at least $1 Million which also includes coverage for negligence in supervision or sexual misconduct.

Additionally, NPUSC will run Motor Vehicle Records and background checks on all drivers being hired and confirm drivers have a current CDL license and Annual DOT inspection results will also be provided and must be kept up to date. Finally, transportation contractors will be subject to the random drug testing program for all NPUSC bus drivers

NPUSC will reimburse expenses to earn a CDL after one year of service as a full-time Bus Driver for New Prairie United School Corporation.

Revised 11/28/06
Revised 3/22/10
Revised 3/26/12
Revised 6/20/16
Revised 2/25/19
Revised 10/28/19
Revised 6/22/20
Revised 3/22/21
Revised 5/22/23
Revised 3/25/24
Revised 8/26/24

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Legal
I.C. 9-13-2-161 ("school bus" defined)
I.C. 9-19-10-2 (use of safety belt by motor vehicle occupants)
I.C. 9-21-12 (school bus operation)
I.C. 16-41-37-2.3 ("school bus" defined, smoking prohibited)
I.C. 16-41-37-4 ("school bus" defined, smoking prohibited)
I.C. 20-18-2-1.7 (definition of appropriate vehicle)
I.C. 20-26-5-4(a)(5) (purchase of buses) and (8) (employ drivers)
I.C. 20-27-3 (State School Bus Committee)
I.C. 20-27-5-6 (definition of appropriate vehicle)
I.C. 20-27-9 (use of school buses)
I.C. 20-27-11-1
I.C. 20-27-10-0.5
I.C. 20-27-12-0.1
I.C. 20-27-12-0.3
I.C. 20-27-12-5
49 C.F.R. Part 571
49 U.S.C. 30101 et seq.
Hoagland v. Franklin Township Community School Corporation, No. 49S02-1410-PL-643, 27 N.E.3d 737 (Ind. 2015) (school corporation may discontinue transportation services for students)
Archdiocese of Indpls. v. MSD of Lawrence Twp., 945 N.E.2d 757 (Ind. App. 2011); Frame v. South Bend Schools, 480 N.E.2d 261 (Ind. App. 1985) (transporting non-public school students)

STUDENT SAFETY IN TRANSPORTING

8600.01 - **STUDENT SAFETY IN TRANSPORTING**

Highway Stops

When a school bus is operated on a highway and when there is ample room to safely do so, the bus driver shall load and unload school children off the traveled portion of the roadway. These stops shall be designated as a "Special School Bus Stop." The bus driver need not activate/extend the arm signal device but must use their "turn signals" when loading and unloading students in these areas. No student will be allowed to cross a highway under any circumstance, with or without permission to do so.

Temporary Student Pick-Up Location Policy

In the event of safety concerns related to student pick-up, a temporary pick-up location may be established. This action will be taken upon the recommendation of the Transportation Director to the Superintendent.

- Notice to Families: Families impacted by the temporary pick-up location will receive at least seventy-two (72) hours' notice prior to its implementation unless extreme safety concerns require less notice.
- Duration: The temporary pick-up location will remain in effect no longer than until the end of the current semester
- Review and Renewal: The recommendation for a temporary pick-up location will be reviewed at the start of each semester. If the safety concerns continue, the temporary pick-up location may be renewed. A parent notification will be issued at the beginning of each semester if the change remains in place.

BUS STOP CRITERIA

GENERAL

A. The number of bus stops in the school district impacts the length of time students are on the bus and the number of buses required to provide acceptable service. Whenever possible, bus stops will be located at corners or intersections. Stopping at corners or intersections is generally safer due to the expectations of traffic. When a bus stops mid-block it can confuse motorists, whereas traffic anticipates the bus will stop or yield at the intersection.
B. Stop locations may change every year based on the student population and demographics.

The designated bus stops for loading and unloading are examined periodically for safety, efficiency, and economy. Sometimes unsafe conditions may develop creating hazards at locations previously considered safe stops. Therefore, changes can occur as a result of the recommendations from bus drivers, parents and school administrators

STOP LOCATIONS

Designated corner bus stops will be used in higher populated areas, on dead-end roads or cul-de-sacs.

- Type A and 54-passenger Type C buses will be allowed to enter cul-de-sacs for pick-up of special needs students as these buses require smaller turning radii.

Some streets within the School Corporation may be determined to be hazardous due to existing conditions such as narrowness, construction, poor visibility, or other safety issues which may result in buses not being allowed to enter or traverse.

Door-to-door stops will be kept to a minimum and usually only on designated hazardous routes

TRANSPORTATION TO NON-DESIGNATED STOP

- Students will not be transported to or from places of employment, tutoring, lessons, or other non-residential or non-approved before or after school care.

STOP TIMES

A. Students must be at their assigned stop location five (5) minutes before the scheduled pickup time.
B. If students who routinely ride the bus are not at the stop when the bus arrives, the bus will make a brief stop to check for late arrivals, but the bus will not be required to wait if no students are present or visible. Special needs students shall be expected to adhere to this parameter, and drivers will not be required to wait longer than the time normally required for loading of the special needs student.
C. Transportation will not make calls to a household to determine if a student is riding.

Designated Stops

Bus stops at a student's home shall be called a "Normal Bus Stop." Students eligible for bus transportation shall be picked up and dropped off to the same location.

Where feasible and practical, students may be grouped together. These stops will be designated as a "Multiple Bus Stop." Secondary students can be expected to walk further to a "Multiple Bus Stop" than elementary students.

Students who live in town and do not have a "Normal Bus Stop" shall be grouped together at a certain location(s). These stops will be designated as a "Multiple In-Town Bus Stop." Students may be required to ride a designated bus to and from these locations.

Students Changing Buses

Students are to ride their assigned bus to and from their designated stop. An occasional stop other than the student's designated stop will be at the building principal's discretion and only if:

A. A note from the parent has been received

B. It is a regular stop at the requested location on the daily route of the student. Students may not ride on other buses or routes unless transportation is being provided to the residence of another parent/guardian that lives within NPUSC

C. If there are available seats

Missed Bus

If your student misses the bus, please call the transportation office and we can set up a safe place for you to meet the bus or have the driver come back, if it is feasible. Please do not follow the bus or block the bus and have the students walk along the bus to get on. The bus will not stop for parents/guardians that follow. This is an extreme safety concern.

The following walk-zones are established around Olive and Rolling Prairie Elementary Schools. NPUSC buses will not transport inside these established walk zone areas

NPUSC Walk Zones-Rolling Prairie/New Carlisle

Revised 9/21/09

Revised 3/25/24

Revised 3/24/25

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BUS DRIVERS AND CELLULAR TELEPHONE USE

8606 - **BUS DRIVERS AND CELLULAR TELEPHONE USE**

It is the policy of the School Board to take every step necessary to maintain the safety of its students while riding in school buses that are used to transport School Corporation students. This policy shall be implemented in compliance with Federal and State law and regulations of the Indiana State Board of Education and the State School Bus Committee.

Definitions:

"Electronic device" includes, but is not limited to, a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text.

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 CFR 20.3. It does not include two-way or Citizens Band Radio services.

