

**ARTICLE 5 STUDENTS**

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## 5111 - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION

The Board establishes the following policy for determining student eligibility to attend the schools of this 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 if the parents are able to support the student and have placed the student in the home of another person primarily for the purpose of attending school in this Corporation without establishing legal guardianship as required by Indiana law, tuition will not be charged unless otherwise required by law.
- 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 considered to be homeless by criteria established by the State (see Policy 5111.01 and AG 5111.01 - Homeless Students).
- F. Students who have completed the eleventh grade and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.

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- G. 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.

H. **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.

A student who has been expelled from another school corporation or who is expelled from a nonpublic school or withdraws from a public or a nonpublic school to avoid expulsion may be enrolled in the Corporation in compliance with I.C. 20-33-8-20 during the actual or proposed expulsion if:

1. the student's parent informs the Corporation of the student's expulsion or withdrawal to avoid expulsion;
2. the Corporation consents to the student's enrollment;
3. the student agrees to the terms and conditions of enrollment established by the Corporation.

Such students **will not be charged unless otherwise required by law** tuition according to Board Policy [6150](#) if they do not have legal settlement in the Corporation.

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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;
  3. an opportunity to explain his/her conduct.
- I. A student who has been expelled from another school corporation or who is expelled from a nonpublic school or withdraws from a public or a nonpublic school to avoid expulsion will not be enrolled in the Corporation.

**Transfer Students**

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. Annually, 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 Internet website.
- C. Requests to enroll a student without legal settlement in the Corporation shall not be denied if the student to be transferred:
  1. has been enrolled in the Corporation in the prior school year;

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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.

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 had a history of 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.

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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.

Transportation will not be provided by the School Corporation for transfer students accepted for enrollment, unless the transfer student has an Individualized Education Program (IEP) in which transportation is required to be provided as a related service.

No transfer student shall be accepted for enrollment for athletic reasons.

Transfer students will not be charged unless otherwise required by law.

I.C. 20-18-2-11 (legal settlement defined)

I.C. 20-33-2-12 (transfer to another accredited or non-accredited school)

I.C. 20-33-8-17 (expulsion for lack of legal settlement)

I.C. 20-26-11-1 (residence defined)

I.C. 20-26-11-2.5 (divorced parent election)

I.C. 20-26-11-6(e) (option to not charge transfer tuition)

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)

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>

Revised 3/02

Revised 11/04

Revised 8/28/06

Revised 12/11/06

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Revised 2/8/16

Revised 11/14/16

Revised 8/28/17



## 5111.01 - HOMELESS STUDENTS

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 (Policy2260).

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include those 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, bus or train station, or similar setting

**INOTE:** 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."

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth under the age of twenty-one (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 include 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;

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- 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

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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).

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**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,

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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.

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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).

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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.

42 U.S.C. 11431 et seq. (McKinney - Vento Homeless Assistance Act)

I.C. 20-11-15

Indiana Enrollment and School Placement Dispute Resolution Procedures,

[http://www.doe.in.gov/sites/default/files/student-services/dispute-process\\_0.pdf](http://www.doe.in.gov/sites/default/files/student-services/dispute-process_0.pdf)

Adopted 10/11/04

Revised 3/9/09

Revised 5/9/11

Revised 8/28/17

## 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.

Interstate Compact on Educational Opportunity for Military Children  
I.C. 20-38-3

Adopted 5/9/11



## 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.

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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**

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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;

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- 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

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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 Superintendent 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.

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 Superintendent 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.

### **Coordination of Service**

Since foster care placements may occur across the 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.

#### **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>

Adopted 8/28/17

## 5112 - ENTRANCE REQUIREMENTS

The 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 AG **5112C**).

The Superintendent shall establish administrative guidelines which ensure compliance with State law, proper documentation of birth as well as a certified copy of any custody order or decree, appropriate screening, placement, and periodic assessment of children in kindergarten and first grade programs, certification that proper immunization is completed or in process, and the prompt transfer of records. 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.

I.C. 20-33-2-7

Revised 3/02

Revised 8/28/06

Revised 2/8/16

## 5113 - ATTENDANCE OF NON-RESIDENT STUDENTS

### **Definition of Non-Resident Students**

A non-resident student is a student whose legal settlement is outside the boundaries of the Wa-Nee Community School Corporation. Legal settlement as defined in Public Law 101 is in the attendance area of the School Corporation where the student's parents reside.

### **Admission of Non-Resident Students**

In accordance with Public Law 101, non-resident students may be accepted as School Corporation students on an annual school year basis or by an approved transfer certificate from a transfer or school corporation, provided:

- A. The student's conduct and academic records are of acceptable quality.
- B. No class or program will be overcrowded by their enrollment and attendance.
- C. No increase in staff will be required.
- D. The student and parents will accept the grade level or program placement designated by the principal after reviewing certified student records.
- E. The transfer is based on the parents', guardians' or custodians' sincere belief that the student could be better accommodated by the educational program at the School Corporation rather than the educational program at the school corporation where the student has legal settlement.
- F. Students transferring to NorthWood High School from a non-credited school must follow school policy on the determination of appropriate and applicable credits.

The principal and the Superintendent shall be granted the authority to grant or deny any and all transfer requests, based upon the above mentioned guidelines.

Adopted 3/02  
T.C. 12/3/15  
Revised 11/14/16

## 5113.02 - SCHOOL CHOICE OPTIONS PROVIDED BY THE NO CHILD LEFT BEHIND ACT

The Board acknowledges that the Federal *No Child Left Behind Act of 2001* ("NCLBA") provides that the parents/guardians of students enrolled in a Title I school that has been listed for "school improvement" for two (2) or more years, have the right to transfer their children to another school in the Corporation, provided there is a school that provides instruction at the students' grade level(s) and such school has not been identified as being in the process of school improvement, corrective action, or restructuring. If there is not another school in the Corporation offering instruction at the students' grade level(s) that has not been identified as needing improvement, the Superintendent shall contact neighboring corporations and request that they permit students to transfer to a school in one of those corporations. The Superintendent shall also offer Supplemental Educational Services (SES) if a transfer within the Corporation is not possible.

Additionally, 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 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.

Title I, Section 1116(b)(1)(E) of the No Child Left Behind Act of 2001

Title I, Section 1116(e) of the No Child Left Behind Act of 2001

Title IX, Section 9532 of the No Child Left Behind Act of 2001

Adopted 11/04

T.C. 12/3/15



## 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.

I.C. 20-26-11-10  
8 C.F.R. 214 et seq.  
8 U.S.C. 1101 (Immigration Reform and Control Act)

Revised 3/02  
Revised 10/27/14

## 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 the school attendance areas in the Corporation and the students in each attendance area shall attend the school or program designated by the Board.

When directed by the Board, the Superintendent shall review attendance areas and recommend changes as may be justified by:

- A. student safety, transportation, distance, and travel time;
- B. the academic and career interests of students;
- C. financial and administrative efficiency;
- D. the effectiveness of the instructional program or the opportunity to bring together students who would benefit from a curricular component that can only be offered at a single or limited number of sites in the School District.

The Superintendent may assign a student to a school or program other than the school serving the attendance area established by the Board if the exception is consistent with the interests of the student and Board. 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.

Absent substantial considerations to the contrary, a student shall be permitted to complete their elementary, middle school, junior high, or high school education in the same school.

When consistent with the interests of the students and the Board, students living in the same household shall be assigned to the same school or program.

The Superintendent shall assign incoming students to schools, grades, classes, and programs that meet the student's educational needs.

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A principal shall assign students in a school to grades, classes, groups, and programs based on the needs of the students and the Board.

If a transfer between buildings or programs is initiated by a Principal or a designee, the student's parent/guardian or a student 18 years of age or older shall be advised of the reason for the proposed change. A parent/guardian of a student or a student 18 years of age or older may appeal the transfer to the Superintendent, whose decision shall be final unless the Superintendent elects to submit the proposed change for consideration by the Board.

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)

Revised 9/26/12

## 5120.01 - EXCEPTION TO SCHOOL BOUNDARIES CHILD CARE

All students within the boundaries of Wa-Nee Community Schools are to attend the elementary school within the boundaries of their legal residence.

If parents request to place their child, due to child care, in an elementary school other than their legal residence the following policy applies:

Students may attend the elementary school as determined by the location of their child care under the following provisions:

- A. A parent request form for an exception to school boundaries due to child care must be completed each year.
- B. Parent request forms for an exception to school boundaries are available in each elementary school office and the administration office.
- C. Requests for a child care exception to school boundaries are completed from May to August, annually.
  1. Requests are held until after elementary school registration is complete in August.
  2. Request forms are approved or denied after elementary school registration and before school begins in August.
- D. In August, parents register their child at the elementary school of their legal residence and complete the request form, if one has not yet been completed for the upcoming school year.
- E. Approval for school attendance exceptions due to child care are made on a **yearly** basis:
  1. Class size is a determining factor in approval of these requests.
  2. Approval for one (1) school year does not necessarily mean approval for additional years.
  3. Every effort is made to accommodate child care needs, but decisions on school attendance are based on the following educational factors:
    - a. programs available (special services)
    - b. class size
    - c. transportation
- F. Transportation is provided only if the child care facility is located within the elementary school district attended by the student.
- G. Moving of students from one (1) school to another in the Corporation during the school year is strongly discouraged, and will only be considered for extreme circumstances.

