

Wa-Nee Community Schools  
Board Policy  
Series 5000  
Students

**ARTICLE 5 STUDENTS**

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## **5110 – STUDENT RESIDENCE VERIFICATION**

"Residence" for purposes of this policy means the place where an individual has his or her principal and permanent home, at which he or she remains when not called elsewhere for labor, studies, or other temporary purposes. It is the place a person has voluntarily fixed as a permanent habitation for himself or herself with an intent to remain in such place for an indefinite period.

The residence of an unemancipated student follows the parents or a legal guardian who has actual custody of such student. In the case of divorce or separation, the custodial parent's residence determines the status of the student unless a court order or written agreement provides otherwise.

If an unemancipated student moves independent of his or her parents the student shall be considered an Indiana resident upon the basis of a legally appointed guardian's Indiana residence if the student is living with the guardian.

Proof of Indiana residency must be filed at the time of enrollment for every student who is counted for membership purposes and maintained by the school corporation in the student's file.

The following documents will be considered relevant in evaluating whether a student is an Indiana resident:

- a. Current driver's license
- b. Bank statements – dated within the last four (4) weeks.
- c. Utility bills – dated within the last four (4) weeks.
- d. Current property tax statement.
- e. Current mortgage statement or lease/rental agreement.
- f. Voter registration card – Parent or student if applicable.
- g. Federal or state income tax returns – most recent tax year.
- h. Medical bill – dated within last 30 days.
- i. Student's tax returns -- when emancipation is claimed.

The Superintendent may develop administrative guidelines to implement this policy at the building level.

Approved: 11/22/21

Revised: 9/12/22

## **5111 - DETERMINATION OF LEGAL SETTLEMENT IN THE SCHOOL CORPORATION**

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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 have placed the student in the home of another person other than primarily for the purpose of attending school in this Corporation.
- C. Foreign students participating in a foreign-exchange program approved by the Indiana State Board of Education and living with a resident host family.
- D. Students who have completed the eleventh grade and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.
- E. A married student living with a spouse or a married or unmarried emancipated minor is eligible to attend school if the student resides in the Corporation.

Children of Divorced Parents

Children of divorced parents may attend school in this Corporation 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 Department of Education.

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 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.

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.

I.C. 20-18-2-11 (legal settlement defined)  
I.C. 20-26-11-2.5 (divorced parent election)  
Revised 3/02  
Revised 11/04  
Revised 8/28/06  
Revised 12/11/06  
Revised 3/9/09

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Revised 5/9/11  
Revised 10/14/13  
Revised 4/28/14  
Revised 2/8/16  
Revised 11/14/16  
Revised 8/28/17  
Revised 10/15/19  
Revised 2/8/21

### **5111.01 - HOMELESS STUDENTS**

To the extent practical and as required by law, the corporation will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided corporation services for which they are eligible, including Head Start, Title I, special

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education, bilingual education, vocational and technical education programs, gifted and talented programs and school nutrition programs.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Are abandoned in hospitals;
5. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; or
7. Are migratory children living in conditions described in the previous examples.

An unaccompanied youth is a homeless student who is not in the physical custody of a parent or guardian.

The superintendent shall designate an appropriate staff person to be the corporation's liaison for homeless students and their families.

Homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in the attendance area the student is actually living. Attendance rights by living in attendance areas, other student assignment or student choice or transfer policies are available to homeless families on the same terms as families who are resident in the school corporation.

If there is an eligibility or enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent, guardian, or unaccompanied youth shall be informed of the corporation's decision and their appeal rights in writing. The corporation's liaison will carry out the dispute resolution as provided by state rule.

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to corporation policies. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the corporation liaison is to assist in this process. Records from the student's previous school shall be requested from the previous school pursuant to corporation policies. Emergency contact information is required at the time of enrollment consistent with corporation policies.

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different school corporation, or a homeless student is living in another school corporation but will attend his or her school of origin in this corporation, the two school corporations will coordinate to determine the responsibilities and costs of each corporation to provide the transportation services necessary for the student. If the two school corporations do not agree upon an arrangement, the responsibilities and costs for the transportation services will be shared equally by the two school corporations.

The corporation's liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families; other school corporations on issues of transportation and records transfers; and state and local housing agencies responsible for

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comprehensive housing affordability strategies and other duties required by state and federal law. This coordination includes providing public notice of the education and appeal rights of homeless students in a manner understandable to the homeless students, their parents or guardians, and unaccompanied youth. The notice shall be disseminated in locations frequented by homeless students, their parents or guardians, and unaccompanied youth.

The corporation's liaison will be responsible to review and recommend amendments to corporation policies that may act as barriers to the enrollment of homeless students.