"Telecommunications device" means an electronic or digital telecommunications device. The term includes a:

A. wireless telephone;

B. personal digital assistant;

C. pager; or

D. text messaging device.

The term does not include:

A. amateur radio equipment that is being operated by a person licensed as an amateur radio operator by the Federal Communications Commission under 47 CFR Part 97; or

B. a communications system installed in a commercial motor vehicle weighing more than 10,000 pounds.

"Text message" means a communication in the form of electronic text sent from a telecommunications device.

Federal and State Laws:

Federal and State law prohibit texting, emailing, and using a telecommunications device or hand-held mobile telephone, including a cellular telephone, while driving commercial motor vehicles, including school buses, except in a bona fide emergency.

Federal regulations prohibit operators of commercial motor vehicles from texting while driving. Federal regulations also prohibit operators of commercial motor vehicles from using a hand-held mobile telephone while driving. For purposes of the Federal regulations, "driving" does not include operating a

commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

State law prohibits a person from using a telecommunications device to

A. type a text message or an electronic mail message;

B. transmit a text message or an electronic mail message; or

C. read a text message or an electronic mail message.

while operating a moving motor vehicle unless the device is used in conjunction with hands-free or voice-operated technology, or unless the device is used to call 911 to report a bona fide emergency.

Furthermore, it is a serious traffic violation under State law to drive a commercial motor vehicle while using a hand-held device as described in the Federal regulations at 49 CFR 383 through 384 and 49 CFR 390 through 392.

Prohibitions:

In light of the Corporation's policy to protect the safety of its students to the greatest extent possible and the State and Federal laws referenced herein, all Corporation employees and any independent contractors or employees of independent contractors who drive school buses or other motor vehicles to transport Corporation students are prohibited from holding or using a telecommunication device, including hands-free devices such as ear buds, Bluetooth, watches, etc., while operating a moving motor vehicle.

As referenced above, an exception to this prohibition is to call 911 to report a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device.

A Corporation employee who violates this policy shall be subject to disciplinary action, up to and including termination. The Board directs that any contracts entered into with an independent contractor for bus transportation shall provide that: (1) the Corporation requires compliance by the independent contractor and its employees or subcontractors with this policy as a condition of the contract; and (2) the violation of this policy by an independent contractor or its employees or subcontractors may result in the termination of the contract.

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Legal
I.C. 9-13-2-31 ("commercial motor vehicle" defined)
I.C. 9-13-2-161 ("school bus" defined)
I.C. 9-13-2-177.3 ("telecommunications device" defined)
I.C. 9-13-2-177.4 and I.C. 9-21-8-0.5 ("text message" defined)
I.C. 9-21-8-59 (prohibition against use of telecommunications device while operating a moving motor vehicle)
I.C. 9-24-6-6(a)(12) (driving a commercial motor vehicle while using a hand-held mobile device)
49 C.F.R. 383.5 (definition of "commercial motor vehicle," "electronic device" and "mobile telephone")
49 C.F.R. 383.51 (disqualification of drivers)

49 C.F.R. 391.15 (disqualification of drivers)
49 C.F.R. 392.80 (prohibition against texting while driving)
49 C.F.R. 392.82 (prohibition against using a hand-held mobile telephone while driving)

IDLING SCHOOL BUSES AND OTHER IDLING VEHICLES ON SCHOOL PROPERTY

8615 - **IDLING SCHOOL BUSES AND OTHER IDLING VEHICLES ON SCHOOL PROPERTY**

The Board seeks to limit vehicle emissions that might be brought into school corporation buildings to reduce exposure to these emissions and to improve indoor air quality for students, staff, and visitors. This policy applies to all public and private vehicles on any school property and to school buses while transporting students at any time.

The school shall post signs in areas where idling is prohibited. Drivers of vehicles are to turn off the engine if the vehicle is to be stopped for more than five (5) minutes.

Exceptions to this policy include, but are not limited to:

A. Safety of children or emergencies

    1. use of lift equipment during loading of individuals with special needs
    2. use of defroster, heater, air conditioning, or other equipment during loading or unloading for health or safety concerns
    3. use of bus headlights or flasher warning lights for safety or visibility purposes
    4. other safety or emergency issues

B. Hot or cold weather

    1. during hot weather and the bus has air conditioning to keep students cool while on the bus
    2. during cold weather to warm the bus (this should be done outside the school zone)

C. Maintenance operations

    1. buses may idle as necessary as part of a pre-safety inspection
    2. if necessary to make emergency repairs to vehicles

The staff will be informed of this policy at the start of each school year. Parents and students will be informed of this policy at the start of each school year at annual orientations or through student/parent handbooks.

The Superintendent shall prepare administrative guidelines to implement anti-idling and smart driving procedures for all personnel driving School Corporation owned vehicles or drivers of buses contracted to transport students.

Complaints of non-compliance are to be filed with the Superintendent.

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Legal
I.C. 16-9-3-5, 16-41-37.5
410 IAC 33-4-3
Indiana Department of Health Idling Vehicles Sample Policy

TRANSPORTATION FOR FIELD AND OTHER CORPORATION-SPONSORED TRIPS

8640 - **TRANSPORTATION FOR FIELD AND OTHER CORPORATION-SPONSORED TRIPS**

It shall be the policy of the School Board to use regular or special-purpose school vehicles for transportation on field and other Corporation-sponsored trips such as extra-curricular and co-curricular trips.

The transportation for all field and other Corporation-sponsored trips is to be by vehicles owned or approved by the Corporation and driven by approved drivers. Exceptions must have the approval of the Superintendent.

The Corporation shall assume transportation costs for a certain number of approved field trips as specified in the Superintendent's administrative guidelines.

It will also assume the transportation costs for all other trips, including co-curricular, athletic, and other extracurricular trips.

Transportation may be limited by the availability of vehicles, drivers, and scheduling, and will not be available when needed for general school purposes. Parents/guardians may be asked to provide transportation for their student(s) for extra-curricular or co-curricular activities K-12 when drivers or buses are not available, or conditions are such that NPUSC is unable to provide transportation. Waiver of liability forms will be on file for any parent/guardian who provides transportation for student(s) in these situations. Waiver of liability forms must also be on file with NPUSC for usage of NPUSC bus transportation to and from any co-curricular, extra-curricular, or voluntary after-school programming.

All field trips shall be supervised by members of the staff. All other Corporation-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are on the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle as well as to supervise students upon return to the Corporation and while they are waiting for rides home.

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.

Corporation students not affiliated with the trip activity, noncorporation students, and/or children of preschool age shall not be permitted to ride on the trip vehicle without prior approval from the principal.

No student is allowed to drive on any trip. An exception may be made by the principal on an individual basis, provided the student has written parental permission.

The Superintendent shall prepare administrative guidelines to ensure that all transportation is in compliance with Board policy on the use of Corporation vehicles and/or the use of private vehicles.

Revised 3/25/24

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Legal
I.C. 20-27-9-1 et seq., 20-27-9-6

NONSCHOOL USE OF CORPORATION VEHICLES

8651 - **NONSCHOOL USE OF CORPORATION VEHICLES**

The School Board will permit school vehicles, owned or leased by this Corporation, to be used to transport individuals or groups in accordance with law.

Such transportation shall be limited to those hours and days when vehicles are not required for the transportation of students. The Board reserves the right to refuse or cancel any nonschool transportation in the interest of the educational program or the efficient operation of the Corporation.

Vehicles must be operated by the holder of a valid bus driver's license who is an employee of this Corporation or someone approved by the Board. The cost of nonschool transportation shall be based on administrative guidelines established by the Superintendent.