Adopted 1/26/04

## 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 with the student, his/her parents, and the principal. 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 principal 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 School Corporation shall give notice by certified mail and personal delivery to the student, the student's parent(s), or the student's guardian. The student's failure to attend an exit interview or return to school if the student does not meet the requirements to withdraw from the school will result in the revocation or denial of the student's drivers 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.

I.C. 9-24-2-1

I.C. 20-33-2-28.5

Revised 7/28/03

Revised 11/14/05

Revised 9/26/12

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## 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.

I.C. 20-26-11

Adopted 11/14/05

## 5136 - PERSONAL COMMUNICATION DEVICES

“Personal communication devices” (PCDs) as used in this policy are defined in Bylaw 0100).

In order to avoid disruption of the educational environment and protect students' right of privacy, student use of PCDs is prohibited on school grounds during school hours, and on school buses or other Board-provided vehicles.

PCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) will be permitted, as approved by the classroom teacher or the building principal.

Students may not use PCDs on school property or at a school-sponsored activity to access and/or view Internet websites that are otherwise blocked to students at school.

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.

Except as authorized by a teacher, administrator or IEP team/case conference committee (“CCC”), 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.

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, classrooms, except as authorized by a teacher, administrator or IEP team/CCC, 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.

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 reasonably might 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 (including sexual orientation/transgender identity), 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 protection services as required by law.

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Students also are 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 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. The building principal also will refer the matter to law enforcement or child protection 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 confiscated, it will 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 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.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use school phones to contact parents/guardians during the school day.

Adopted 3/9/09  
Revised 3/8/10  
Revised 5/28/13  
Revised 8/28/17



## 5136.01 - TECHNOLOGY RESOURCES AND OTHER ELECTRONIC EQUIPMENT

While in some instances the possession and use of Technology Resources (as defined in Bylaw 0100) and other electronic equipment or devices by a student at school may be appropriate, the possession and use of such Technology Resources and other equipment or devices by students at school also may have the effect of distracting, disrupting and/or intimidating others in the school environment and leading to opportunities for academic dishonesty and other disruptions of the educational process.

Students may use the following Technology Resources and other electronic equipment/devices during instructional time for an educational or instructional purpose (e.g. taking notes, recording a class lecture, writing papers) with the teacher's permission and supervision and may use these Technology Resources and other electronic equipment during non-instructional time, provided such use is consistent with Policy 7540.03 Student Acceptable Use and Safety:

- A. cameras (photographic and/or video)
- B. laptops
- C. tablets (e.g., iPad-like devices)
- D. smartphones
- E. e-readers (e.g., Kindle-like devices)
- F. personal digital assistants (PDAs)
- G. portable CD/MP3 players with headphones

Students are prohibited from using Technology Resources and other electronic equipment or devices in a manner that may be physically harmful to another person (e.g., shining a laser in the eyes of another student). Further, at no time may any Technology Resources or other electronic equipment/device be utilized by a student in a 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 Technology Resources, a camera, or other electronic equipment/device 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, national origin, sex (including transgender identity, sexual orientation, and gender identity), age, disability, religion, or political beliefs; and (2) send, share, view or possess pictures, text messages, e-mails or other materials of a sexual nature (i.e., sexting) 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 protection services as required by law.

Students are prohibited from using Technology Resources and other electronic equipment/devices to capture, record or transmit test information or any other information in a manner constituting fraud, theft, or

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academic dishonesty. Similarly, students are prohibited from using Technology Resources and other electronic equipment and devices to capture, record or transmit the words (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, without express prior notice and explicit consent for the capture and/or recording of such words or images. Using Technology Resources or other electronic equipment/devices to capture, record or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal. Technology Resources and other electronic equipment/devices are expressly banned from and may not be possessed, 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 locker rooms, shower facilities, restrooms, except as approved by the student's IEP team/CCC, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a camera or other electronic equipment/device is absolutely prohibited.

Unauthorized Technology Resources and other electronic equipment and devices will be confiscated from the student by school personnel and disciplinary action taken.

Any Technology Resources or other electronic equipment/device confiscated by Corporation staff 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 parent/guardian. Technology Resources or other electronic equipment/devices in Corporation custody will not be searched or otherwise tampered with unless school officials reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules (e.g., a student is observed using a camera in a prohibited area). Any search will be conducted in accordance with Policy 5771 – Search and Seizure.

Students are personally and solely responsible for the care and security of any Technology Resources and other electronic equipment or devices they bring to school. The Board assumes no responsibility for theft, loss, damage, or vandalism to electronic equipment and devices brought onto its property, or the unauthorized use of such devices.

Adopted 3/9/09  
Revised 3/8/10  
Revised 5/28/13  
Revised 8/28/17

## 5200 – ATTENDANCE

The School Board, as an agency of the State, is required to enforce regular attendance of students. The Board recognizes that the presence in the classroom enables the student to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for the student to excel.

Attendance shall mean to be 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 in 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 State law, during the days and hours that the school is in session.

Exceptions to compulsory attendance that shall be recognized by the school 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 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 National Guard for not more than ten (10) days (I.C. 20-33-2-17)
- 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 (I.C. 20-33-2-17.7).

The student must be in good academic standing as determined by the Corporation. Parents must request the absence in writing, it must be approved in writing by the principal, and it may not exceed five (5) days.

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- G. participating in an educationally related non-classroom activity which is consistent with and promotes educational philosophy and goals of the School Corporation, 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 advance by the school principal (I.C. 20-33-2-17.5)

For any of these exceptions a student shall not be recorded as absent from school.

The Superintendent shall require, from the parent of each student or from an adult student who has been absent for any reason, a statement of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each absence.

The Board considers the following for excused absences:

- A. single absence;
- B. prolonged absence;
- C. repeated unexplained absence and tardiness.
- D. illness verified by a note from the parent
- E. illness verified by a note from a physician
- F. recovery from accident
- G. required court attendance
- H. 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.

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- I. death in the immediate family or of a relative
- J. observation or celebration of a bona fide religious holiday in accordance with Policy 5223
- K. military connected families' absences related to deployment and return
- L. such other good cause as may be acceptable to the Principal or permitted by law

An unexcused absence is any absence not covered under the definition of excused absence or an exception to compulsory attendance. An out-of-school suspension shall not be considered an unexcused absence.

Repeated instances of unexcused absences may result in disciplinary action up to suspension or expulsion of a student.

Truancy is defined as absence from school without permission of the parent.

The Superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school to an intake officer of the juvenile court or the Department of Child Services.

Attendance need not always be within the school facilities, but 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 Superintendent shall develop administrative guidelines for the attendance of students which:

- A. ensure a school session which is in conformity with the requirements of the law;
- B. ensure that students absent for any excusable reason have an opportunity to make up work they missed;
- C. govern the keeping of attendance records in accordance with the rules of the State Board;
- D. ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the Corporation's limit on

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excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Such guidelines should provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

Such guidelines also shall provide for the reporting to the Bureau of Motor Vehicles those students who have been suspended for the second time during a school year, expelled, or excluded for misconduct.

The Superintendent shall ensure that the administrative guidelines on attendance properly address the matter of truancy by including a process which:

- A. identifies the habitual truant, that is, a student who is chronically absent by having unexcused absences from school for more than ten (10) school days in one (1) school year;
- B. investigates the cause(s) of his/her truant behavior;
- C. considers, when appropriate, modification of his/her educational program to meet particular needs which may be causing the truancy;
- D. ensures that truant students are disciplined in accordance with the Corporation's policies and administrative guidelines on student discipline.

The Superintendent also shall ensure that the Board's policy on attendance and the Corporation's administrative guidelines are made available to all parents and adult students.

I.C. 9-24-2-1, -4  
I.C. 20-33-2  
511 IAC 1-3-1

Revised 1/26/04  
Revised 11/04  
Revised 11/14/05  
Revised 7/9/12  
Revised 2/23/15  
Revised 2/8/16  
Revised 10/24/16  
Revised 2/12/18

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## 5215 - MISSING AND ABSENT CHILDREN

It is the interest of this Board to cooperate with local, State, and National efforts to decrease the number of missing children.

The Superintendent is instructed to promulgate administrative guidelines to inform the Indiana Clearinghouse for Information on Missing Children prior to admitting a student lacking records. Such a procedure may reduce the risk of removal of the student from the area.

I.C. 20-33-2-10

T.C. 12/3/15

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## 5223 - ABSENCES FOR RELIGIOUS INSTRUCTION

The Board desires to cooperate with those parents 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 request of a student's parent, the Board will allow exceptions to the student's continuous attendance at school for religious instruction outside the school building by an authorized church or religious organization for no more than 120 minutes per week.

