

## Regular Session

Tuesday, December 4, 2018 7:00 PM

South Harrison Community School Corporation Administrative Center, 315 South Harrison Drive, Corydon, IN 47112

### I. Call to Order

### II. Roll Call

### III. Pledge of Allegiance

### IV. Approval of Agenda

### V. Special Recognitions

V.1. **Keith Marshall & Sabrina Schreck - Chamber of Commerce Education Excellence Award Winners**

V.2. **Corydon Central High School Host Build-A-Bed Event for United Way**

### VI. Student Council Presentations

### VII. Special Presentations

VII.1. **International Club - Overseas Trip** **Presenter:** Marcie Lear, Teacher

VII.2. **Corydon Elementary School Goals & Presentation**

VII.3. **South Harrison Community School Corporation Strategic Plan**

### VIII. Public Address to the Board

### IX. Consent Agenda

IX.1. **Board of School Trustee Minutes - Executive and Regular Sessions - Tuesday, November 13, 2018**

IX.2. **Approval of Claim Docket**

IX.3. Personnel

IX.3.a. Corporation

IX.3.b. Harrison County Exceptional Learners Cooperative

IX.3.b.1) **Lora Hayes - Homebound Instructor**

IX.3.c. Corydon Central High School

IX.3.c.1) **Justin Bottorff - Varsity Soccer Coach Men's**

IX.3.c.2) **Joseph Hinton - Varsity Tennis Coach Men's**

IX.3.c.3) **Chase Best - Volunteer Assistant Basketball Coach Boys'**

IX.3.d. Corydon Central Junior High School

IX.3.d.1) **Rachael Gartman - Instructional Assistant**

IX.3.d.2) **Christine Randolph - 1/3 Academic Coach**

IX.3.e. Corydon Intermediate School

IX.3.f. Corydon Elementary School

IX.3.f.1) **Bryce Hornickel - Teacher**

IX.3.f.2) **Danny Jones - Title 1 Instructional Assistant**

IX.3.f.3) **Kitchen Helper**

IX.3.g. Heth-Washington Elementary School

IX.3.h. New Middletown Elementary School

IX.3.i. South Central Elementary School

IX.3.i.1) **Hillary Wimsatt - Temporary Counselor**

IX.3.j. South Central Junior/Senior High School

IX.3.k. Multiple Schools

IX.3.k.1) Corydon Elementary School/South Central Elementary School

IX.3.k.1) (1) **Shannon Collins - Instructional Assistant**

IX.4. Operational Matters

IX.4.a. Corporation

IX.4.a.1) **South Harrison Community School Corporation - Strategic Plan**

IX.4.a.2) **School Safety Plans**

IX.4.a.3) **Allison Faith - Sick Bank Allowance**

IX.4.a.4) **Transfer of Bus Route #35**

IX.4.a.5) **Resolution to Transfer Funds**

IX.4.a.6) **Camp Invention - Summer 2019**

IX.4.b. Harrison County Exceptional Learners Cooperative

IX.4.c. Corydon Central High School

IX.4.c.1) **Fundraiser - Student Council - Selling Cookies - January 10, 2019**

IX.4.d. Corydon Central Junior High School

IX.4.e. Corydon Elementary School

IX.4.f. Corydon Intermediate School

IX.4.g. Heth-Washington Elementary School

IX.4.h. New Middletown Elementary School

IX.4.i. South Central Elementary School

IX.4.j. South Central Junior/Senior High School

IX.4.j.1) **Yearbook Agreement - Jostens - For School  
Years 2020 through 2022**

IX.4.k. Multiple Schools

IX.5. Field Trips

IX.5.a. Corydon Central High School

IX.5.a.1) **Fieldtrip(s) - Band**

IX.5.a.1) (1) **Saturday, January 26 or February 9,  
2019 (weather date) - Solo & Ensemble District  
Contest - Southridge High School**

IX.5.a.1) (2) **Friday, March 1, 2019 - Jazz Band  
Contest - Whiteland High School**

IX.5.a.1) (3) **Friday, March 8, 2019 - Junior High  
Band Contest - Highland Hills Middle School**

IX.5.a.1) (4) **Friday, April 5, 2019 or Saturday,  
April 6, 2019 - High School Band Contest - Floyd  
Central High School**