Legal
I.C. 20-27-9-6

TRANSPORTATION BY PRIVATE VEHICLE

8660 - **TRANSPORTATION BY PRIVATE VEHICLE**

The School Board authorizes the transportation by private vehicle of students of the Corporation.

Any such transportation must be approved in advance and in writing by the building principal in accordance with the Superintendent's administrative guidelines.

The parent of the participating student will be given, on request, the name of the driver and the description of the vehicle.

Persons approved for the transportation of students in a private vehicle shall be an employee of this Board or a parent of a student enrolled in this Corporation and the holder of a currently valid license to operate a motor vehicle in the State of Indiana.

No person shall be permitted to transport students who is not the holder of automobile liability and personal injury insurance in the amount not less than $100,000 per person and $300,000 each accident for Bodily Injury and $100,000 each accident for Property Damage. A single limit of $300,000 for Bodily Injury and Property Damage combined is also permissible. The Board may withdraw the authorization of any private vehicle driver.

Any private vehicle used for the transportation of students must be owned by the approved driver or the spouse of the approved driver and must conform to registration requirements of the State.

The responsibility of professional staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are not professional staff members are requested to report student misconduct to the principal.

Expenses incurred by drivers of private vehicles in the course of transporting students will be reimbursed by the Board at the approved mileage rate and upon presentation of evidence of costs for tolls and parking fees.

DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

8750 - **DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**

It is the policy of the Board to defend and indemnify Board members and employees in claims brought against them if:

A. the acts and omissions which gave rise to a claim arise out of their office or employment;

B. the Board receives timely notice of the claim and has the opportunity to evaluate and defend against the claim; and

C. the Board member or employee's acts or omissions which are the basis of the claim are not predicated on or arise out of bad faith or malfeasance.

The Board may purchase one or more policies of insurance or self-insure to implement this policy. Where counsel is provided by an insurance carrier, the Board shall be advised in the implementation of this policy by that counsel and the school attorney appointed by the Board.

As used in this policy, the term "Board members and employees" means

A. Board members,

B. employees,

C. volunteers,

D. student teachers,

E. parent organizations.

As used in this policy, "defend and indemnify" means paying all costs of defense including attorneys' fees, court costs, and costs of litigation as well as any judgment or settlement of a claim. Pursuant to the authority given to the Board by I.C. 20-26-5-4(15), the Board may purchase liability insurance or self insure to pay these expenses.

As used in this policy, the term "claim" includes a demand or cause of action based upon an alleged tort, breach of contract, or violation of an Indiana or Federal statute or constitution.

In implementing this policy, the Board may authorize the defense and indemnification of a Board member or employee by adopting a resolution pursuant to the authority given the Board in I.C. 20-26-5-4(17). A resolution adopted pursuant to this policy may reserve to the Board the right to make a final determination concerning the defense and indemnification of the Board member or employee when the facts which gave rise to the claim have been fully investigated and evaluated. If a resolution of the Board reserves a right to make a final determination, and the Board does not exercise that reserved right, the preliminary resolution shall become the Board's final determination. Failure to pass a resolution shall not affect the Board's authority or responsibility to defend or indemnify a Board member or employee.

However, if a resolution is put to a vote by the Board and the resolution fails, the Board shall not defend or indemnify the Board member or employee pursuant to this policy.

It is the policy of the Board to pay all costs and fees incurred by or on behalf of any employee of the Corporation, including a member of a committee, a commission, an authority, or another instrumentality of the Board, in defense of any suit arising out of the performance of duties for, or employment with, the Corporation, provided the Board by resolution determines that such action was taken in good faith. The Corporation shall, subject to the provisions of Statute, also pay any judgment, compromise, or settlement of the claim or suit when the Board determines that it is in the best interest of the Corporation, the act or omission causing the loss is within the scope of the employee's employment, and the employee did not act in bad faith or with malfeasance in office or employment. The intent is to hold any such employee harmless from any liability, cost, or damage in connection therewith, including but not limited to the payment of any legal fees, except where such liability, cost, or damage is predicated on, or arises out of, the bad faith of such employee or is a claim or judgment based on his/her malfeasance in employment.

Revised 11/26/12

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Legal
I.C. 20-26-5-4(15) and (17), 34-13-2 through 4, 34-13-3-20

RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

8800 - **RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES**

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intended, either official or unofficial sponsorship of religiously-oriented activities by the school are offensive to some and tend to supplant activities which should be the exclusive province of individual religious groups, churches, private organizations, or the family.

School Corporation staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in act of worship or celebration. The Corporation shall not act as a disseminating agent for any person or outside agency for any religious or anti- religious document, book, or article. Distribution of such materials on Corporation property by any party shall be in accordance with Policy 7510 and AG 7510 - Use of Corporation Facilities and Policy 9700 and AG 9700- Relations with Special Interest Groups.

The School Board acknowledges that it is prohibited from adopting any policy or rule respecting or promoting an establishment of religion or prohibiting any person from the free, individual, and voluntary exercise or expression of the individual's religious beliefs. Such exercise or expression may be limited to lunch periods or other non-instructional time periods when individuals are free to associate. However, an individual who is required by his/her religious beliefs to engage in religious exercise (e.g. a formal prayer during the school day) will be accommodated unless such accommodation would disrupt an educational function.

In order that the right of each student to the free exercise of religion is guaranteed within the school and the freedom of each student to either engage in or refrain from religious observation on school grounds is subject to the least possible coercion from the State, the Board shall establish the daily observance of a moment of silence in each classroom or on school grounds.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. Acknowledgement of, explanation of, and teaching about religious holidays of various religions is encouraged. Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the regular school program.

The United States flag shall be displayed in each classroom of every school in the Corporation.

The flags of the United States and of Indiana shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The flags shall be raised before the opening of school and taken down at its close every day.

The Board shall provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation and may not be required to participate if the student chooses not to or the student's parent chooses not to have the student to participate. The Superintendent shall develop administrative guidelines which ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student.

The Corporation may place a durable poster or framed picture of the national motto "In God We Trust" and an accurate representation of the United States flag and Indiana State flag positioned under the national motto in each school library and classroom within the Corporation. The durable poster or framed picture must meet the specifications outlined by State statute. The representation of the United States flag and the Indiana State flag must comply with any applicable federal or state laws concerning the design, dimensions, or presentation of the respective flags.

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Legal
I.C. 1-1-11-2
I.C. 1-2-2-1
I.C. 1-2-3-6
I.C. 20-30-5-0.5, 20-30-5-4.5
20 U.S.C. 4071 et seq.

DISPLAY OF THE TEN COMMANDMENTS

8810 - **DISPLAY OF THE TEN COMMANDMENTS**

Objects containing the words of the Ten Commandments may be displayed in the buildings of the School Corporation along with other documents of historical significance that have formed and influenced the United States legal or governmental system. Such display of the wording of the Ten Commandments shall be in the same manner and appearance generally as other documents and objects displayed, and shall not be presented or displayed in any fashion that results in calling attention to it apart from the other displayed documents and objects.

Legal
I.C. 36-1-16

PUBLIC INFORMATION PROGRAM

9120 - **PUBLIC INFORMATION PROGRAM**

The School Board believes that all reasonable means should be employed to keep the public informed on matters of importance regarding Corporation policies, finances, programs, personnel, and operations. It is the purpose of this policy to provide the ways and means to accomplish this purpose.