A student must be properly registered and a copy of such registration must be filed with the principal.

The time for release for religious instruction or education shall be arranged by the principal. S/He 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.

I.C. 20-33-2-19

T.C. 12/3/15



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## 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 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 without parental authorization.

T.C. 12/3/15

## 5320 - IMMUNIZATION

The 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 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.

I.C. 20-30-5-18  
I.C. 20-34-3-2  
I.C. 20-34-4-2 thru 6

Revised 7/9/12  
Revised 10/27/14  
Revised 2/8/16

## 5330 - USE OF MEDICATIONS

The 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 will 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, "medication" shall include all medicines, including those prescribed by a physician and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization or intravenous or intramuscular injection.

Before any prescribed medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's physician accompanied by the written authorization of the parent. This document shall be kept on file in the office of the School Nurse, and made available to the persons authorized to administer the medication 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 physician's prescription.

Both the physician and the parent also must 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.

The Board requires the prior written consent of the parent before any nonprescribed medication or treatment may be administered. These documents shall be kept in the office of the School Nurse. Except in the case of authorized self-medication, all forms of medication shall be administered by the School Corporation in accordance with the Superintendent's guidelines. No student is allowed to provide or sell any type of over-the-counter medication to another student.

Violations of this rule will be considered violations of Policy **5530** – Drug Prevention and of the Student Code of Conduct/Student Discipline Code.

Pursuant to I.C. 20-34-4.5-0.2, "emergency medication" includes:

- A. Albuterol;
- B. Epinephrine and
- C. Naloxone.

Students who may require administration of an emergency medication may have such medication, identified as aforementioned, stored in the School Nurse's office and administered in accordance with this policy. However, if authorization for self-medication has been provided by the parent and physician that complies with the

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requirements of Policy 5330.01 - Self-Administered Medication, then the student may retain possession of the self-administered medications.

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 in 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;

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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 with a known diagnosis of asthma;
2. a Corporation employee with a known diagnosis of asthma.

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 in 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 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

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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 in which only school employees have access.

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

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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.

Corporation employees may administer Naloxone 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 Naloxone is being administered is:
  - 1. a student at the school;

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2. a Corporation employee; or
  
3. a visitor at the school

and the Corporation employee is acting in good faith and attempts to summon emergency services either immediately before or immediately after administering the Naloxone.

The Corporation must:

- 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.

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 a 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.

The Superintendent shall prepare administrative guidelines to ensure the proper implementation of this policy.



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I.C. 16-42-27  
I.C. 20-33-8-13  
I.C. 20-34-3-18  
I.C. 20-34-4.5  
I.C. 34-30-2-85.6  
I.C. 34-30-12  
I.C. 34-30-14  
511 IAC 7-36-9

Revised 3/02  
Revised 7/28/03  
T.C. 12/3/15  
Revised 8/28/17  
Revised 2/12/18

## 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.

I.C. 20-33-8-13

I.C. 34-30-14-6

Adopted 3/02

## 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 his/her level of understanding of the student's 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 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 individualized health plan 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.

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A student's individualized health plan shall incorporate the components of the student's management and treatment plan.

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.

I.C. 20-34-5

Adopted 1/28/08

## 5330.03 - LOW THC HEMP EXTRACT

Indiana law defines “low THC hemp extract” as a product:

1. Derived from *Cannabis sativa* L., that meets the definition of industrial hemp;
2. That contains not more than three-tenths percent (0.3%) delta-9-THC (including precursors); and
3. That contains no other controlled substances

Prior to Wa-Nee Community Schools administering a low THC hemp extract substance, at a minimum, the following criteria will be met:

1. Parent/Guardian has provided the school with written permission to administer the product to his/her child and has verified that the product was acquired from a retailer that meets the requirements of state law;
2. Product is in the original packaging and is UNOPENED;
3. Student’s health care provider has provided the school with a prescription to administer the substance which includes the dose, route and time of administration; and
4. Product has been approved by: (1) the federal Food and Drug administration or the federal Drug Enforcement Agency as a prescription or over the counter drug **or** (2) meets the packaging requirements of state law.

Low THC hemp extract substance must be in packaging that contains the information required by state law. A school nurse or other trained school personnel will determine if the packaging complies with the law prior to the low THC hemp extract being administrated.

LEGAL REFERENCE: IC 24-4-21

## 5340 - STUDENT ACCIDENTS

The 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. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

The Superintendent may provide for an in-service program on first aid and CPR procedures.

The administrator in charge must submit an accident report to the Superintendent on all accidents.

T.C. 12/3/15

## 5340.01 - STUDENT CONCUSSIONS AND SUDDEN CARDIAC ARREST

It is the policy of the 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 acknowledgement form issued by the Indiana Department of Education and shall and require the student's parent and the student to sign and return the form acknowledging the receipt of the information from the Indiana Department of Education Concussions and Head Injury. If the coach of an intramural sports activity elects to or is required to comply with I.C. 20-34-7, s/he 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 acknowledgement form issued by the Indiana Department of Education 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 Indiana Department of Education on Concussion and Head Injury.

The Board also directs and requires that before beginning practice for an interscholastic sports activity or cheerleading, the coach of the activity shall provide to each student athlete and his/her parent or legal guardian (unless the student is a least age eighteen (18) or is an emancipated minor) the information sheet on Sudden Cardiac Arrest and acknowledgement form issued by the Indiana Department of Education and require the student athlete and his/her parent or legal guardian (unless the student is a least age eighteen (18) or is an emancipated minor) to sign and return to the student athlete's coach/sponsor the form acknowledging the receipt of the information from the Indiana Department of Education on Sudden Cardiac Arrest.

The coach/sponsor shall maintain an original of each signed acknowledgement form for each student and shall not allow the student athlete to participate in the sport until the signed acknowledgement form(s) from the parent (as required above) and 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 s/he has been seen and evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries, and the coach receives a written clearance from the licensed healthcare provider who evaluated the s/he that the student athlete can safely return to participation in the sport or activity, and not less than twenty-four (24) hours have passed since s/he was removed from play.

A student participating in an interscholastic sports activity or cheerleading who is suspected of experiencing a symptom of sudden cardiac arrest in a practice for an interscholastic sports activity or cheerleading or in an interscholastic sports activity or cheerleading 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 him/her to return to practice and play. Within twenty-four (24) hours after giving verbal permission of the student athlete to return to practice and play, the

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parent or legal guardian (or the student if the student is at least age eighteen (18) or is an emancipated minor) must provide the coach with a written statement that the student has permission to return to practice and play.

I.C. 20-34-7

Adopted 9/26/12  
Revised 2/23/15  
Revised 5/8/17



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## 5341 - EMERGENCY MEDICAL AUTHORIZATION

The 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.

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 and are not to abide by any "Do Not Resuscitate" (DNR) agreement that may exist for a student, unless ordered to do so by a court of law.

Revised 3/02  
T.C. 12/3/15

## 5350 - STUDENT SUICIDE

The Board recognizes that depression and self-destruction are problems of increasing severity among children and adolescents. A student who experiences depression cannot benefit fully from the educational program of the School Corporation, and a student who has attempted self-destruction poses a danger both to himself/herself and to other students. This Board policy is intended to increase child suicide awareness and prevention.

All Corporation personnel should be alert to the student who exhibits signs of extreme depression or who threatens or attempts suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness and may warrant follow-up based on implementation of the intervention procedure described below.

The Superintendent shall develop and implement administrative guidelines whereby members of the professional staff understand how to use an intervention procedure which includes the following:

Step 1 - Stabilization

Step 2 - Assess the Risk

Step 3 - Take Appropriate Action Based on the Risk

Step 4 - Communicate with Appropriate Parties

Step 5 - Follow-up

Take Appropriate Action Based on the Risk in Step 3 shall include providing referral information about appropriate crisis intervention services or facilities to children, parents and Corporation staff.

Follow-up in Step 5 and the suicide post-intervention process shall include the development of a plan to assist survivors of attempted suicide and to assist children and Corporation staff in coping with an attempted suicide or death of a student or Corporation employee. The plan may include counseling services for the child and the child's family related to suicide prevention.

The Corporation shall offer to children, parents and staff in the Corporation training on warning signs and tendencies that may evidence that a child is considering suicide, including increasing awareness of the relationship between suicide and drug and alcohol use.

Beginning after June 30, 2018, the Superintendent shall ensure that all Corporation teachers who are employed at schools that provide instruction to students in any combination of grades 5-12 to attend or participate in at least two (2) hours of evidence-based in-service youth suicide awareness and prevention training every three (3) school years. The training required under this policy must be held during the teacher's or Corporation employee's contracted day or at a time chosen by the teacher or employee. For purposes of this policy, "teacher" includes the following:

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- A. a superintendent who holds a license under I.C. 20-28-5;
- B. a principal;
- C. a teacher;
- D. a librarian;
- E. a school counselor;
- F. a school psychologist;
- G. a school nurse;
- H. a school social worker.