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

42 U.S.C. Section 11432(g)

42 U.S.C. Section 11434a

IC 20-50-1

Adopted 10/11/04

Revised 3/9/09

Revised 5/9/11

Revised 8/28/17

Revised 7/18/19



## **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. pre-adoptive homes.

A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made. (45 C.F.R. 1355.20(a)).

### **School Stability**

The Corporation shall remove barriers to the enrollment and retention of children and youth in foster care in schools in the Corporation. Foster care students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records, and other documentation.

The Corporation shall meet the Title I requirements for educational stability for children and youth in foster care, including those awaiting foster care placement. The Corporation shall identify which students are in foster care and shall collaborate with State and tribal child welfare agencies to provide educational stability for

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these children and youth. Corporation staff will work closely with child welfare agency personnel to develop and implement processes and procedures that include these enrollment safeguards:

- A. a child/youth in foster care shall remain in his/her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;
- B. if it is not in the child's best interest to stay in his/her school of origin, the child shall be enrolled immediately in the determined new school even if the child is unable to produce records normally required for enrollment; and
- C. the new (enrolling) school shall contact the school of origin immediately to obtain relevant academic and other records, including the student's Individualized Education Program (IEP), if applicable. (ESEA Section 1111(g)(1)(E)(i)-(iii)).

### **Best Interest Determination**

In making the best interest determination, the Corporation will follow the guidelines established by IDOE and the State/Tribal or local child welfare agencies. The Corporation shall utilize the prescribed process in conjunction with local child welfare agencies in making best interest determinations. Once a determination is made the Corporation shall provide the decision in writing to all relevant parties in collaboration with the appropriate child welfare agency. When making decisions regarding educational placement of students with disabilities under IDEA and Section 504, the Corporation shall provide all required special education and related services and supports provided in the least restrictive placement where the child's unique needs, as described in the student's IEP or Section 504 plan, can be met.

### **Dispute Resolution**

If there is a dispute regarding whether the educational placement of a child in foster care is in the best interest of that child, the dispute resolution process established by the child welfare agency shall be used.

The Corporation's representatives shall collaborate fully in this process, considering relevant information regarding academic programming and related service needs of the child, and advocating for what the Corporation believes is in the best interest of the child.

To the extent feasible and appropriate, the child will remain in his/her school of origin while disputes are being resolved in order to minimize disruption and reduce the possible number of moves between schools. (ESEA Section 1111(g)(1)(E)(i)).

Since the State/Tribal or local child welfare agency holds ultimate legal responsibility for making the best interest determination for the foster child in their care, if the dispute cannot be resolved, the child welfare agency will make the final determination.

All notifications and reports regarding foster care placement, changes in school enrollment, transportation services, and changes in the child's living arrangements shall be provided to the affected parties, in writing, in accordance with the forms, procedures, and requirements of Federal and State law or State/Tribal or local child welfare agencies.

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**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.

**Services to Children and Youth in Foster Care**

Foster care children and their families shall be provided equal access to the educational services for which they are eligible that are comparable to those provided to other students in the Corporation including:

- A. educational services for which the student in foster care meets eligibility criteria, including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;
- B. preschool programs;
- C. programs in vocational and technical education;
- D. programs for gifted and talented students;
- E. school nutrition programs; and
- F. before- and after-school programs.

**Transportation Services**

The Corporation shall provide transportation services for children in foster care who reside within the Corporation.

Transportation services shall be provided in the most cost-effective manner possible.

For purposes of this section:

- A. "original school corporation" means the school corporation in which the school of origin of a student in foster care is located;
- B. "school of origin" means the school
  - 1. that a student in foster care attended when the student last had a permanent residence; or
  - 2. in which a student in foster care was last enrolled; and
- C. "transitional school corporation" means the school corporation in which a student in foster care temporarily stays.

When it is determined to be in the best interest of a student in foster care to remain in his/her school of origin and that school of origin is in the attendance zone where the student now lives, transportation shall be provided for the student in foster care even if other students who are not in foster care but who live in the same school attendance area are ineligible for transportation.

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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 will be provided. The original 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.

Transportation services shall be arranged and implemented within five instructional days upon the completion and notification of the final Best Interest Determination finding. Transportation may be provided using vehicles pursuant IC 20-27-12-5 such as a school bus, special purpose bus or appropriate vehicle. Other transportation options may be explored and may include collaboration with the school of origin or transition school, foster parent transportation with reimbursement, staff member transportation with reimbursement, third party transportation provision or other means as arranged and implemented with the foster parent.