The Superintendent shall direct an information program through the School Corporation web site designed to acquaint the citizens of the community and general public with the achievements and the needs of the schools.

Toward this end, the Board shall provide parents or guardians and other Corporation residents opportunities for orientation and information regarding State regulations and local school procedures, and will utilize, insofar as practical, all appropriate means and media to achieve this end.

Legal
I.C. 20-26-5-4

PUBLIC COMPLAINTS AND CONCERNS

9130 - **PUBLIC COMPLAINTS AND CONCERNS**

Any person or group having a legitimate interest in the operations of the School Corporation shall have the right to present a request, suggestion, complaint, or concern relating to Corporation personnel, the program, or the operations of the Corporation. At the same time, the School Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint and concern in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to rectify any misunderstandings between the public and the Corporation by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences, shall more formal procedures be employed.

Any requests, suggestions, complaints, or concerns regarding the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

Matters Regarding a Professional Staff Member

A. First Level

   If it is a matter specifically directed toward a professional staff member, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasonable explanation or take appropriate action within their authority and Corporation administrative guidelines.

   This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation that may require investigation or inquiry by school officials prior to approaching the professional staff member.

   As appropriate, the staff member shall report the matter and whatever action may have been taken to their immediate supervisor.

B. Second Level

   If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor and in compliance with provisions of a collective bargaining agreement, if applicable.

C. Third Level

   If a satisfactory solution is not achieved by discussion with the immediate supervisor, a written request for a conference shall be submitted to the Superintendent. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent, the Board may be advised of the resolution.

D. Fourth Level

Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant may make a written appeal to the Board.

The Board, after reviewing all material relating to the case, may provide the complainant with its written decision, grant a hearing before the Board or before a committee of the Board.

The complainant shall be advised, in writing, of the Board's decision no more than ninety (90) business days following the hearing. The Board's decision on the matter shall be final, and it shall not provide a hearing to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that they have no authority to act in their individual capacity and that the complainant must follow the procedure described in this policy.

Matters Regarding the Superintendent

Should the matter be a concern regarding the Superintendent that cannot be resolved through discussion with the Superintendent, the complainant may submit a written request for a conference to the Board. This request should include:

A. the specific nature of the complaint and a brief statement of the facts giving rise to it;
B. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
C. the reason that matter was not able to be resolved with the Superintendent;
D. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board, after reviewing the request, may grant a hearing before the Board or refer the matter to an executive session.

The complainant shall be advised, in writing, of the Board's decision within ninety (90) business days. The Board's decision will be final and not subject to appeal.

Matters Regarding an Administrative Staff Member

Since administrators are considered members of the Corporation's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed.

Matters Regarding a Support Staff Member

In the case of a support staff member, the same procedure is to be followed as for "Matters Regarding a Professional Staff Member" and/or the complaint is to be directed, initially, toward the person's supervisor, and the matter then brought as required to higher levels in the same manner as prescribed for "Matters Regarding a Professional Staff Member."

Matters Regarding Corporation Services or Operations

If the request, suggestion, complaint, or concern relates to a matter of Corporation procedure or operation, it should be addressed, initially, to the building principal and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

Matters Regarding the Educational Program

If the request, suggestion, complaint, or concern relates to a matter of the Corporation's educational program, it should be addressed, initially, to the the building principal and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

Matters Regarding Instructional Materials

The Superintendent shall prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their right to inspect instructional materials and the procedure for completing such an inspection. See AG 9130 A and Form 9130 F3.

If the request, suggestion, complaint, or concern relates to instructional materials such as textbooks, reference works, and other instructional aides used in the Corporation, the following procedure shall be followed:

A. The criticism is to be addressed to the building principal, in writing, and shall include:

    1. name of the parent and/or guardian or community member;
    2. address of the parent and/or guardian or community member;
    3. author
    4. title
    5. publisher
    6. the complainant’s familiarity with the material objected to;
    7. sections objected to, by page and item;
    8. reason for objection in their own words.

B. Upon receipt of the information, the Superintendent shall, after advising the Board of the complaint, appoint a Reconsideration Committee which may consist of at least three (3), but no more than seven (7), of the following:

    1. one (1) member of the central administration, excluding the Superintendent, who will serve as Chairperson of the committee;
    2. the principal of a different school within the district or a neighboring school district within LaPorte or St. Joseph Counties;

3. a professional staff member a school within the district;
4. a certified librarian/media specialist within LaPorte or St. Joseph Counties;
5. parent(s) or community member(s) within the school district;
6. a student representative selected by the Superintendent or his/her designee from the secondary level

C. The Reconsideration Committee, in evaluating the questioned material, shall be guided by the following criteria:

1. the appropriateness of the material for the age and maturity level of the students with whom it is being used;
2. the accuracy of the material;
3. the objectivity of the material;
4. the use being made of the material

D. The material in question may be withdrawn from use pending the Reconsideration Committee's recommendation to the Superintendent and approved by the Board at their next public meeting

E. The Reconsideration Committee's recommendation shall be reported to the Superintendent in writing within ten (10) business days following the decision of the Reconsideration Committee. The Superintendent will advise the complainant, in writing, of the reconsideration committee's recommendation and Superintendent's determination within five (5) business days of receiving the Reconsideration Committee's recommendation and advise the Board of the action taken or recommended.

F. The complainant may appeal the decision to the Board, within fifteen (15) business days through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.

The Board shall review the case and advise the complainant, in writing, of its decision within ninety (90) business days.

Matters Regarding School Library Materials

If a parent or guardian of a student enrolled in a school in the Corporation or a community member residing within the Corporation submits a request to remove material that they contend is obscene or harmful to minors from a school library as defined in Ind. Code 35-49-2-1 and Ind, Code 35-49-2-2, the following procedures shall be followed:

A. The request is to be presented to the building principal in which the challenged book is located, in writing, and shall include:

1. Name of the parent and/or guardian or community member;
2. Address of the parent and/or guardian or community member;
3. Author;
4. Title;
5. Publisher;
6. The requester's familiarity with the objectionable material;
7. Sections objected to, by page and item;
8. Reasons for objection in their own words.
9. Articulate how you believe the material meets the definition of obscene or harmful to minors using your own words. Do not copy and paste the definitions under Indiana code.

B. Upon receipt of the information submitted, the building principal shall advise the Superintendent of their recommendation to the Board as it relates to the objectionable material. In accordance with Ind. Code 20-26-5.5, the Board will then review and determine,

by majority vote, whether or not the material in question satisfies the definition as obscene or harmful to minors as defined in Ind. Code 35-49-2-1 and Ind. Code 35-49-2-2 at its next public meeting. Conclusion of the Board shall result in one of the following:

1. Material(s) submitted do not satisfy the definition of obscene or harmful to minors as defined by Ind. Code 35-49-2-1 and Ind, Code 35-49-2-2 and therefore the Board will not remove the material(s) but may consider moving the material to another grade appropriate level;
2. Material(s) submitted needs further evaluation and will be reviewed by a Reconsideration Committee, appointed by the Superintendent.