IX.5.b. Corydon Central Junior High School

IX.5.c. Corydon Elementary School

IX.5.c.1) **Roofing of Sections S-4 (Library) & S-5  
(Middle Wing) Project Scope, Budget and  
Process/Timeline**

IX.5.d. Corydon Intermediate School

IX.5.e. Heth-Washington Elementary School

IX.5.f. New Middletown Elementary School

IX.5.g. South Central Elementary School

IX.5.h. South Central Junior/Senior High School

IX.5.i. Multiple Schools

IX.5.i.1) Corydon Central High School/South Central  
Jr.-Sr. High School

IX.5.i.1) (1) **International Trip - European Tour  
- Spring Break 2020**

IX.5.i.2) Corydon Central High School/Corydon  
Central Junior High School - Fieldtrip(s) Winter

Guard & Winter Percussion

- IX.5.i.2) (1) **Saturday, January 19, 2019 - Winter Guard - Greenwood High School**
- IX.5.i.2) (2) **Saturday, February 2, 2019 - Winter Guard - Westfield High School**
- IX.5.i.2) (3) **Saturday, February 9, 2019 - Both Groups - Henryville High School**
- IX.5.i.2) (4) **Saturday, February 16, 2019 - Both Groups - Connor High School in Hebron, KY**
- IX.5.i.2) (5) **Saturday, February 23, 2019 - Winter Guard - Northview High School**
- IX.5.i.2) (6) **Saturday, March 2, 2019 - Winter Guard - IHSCGA Preliminaries - Indianapolis, IN & Winter Percussion - Noblesville High School**
- IX.5.i.2) (7) **Saturday, March 9, 2019 - Both Groups - Floyd Central High School**
- IX.5.i.2) (8) **Saturday, March 16, 2019 - Winter Guard IHSCGA Finals - Greenwood High School & Winter Percussion - John Hardin High School in Elizabethtown, KY**
- IX.5.i.2) (9) **Saturday, March 23, 2019 - Winter Guard Tri-State Championships - Ryle High School in Florence, KY**
- IX.5.i.2) (10) **Saturday, March 30, 2019 - Winter Percussion Tri-State Championships - Northern Kentucky University**
- IX.6. Other

**X. Unfinished Business**

- X.1. **Motions as the Result of Executive Session**
- X.2. **Policy 1422 - Administration: Nondiscrimination and Equal Employment Opportunity**
- X.3. **Policy 1430 - Administration: Leaves of Absence**
- X.4. **Policy 1521 - Administration: Personal Background Checks, Preferences, and Mandatory Reporting of Convictions and Substantiated Child Abuse and Arrests**
- X.5. **Policy 1662 - Administration: Anti-Harassment**
- X.6. **Policy 1520.08 - Administration: Employment of Personnel for Extra-Curricular Activities**
- X.7. **Policy 2221 - Program: Mandatory Curriculum**
- X.8. **Policy 2260 - Program: Nondiscrimination and Access to Equal Educational Opportunity**
- X.9. **Policy 2370.03 - Program: Indiana Course Access Program**
- X.10. **Policy 2414 - Program: Reproductive Health and Family Planning and Human Sexuality**
- X.11. **Policy 2462 - Program: Dyslexia Screening and Intervention**
- X.12. **Policy 2700 - Program: Annual Performance Report**