The format of this training may include an in-person presentation, an electronic or technology-based medium, including self-review modules available on an online system, an individual program of study of designated materials, or any other method approved by the Board that is consistent with current professional development standards. The in-service training required under this section shall count toward the requirements for professional development required by the Board. The evidence-based youth suicide awareness and prevention training required under this policy must be approved, recommended, or listed as approved by the Suicide Prevention Resource Center or the National Registry of Evidence-based Programs and Practices of the Substance Abuse and Mental Health Services Administration.

The Corporation may leverage any:

- A. existing or new State and Federal grant funds; or
- B. free or reduced cost evidence-based youth suicide awareness and prevention training provided by any State agency or qualified Statewide or local organization

to cover the costs of the training required under this Policy.

The Superintendent shall develop any other program or activity that is appropriate to increase child suicide awareness and prevention.

Throughout any intervention, it is essential that Board policies and Corporation guidelines regarding confidentiality be observed at all times.

Kelson v. City of Springfield, 767 F2d 651 (9th Cir. 1985)  
I.C. 20-26-5-34.4  
I.C. 20-28-3-6

T.C. 12/3/15  
Revised 2/12/18

## 5410 - PROMOTION, PLACEMENT, AND RETENTION

The 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 his/her own development.

Such 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 s/he has:

- A. completed the course requirements at the presently assigned grade;
- B. in the opinion of the professional staff, achieved the instructional objectives set for the present grade;
- C. demonstrated sufficient proficiency to permit him/her 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.

A student enrolled in special education shall be promoted or retained based on the opinion of the Case Conference and the student's I.E.P.

No student who has completed a grade successfully shall be retained or allowed to repeat a grade in order to improve his/her ability or lengthen his/her eligibility to participate in extra-curricular athletic programs.

Following sound principles of child guidance, the Board discourages the skipping of grades.

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, in the following school year, will continue to receive instruction in grade three reading, will be officially reported as a third grader, and will fully participate in the grade three ISTEP+ assessment.

Good cause exemptions that may be considered are:

- A. a student who has been previously retained two times prior to the fourth grade;

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- B. a student with disabilities whose case conference committee has determined that promotion is appropriate;
- C. an English learner student whose Individual Learning Plan (ILP) Committee has determined that promotion is inappropriate;

The Superintendent shall develop administrative guidelines for promotion, placement, and retention of students which:

- A. require the recommendation of the professional staff for any promotion, placement, or retention;
- B. require that parents are informed in advance of the possibility of retention of a student at a grade level;
- C. assure that reasonable efforts be made to remediate the student's difficulties before s/he is retained;
- D. assign to the principal the final responsibility for determining the promotion, placement, or retention of each student.

I.C. 20-32-8.5  
511 IAC 6.2-3.1-3

Revised 1/26/04  
Revised 9/26/12  
T.C. 12/3/15

## 5420 - REPORTING STUDENT PROGRESS

The 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. ensure that both student and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the student's status;
- B. enable the scheduling of parent-teacher conferences at such times and in such places as will ensure the greatest degree of participation by parents;
- C. ensure that one (1) or more orientation sessions, established in accordance with State guidelines, are held for parents of students who will attend a summer State-mandated testing and assessments remediation program;
- D. specify the issuance of report cards at intervals of not more than quarterly;
- E. ensure a continual review and improvement of methods of reporting student progress to parents.

I.C. 20-26-3-5

I.C. 20-26-5-4

Revised 1/26/04

T.C. 12/3/15

## 5421 - GRADING

The Board recognizes its responsibility for providing a system of grading student achievement that can help the student, teachers, and parents determine properly how well the student is achieving the goals of the Corporation's program.

The Board believes that the Corporation's grading system should be a reliable system and one that ensures each student's grades signify accurately his/her degree of accomplishment of those expected learning outcomes which are to be stated for each program at every grade level, kindergarten through twelve.

The Board directs the Superintendent to develop administrative guidelines for grading which:

- A. develop clear, consistent criteria and standards particularly when grades are based on subjective assessment;
- B. help each student understand in each course or program what behavior and/or achievement is needed to earn each grade as well as what will produce a failing grade;
- C. provide frequent opportunities for each student to obtain information as to his/her progress toward the learning goals of his/her courses or programs;
- D. provide students the opportunity to assess both their own achievements and their areas of difficulty.

The grading system should not inhibit the professional staff member from assessing the strengths and weaknesses of each student on an individual basis.

The grading system should be subject to continual review by staff, students, and parents. Revisions shall be made only when such changes will assure a clearer, more valid, or more reliable system of grading.

T.C. 12/3/15

## 5430 - CLASS RANK

The Board acknowledges the usefulness of a system of computing grade point averages and class ranking for high school students, both to inform students of their relative academic placement among their peers and to provide students, prospective employers, and institutions of higher learning with a predictive device so that each student is more likely to be placed in an environment conducive to success.

The Board authorizes a system of class ranking, by grade point average, for students in grades 9 - 12.

The Superintendent shall develop procedures for the computation of grade point averages and the assignment of class rank to implement this policy which shall include:

- A. a provision for students graduating before their class;
- B. a system for fairly averaging makeup courses;
- C. a statement of the methods for such computation and assignment to be made available for those to whom a student's grade point average or rank in class is released.

T.C. 12/3/15



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## 5451 - STUDENT RECOGNITION

The Board values excellence and wishes to instill 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.

T.C. 12/3/15

## 5460 - GRADUATION REQUIREMENTS

It shall be the policy of the Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of Corporation goals and objectives as well as personal proficiency by the awarding of a diploma at fitting graduation ceremonies.

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. Students enrolled in the Corporation shall have the opportunity to earn any type of State diploma approved by the Indiana State Board of Education.

The Corporation may award a Core 40 diploma, a Core 40 with Academic Honors diploma, or a Core 40 with Technical Honors diploma. A general diploma may be awarded by the Corporation to students who complete the formal opt-out process.

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 of a school in the school corporation; and
- B. was academically eligible 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 diploma, a certificate of achievement, and or 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 a certificate of achievement to a student who is on a nondiploma track as determined by that student's case conference committee and indicated on the student's IEP.

The Board shall award a certificate of course completion to a student who completes the minimum courses required for high school graduation but does not pass the Graduation Qualifying Examination 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 high school equivalency certificate to any individual who meets the criteria established by State law.

### **Additional Requirements for Students with Disabilities**

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During the student's annual case review held when a student with a disability is enrolled in 8<sup>th</sup> grade, the case conference committee shall review and discuss with the student's parent (and the student, if appropriate):

- A. the types of diplomas available for students to receive in the State of Indiana;
- B. the course requirements for each type of diploma; 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 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 the selected diploma. 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 Core 40 course and credit requirements adopted by the State Department of Education;
- C. additional graduation requirements established by the Board of School Trustees.

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 (25<sup>th</sup>) 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, certificate of achievement, or certificate of course completion 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.

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**NOTE: DENYING PARTICIPATION IN COMMENCEMENT EXERCISES TO SPECIAL EDUCATION STUDENTS WHO HAVE COMPLETED THEIR PROGRAM VIOLATES 511-IAC 7-27-9(b).**

I.C. 20-26-5-37  
I.C. 20-32-4-1 through 10  
I.C. 20-32-4-13  
I.C. 20-35-4-11  
511 IAC 6-7.1-4 through 7

Revised 11/14/05  
Revised 3/8/10  
T.C. 12/3/15  
Revised 2/8/16  
Revised 10/24/16  
Revised 5/8/17  
Revised 2/12/18

## 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 middle school 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 be given only for courses which satisfy State proficiencies and Core 40 competencies, where applicable. All instructors shall meet the requirements established by State law for teaching a course for which graduation credit is awarded.

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.

Mathematics credits earned prior to entering grade 9 may meet specific course requirements but not the credit requirements for graduation. Such credits are considered elective mathematics credits. The purpose of taking mathematics courses before entering grade 9 is to give the student the opportunity to take an additional mathematics course in high school or take a challenging mathematics course in high school over an extended period of time. If the student completes any of the required mathematics courses before entering high school, the student must complete additional mathematics courses in high school. At a minimum, four (4) mathematics credits must be earned after the student enters high school. With respect to a Core 40 diploma, Core 40 diploma with academic honors, and Core 40 diploma with technical honors, mathematics credits earned prior to entering grade 9 may meet specific course requirements and may count towards the credit requirements for a diploma, but six (6) mathematics credits must be earned while in high school.

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511 IAC 6.1-1-2; 511 IAC 6-7.1-4; 511 IAC 6-7.1-5;  
511 IAC 6-7.1-6; 511 IAC 6-7.1-7

T.C. 12/3/15  
Revised 10/24/16

## 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 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 (with or without special assistance).
- F. Make arrangements for any form of special assistance that will be needed for the student to succeed at that level.
- G. 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.

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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, no grades will be entered on the transcript or considered for class ranking. Only grades awarded for courses taken in an accredited school shall be considered in class ranking and entered on the student's transcript.

Revised 5/9/11  
T.C. 12/3/15



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## 5464 - EARLY GRADUATION

The 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 principal.