C. The Reconsideration Committee shall consist of at least three (3), but not more than seven (7), of the following:

1. One (1) member of the central office administration, excluding the Superintendent, who will serve as Chairperson of the committee;
2. The principal of a different school within the district or a neighboring district within LaPorte and/or St Joseph County;
3. A professional staff member from a school within the district;
4. A certified librarian/media specialist within LaPorte and/or St. Joseph County;
5. Parent(s) or community member(s) within the school district;
6. A student representative, selected by the Superintendent or his/her designee, if at the secondary level.

D. The Reconsideration Committee, in evaluating the questioned materials, shall be guided by the following criteria:

1. The appropriateness of the material for the age and maturity level of the students who have access to it;
2. The accuracy of the material;
3. The objectivity of the material;
4. The use being made of the material;
5. Does the material submitted satisfy the definition of obscene or harmful to minors as defined by Ind. Code 35-49-2-1 and Ind, Code 35-49-2-2

E. In the case a Reconsideration Committee is formed, the Reconsideration Committee shall conduct a hearing on an individual basis for each challenged material that the Board deemed necessary for further review following the sequence of events:

1. The Chairperson will set dates for each hearing and notify the individual that filed the request of the date, time and place that the hearing will take place;
2. Opening statement from the Chairperson outlining the procedures for the hearing;
3. Statement from the individual that filed the request on his/her position;
4. Presentation of witnesses and evidence, if any, and the right of cross examination by the Reconsideration Committee;
5. Presentation of witnesses and evidence, if any, from the Reconsideration Committee;
6. Rebuttal from the individual that filed the request;
7. Rebuttal from the Reconsideration Committee;
8. Deliberation by the Reconsideration Committee.

F. The individual that filed the request should be able to demonstrate, if requested by the Board and /or committee, that they have read the material(s) in question in full in order for the material to be considered for removal.

G. The material in question may be withdrawn from use pending the review committee's recommendation to the Superintendent and approval by the Board at their next public meeting.
H. The Reconsideration Committee's recommendation shall be reported to the Superintendent in writing within ten (10) business days following the hearing of the review committee. The written findings and recommendation shall included one of the following:

    1. Recommend the continued use of the library material in its' current location;
    2. Recommend the continued use of the library material in an alternative location;
    3. Recommend the removal of the library material from circulation.

The findings and recommendations submitted shall be approved by the majority of the Reconsideration Committee. Any person or persons on the Reconsideration Committee who disagrees with the majority may submit their views to the Superintendent in a written report to be made part of the record.

The Superintendent will advise the individual making the request, in writing, of the Reconsideration Committee's recommendation and Superintendent's determination within five (5) business days and advise the Board of the action taken and/or recommended.

The individual who filed the request may appeal this decision to the Board within fifteen (15) business days through a written request to the Superintendent, who shall forward the request and all written materials and notes relating to the matter to the Board.

The Board shall review the request and decision at the next public meeting after an appeal is submitted. The Board shall advise the complainant, in writing, of its decision within ninety (90) business days.

In the event a person desires to remove library or curriculum material, the procedures set forth above shall be followed, to the extent that the Superintendent deems reasonable and practical.

No challenged material may be removed from the curriculum, school library, or from a collection of resource materials except by action of the Board, unless the requester fails to appeal the Reconsideration Committee's decision in a challenge to school library material, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some without it being obscene or harmful to minors. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal. Any challenged library or curriculum material that is kept in the curriculum or library collection after formal challenge and review will not be considered for additional challenge for a period of five years from the date of the recommendation of the Reconsideration Committee.

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Legal
I.C. 20-26-5-4
I.C. 20-26-5.5
20 U.S.C. 1232h

CITIZENS' ADVISORY COMMITTEES

9140 - **CITIZENS' ADVISORY COMMITTEES**

The School Board shall establish citizens' advisory committees when there is a definite function to be performed. All appointments of citizens to advisory committees shall be approved by the Board. All appointments of staff members to citizens' advisory committees shall be made by the representative of the bargaining unit. Staff members shall never constitute more than a minority of any such committee. Every effort shall be made to ensure that the makeup of an advisory committee is as truly representative of the community as possible. The chairperson of an advisory committee shall be chosen from among the lay members. Board members may be ex- officio members of an advisory committee.

Specific topics for study or well-defined areas of activities shall be assigned in writing to each committee immediately following its appointment. Upon completing its assignment, a committee either shall be given a new problem or shall be dissolved promptly. No advisory committee shall be permitted to continue for prolonged periods without a definite assignment. Each committee shall be instructed as to the length of time each member is asked to serve, the resources the Board intends to provide, the approximate dates on which the Board wishes it to submit reports, and the approximate date on which the Board wishes it to dissolve. Furthermore, the committee shall be instructed as to the relationship it has to the Board, to individual Board members, to the Superintendent, and to the remainder of the professional staff.

The structure and organization of an advisory committee shall be determined by the Board as appropriate to the assignment. Advisory committees shall be encouraged to draw upon a wide variety of resources both inside and outside the School Corporation. Each committee shall be encouraged to draw upon the talents of other local residents and to recommend to the Board the official appointment of any such additional member(s) as the committee may desire.

Expenditure of Corporation funds by an advisory committee shall be made only upon the prior approval of the Superintendent. Supplies, equipment, and personnel from within the School Corporation may be obtained through the appointed staff resource person.

Correspondence between the Board and its committees shall ordinarily be conducted by the Superintendent with the advice of the President.

The Superintendent shall transmit the contents of any communication from a committee to the Board.

When a committee is ready to submit a report on its assigned topic, the Superintendent shall arrange a meeting for the purpose of receiving the report.

The Board shall have the sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time during the life of any committee.

SCHOOL VISITORS

9150 **- SCHOOL VISITORS**

The School Board understands that parents or other persons with legitimate educational purposes may visit the school; however, in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to invoke visitor controls.

The Superintendent or principal has the authority to prohibit the entry of any person to a school of this School Corporation or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the principal is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual. See also po5540 - The Schools and Law Enforcement Agencies regarding the presence of law enforcement agents at school for law enforcement purposes; see also po5540.01 - Investigations by the Department of Child Services (DCS) regarding the presence of DCS representatives at school for investigations; and see also po5540.02 - The School and Governmental Agencies regarding the presence of employees of governmental agencies other than law enforcement and DCS at school for investigations.

Persons who have been entered into the State Sex and Violent Offender Registry or the equivalent Federal registry will not be permitted access to school grounds, except as otherwise required to comply with State or Federal law.

Persons who meet the definition of Serious Sex Offender under Indiana law will not be permitted access to school grounds, except as otherwise required to comply with State or Federal law.

Visits by persons other than parents, including but not limited to outside therapists, doctors, or other service providers, are subject to administrative guidelines established by the Superintendent.

The Superintendent shall promulgate such administrative guidelines as are necessary for the protection of students and employees of the Corporation from disruption to the educational program or the efficient conduct of their assigned tasks.

Except as set forth in Corporation policy or in the case of 'service animals' required for use by a person with a disability, no other animals may be on school premises at any time.

Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances, and at the main entrance to each school building.

Individual Board members who are interested in visiting schools or classrooms on an unofficial basis shall make the appropriate arrangements with the principal. In keeping with Board bylaws, such Board member visits shall not be considered to be official unless designated as such by the President.

The Board member shall be visiting as an interested individual in a similar capacity to any parent or citizen of the community. These visits should not be considered to be inspections nor as supervisory in nature.