Transportation services shall be funded by the by Operation funds, Title I part A, shared costs with school or origin or transitional school corporation, partial reimbursement from DCS, or other means and continue, if needed, for the duration of the school year in which they are reunified with their family or permanency is achieved.

### **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**

42 U.S.C. 675  
45 C.F.R. 1355.20 et seq.

Adopted 2/10/2020

## 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**

The Board of School Trustees recognizes that a parent of a child must be a legal resident of the Wa-Nee Community School Corporation in order for the child to attend its schools. The Board recognizes it has the authority to accept transfer students and it is the intent of the Board that all applicable laws in regard to student transfers shall be strictly followed. A transfer student is one whose legal settlement is not within the boundaries of the Wa-Nee Community School Corporation.

### **School Employee Requests**

Requests for transfer made by any school employee for his or her own child(ren) will be accepted prior to any other requests for student transfer provided there is capacity in the grade level in the building as determined annually by the Board of School Trustees and the employee meets the following criteria:

1. The employee resides in Indiana.
2. The employee's annual salary is at least \$8000 or the employee earns at least \$3000 as an employee in an extracurricular activity.

If there is not adequate capacity in a grade level to accept all of the transfer students, a publicly verifiable random selection process will be conducted in a public meeting of the school board to determine who will be accepted.

### **Other Transfer Student Requests**

If there is capacity remaining after the acceptance of school corporation employees' transfer requests, parents, guardians, or custodians who are not school corporation employees of Indiana students who do not reside in the Wa-Nee Community School Corporation but who wish to enroll their child in the school corporation may request a transfer and will be considered for enrollment under the following conditions:

1. A student requesting transfer shall complete the Application for Transfer of Non-Resident Student and submit it to the Wa-Nee Community School Corporation Superintendent's Office prior to the end of the school year. Transfers will be considered on a yearly basis.
2. The parent, guardian, custodian, or student agrees to provide his/her own transportation to and from the school.
  - a. Transportation may be made available to non-resident transfer students so long as the following conditions are met:
    - i. Space is available on an existing route
    - ii. Pick up/drop off must occur at an existing bus stop
    - iii. Parents/guardians agree that if capacity no longer exists on the route due to residential students, the non-resident transfer student will be not be eligible to use school transportation removed from the route
3. Capacity for each grade level in each building as determined annually by the Board of School Trustees will be a consideration as to whether the student will be admitted or a publicly verifiable random selection process will be necessary to determine who will be accepted. The random selection process will take place in a public meeting of the school board when the number of eligible transfer applicants exceeds the capacity of the grade level. When determining capacity, space needed for resident students, current transfer students, siblings of such students, and employees' children will be taken into consideration.
4. When applicable, the parents, guardians, or custodians agree to pay the transfer tuition in a timely manner as established by the Superintendent.

Under no circumstances will a transfer student be accepted for athletic reasons.

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The building principal and superintendent shall deny a transfer request based on one or more of the following criteria:

1. The student has been suspended or expelled for 10 or more school days in the 12 months preceding the request for transfer.
2. The student was suspended or expelled for possessing a firearm, deadly weapon, or destructive device in the preceding 12 months.
3. The student was suspended or expelled for causing physical injury to a student, school employee, or visitor to the school.
4. The student was suspended or expelled for violating a drug or alcohol rule.
5. The student has a history of unexcused absences and based upon the location of the student's residence; attendance of the student would be a problem if enrolled in the school corporation.

Students transferring to this Corporation from other schools or school corporations shall be placed in those classes or at those grade levels for which their previous educational experiences appear to qualify them. The School Corporation reserves the right to change or modify such placements on the basis of later information, testing, or investigation.

The Superintendent shall develop the operational procedures and forms necessary for the implementation of this policy.

Legal References:      I.C. 20-26-11-2  
                                 I.C. 20-26-11-6  
                                 I.C. 20-26-11-6.5  
                                 I.C. 20-26-11-32

Adopted 3/02  
T.C. 12/3/15  
Revised 11/14/16  
Revised 7/28/20  
Revised 2/8/21



## **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.

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.

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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

## **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 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

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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

## **5136.02 - USE OF GENERATIVE ARTIFICIAL INTELLIGENCE PROGRAMS**

The School Board wishes to promote the continued improvement and responsible use of technology to enhance the educational experience of its staff and students. In an effort to adopt policies relevant to current issues, the Board's primary objectives are to ensure a safe, productive, and enriching experience, while maintaining a respectful and responsible atmosphere. In furtherance of these objectives, the Board establishes the following policy guidelines for the use of Generative Artificial Intelligence (AI) Programs within the educational environment.