I.C. 21-12-10

Revised 9/26/12

T.C. 12/3/15

## 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.

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 and staff to the building principal.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. This Code of Conduct shall be reviewed annually.

I.C. 20-33-8-1 thru 34, 20-27-10-2

Revised 8/28/06

## 5511 - DRESS AND GROOMING

The Board recognizes that each student's mode of dress and grooming 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 schools.

Accordingly, the Superintendent shall establish such grooming 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 grooming practices which:

- A. present a hazard to the health or safety of the student himself/herself 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 school 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.

The Superintendent shall develop administrative guidelines to implement this policy which:

- A. designate the principal as the arbiter of student dress and grooming in his/her building;
- B. invite the participation of staff, parents, and students in the preparation of a dress code which may specify prescribed dress and grooming practices, but may not amplify the rationale of prohibition established by Board policy;
- C. instruct staff members to demonstrate, by example and precept, personal neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;
- D. ensure that all administrative guidelines impose only minimum and necessary restrictions on the exercise of the student's taste and individuality.

Students who violate the foregoing rules will not be admitted to class and may be suspended from school.

I.C. 20-33-8-12

T.C. 12/3/15

## 5512 - USE OF TOBACCO

The 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 purposes of this policy, use of tobacco shall mean all uses of tobacco, including cigar, cigarette, pipe, snuff, or any other matter or substance that contains tobacco, as well as electronic, "vapor," or other substitute forms of cigarettes.

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 will 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 will take appropriate action in cases involving students who use and/or violate this policy.

I.C. 16-41-37  
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

Revised 7/9/12  
Revised 10/27/14

## 5513 - CARE OF SCHOOL PROPERTY

Basic to the philosophy of the 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.

I.C. 20-33-5-11

Revised 7/28/03

T.C. 12/3/15

## 5514 - STUDENT USE OF BICYCLES

The Board regards the use of bicycles 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 not be responsible for bicycles which are lost, stolen, or damaged.

The Superintendent shall develop administrative guidelines for the operation and parking of bicycles 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.

T.C. 12/3/15

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## 5514.01 - STUDENT USE OF MOTOR VEHICLES

The 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.

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.

T.C. 12/3/15

## 5516 - STUDENT HAZING

The 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.

I.C. 35-42-2-2

T.C. 12/3/15



## 5517 - ANTI-HARASSMENT

### General Policy Statement

It is the policy of the Board of School Trustees to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Corporation's educational opportunities, programs, and/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 all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's educational opportunities, programs, and/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 will vigorously enforce its prohibition against unlawful harassment (see definition on page 1), that is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), 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 and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment.

All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee.

The Corporation will investigate all allegations of unlawful harassment (see definition on page 1) and, in those cases where unlawful harassment is substantiated, will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) will 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 (see definition on page 1) 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.

For purposes of this policy, "Corporation community" means students, administrators, teachers, and staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "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

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members of the Corporation community at school-related events/activities (whether on or off Corporation property).

**Other Violations of the Anti-Harassment Policy**

The Corporation also will 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 (see definition on page 1) or who has participated as a witness in a harassment investigation.
  
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment (see definition on page 1).
  
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment (see definition on page 1), when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

**Definitions**

**Bullying**

Bullying rises to the level of unlawful harassment (see definition on page 1) when one (1) or more persons systematically and chronically inflict 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), and that bullying is 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;

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- 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 or school employee 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.

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**Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, "sexual harassment" is defined as:

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 status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. threats or insinuations that a person's academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of education may be adversely affected by not submitting to sexual advances;
- D. 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, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;

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- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature;
- K. in the context of employees, consensual sexual relationships 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.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education or creates a hostile or abusive employment or educational environment.

**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the School Corporation community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student may be placed on leave until school administrative proceedings are completed. Proven sexual

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relationships with a student regardless of the age of the student will initiate the termination process for the employee.

**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; of creating an intimidating, hostile, or offensive learning environment; or of 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 relative to 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; of creating an intimidating, hostile, or offensive learning environment; or of 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; of creating an intimidating, hostile, or offensive learning environment; or of 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; of creating an intimidating, hostile, or offensive learning environment; or of 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 disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

**Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. All Corporation-level employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes

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or which is reported to the employee. Any administrator or other Corporation-level official who receives such a complaint shall file it with the Corporation's Anti-Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

Members of the Corporation community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) 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, will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying, the principal or his/her designee believes that the reported misconduct may have created a hostile work or learning environment and may have constituted unlawful harassment (see definition on page 1) based on "Protected Classes" (see definition on page 1), the principal or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers who shall investigate the allegation in accordance with this policy.

**Anti-Harassment Compliance Officers**

The following individuals serve as "Anti-Harassment Compliance Officers" for the Corporation. They are hereinafter referred to as the "Compliance Officers".

Director of Curriculum & Instruction

1300 N. Main Street

Nappanee, IN 46550

(574) 773-3131

The names, titles, and contact information for the Compliance Officers will be published annually on the School Corporation's web site.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition on page 1), to assist students, other members of the Corporation community and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Corporation employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student if age

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eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated.

The Compliance Officers are assigned to accept complaints of unlawful harassment (see definition on page 1) directly from any member of the Corporation community or a visitor to the Corporation, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Corporation community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Superintendent, the recommendations shall be submitted to the Board President.

All Corporation employees must report incidents of unlawful harassment (see definition on page 1) that they observe or that are reported to them to the Compliance Officer within two (2) business days business days of learning of the incident.

**Investigation and Complaint Procedure (see Form 5517 F1)**

Any employee or other member of the Corporation community or third party (e.g., visitor to the Corporation) who believes that s/he has been subjected to unlawful harassment (see definition on page 1) may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of unlawful harassment (see definition on page 1) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition on page 1) was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort 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 will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

**Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1), and to investigate and facilitate resolution through an informal means, if possible.



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The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Students who believe that they have been unlawfully harassed (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the information procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

However, all complaints of unlawful harassment (see definition on page 1) involving a Corporation employee, any adult member of the Corporation community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed (see definition on page 1) may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers who will either 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 employees, other members of the Corporation community or third parties who believe they are being subjected to unlawful harassment (see definition on page 1) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.

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- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends school.
  
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, one (1) of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy 8310, Policy 8320 and Policy 8330).

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one (1) of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

The formal complaint process is not intended to interfere with the rights of an employee, other member of the Corporation community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), and/or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

An individual who believes s/he has been subjected to offensive conduct/unlawful harassment/retaliation, hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Corporation-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a 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-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the student reports the complaint must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

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All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; 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 Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including but not limited to a change of building or class assignment or class schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Contemporaneously, one of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. 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, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or 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 may reasonably be expected to have any information relevant to the allegations; and

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- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer 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 harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of the evidence standard will be used (i.e., it is more likely than not that unlawful harassment or retaliation occurred).

The Compliance Officer 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 Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's 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 written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board of Trustees within five (5) business days of his/her receipt of the Superintendent's final decision.

If the Superintendent is the Respondent, the appeal process will skip the review by the Superintendent and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. 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 harassment/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation 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.

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The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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 Office for Civil Rights or the Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

### **Privacy/Confidentiality**

The Corporation will employ all reasonable efforts to protect the privacy of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, to 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.

All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or his/her designee will 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 s/he learns or that s/he provides during the course of the investigation.

### **Remediation**

In cases where the complaint investigation results in a finding that the allegation of unlawful harassment/retaliation is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such unlawful harassment/retaliation on a student. This may include but is not limited to providing a contact person to monitor the student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment (see definition on page 1)/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.

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 the relevant collective bargaining agreement(s), if any. Any discipline of students with disabilities will be in accordance with the Individuals with Disabilities Education Act ("IDEA") and the Federal and State regulations implementing the IDEA.

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When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those 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 the relevant collective bargaining agreement(s), if any, and with Federal and State laws and regulations.

All sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

### **Retention of Public Records, Student Records, and Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy **8315**) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy **8315**) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy **8315**) created or received as part of an investigation shall be retained in accordance with Policy **8310**, Policy 8315, Policy **8320**, Policy 8330 and the Corporation's records retention schedule.

### **Retaliation**

Any act of retaliation against a person who has made a report, filed a complaint alleging unlawful harassment, or participated as a witness in a harassment investigation is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition on page 1), or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing pertaining to unlawful harassment, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Federal or State laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

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, Office of Child Protective Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

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If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, such knowledge should be reported to local law enforcement.

Any reports made to Child Protective Services or to local law enforcement shall not terminate the 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.

### **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 Compliance Officers will oversee training of Corporation employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

### **Notice**

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Compliance Officers will be posted throughout the Corporation, and published in any Corporation statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

I.C. 35-42-4-3, 35-42-4-8, 35-42-4-9

20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

20 U.S.C. 1681 et seq., Title IX of the Education Amendments Act of 1972

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

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. 2000e et seq., Titles VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

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## 5517.01 - BULLYING

The 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 will not be tolerated. This prohibition includes physical, verbal, and psychological abuse as provided herein. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. Engaging in bullying behavior through the use of data or computer software that is accessed through a computer, computer system or computer network also is 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 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.