If, during a visit to a school or program, a Board member observes a situation or condition which causes concern, s/h the Board member should discuss the situation first with the Superintendent as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the Board.

If the Board member believes the situation or condition is serious enough, the Board member may wish to inform the Superintendent in addition to the principal.

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Legal
I.C. 20-26-5-4
I.C. 35-42-4-14

PUBLIC ATTENDANCE AT SCHOOL EVENTS

9160 - **PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The School Board welcomes the attendance of members of the community at athletic and other public events held by the schools in the Corporation, but the Board also acknowledges its duty to maintain order and preserve the facilities of the School Corporation during the conduct of such events.

The Board holds the legal authority to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators have the authority to call law enforcement officials if a person violates posted regulations or does not leave school property when requested. They are also authorized to use detectors and other devices to better ensure the safety and well-being of participants and visitors.

If a person is asked to leave or is removed from a school event, no admission fees shall be refunded.

Further, if a person is asked to leave or removed from a school event more than **one** (1) times in a school year, or if the severity of the incident leading to removal warrants, the Superintendent may, after either meeting with the person or offering to meet with the person but the person refuses to meet or fails to respond to the offer to meet, ban them from attending school events for the remainder of the school year.

A person who is banned from attending school events for the remainder of a school year may appeal that decision to the Board, whose decision in the matter shall be final.

The Board directs that no alcoholic beverage or other controlled substance be possessed, consumed, or distributed.

Raffles and similar forms of fundraising by Corporation-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - Corporation Support Organizations and Policy 9700 - Relations with Special Interest Groups.

No qualified person with a disability will, because the Corporation's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.

Individuals with disabilities shall have an equal opportunity to purchase tickets for events that have been sanctioned or approved by the Board in accordance with the provisions of the Americans with Disabilities Act, as amended.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go (see also Policy 8390 and AG 8390).

Individuals attending school events are permitted to record or live-stream audio and video without restriction if the performance does not include copyrighted material. If the performance includes copyrighted material, recording or live-streaming shall be permitted only if the appropriate license authorizing such recordings has been secured in advance by the Corporation. If the performance is of copyrighted material and the necessary license has not been secured in advance by the Corporation, the audience shall be advised before the performance begins that audio and/or video recordings that will be rebroadcast or distributed in any way, such as posting on the internet, and live-streams are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of noncorporation audio/visual recording and live-stream equipment at any Corporation-sponsored event or activity.

Any person or organization seeking to record or live-stream students or a school activity that is not a public event shall obtain prior permission from the Superintendent.

The Superintendent shall ensure that all notices, signs, schedules, and other communications about school events contain the following language: "The activity site is fully accessible. Any person requiring further accommodation should contact the Superintendent at the School Corporation's central office."

For any school-related activity at which tickets for admission are sold, the Superintendent is authorized to allocate a certain number of tickets to be available at no charge or at a reduced fee determined by the Superintendent for use by Board members, members of the staff, and senior citizens who are residents in the Corporation.

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Revised 3/26/12
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Revised 12/16/13
Revised 6/20/16
Revised 2/25/19

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Legal
I.C. 20-26-8-1
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

SCHOOL EMPLOYEES ATTENDING EVENTS

9160.01 - **SCHOOL EMPLOYEES ATTENDING EVENTS**

The School Board recognizes the positive impact of staff members attending extra-curricular and co-curricular activities. Therefore, all employees, along with one (1) guest, will be permitted to attend all extra-curricular and co-curricular activities at all building levels - K- 12, by showing their identification badge. All drama programs will be excluded from this admittance.

PARENT ORGANIZATIONS

9210 - **PARENT ORGANIZATIONS**

The Board supports all organizations of parents whose objectives are to promote the educational experiences of Corporation students. However, in using the name of the Corporation or its schools and in organizing a group whose identity derives from a school(s) of this Corporation, the parental organization thereby shares responsibility with this Board for the welfare of participating students.

Any new parent organization desiring to use the name or good offices of the Corporation must obtain the approval of the Superintendent as a prerequisite to organizing.

Representatives and members of approved school related organizations shall in all circumstances be treated by Corporation employees as interested friends of the schools and as supporters of public education in the Corporation.

Staff members are encouraged to join such organization(s) in their related area(s) of specialization or interest.

The Board will not tolerate any undue pressure, harassment, or intimidation designed to coerce parents or teachers into membership in one (1) organization as opposed to another.

The Board relies upon approved organizations to operate in a manner consistent with public expectations for the schools and reserves the right to withdraw sponsorship from organizations that violate the bounds of community taste.

Further, parent organizations shall comply with the rules and procedures set forth in Policy 9211 - District Support Organizations.

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RELATIONS WITH PARENTS

9250 - **RELATIONS WITH PARENTS**

The School Board believes that the education of children is a joint responsibility, one it shares with the parents of the school community. To ensure that the best interests of the child are served in this process, a strong program of communication between home and school must be maintained.

The Board believes that it is the parents who have the ultimate responsibility for their children's in-school behavior, including the behavior of students who have reached the legal age of majority, but are still, for all practical purposes, under parental authority. During school hours, the Board, through its designated administrators, acts in loco parentis or in place of the parents.

The Board directs that the following activities be implemented to encourage parent-school cooperation:

A. Parent-teacher conferences to permit two-way communication between home and school.

B. Open houses in Corporation schools to provide parents with the opportunity to see the school facilities, meet the faculty, and sample the program on a first hand basis. Each school in the Corporation shall hold an open house at least annually.

C. Meetings of parents and staff members to explain and discuss matters of general interest with regard to child-school, child-home, or child-school-home relationships.

D. Special events of a cultural, ethnic, or topical nature, which are initiated by parent groups, involve the cooperative effort of students and parents, and are of general interest to the schools or community.

For the benefit of children, the Board believes that parents have a responsibility to encourage their child's career in school by:

A. supporting the schools in requiring that the children observe all school administrative guidelines, and by accepting their own responsibility for children's willful in-school behavior, including participating in disciplinary actions when requested to do so by the school;

B. sending children to school with proper attention to their health, personal cleanliness, and dress;

C. maintaining an active interest in the student's daily work and making it possible for the student to complete assigned homework by providing a quiet place and suitable conditions for study;

D. reading all communications from the school, signing, and returning them promptly when required;

E. cooperating with the school in attending conferences set up for the exchange of information of the child's progress in school.

Legal
I.C. 20-33-2-27, 20-33-6-1, 20-33-8-26

EQUIVALENT INSTRUCTION FOR COMPULSORY ATTENDANCE COMPLIANCE PURPOSES (HOME SCHOOLING AND NON-ACCREDITED SCHOOLS)

9270 - **EQUIVALENT INSTRUCTION FOR COMPULSORY ATTENDANCE COMPLIANCE PURPOSES (HOME SCHOOLING AND NON-ACCREDITED SCHOOLS)**

The Board offers tuition free enrollment to all school-age children with legal settlement within the Corporation's legal boundaries. In order to comply with the Indiana Compulsory Attendance law, the parent/guardian of a child between the age of seven (7) and eighteen (18) must be enrolled in an accredited school or be provided with instruction that is equivalent to the instruction made available by the Board.

If a parent/guardian does not enroll a child in an accredited school, the parent/guardian shall inform the Superintendent. The Superintendent shall inform the parents that later enrollment of the child in any of the Corporation's schools will be in accordance with Board Policy 5463 - Credits and Placement from Non-accredited Schools and the administrative guidelines associated with that policy.