If utilized, the use of AI programs in the day-to-day curriculum and instruction should become a planned part of a teacher's digital learning instruction, including lessons on how AI algorithms are programmed to generate responses and the importance of fact checking AI responses with reliable resources.

Used properly, AI can become an educational tool used to enhance a student's skill set and experience in gathering data, analyzing the information, and can provide students with a more critical way of thinking. While AI promotes a collaborative learning experience, each student should still demonstrate an individual understanding of the topic of the AI generated work.

Staff and students should use AI platforms and programs in a manner consistent with school policies, student rules and responsibilities, and responsible use of technology. Users will be expected to maintain academic integrity and honesty as it pertains to the use of AI generated work.

Adopted 12/18/2023

## **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.

### **In-Person Instruction:**

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 the educational program in which the student is enrolled is being offered.

### **Virtual Instruction:**

Attendance shall mean student engagement in the virtual classroom. Engagement in the virtual classroom shall be measured by daily log-ins and log times, completed daily work, completed weekly work, completed projects, communications with teachers on a daily or weekly basis, and any other requirements as determined by the virtual instruction teacher. Students attending virtual instruction are subject to the same instructional time requirements as students attending in-person, which is 5 hours for students in grades 1 through 6 and 6 hours for grades 7 through 12 per day.

### **Blended Instruction:**

Student attendance for blended instruction will be counted for the in-person days as outlined for In-Person Instruction and for the virtual instruction days as outlined for Virtual Instruction.

### **Remote Instruction:**

Student attendance for remote learning shall mean evidence of participation in the activities designed by the teacher for remote learning lessons. Documentation of weekly or daily pick-up and return of the assignments will be used as evidence of participation.

All students are expected to attend school whether by in-person, virtual, blended, or remote instruction.

All provisions of this policy apply to all students enrolled and receiving instruction in-person, virtually, or in a blended format.

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)

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- 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.

- 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.
- 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.

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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 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

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Revised 11/14/05  
Revised 7/9/12  
Revised 2/23/15  
Revised 2/8/16  
Revised 10/24/16  
Revised 2/12/18  
Revised 9/14/20



## **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

## **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 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:

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- 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;
  - 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

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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

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 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

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- 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;
  - 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.



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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.

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.

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

## **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 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 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.

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I.C. 20-34-7

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

## **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:

- A. a superintendent who holds a license under I.C. 20-28-5;
- B. a principal;
- C. a teacher;
- D. a librarian;



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- 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;
- 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;

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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

## **5415 TUTORING SERVICES DURING THE INSTRUCTIONAL DAY**

### **Outside Tutors Requested by Parents**

A parent may request in writing to the building principal for an outside tutor to provide tutoring to their child during the school day. Until the private tutor has been approved by the building principal, no private tutor shall be allowed to enter the school building to tutor a student during the school day.

The following information and/or documentation is required prior to the building principal's approval of the private tutor and before the private tutor may provide services to the student. The following information and/or documentation should be provided to the building principal:

- Expanded Criminal History Check and a Child Protection Index check as required by state law;
- Individual liability insurance certificate or worker's compensation insurance certificate;
- A copy of credentials or qualifications; and
- A signed release by the parent/guardian noting the tutor has been given permission to tutor their child during the school day at the specified time and in the specified subject approved by the building principal.

Once this information is received, the tutor may be allowed to come and tutor the identified student as follows:

- At the times and days designated and assigned by the Principal, which will cause as little disruption to the class or school learning environment as possible;
- The tutor is to tutor only during the designated times, in the designated education setting, and only if the confidentiality of other students and disruption of the educational process in these settings can be adequately addressed by the Principal;
- At any time the school or corporation needs to cancel an appointment or not allow the tutor to return to the school setting, the tutor will be notified; and
- The tutor must sign in and out at the school office any time they are on school property during a school day and may access only the areas assigned by the principal.

### **Report to the Front Office**

The tutor must report to the front office of the assign school building, provide valid photo identification, and state the purpose of the visit. The school shall provide a tutor's badge to be visibly displayed on the tutor's outer garment.

The superintendent will develop administrative guidelines to implement this policy.

Revised 2/10/20

## **5416 STUDENT MENTAL AND BEHAVIORAL SERVICES RECORDS**

### Student Mental and Behavioral Services Records

Student Mental and Behavioral Services (SMBS) records are reports, notes, diagnosis, and/ or appointments relating to a student who was referred to by school officials to receive mental or behavioral services as provided by state law or under a school corporation's memorandum of understanding with a mental or behavioral services provider and is receiving or has received mental or behavioral services and maintained by the school corporation. SMBS records are the property of the school corporation and are confidential medical records.