- X.13. Policy 3120.04 - Professional Staff:  
**Employment of Substitutes**
- X.14. Policy 3120.07 - Professional Staff:  
**Employment of Casual Resource Personnel**
- X.15. Policy 3120.08 - Professional Staff:  
**Employment of Personnel for Extracurricular Activities**
- X.16. Policy 3121 - Professional Staff:  
**Personal Background Checks, References, and Mandatory Reporting of Convictions and Substantiated Child Abuse and Arrests**
- X.17. Policy 3122 - Professional Staff:  
**Nondiscrimination and Equal Employment Opportunity**
- X.18. Policy 3131 - Professional Staff:  
**Reduction in Force ("RIF") in Certificated Staff**
- X.19. Policy 3139 - Professional Staff: Staff  
**Discipline**
- X.20. Policy 3141 - Professional Staff:  
**Suspension of Teachers without Pay**
- X.21. Policy 3220.02 - Professional Staff:  
**Supplemental Payments for Teachers**
- X.22. Policy 3362 - Professional Staff: Anti-  
**Harassment**
- X.23. Policy 3430 - Professional Staff: Leaves  
**of Absence**
- X.24. Policy 3431 - Professional Staff:  
**Administrative Leave of Absence with Pay or Temporary Administrative Reassignment of Teachers**
- X.25. Policy 4120.08 - Support Staff:  
**Employment of Personnel for Extracurricular Activities**
- X.26. Policy 4121 - Support Staff: Personal  
**Background Checks, References, and Mandatory Reporting of Convictions and Substantiated Child Abuse and Arrests**
- X.27. Policy 4122 - Support Staff:  
**Nondiscrimination and Equal Employment Opportunity**
- X.28. Policy 4162 - Support Staff: Drug and  
**Alcohol Testing of CDL Holders and Other Employees who Perform Safety-Sensitive Functions**
- X.29. Policy 4362 - Support Staff: Anti-  
**Harassment**
- X.30. Policy 4430 - Support Staff: Leaves of  
**Absence**
- X.31. Policy 5112 - Students: Entrance  
**Requirements**
- X.32. Policy 5330 - Students: Use of Medication
- X.33. Policy 5340.01 - Students: Student  
**Concussions and Sudden Cardiac Arrest**
- X.34. Policy 5350 - Students: Student Suicide  
**Awareness and Prevention**
- X.35. Policy 5460 - Students: Graduation  
**Requirements**

X.36. Policy 5517 - Students: Anti-Harassment

X.37. Policy 5517.01 - Students: Bullying

X.38. Policy 5630.01 - Students: Use of  
Seclusion and Restraint with Students

X.39. Policy 5771 - Students: Search and  
Seizure

X.40. Policy 6610 - Finances: Extra-Curricular  
Funds

X.41. Policy 6111 - Finances: Internal Control  
Standards and Procedures

X.42. Policy 6210 - Finances: Fiscal Planning

X.43. Policy 6212 - Finances: Cost-Savings  
Incentive Program

X.44. Policy 6620 - Finances: Petty Cash

X.45. Policy 6621 - Finances: Operations Cash  
Change Fund

X.46. Policy 6655 (Deletion) - Finances: School  
Technology Fund

X.47. Policy 6800 - Finances: System of  
Accounting

X.48. Policy 7440 - Property: Facility Security  
Program

X.49. Policy 7510 - Property: Use of School  
Facilities

X.50. Policy 7530.02 - Property: Staff Use of  
Personal Communication Devices

X.51. Policy 8120 - Operations: Volunteers

X.52. Policy 8315 - Operations: Information  
Management

X.53. Policy 8340 - Operations: Letter of  
Reference or Employment Reference

X.54. Policy 8455 - Operations: Coach Training

X.55. Policy 8462 - Operations: Child Abuse and  
Neglect

X.56. Policy 8500 - Operations: Food Service  
Program

X.57. Policy 8600 - Operations: Transportation

X.58. Policy 9160 - Relations: Public  
Attendance at School Events

XI. New Business

XII. Superintendent's Communications and Reports

XII.1. Blue River Retired Teachers Association  
Grant Recipients

XII.1.a. Corydon Elementary School - Teacher Stacy  
Mathes - Flexible Student Seating

XII.1.b. South Central Junior/Senior High School -  
Teacher Jeremy Ledford - Manufacturing Classroom  
Equipment

XIII. Board Members' Communication, Reports and Questions

XIII.1. Reminder to Re-Elected Board Members to Complete Paperwork and Oath of Office

XIV. Upcoming Events

XIV.1. CES - Harlem Wizards - Friday, December 7, 2018 at 7:00 pm

XIV.2. CCHS - Hall of Fame Inductions (Prior to Ballgame) - Saturday, December 8, 2018 at 5:30 pm

XIV.3. SCJSHS - Holiday Program - Sunday, December 9, 2018 at 3:00

XIV.4. CCHS - Winter Choral Festival - Tuesday, December 11, 2018 at 7:00 pm

XIV.5. CCHS - High School Band Concert for Elementary Students - Thursday, December 13, 2018 at 1:00 pm