The Board shall not allow a student who is being educated at non-accredited or home school status to participate in any of the Corporation's co-curricular or extra-curricular activities. NPUSC online students may participate.

A resident or transfer student who is being educated at a non-accredited, approved online, or home school may, however, enroll in one or more academic courses with the approval of the Superintendent. Such enrollments will be submitted to the State for funding purposes.

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Legal
I.C. 20-33-2-4 thru 9, 20-33-2-12, 20-33-2-27
Indiana State Board of Education v. Brownsburg Community School Corporation, 865 N.E. 2d 660 (Ind. App. 2007)

RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS

9500 - **RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS**

It is the policy of the School Board that strong lines of communication be maintained by the Corporation with other school corporations and with institutions and organizations which provide Corporation students with programs, training, or services not available in the Corporation.

The Superintendent may enter into such cooperative ventures with institutions or organizations for the purpose of providing programs which correlate to the Corporation's curriculum and help students better accomplish the educational outcomes established by the Board.

Before entering into any agreements, the Superintendent shall keep the Board advised of any arrangements that would affect the use of Corporation resources or require any additional resources of the Corporation.

In order to maintain cordial and constructive relationships with private and parochial schools, the Superintendent shall maintain liaison with the administration of all such schools that enroll significant numbers of students resident in this School Corporation in order to be aware of any program changes that may be planned that could affect this Corporation; and to cooperate fully in the implementation of all State and Federal programs administered by this Corporation that benefit, in whole or in part, eligible students attending private or parochial school.

PARTNERSHIPS WITH BUSINESS

9555 - **PARTNERSHIPS WITH BUSINESS**

The School Board is well aware of the role that education will play in increasing the nation's productivity and future well-being. To ensure success requires the combining of talent and resources within the region between business and education. It also recognizes that schools of the Corporation need to operate as an integral part of the economic community if students are to receive the type of education and training they will need to function effectively in the twenty-first century.

The Board will seek to establish not only partnerships between the Corporation and individual companies but also, if possible, consortia involving several companies and/or school Corporations. The purpose will be to seek opportunities for students and staff to share in new strategies and technologies being created in the business world and offer, in exchange, the knowledge and skill of Corporation personnel in creating more effective continuing education for employees and members of the community. Properly planned and implemented, such partnerships or consortia could have significant impact on the nature and content of the curriculum as well as on the manner in which students are taught to learn.

The Superintendent is authorized to actively seek such partnerships.

STAFF/STUDENT PARTICIPATION IN COMMUNITY EVENTS

9600 - **STAFF/STUDENT PARTICIPATION IN COMMUNITY EVENTS**

The School Board recognizes that the local community offers many programs and events that provide learning experiences which are not available in the schools and which can help students become more literate, cultured, productive human beings.

The Board seeks to maintain continuing communication with those groups and organizations that enrich the life of the community and authorizes the Superintendent to cooperate with their leaders both in the use of Corporation resources that can aid their efforts and ensuring that members of the staff and student body are made aware of education-related activities of these groups. Further, the Board encourages members of the staff to make their many talents and specialized knowledge available, as time permits, to enhance the quality of such community activities.

The Superintendent shall develop administrative guidelines which will better ensure:

A. community activities and events which are related to Corporation Courses of Study are incorporated, as appropriate, into such courses as either required or enrichment assignments;

B. school activities to which the public is invited are scheduled, to the extent possible, so as not to conflict with other events in the community which would appeal to the same audience. Such scheduling conflicts not only diminish the attendance at both the school and the community activities but also deprive the students and staff from deriving the benefits from participation in community programs which enhance learning and the quality of life.

RELATIONS WITH SPECIAL INTEREST GROUPS

9700 - **RELATIONS WITH SPECIAL INTEREST GROUPS**

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund-raising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests without advancing the special interests of any particular group.

It is the policy of the School Board that students, staff members, and School Corporation facilities not be used for advertising or promoting the interests of any nonschool agency or organization, public or private, without the approval of the Board or its delegated representative; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

A. **Contests/Exhibits**

The Board recognizes that contests, exhibits, and the like may benefit individual students or the Corporation as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;
2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the Corporation;
3. involve any direct cost to the Corporation;
4. interrupt the regular school program;
5. cause the participants to leave the Corporation.

B. **Patriotic Youth Membership Organizations**

The Board may provide a representative of a Patriotic Youth Membership Organization, as defined and organizations listed in Title 36 of the United States Code (e.g., Boy Scouts of America, Girl Scouts of the United States, Big Brothers and Big Sisters of America, and Boys and Girls Club of America) that has an educational purpose and promotes patriotism and civic involvement to provide an oral, written, or oral and written information regarding the organization to students of the Corporation.

If the organization makes such a request to provide oral or written information to students, the Corporation is required to provide at least one (1) time each school year, with a specific day and time specified, for the organization to provide the information on Corporation property.

Prior to the representative from the Patriotic Youth Membership Organization being permitted on Corporation property, the Corporation shall conduct an expanded criminal history check on the representative seeking to present information to students on Corporation property. The Corporation may request written consent for the expanded

criminal history check from the representative of the organization. The representative is responsible for all costs associated with obtaining the expanded criminal history check.

A Corporation may, upon receipt of the expanded criminal history check, refuse to allow a representative to provide information if the representative that has been selected from the Patriotic Youth Membership Organization has been convicted of a felony listed in I.C. 20-28-5-8(c) or I.C. 20-28-5-8(d).

C. **Distribution/Posting of Literature**

No outside organizations or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on Corporation property either during or after school hours without the permission and prior review of the Superintendent.

The Superintendent shall establish administrative guidelines which ensure that:

1. criteria established in Policy 5722 - School-Sponsored Publications and Productions are used to make a decision regarding materials that students seek to post or distribute;
2. distribution or posting of materials employees wish to distribute on behalf of an employee organization comply with the terms of negotiated collective bargaining agreements;
3. the school mail system is not used by students or staff for distribution of nonschool-related materials;
4. no materials from any profit-making organization are distributed for students to take home to their parents;

D. **Solicitation of Funds**

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the Superintendent.

Permission to solicit funds will be granted only to those organizations, individuals, or staff members who meet the permission criteria established in the Corporation's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830, no Corporation student may participate in the solicitation without the Superintendent's approval.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

All crowdfunding activities are subject to Policy 6605 and any administrative guidelines adopted by the Superintendent to implement Policy 6605.

Any booster club or school-support group that may use students in a fundraising activity must comply with I.C. 4-32.2-5-21 and Board Policy 5830 for any of the following types of

fundraising events: bingo games, charity game nights, raffles, door prizes, fundraising festivals, activities related to pull tabs, punch-boards, tip-boards, and the like. Moreover, any fundraiser involving games of chance must comply with Indiana law, including obtaining the appropriate license or permits.

1. The Board disclaims all responsibility for the protection of, or accounting for, such funds.
2. Solicited funds are not to be deposited in any regular or special accounts of the Corporation.
3. This policy does not apply to the raising of funds for Corporation-sponsored or school-sponsored activities.
4. Use of the name, logo, or any assets of the Corporation, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the Superintendent.

E. **Prizes/Scholarships**

The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this Corporation. But, in accepting the offer of such scholarships or prizes, the Board directs that these guidelines be observed:

1. No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.
2. The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the Superintendent.