### Custody and Protection of SMBS Records

#### Place SMBS Records are kept

SMBS records are to be maintained in separate student files only and shall not be filed or maintained in the student's permanent cumulative educational files.

### Control of SMBS Records

SMBS records shall be maintained and secured in the office of the school official who is responsible for the referral process and parent conference under the school corporation's procedures for referral of students to mental or behavioral services due to demonstrated repeated patterns of aberrant or abnormal behavior.

### Access to Education Records

SMBS records of a student shall not be shared with other school officials who are not maintaining SMBS records of the student.

Legal Reference: IC 20-34-3-21

Date Adopted: 5/11/2020

## **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.

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**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



## **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 non-diploma 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**

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):

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- 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.

**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

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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

## **5462 INDIANA COURSE ACCESS PROGRAM (iCAP)**

The Board of School Trustees of the Wa-Nee Community Schools supports providing its students with opportunities to meet individual academic needs by expanding learning and curriculum options and diversifying its curricula. Participation in the Indiana Course Access Program provides these opportunities to the students enrolled in the schools of the school corporation. This program provides for online courses students of the corporation may enroll in for credit toward graduation or completion of an approved industry certification. The Indiana Department of Education (IDOE) administers the program on the state level by approving the providers and courses available to the students and provides guidance for the local administration of the Program.

### Indiana Course Access Program Support Team (iCAP)

The superintendent *or designee* shall appoint the following positions, whose duties will be those as set out in the IDOE guidance for iCAP.

1. iCAP Point of Contact
2. iCAP Mentor(s)

The superintendent must identify one person who will serve as the Lead Contact for IDOE whose duties and responsibilities are those set out in the IDOE guidance for this position.

The iCAP Point of Contact and Building Principal have the authority to make decisions on the selection of courses offered to students, identification and selection of online students, application process and criteria for approval to enroll in iCAP courses, support for and of online students, and monitoring and implementing the school corporation's online learning policies and procedures. The application process should include parental permission, teacher's recommendations, minimum academic standards, or commitment to complete the course.

The superintendent has the responsibility to inform school employees of the duties and responsibilities of the iCAP Point of Contact, and the iCAP Mentors.

Students who complete iCAP courses will be given appropriate credit toward graduation or completion of an approved industry certification. The completed iCAP courses will be included on the student's transcript.

Students will be allowed to enroll in iCAP courses that are not otherwise available in the school corporation curriculum or when the student's schedule prohibits enrollment in the school corporation course and non-enrollment in the iCAP course would delay the on-time completion of the student's diploma requirements or the student's industry certification.

Students can be disapproved only for one of the following reasons:

1. The course is not in furtherance of the student's graduation or certification requirements.
2. The student's enrollment in the iCAP course would exceed the normal full course load for a student.

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Students who are denied approval of an iCAP course may appeal the denial to the IDOE. The iCAP Point of Contact will provide the students and parents the IDOE appeal procedures.

If a parent agrees to pay the course fees, the student will be allowed to enroll in the iCAP course. The building administrator and superintendent will be responsible for making arrangements with the parent for payment of the iCAP course.

Each student who is enrolled in an iCAP course will be assigned an iCAP mentor to help the student have a successful and positive experience in completing the course.

The superintendent is responsible for the development of administrative procedures to implement this policy and the Indiana Course Access Program for the school corporation.

Legal Reference: IC 20-30-16



## **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.

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.

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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

## **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



## **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.

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## **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 – TITLE IX/DISCRIMINATION COMPLAINT PROCEDURES**

Any person who feels that the school corporation has discriminated against him/her on the basis of sex may use the complaint procedure explained below or may file a complaint directly to the building principal or the Title IX Coordinator of the school corporation. Filing of a complaint or otherwise reporting sexual discrimination will not reflect upon the individual's status nor will it affect future educational or employment opportunities for the individual. The school corporation's sexual harassment grievance procedure must be followed for complaints alleging sexual harassment.

Any employee who feels that the school corporation has discriminated against him/her on the basis of race, color, age, religion, national origin, and disability should use the complaint procedure set out in this policy.

The right of confidentiality will be respected consistent with the school corporation's legal obligations and the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

### Reporting Sexual Discrimination

All reports of sexual discrimination will be handled in the following manner:

- (a) Reports must be in writing on forms supplied by the Corporation (if a verbal complaint is made, the school official should file a written report);
- (b) Reports must name the person(s) charged with sexual discrimination and state the facts;
- (c) Reports must be presented to the building principal where the alleged conduct took place. The building principal shall inform the Title IX Coordinator of all filed reports;
- (d) The building principal who receives a report shall thoroughly investigate the alleged sexual discrimination and attempt to resolve the matter at the building level;
- (e) If the building principal cannot resolve the matter or is one of the persons named in the complaint, the complaint should be referred to the Title IX Coordinator. The Title IX Coordinator should investigate the matter and attempt to resolve the complaint.
- (f) The report and the results of the investigation will be presented to the superintendent, and then to the Board of School Trustees in executive session by the superintendent; and
- (g) The Board of School Trustees will take whatever action it deems appropriate. The name of the complainant will not be released to the public unless required by law.