XIV.6. SCES - Elementary Choir - Friday, December 14, 2018 at 1:00 pm

XIV.7. NMES - Christmas Program - Friday, December 14, 2018 at 7:00 pm

XIV.8. CCHS - Winter Band Concert Grades 5-12 - Tuesday, December 18, 2018 at 7:00 pm

XIV.9. HWES - Holiday Program - Wednesday, December 19, 2018 at 7:00 pm

XV. Adjournment

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Board Secretary

**NONDISCRIMINATION AND  
EQUAL EMPLOYMENT OPPORTUNITY**

The School Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, “Protected Classes”) occurring in the Corporation’s employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation’s employment opportunities, programs and activities, affecting the Corporation environment.

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the Corporation’s efforts to comply with applicable Federal and State laws and regulations, including the Corporation’s duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The compliance officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Corporation’s collectively bargained contracts dealing with hiring, promotion, and tenure should contain a statement of nondiscrimination similar to that in the Board’s statement above. In addition, any gender-specific terms should be eliminated from such contracts.

**Compliance Officer(s)**

The following person(s) is/are designated as the Corporation's compliance officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Corporation and address any complaint of discrimination:

[Director of Curriculum, Instruction and Assessment or](#)  
[Director of Business Operations](#)

[315 South Harrison Drive, Corydon, Indiana 47112](#)

[Phone: 812-738-2168 Fax: 812-738-2158](#)

[Email: nondiscrimination@shcsc.k12.in.us](mailto:nondiscrimination@shcsc.k12.in.us)

Field Code Changed

Name and Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Email address \_\_\_\_\_

Name and Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Email address \_\_\_\_\_

**Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a

**BOARD OF SCHOOL TRUSTEES**

ADMINISTRATION

**SOUTH HARRISON COMMUNITY** \_\_\_\_\_ **SCHOOL CORPORATION** 1422/page 3 of 17

complaint shall file it with a compliance officer

within two (2) business days.

within \_\_\_\_\_ ( ) business days.

Employees who believe they have been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Corporation and/or a concurrent criminal complaint will not adversely affect the complaining individual's employment status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The compliance officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The compliance officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints that are initially filed with a school building administrator, supervisor or other Corporation-level official. Upon receipt of a complaint, either directly or through a school building administrator, supervisor or other Corporation-level official, a compliance officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The compliance officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the compliance officer will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the compliance officer

within two (2) business days

within \_\_\_\_\_ ( ) business days

of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the compliance officers within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the compliance officer or designee must contact the employee within two (2) business days to advise him/her of the Corporation's intent to investigate the wrongdoing.

#### **Complaint Procedures**

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in employment.

In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Corporation.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee or unsuccessful applicant for employment who believes s/he has been unlawfully discriminated or retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees, or unsuccessful applicants for employment, who believe that they have been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The compliance officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the compliance officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to the compliance officer(s); and/or (3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to the compliance officer(s) who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 1422 Nondiscrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the compliance officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the compliance officer or designee will exercise his/her authority to attempt to resolve all informal complaints

- ~~( )~~ within fifteen (15) business days of receiving the informal complaint.
- within twenty (20) business days of receiving the informal complaint.

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

The compliance officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310)

**Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the compliance officer(s), Superintendent, or other Corporation-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs.

If a Complainant informs an administrator, supervisor, Superintendent, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, that employee or unsuccessful applicant for employment must report such information to the compliance officer

~~(x)~~ within two (2) business days.

~~( )~~ within \_\_\_\_\_ ( ) business days.

Throughout the course of the process, the compliance officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the compliance officer shall ask for such details in an oral interview. Thereafter, the compliance officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the compliance officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the compliance officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the compliance officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint,

Within \_\_\_\_\_ (\_\_\_\_) business days of receiving the complaint,

the compliance officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the compliance officer, or a designee, will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1422 - Nondiscrimination. The Respondent also must be informed of the opportunity to submit a written response to the complaint

within five (5) business days.

within \_\_\_\_\_ (\_\_\_\_) business days.