F. **Sale of School Supplies**

In determining the appropriateness of the sale of school supplies by organizations other than the Corporation, the Board requires that:

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

1. the organization have a purpose that will benefit the Corporation and its students;
2. the organization's planned activities are clearly in the best interest of the Corporation and its students;
3. the organization has submitted the following information and assurances on the form provided by the Corporation: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

G. **Personal Analyses, Evaluations, or Surveys**

Neither Corporation-related nor noncorporation-related organizations shall be allowed to administer a personal analysis, evaluation, or survey to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If

approved in accordance with the Superintendent's criteria, a copy of the results and the proposed manner of their communication are to be provided to the Superintendent for review and approval before they are released. Any approved personal analysis, evaluation or survey to be administered to students shall be administered in accordance with Policy 2221 - Mandatory Curriculum and Policy 2416 - Student Privacy and Parental Access to Information.

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Legal
I.C. 4-32.2-4
I.C. 4-32.2-5
I.C. 4-32.2-5-21
I.C. 20-26-20
I.C. 20-26-21
I.C. 20-28-5-8(c)
I.C. 20-28-5-8(d)
I.C. 20-30-5-5
I.C. 20-30-5-6
I.C. 20-30-5-17

ADVERTISING, COMMERCIAL ACTIVITIES, SPONSORSHIPS, AND NAMING RIGHTS

9700.01 - **ADVERTISING, COMMERCIAL ACTIVITIES, SPONSORSHIPS, AND NAMING RIGHTS**

The purpose of this policy is to provide direction for the appropriate and inappropriate use of advertising or promoting of commercial products or services to students and parents in the schools.

"Advertising" comes in many different categories and forums and is defined as an verbal, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public's attention to arouse a desire to buy, use or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos or tags for product or service identification purposes are not considered advertising.

The Board may permit advertising in Corporation facilities or on Corporation property in the following categories or forums in accordance with the guidelines set forth herein:

A. **Product Sales:**

1. product sales benefiting a Corporation, school or student activity (e.g., the sale of beverages or food within schools);
2. exclusive agreements between the Corporation and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g. contracts with soda companies);
3. fundraising activities (e.g., short term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club or activity where the school receives a share of the profits.

B. **Direct Advertising/Appropriation of Space:**

1. signage and billboards in schools and school facilities;
2. corporate logos or brand names on school equipment (e.g., marquees, message boards or score boards);
3. ads in school publications (newspapers and yearbooks and event programs);
4. media-based electronic advertising (e.g., Channel One or Internet or web-based sponsorship);

C. **Indirect Advertising:**

1. corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants or gifts;

2. the Board approves the use of instructional materials developed by commercial organizations such as films and videos only if the education value of the materials outweighs their commercial nature.

   The films or material shall be carefully evaluated by the school principal for classroom use to determine whether the films or materials contain undesirable propaganda and are in compliance with the guidelines as set forth above.

It is further the policy of the Board that the Corporation's name, students, staff members and Corporation facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit or other non-school agency or organization, public or private, without the approval of the Board.

Any commercial advertising shall be structured in accordance with the General Advertising Guidelines set forth below.

General Advertising Guidelines

The following guidelines shall be followed with respect to any form of advertising on school grounds:

A. When working together, schools and businesses must protect educational values. All commercial or corporate involvement should be consistent with the Corporation's educational standards and goals.

B. Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Board.

C. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.

D. No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.

E. No advertisement shall promote any specific religion or religious, ethnic or racial group, political candidate or ballot issue and shall be non- proselytizing.

F. No advertisement may contain libelous material.

G. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.

H. No advertisement shall be false, misleading or deceptive.

I. Each advertisement must be reviewed in advance for age appropriateness.

J. Advertisements may be rejected by the Corporation if determined to be inconsistent with the educational objectives of the Corporation, inappropriate, or inconsistent with the guidelines set forth in this policy.

K. All corporate support or activity must be consistent with the Board's policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and must be age-appropriate.

L. Students shall not be required to advertise a product, service, company or industry.

M. The Superintendent or is responsible for screening all advertising.

N. The Superintendent may require that samples of advertising be made available for inspection.

O. The inclusion of advertisements in Corporation publications, in Corporation facilities, or on Corporation property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.

P. Final discretion regarding whether to advertise and the content and value of the materials will be with the Board.

In addition to this policy, the Superintendent shall prepare administrative guidelines addressing the Criteria for Commercial Messages and the process by which advertising shall be accomplished. (See AG 9700B.)

Sponsorship/Naming Rights

The Board permits sponsorship/naming rights of specific Corporation facilities or property by an individual, company, or community- based organization.

Sponsorship is defined as an agreement between the Corporation and an individual, company, or organization in which the sponsoring entity provides financial or service-in-kind support to the Corporation in exchange for recognition within a Corporation facility.

Naming rights is defined as an agreement between the Corporation and an individual, company, or organization in which in exchange for financial contributions the Corporation allows the name of the donor or donor company/organization to be associated with a specific Corporation property or facility.

Sponsorships/naming rights shall not be inconsistent with the goals and purposes of the Corporation. An agreement shall be prepared which outlines the details of the sponsorship/naming rights including but not limited to the following: the term of the sponsorship/naming right, the signage to be used for the recognition or naming, financial contribution or service-in-kind being supplied to the Corporation. The agreement shall be presented to the Board for approval prior to any action being taken to implement the sponsorship/naming right.

All sponsorships/naming rights shall be in accordance with Policy 9700 and AG 9700B.

Accounting

Advertising and sponsorship/naming rights revenues must be properly reported and accounted for in the Corporation accounts.

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HIGH SCHOOL DIPLOMAS TO WORLD WAR I, WORLD WAR II, KOREAN CONFLICT, AND VIETNAM CONFLICT VETERANS

9800 - **HIGH SCHOOL DIPLOMAS TO WORLD WAR I, WORLD WAR II, KOREAN CONFLICT, AND VIETNAM CONFLICT VETERANS**

The School Board recognizes the service provided to the country and the individual sacrifices made by veterans of World War I, World War II, the Korean Conflict and the Vietnam Conflict.

Since many of these veterans left high school in order to fight for their country, the Board wishes to recognize their efforts by awarding them a high school diploma.

To be eligible for a diploma, all of the following criteria must be met:

A. The individual served as a member of the armed forces of the United States at any time during World War I, World War II, the Korean Conflict, or the Vietnam Conflict.

B. The veteran either left a public or nonpublic school located in Indiana prior to graduation in order to serve in the armed forces of the United States.

C. The veteran was a student in good standing at the high school described above to the satisfaction of the Department of Veterans' Affairs.

D. The veteran received an honorable discharge from the armed forces of the United States.

E. The veteran has not been granted a high school diploma, a diploma of adult education, or a diploma under this provision.

An eligible veteran who has received a general educational development (GED) diploma may also apply for the issuance of a diploma under this policy.

If the veteran is deceased, the Board will award a diploma to the veteran posthumously and present that diploma to a surviving relative of the veteran.

The Board may award a high school diploma after receiving the application and appropriate verification of eligibility from the Indiana Department of Veterans' Affairs. The application is available through and the eligibility verification is handled by the Indiana Department of Veterans' Affairs.

Legal
I.C. 20-20-7