## 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.

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":

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- 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.

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.

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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

## 5517.03 – SEXUAL HARASSMENT GRIEVANCE PROCEDURE

### I. Policy Statement

It is the policy of Wa-Nee Community Schools to maintain a learning and working environment that is free from sexual harassment.

It shall be a violation of this policy for any employee of the School Corporation to harass another employee or student through unwelcome conduct or communications of a sexual nature as defined in Section II. It shall also be a violation of this policy for students to harass other students through unwelcome conduct or communication of a sexual nature as defined in Section II. The use of the term "employee" also includes non-employees and volunteers who work subject to the control of school authorities.

The School Corporation will promptly:

1. investigate all complaints, written or verbal, of sexual harassment taken place at school or any school-sponsored activity within the United States;
2. take appropriate action to stop any harassment;
3. take appropriate action against any student or school employees who violates this policy; and
4. take any other action reasonably calculated to end and prevent further harassment of school employees or students.

The Title IX Coordinator is the person designated by the School Board to receive complaints of harassment and oversee the investigation of those complaints as described in this policy.

The Title IX Coordinator may be contacted at:

Mrs. Gretchen Thomas  
[gthomas@wanee.org](mailto:gthomas@wanee.org)  
574-773-3131  
1300 North Main Street  
Napanee, IN 46550

The School Board will prominently display the contact information for the Title IX Coordinator and this policy on its website and in each student and employee handbook.

Applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the School Board will be notified of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator. The notification must also include the School Board does not discriminate on the basis of sex in its education program or activity, it is required by Title IX not to discriminate in such a manner, the requirement not to discriminate extends to admission and employment, and inquiries about the application of Title IX may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

### II. Definitions

#### Prohibited Conduct

##### *Harassment Based on Sex*

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“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. an employee of the School Corporation conditioning the provision of an aid, benefit, or service of the School Corporation on an individual’s participation in unwelcome sexual conduct;
2. unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School Corporation’s education program or activity; or
3. “sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).

*Types of Sexual Harassment*

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when made by any employee to a student, when made by any employee to another employee, or when made by any student to another student when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education.
2. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or educational environment.
4. Denial of an employment or educational opportunity of others occurs directly because an employee or a student submits to unwelcome requests for sexual favors made by a supervisor or teacher which results favorably for that employee or student.
5. Such conduct is engaged in by volunteers and/or non-employees over which the school corporation has some degree of control of their behavior while on school property.

*Unwelcome Conduct of a Sexual Nature*

1. Conduct of a sexual nature may include verbal or physical sexual advances and/or comments regarding physical or personality characteristics of a sexual nature.
2. Verbal or physical conduct of a sexual nature constitutes sexual harassment when the allegedly harassed employee has indicated, by his or her conduct or verbal objection, that it is unwelcome.
3. In the situation involving sexual harassment by an adult of an elementary student, unwelcomeness of the harassment is presumed and is not a factor to be considered.
4. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome for any such subsequent conduct to be deemed unwelcome.

*Examples of Sexual Harassment*

Sexual harassment may include but is not limited to the following:

1. Verbal harassment or abuse.
2. Repeated remarks to a person with sexual or demeaning implications.
3. Unwelcome touching.
4. Pressure for sexual activity.



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5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, promotion, and/or salary increase.

### **III. Complaint Procedures**

#### **Report**

Any student or school employee who believes he or she has been the victim of sexual harassment prohibited by this policy by a student, a school employee, or a third party should report the alleged harassment to the Title IX Coordinator or any school employee. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence.

Any student who has knowledge of conduct which may constitute sexual harassment should report such conduct to the Title IX Coordinator or any school employee. Any school employee who has notice that a student or a school employee may have been a victim of sexual harassment shall immediately report the alleged harassment to the Title IX Coordinator. Any complaint that involves the Title IX Coordinator should be reported to the superintendent. Oral or written reports are acceptable.

The complaint, the identity of the person allegedly harassed, and the alleged harasser will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a person allegedly harassed who wishes to remain anonymous shall be advised that such confidentiality may limit the School Corporation's ability to fully respond to the complaint.