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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 s/he has been or is currently the victim of bullying should 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 will be responsible for notifying the appropriate administrator or Board official. This report may be made anonymously. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should 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 promptly investigated according to the timeline established by the Superintendent's administrative guidelines.

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If, during an investigation of reported acts of bullying and/or harassment, the investigator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the investigator will report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

If the investigator finds an instance of bullying behavior has occurred, prompt and appropriate action or responses shall be taken to address the bullying 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 reported bully shall be notified of the alleged bullying incident at the beginning of the investigation, the findings of the investigation at the conclusion of the investigation, and, as appropriate, any remedial action that has been or will 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 bully, 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 will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should 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 will 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.

### **Confidentiality**

To the extent appropriate and/or legally permitted, confidentiality will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations.

### **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.

I.C. 5-2-10.1, 20-20-8-8, 20-30-5-5.5, 20-33-8-0.2, 20-33-8-13.5, 20-34-6-1

Revised 4/28/14  
T.C. 12/3/15

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## 5520 - DISORDERLY CONDUCT

It is the purpose of the 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.

I.C. 20-33-8-2

T.C. 12/3/15

## 5530 - DRUG PREVENTION

The 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 1,000 feet of any facility used by the Corporation for educational purposes.

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The Superintendent shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

- A. emphasize the prevention of drug use;
  
- B. Provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:
  - 1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
  
  - 2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
  
  - 3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
  
  - 4. promotes positive emotional health, self-esteem, and respect for one's body;
  
  - 5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State's Department of Education;
  
- C. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
  
- D. provide standards of conduct that are applicable to all students which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;
  
- E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;

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The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

- F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;
- G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;
- H. require the notification to parents and students that compliance with the standards of conduct is mandatory;
- I. provide a biennial review of the School Corporation's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
- J. establish means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensure that the Corporation's policy and administrative guidelines on Search and Seizure are complied with fully.

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.

- 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)

Revised 5/8/17

## 5530.01 - EXTRA-CURRICULAR ACTIVITIES AND STUDENT DRIVER DRUG AND/OR ALCOHOLIC BEVERAGES RANDOM TESTING PROGRAM

### **A STATEMENT OF NEED AND PURPOSE**

A program of deterrence will be instituted as a pro-active approach to a drug and alcoholic beverage free school. Through driving or participation in extra-curricular activities, students using illegal drug and/or alcoholic beverages pose a threat to their own health and safety, as well as to that of other students. The purpose of this program is three (3) 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 or alcoholic beverages; and (3) to encourage students who use drugs to participate in drug treatment programs.

Students involved in extra-curricular activities 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 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. This program 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 result of any verified "positive" test conducted by his/her school under this program other than stated therein. No student will be penalized academically for testing positive for illegal drugs or other banned substances.

### **INTRODUCTION**

The effective date of this program is November, 2002. This program does not affect the current policies, practices, or rights of the Corporation with drug and/or alcohol possession or use, where reasonable suspicion is obtained by means other than drug testing through this policy. The Corporation reserves the right to test any student who at any time exhibits cause for reasonable suspicion of drug and/or alcoholic beverage usage.

### **REASONABLE CONCERN**

The Corporation has a strong commitment to the health, safety, and welfare of its students. Our commitment to maintaining the extra-curricular activities in the Corporation 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 activities.

### **SCOPE**

Participation in extra-curricular activities is a privilege. This policy applies to all Corporation students in grade 7-12 who wish to participate in any school sponsored extra-curricular activities. It also includes any student who wishes to drive to school, from school, or during school.

### **CONSENT FORM**

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It is MANDATORY that each student who participates in extra-curricular activities or drives to, from or during school sign and return to the school office a "consent form". Failure to comply will result in non-participation and/or no issue of a student **parking permit** to school.

At the beginning of each school year, sport seasons (as determined by the Indiana High School Athletic Association), extra-curricular activity, or when a student moves into the Corporation and joins an activity, all students wishing to participate in that season's activities may be subject to drug and alcoholic beverage testing for illicit or banned substances. Any student who refuses to submit to drug and alcoholic beverage testing will not be allowed to practice or participate in Corporation extra-curricular activities or drive to school.

Each student shall be provided a "consent form" (Form 5530B F1) which shall be dated and signed by the participant and by the parent/guardian. In so doing, the student and parent/guardian are agreeing to participate in the random drug testing program at the Corporation.

### TESTING PROCEDURES

- A. The selection of participants to be tested will be done randomly by the principal/toxicology testing personnel, and/or the principal/designee. Selections will be made from time-to-time throughout the school year. Names will be drawn from one (1) large pool of those agreeing to be tested. Testing may occur on a different day, Monday through Saturday. Each student will be assigned a number that will be placed in the testing pool.
- B. If the student shows signs of reasonable suspicion, the principal/administrative designee may call the student's parent/guardian and request that the student be tested.
- C. 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.
- D. Upon being selected for a urinalysis test under this policy, either by random draw, reasonable suspicion, 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.
- E. 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 twenty-four (24) ounces of fluid. If still unable to produce a specimen within two (2) 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 activities. 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 to be reinstated for eligibility.
- F. All specimens registering below 90.5 degrees or above 99.8 degrees 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, another specimen must be given by the student.
- G. If it is proven that tampering or cheating has occurred during the collection, the student will become ineligible for all the "extra-curricular activities" for the remainder of the school year. This will be reported to the parent/guardian.



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- H. 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.
- I. The specimens will then be turned over to the testing laboratory, and each specimen will 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.
- J. The laboratory selected must follow the standards set by the Department of Health and Human Services. It must be certified under the auspices of the Clinical Laboratory Improvement Act (CLIA) and the Joint Commission of Accreditation of Healthcare Organizations (JCAHO).

### **CHAIN OF CUSTODY**

- A. The certified laboratory will provide training and direction to those who supervise the testing program, set up the collection environment, and guarantee specimens and supervise the chain-of-custody. To maintain anonymity, the student's number, not name, will be used.
- 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. Calling four (4) or five (5) students at a time allows the collections to be carried out quickly and will not cause students to wait a long time, thereby creating a loss of important time from class. Athletes and extra-curricular activities participants may be called after school, perhaps during practice time.)
- C. Before the student's urine 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. The seal may be broken only by the lab testing the specimen.
- 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. The student will be called again as soon as possible. The student will remain eligible for extra-curricular activities subsequent to a retest.
- F. The supervisor obtaining the urine specimen will be of the same gender as the student. Students will be instructed to remove all coats and wash their hands in the presence of the supervisor 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 supervisor will wait outside the restroom. The student will have two (2) minutes to produce a urine specimen. The commode will contain a blue dye so the water cannot be used to dilute the sample.

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- G. After it has been sealed, the specimen will be transported to the testing laboratory by lab personnel. The testing laboratory will report the results back to the principal/designee.
  
- H. In order to maintain confidentiality, the container which contains the urine specimen to be tested will not have the name of the student on the container. Instead the student's random identification number will appear on the container. Also, the result sheet for the urinalysis will be mailed back to the principal/designee with no name attached; only the student's random identification number will appear on the result sheet.

## 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 activities and restrict him/her from driving to or from school.
  
- B. The principal/designee will be notified of a student testing "positive" (that is, if the test shows that drug residues are in the student's system after using at least two (2) different types of analyses). The principal/designee will notify the student and his/her parent/guardian. The student or his/her parent/guardian may submit any documented prescription, explanation, or information which will be considered in determining whether a "positive" test has been satisfactorily explained.
  
- C. If the test is verified "positive", the principal/designee will meet 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 student involved in athletics who tests positive will be subject to disciplinary consequences outlined in the Athletic Code of Conduct. A student involved in non-athletic extra-curricular activities will be subject to the disciplinary consequences outlined in the applicable extra-curricular activities Code of Conduct. A student driver who tests positive will have his/her driving privileges suspended for twelve (12) weeks.

A "follow-up" test will be requested by the principal/designee after the suspension of athletic, extra-curricular activities, and parking privileges and after such an interval of time that the substance previously found would normally have been eliminated from the body. If this "follow-up" test is negative, the student will be allowed to resume extra-curricular activities and/or driving. If a second "positive" result is obtained from the "follow-up" test, or any later test of that participant, the same previous procedures

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shall be followed. In addition, the 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 result will be shared on a "need to know" basis with the student's coach or sponsor. The results of "negative" tests will be kept confidential to protect the identity of all students being tested.
  
- E. Drug testing results sheets will be returned to the principal/designee identifying students by number and not by name. Names of students tested will not be kept in open files or on any computer. Result sheets will be secured in a location that only the principal/designee has access.

### **STATISTICAL REPORTING AND CONFIDENTIALITY OF DRUG TEST RESULTS**

The testing laboratory 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 Board of Education. However, the lab 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, the Corporation will pay for all initial random drug tests, all initial reasonable suspicion drug tests, and all initial "follow-up" drug tests. Once a student has a verified "positive" test result and has subsequently tested negative from a "follow-up" test, any future "follow-up" drug test that must be conducted will be paid for by the student or his/her parent/guardian.
  