After receiving a complaint, the Title IX Coordinator makes an initial determination whether the allegations may be sexual harassment prohibited by this policy. If the allegations are deemed as such, the Title IX Grievance Process below must be followed.

#### **Definitions**

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment prohibited by this policy to the Title IX Coordinator or any school official who has authority to institute corrective measures or to any school employee.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment prohibited by this policy.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment prohibited by this policy and requesting the allegation be investigated. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. When the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a party to the formal complaint. The allegations in a formal complaint must be investigated. In response to a formal complaint, the Title IX Grievance Process set out in this policy must be followed.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment prohibited by this policy.

"Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School Board's education program or activity without unreasonably burdening

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the other party, including measures designed to protect the safety of all parties or the educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security or monitoring of school property, and other similar measures. Any supportive measures provided are confidential, to the extent that maintaining such confidentiality does not impair the ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX Grievance Process

Any person may report sexual harassment (whether or not the person reporting is the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including non-business hours, by using the telephone number or electronic mail address, or by mail to the address listed for the Title IX Coordinator.

The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

Complainants and respondents will be treated equitably by offering supportive measures to a complainant and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

This process does not preclude a respondent from being removed from the education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

This process does not preclude an employee who is a respondent from being placed on administrative leave during the grievance process.

This grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies are designed to restore or preserve equal access to education programs or activities.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

All relevant evidence is evaluated objectively. Credibility determinations are not based on a person's status as a complainant, respondent, or witness.

Any Title IX Coordinator, investigator, or decision makers may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

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Title IX Coordinators, investigators, and decision makers must receive training on the definition of sexual harassment, the scope of the School Board's education program or activity, how to conduct an investigation and grievance process including appeals, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision makers are required to receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators are required to receive training on issues of relevance in order to create investigative reports that fairly summarize relevant evidence.

A finding of responsibility may result in any disciplinary action up to and including expulsion for students or dismissal of employees.

The standard of evidence used to determine responsibility is a preponderance of the evidence.

This grievance process does not allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

#### Notice of Allegations

On receipt of a formal complaint, the Title IX coordinator gives the following written notice to the parties:

1. notice of the grievance process, and
2. notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time. Sufficient details shall include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. This notice must be given with sufficient time to prepare a response before any initial interview.

The written notice must also include:

1. a statement the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
2. information the parties may have an advisor of their choice, and may inspect and review evidence; and
3. information about any provisions in the School Board's code of conduct or other policies that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, notice of the additional allegations must be provided to the parties whose identities are known.

#### Dismissal of Formal Complaint

A formal complaint or any allegations therein must be dismissed if the conduct alleged in the complaint

1. would not constitute sexual harassment prohibited by this policy even if proved,
2. did not occur in the School Board's education program or activity, or
3. did not occur against a person in the United States.

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Such a dismissal does not preclude action under another provision of the School Board's code of conduct or policy.

A formal complaint or any allegations therein may be dismissed if at any time during the investigation:

1. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. the respondent is no longer enrolled or employed by the School Board; or
3. specific circumstances prevent the School Board from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Investigation of Formal Complaint

When investigating a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the School Corporation and not the parties. A party's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party will not be accessed, considered, disclosed or otherwise used without the voluntary, written consent of the party's parent, or the party if the party is an eligible student, to do so for this grievance procedure if such records are required as part of the investigation or determination of responsibility.

The parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and any inculpatory and exculpatory evidence.

The ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.

The parties have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. The choice or presence of advisor for either the complainant or respondent is not limited in any meeting or grievance proceeding.

Any party whose participation is invited or expected is provided written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.

The investigator must provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence which will not be relied upon in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to the completion of the investigative report, the investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator must consider prior to completion of the investigative report.

The investigator shall write an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the time a determination regarding responsibility is made, send to each party and the party's

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advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

The investigative report will be provided to the parties and the decision maker within 35 days from the date the formal complaint is filed.

After the investigator has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker must afford each party the opportunity to submit written, relevant questions the party wants to be asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision maker must explain to the party proposing the question of any decision to exclude a question as not relevant.

#### Determination Regarding Responsibility

The decision maker, who is not the same person as the Title IX Coordinator or the investigator, must issue a written determination regarding responsibility.

The written determination must include the following:

1. identification of the allegations potentially constituting sexual harassment prohibited by this policy;
2. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. findings of fact supporting the determination;
4. conclusions regarding the application of the School Board's code of conduct or other policy provisions to the facts;
5. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary actions recommended against the respondent, and whether remedies designed to restore or preserve equal access to the School Board's education program or activity will be provided to the complainant; and
6. the procedures and permissible bases for the complainant and respondent to appeal.

A determination of responsibility decision will be issued within 10 working days from the date the investigative report is submitted to the decision maker.

The decision maker must provide the written determination regarding responsibility to the parties simultaneously.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

#### Appeals

Either party may appeal within 5 working days from the date the written determination regarding responsibility is given to the parties.

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Either party may appeal from a determination regarding responsibility or a dismissal of a formal complaint or any allegations therein, on the following bases:

1. procedural irregularity that affected the outcome of the matter;
2. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Notification of appeal must be given in writing to the Title IX Coordinator.

For all appeals, the Title IX Coordinator will

1. notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. ensure the decision maker for the appeal is not the same person as the decision maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator; and
3. ensure the decision maker for the appeal complies with the standards outlined in this policy.

The appeal decision maker will

1. give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
2. review the evidence gathered by the investigator, the investigator's report, and the decision maker's written decision;
3. issue a written decision describing the result of the appeal and the rationale for the result; and
4. provide the written decision simultaneously to both parties and the Title IX Coordinator.

Any appeal will be resolved with 15 calendar days from the filing of the appeal.

The determination regarding responsibility becomes final if an appeal is filed on the date the parties are provided with the written determination of the result of the appeal or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Temporary delays of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action are permitted. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; disciplinary processes required by law or School Board policy; or the need for language assistance or an accommodation of disabilities.

#### Recordkeeping

The School Board will maintain for a period of seven years records of:

1. each investigation of allegations of sexual harassment prohibited by this policy including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to School Board's education program or activity;
2. any appeal and the result of the appeal; and

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3. all materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process. These materials will also be made available on the School Corporation's website.

For each response required under this policy and federal law, the School Board must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment prohibited by this policy. In each instance, the School Board will document the basis for its conclusion that its response was not deliberately indifferent, and document it has taken measures designed to restore or preserve equal access to its education program or activity. If the School Board does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

#### **IV. Retaliation**

Retaliation against students or school employees who report harassment or participate in any related proceedings is prohibited. The school corporation shall take appropriate action against students or school employees who retaliate against any student or school employee who reports alleged harassment or participates in related proceedings. The Title IX Coordinator will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent retaliatory actions.

#### **V. False Charges**

Students or school employees who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

Legal Refs:      20 U.S.C. §§ 1681-1688.  
                     42 U.S.C. §§ 2000d-2000d-7.  
                     42 U.S.C. §§ 2000e-2000e-17.  
                     42 U.S.C. § 2000ff-1.  
                     34 C.F.R. 106.2, 106.8, 106.9, 106.30, 106.44, 106.45, 106.71.

## **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.

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;

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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;  
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.

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## CONSENT FORM

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.
- 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

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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 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**

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 LAW ENFORCEMENT 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.

Law enforcement agencies shall be discouraged from interviewing students on school property unless they are investigating an alleged crime in the community. 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 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.

The Superintendent shall prepare guidelines to promote understanding and cooperation between staff members 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  
Revised 08/24/21



## **5540.01 - INTERVIEWS OF STUDENTS BY CHILD PROTECTIVE SERVICES**

If the Department of Child Protective Services (CPS) requests to interview a student alone at school, school administrators must allow the investigation without contacting the parents. Before the interview takes place, the CPS employee making the request upon arriving at the school is required to provide to school administrators the following information:

1. their credentials as a CPS case worker, or other proof of employment with CPS; and
2. a written statement CPS has parental consent, a court order, or exigent circumstances exist as defined by state law to interview the student. This written statement may be transmitted to the school electronically.

The written statement and any information related to the interview shall be confidential. The written statement shall not be kept in the student's file but maintained separately in order to keep the confidentiality of the student and the student's family.

When possible, prior to visiting the school, CPS employees should notify either the school administrator or designee of the date and time of the intended visit.

Parents of the students to be interviewed shall not be notified by the school.

Upon entering the school building, the C.P.S. employee should immediately contact either the school administrator, or designee.

If the CPS employee decides the protection of the student requires the immediate taking of the student into custody, this decision and the reasons for this decision shall be promptly communicated to the school representative.

If a parent inquires of the school demanding an explanation of the action taken by the CPS employee, the parent shall be referred directly to CPS. No other information shall be given to the parent by the school.

Legal Reference: IC 31-33-8-7(f)  
IC 31-9-2-44.1

## **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

## **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:
  - 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

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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.

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

## **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

## **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.

Seclusion and restraint shall never be used in a manner that restricts a student's breathing or intentionally harms the student.

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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:

- 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;

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- 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

## **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**

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.

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

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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 membershipthe 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
    - 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.

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.

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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:

- 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

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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.

## **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.



## **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.

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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