- 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 the Corporation who may have knowledge of the results of a drug test will not divulge to anyone the results of the test or 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.

### **OTHER RULES**

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Apart from this drug testing program, NorthWood High School and NorthWood Middle School Athletic Departments 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.

Approved 10/14/02

## 5540 - THE SCHOOLS AND GOVERNMENTAL AGENCIES

The School Board is committed to protect students from individuals not associated with the School Corporation seeking access to students at school, but also recognizes its responsibility to cooperate with law enforcement agencies and Child Protective Services of the Department of Child Services ("CPS").

When an agency such as CPS 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 Child Protective Services states a legitimate purpose for questioning or examining a student while the student is entrusted to the Corporation, the principal or designee shall be present throughout the proceedings, unless ordered not to be present by a representative of the agency or a court of law. The principal or designee shall not interfere with the interview or examination if present during the interview or examination.

Law enforcement agencies shall be discouraged from interviewing students on school property unless they are investigating an alleged crime that occurred on school property. 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 officer on school property, the principal or designee must make an effort to immediately notify the student's parent of the interrogation. If immediate notification is not possible, the principal or designee must notify the student's parent not later than twelve (12) hours after the interrogation occurs.

When an agency or law enforcement official removes a student from school, the principal or designee shall notify the student's parent and the Superintendent before the time the student would normally arrive home on that day.

No student shall be released to an agency, other than a law enforcement agency or CPS, without written parental permission, except in the event of emergency or for the protection of life or property as determined by the Superintendent.

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 these agencies.

I.C. 31-30.5-1  
Ind. R. Evid. 617

Revised 1/28/08  
Revised 9/14/15  
T.C. 12/3/15  
Revised 10/24/16

## 5600 - STUDENT DISCIPLINE

The 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 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, 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 Principals 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.

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The principal 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. Corporal punishment is not viewed as a viable or acceptable disciplinary strategy.

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.

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.

I.C. 20-33-8-1 et seq.

Revised 3/02  
Revised 12/11/06  
T.C. 12/3/15

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## 5605 - SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

In matters relating to the disciplining 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.

I.C. 20-33-8-34  
20 U.S.C. 1401 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

Revised 1/26/04  
Revised 10/27/14



## 5610 - SUSPENSION AND EXPULSION OF STUDENTS

The Board recognizes that removal from the educational programs of the 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 his/her 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.

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 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 Policy 2461 shall apply to students identified as disabled under IDEA.

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 the 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.
- B. "Expulsion" means a disciplinary or other action where by a student is:

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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. 35-17-1-5, 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. 35-31.5-2-86 onto Corporation property or is found to possess a deadly weapon on Corporation property or at a school-related activity, s/he may 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.

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The Board of School Trustees has voted not to hear any expulsion appeals. Instead, appeals of expulsion must be filed with the County Court.

The Superintendent shall develop administrative guidelines which provide appropriate procedures for implementing this policy and comply with applicable statutes.

The Superintendent shall report all expulsions and second suspensions to the Bureau of Motor Vehicles in accordance with law and the Bureau's guidelines.

I.C. 20-33-8-13.5 et seq., 35-31.5-2-86, 35-47-1-5, 35-47.5-2-4  
20 U.S.C. 7151

Revised 3/02  
Revised 1/26/04  
Revised 12/11/06  
Revised 9/14/15  
T.C. 12/3/15

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## 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 Board to support such programs.

In-school discipline will only be offered at the discretion of the building principal or designee 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.

Revised 9/14/15  
T.C. 12/3/15

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## 5611 - DUE PROCESS RIGHTS

The Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the 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.

I.C. 20-33-8-19

T.C. 12/3/15

## 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**

For the purposes of this policy corporal punishment means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as means of discipline. Corporal punishment shall not be used by the Board's employees.

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)

Adopted 5/28/13

T.C. 12/3/15

## 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.

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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. If 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.

Staff, including school resource officers, involved in the use of seclusion or restraint must complete an incident report as soon as practical after the use of seclusion or restraint.

The building administrator or designee must send a copy of the incident report to the parent or guardian and place a copy of the report in the student's confidential file.

The building administrator or designee also must send a copy of the incident report to a Corporation administrator designated by the Superintendent, who must maintain records of all such incident reports. The Superintendent is directed to designate a Corporation administrator to serve as the coordinator of data, planning and oversight of the use of seclusion or restraint procedures in the Corporation. The coordinator must maintain records of the use of seclusion or restraint in the Corporation.

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.

Adopted 5/9/11  
Revised 4/28/14  
Reviewed 2/12/18  
Revised 6/25/18



## 5710 - STUDENT COMPLAINTS

The Board recognizes that, as citizens, students have the right to request redress of complaints. Further, the Board believes that the inculcation of respect for lawful procedures is an important part of the educational process. Accordingly, individual and group complaints should be provided for and appropriate appeal procedures implemented.

For purposes of this policy, a student complaint or concern shall be any such that arises out of actions, procedures, and policies of this Board or its employees or the lack of such policy or procedure.

The Board or its employees will hear the complaints of the students of this Corporation provided that such complaints and grievances are made according to the procedures established by the Superintendent and Indiana law.

I.C. 20-33-8-20

T.C. 12/3/15

## 5720 - STUDENT ACTIVISM

It is the policy of the Board to encourage students to express opinions and ideas, take stands, and support policies, publicly and privately, orally and in writing. Students may be given this opportunity for expression through established school media. Such expression should not interfere with the educational program or present a health or safety hazard. Students may advocate change of law or school regulations and pursue their advocacy provided they follow administrative guidelines establishing the time, place, and manner.

Students may not use obscenity, slanderous, or libelous statements, or disruptive tactics, or advocate violation of the law or school regulations.

T.C. 12/3/15

## 5722 - SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS

The School Corporation may sponsor student publications and productions as means by which students learn, under adult direction, the rights and responsibilities of public expression in a free society.

The School Board reserves the right to designate and prohibit the school publications or productions. For purposes of this policy, "publications" shall include any audio, visual, or written materials such as tapes, banners, films, pamphlets, notices, newspapers, books, or other like materials. "Productions" shall include theatrical performances as well as impromptu dramatic presentations.

Such publications and productions also play a vital role in the school program by:

- A. serving as a public relations media;
- B. developing skills in communication via the mass media;
- C. developing acceptable methods for preserving the constitutional provision of free speech.

The Board is mindful of the fact that it could be available to any student attending this school, and must, therefore, generally be suitable for all students.

Issues on which opposing points of view have been promulgated by responsible opinion may be introduced in a school-sponsored publication provided equal opportunity is given to present each view.

Advertising is permitted in school newspapers, yearbooks, programs, etc. which are published by student organizations. Permission should be given by the building administrator.

The Board reserves the right to designate and prohibit the publications or productions for any reason that is reasonably related to a legitimate pedagogical interest, including, but not limited to:

- A. Materials this poorly written;
- B. Materials that libels any specific person or persons;
- C. Material that is biased or prejudicial;
- D. Materials that advocates the use or advertise the availability of any substance or material which may reasonably be believed to:
  - 1. constitute a direct and substantial danger to the health of students;
  - 2. contain obscenity or material otherwise deemed to be harmful to impressionable students who may receive them;
  - 3. incite violence, advocate the use of force, or urge the violation of law or school regulations.
- E. Material that addresses potentially sensitive topics, taking into account the emotional maturity of the students.

The Board also prohibits publications and productions which:

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- A. fail to identify the student or organization responsible for distribution;
- B. solicit funds for non-school organizations or institutions when such solicitations have not been approved by the Board;
- C. promote, favor, or oppose any candidate for election to the Board or the adoption of any bond issue, proposal, or question submitted at any election.

T.C. 12/3/15  
Revised 11/27/17

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## 5724 - PREPARING FOR VOTER REGISTRATION

The Board believes that preparing students to assume the responsibilities which our democratic society places on each of its citizens is an important function of the schools. Supplying our high school students with all pertinent information regarding voter registration is one crucial means of meeting this goal.

Accordingly, the Superintendent, using such resources as the high school administration, faculty and student body, local officials, and others, can provide and develop a nonpartisan, voter education program for the high school.

The administration of the high schools shall offer to all students who reach the age of majority the opportunity to register as voters.

T.C. 12/3/15

## 5730 - EQUAL ACCESS FOR NONCORPORATION-SPONSORED, STUDENT CLUBS AND ACTIVITIES

The 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. A student initiated meeting may be attended by no more than 3 outside resource person(s). 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.

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. 230-33-12

T.C. 12/3/15  
Revised 2/12/18

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## 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 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.

T.C. 12/3/15

## 5771 - SEARCH AND SEIZURE

The Board recognizes its obligation to balance the privacy rights of its students with its responsibility to provide student, 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 and his/her designee 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 Person and Possession**

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 will 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, shall also 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.

C. **Breath Test Instruments**



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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.

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 will 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.

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.

**D. 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 which constitutes evidence of a violation of a law or a school rule or which 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 Principal/Administrator shall promptly record in writing the following information for each search pursuant to this policy:

- A. the information upon which the search was based
- B. the time, date, location, students, or places searched, and persons present
- C. a description of any item seized and its disposition

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- D. the time and date of notice to the parent or guardian in the case of the search of the person of a student

The Superintendent shall prepare administrative guidelines to implement this policy.

I.C. 20-33-8-32

U.S. Constitution, 4th Amendment

T.C. 12/3/15

## 5772 - WEAPONS

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 may legally possess a firearm to maintain that firearm if it is locked in the person's trunk, kept in the glove compartment of the person's locked vehicle, or stored out of plain sight in the person's locked vehicle. This exception does not apply to students unless it is a high school student who is a member of a shooting sports team and the principal has approved the student keeping a firearm concealed in the student's motor vehicle on days the student is competing or practicing as a member of a shooting sports team. This exception also does not apply to former students if the person is no longer enrolled in school due to a disciplinary action within the previous twenty-four (24) months.

The term "weapon" means any object which, in the manner in which it is used, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, as well as 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 (bombs, incendiary, grenade, Molotov cocktail, rocket with a propellant charge of more than four (4) ounces, etc.). A "knife" is defined as "an instrument that: 1) consists of a sharp edge or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and 2) is intended to be used as a weapon." I.C. 35-47-5-2.5(a)

This policy will also encompass such actions as possession of look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent is authorized to establish administrative guidelines on weapons which require students to immediately report knowledge of weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject the student to immediate suspension and potential expulsion from school.

The Superintendent will 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.

Exceptions to this policy include:

- A. items pre-approved by the 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 prop used in appropriate settings

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C. starter pistols used in appropriate school related sporting events.

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

Revised 3/02  
Revised 2/24/03  
Revised 12/11/06  
Revised 5/9/11  
Revised 10/27/14

## 5820 - STUDENT GOVERNMENT

The Board acknowledges the importance of offering students the opportunity to participate in self-government within the establishment of the schools.

Students shall have the right to organize, conduct meetings, elect officers and representatives, and consult with the administration.

The Board will recognize the Student Council as the official voice of the student body for students in grades 6 - 12 and for the purpose of:

- A. giving students practical experience in organizing, planning, and affecting outcomes;
- B. developing student leadership;
- C. providing a learning experience in democratic decision making.

The Superintendent shall establish administrative guidelines to implement this policy.

T.C. 12/3/15

## 5830 - STUDENT FUNDRAISING

The 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 fundraising" 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 fundraising 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; however, all fundraising activities must be approved by the Superintendent. The Board requires that for any fundraiser 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. Further, if approved, fundraisers that involve the sale to students of food items or beverages to be consumed on campus are conducted only from thirty (30) minutes following the close of the last lunch period until thirty (30) minutes after the end of the school day.

Fundraising by approved school organizations, that is, those organizations whose funds are managed by the Corporation may be permitted in school by the principal. Such fundraising off school grounds may be permitted by the Superintendent.

Fundraising 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.C. 4-32.2-5-21, no student under the age of eighteen (18) may play, participate in 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. No student under the age of eighteen (18) may sell tickets 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. Students, even those under eighteen (18) years of age, may sell tickets or chances for a raffle.

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.

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.

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All crowdfunding activities are subject to Policy 6605 and any administrative guidelines approved by the Superintendent to implement Policy 6605.

All other fundraising 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 permitted methods of solicitation which do not place undue pressure on students; and require that for any fundraisers by approved school 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, as stipulated by this policy;
- 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 which implement it to each organization granted permission to solicit funds.

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

Revised 2/23/15  
T.C. 12/3/15  
Revised 5/8/17

## 5840 - CRIMINAL ORGANIZATIONS AND CRIMINAL ORGANIZATION ACTIVITY

The School Corporation adopts this policy pursuant to State law in order to address the detrimental effects of criminal organizations and criminal organization activity on its students, demonstrate its commitment to preventing and reducing criminal organization membership and eliminating criminal organization activity, educate Corporation students, employees, and parents about criminal organizations and criminal organization activity, and comply with State and Federal laws and regulations.

The Corporation prohibits criminal organization 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 organization activity and similar destructive or illegal group behavior or who are victims, witnesses, bystanders, or others with reliable information about an act of criminal organization activity and similar destructive or illegal group behavior.

### Definitions

- A. "Criminal organization," as used in this policy, means a formal or informal group with at least three (3) members that specifically:
1. either:
    - a. promotes, sponsors, or assists in,
    - b. participates in, or
    - c. has as one of its goals; 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 organization activity," as used in this policy, means to:
1. actively participate in a criminal organization;
  2. knowingly or intentionally commit an act:
    - a. with the intent to benefit, promote, or further the interests of a criminal organization; or



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- b. for the purpose of increasing the person's own standing or position within a criminal organization;
- 3. knowingly or intentionally solicit, recruit, entice, or intimidate another person to join a criminal organization or remain in a criminal organization;
- 4. knowingly or intentionally threaten another person because the other person:
  - a. refuses to join a criminal organization;
  - b. has withdrawn from a criminal organization; or
  - c. wishes to withdraw from a criminal organization;

when engaged in by a student who attends a Corporation school.

**Procedures for Reporting and Investigating Suspected Criminal Organization Activity**

All Corporation employees shall report any incidence of suspected criminal organization 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 organization 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 organization 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 organization 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 an as needed basis during its scheduled Board meetings.

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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 organization activity is confirmed, according to the parameters described in the Corporation's code of student conduct. The Board recognizes that some acts of criminal organization 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 organization activity, criminal organization intimidation, or criminal organization 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 organization 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 organization 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 organization 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 organization 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 organization 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 organization 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 organization activity, the Board establishes the following educational programs:

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- A. An evidence-based educational criminal organization 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 Organization 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 organization activity and their families, including:

- A. criminal organization 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 criminal organization and criminal organization-like activity;
- B. related extra-curricular activities;

**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.

The Superintendent shall appoint members of the advisory committee.

The advisory committee will collaborate to recommend an appropriate program for students, subject to Board approval.

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

T.C. 12/3/15  
Revised 10/24/16

## 5850 - SOCIAL EVENTS

The 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 which shall include:

- A. designation of a staff member who shall be the Board employee responsible for the event;
- B. provisions for chaperonage, adult supervision, and/or police protection required by the circumstances of the event;
- C. provisions for the safety of all students and adults involved.

T.C. 12/3/15

## 5850.01 - FAMILY TIME

In an effort to provide family time for our students in the Wa-Nee Community School Corporation, the following extra-curricular guidelines are adopted:

- A. Wednesday evenings are to be considered family evenings for our students.
  - 1. All extra-curricular practices and contests are to be completed no later than 6:30 P.M. on Wednesday evenings.
  - 2. All scheduled exceptions to this guideline must receive prior approval from the building principal and the Superintendent of Schools or his/her designee.
- B. Sundays are considered to be a family day for our students.
  - 1. Extra-curricular practices and contests are not to be scheduled on Sundays.
  - 2. All scheduled exceptions to this guideline must receive prior approval from the building principal and the Superintendent of Schools or his/her designee.
- C. Practices and contests will conclude by 9:30 P.M. on school nights and 11:30 P.M. on non-school nights.
- D. Exceptions to these guidelines can only be made by the Superintendent of Schools, his/her designee, or the Board of School Trustees. All requests for exceptions must be made in writing in advance of the activity or contest.

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## 5850.02 - PROTECTING CHURCH ACTIVITIES

It is the general policy of the school to not schedule school activities on days and dates traditionally used by churches or other civic organizations in the community for regular meetings. This policy is to be followed by the building principals and teachers insofar as possible.

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## 5855 - STUDENT ATTENDANCE AT SCHOOL EVENTS

The 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 requires 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. Any unaccompanied student will not be allowed to attend the event, and the Board will not be responsible for students who arrive without an adult chaperone.

The Board will continue to provide adequate supervision for all students who are participants in Corporation-sponsored events.

T.C. 12/3/15

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## 5870 - STUDENT PRODUCTION OF GOODS AND SERVICES

It is the policy of the 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.

T.C. 12/3/15



## 5880 - PUBLIC PERFORMANCES BY STUDENTS

The 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.

T.C. 12/3/15

## 5895 - STUDENT EMPLOYMENT

The 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.

School corporations may deny a work permit to a student whose academic performance does not meet the school corporation's standards or whose attendance is not in good standing. They also have the right to revoke a work permit 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 4130 is denied, then the work permit and driver's license shall be revoked or the application shall be denied.

Should the work permit 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 work permit at the start of the new school year until s/he meets the attendance and grade standards established by the school for receiving the work permit.

The Superintendent shall prepare guidelines which will ensure that student employment complies with Indiana laws.

I.C. 9-24-2-1, 20-33-2-28.5

Revised 2/24/03  
Revised 11/14/05  
T.C. 12/3/15