Although certain cases may require additional time, the compliance officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation

- ~~( )~~ within fifteen (15) business days of receiving the formal complaint. ~~x~~
- (x)** within twenty (20) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the compliance officer, or the designee, shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

- ~~(x)~~ The compliance officer, or the designee, should consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the compliance officer or the designee, the Superintendent must either issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must delineate the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board

within five (5) business days of his/her receipt of the Superintendent's decision.

~~within \_\_\_\_\_ (\_\_\_\_) business days of his/her receipt of the Superintendent's decision.~~

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

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee or unsuccessful applicant for employment alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

**Privacy/Confidentiality**

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

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

During the course of a formal investigation, the compliance officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~In accordance with the Board's records retention policy, the compliance officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310 – Public Records)~~

#### **Remedial Action, Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment by taking appropriate action reasonably calculated to stop and prevent further misconduct.

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

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

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

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

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

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

**Retaliation**

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

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

**Training**

The compliance officers also will oversee the training of Corporation employees so that all employees understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

**Notice**

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the Corporation and published in any Corporation statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

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

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

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

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

29 U.S.C. 6101, The Age Discrimination in Employment Act of 1975

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 2008

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

29 C.F.R. Part 1635

### LEAVES OF ABSENCE

All administrative staff members not otherwise covered by the terms of a currently-valid negotiated agreement of this Corporation shall be entitled to the same leave benefits provided in the master agreement with South Harrison Education Association.

All requests for unpaid leaves of absence by administrators shall be presented to the School Board for approval.

#### Leave of Absence for Members of National Guard or Reserve:

The Board shall grant a leave of absence in addition to a regular vacation period without loss of pay or time to any administrator who is a member of the Indiana National Guard, a reserve component of the U.S. forces, or a retired member of the naval, air, or ground forces of the United States and is on training duty for the State by order of the Governor or under the order of the reserve-component authority for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The administrator's vacation benefits, if any, will not be affected by this type of leave.

#### Leave of Absence for Active Duty Family Member:

An administrator who has been employed for at least twelve (12) months and is the spouse, parent, grandparent, or sibling of a person who is ordered to active duty is entitled to an unpaid leave of absence during one (1) or more of the following periods:

- A. during the thirty (30) days before active duty orders are in effect;
- B. during a period in which the person ordered to active duty is on leave while active duty orders are in effect; or
- C. during the thirty (30) days after the active duty orders are terminated.

The administrator must have worked at least 1,500 hours during the twelve (12) month period immediately preceding the day the leave begins.

The leave of absence allowed each year may not exceed a total of ten (10) working days.

~~The Board shall require the administrator~~

~~or~~

The administrator may request

to substitute any of his/her earned vacation, personal leave, or other paid leave except for paid medical or sick leave available for leave for any part of the ten (10) day period.

The administrator who chooses to take this type of leave of absence shall provide notice including a copy of the active duty orders if available, to the Board of the date the leave is to begin. This notice is to be given to the Board at least thirty (30) days before the date on which the staff member intends to begin the leave, unless the active duty orders are issued less than thirty (30) days before the date the requested leave is to begin.

The Board may require verification of the administrator's eligibility for the leave. If the staff member fails to provide verification, the Board may consider the staff member's absence as being unexcused.

After an administrator takes a leave of absence, the administrator shall be restored to:

- A. the position the administrator held before the leave, or
- B. a position equivalent to the position that the administrator held before the leave with equivalent benefits and terms of the negotiated agreement.

The Board is not required to restore an administrator to a position described above if the Board proves that the reason the administrator was not restored to the position is unrelated to the administrator's exercise of his/her rights to request this leave.

The Board shall permit the administrator to continue his/her health care benefits during the leave at the administrator's expense.

~~Any administrator granted a leave of absence by the Board shall be considered to have terminated all work with the School Corporation until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the Corporation might be served.~~

I.C. 10-16-7-1 et seq., 10-17-4, 20-20-4-1, 22-2-13  
38 U.S.C. 4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)

**REVISED POLICY – VOL. 31, NO. 1**

**PERSONAL BACKGROUND CHECKS, REFERENCES,  
AND MANDATORY REPORTING OF CONVICTIONS AND  
SUBSTANTIATED CHILD ABUSE (X ) AND ARRESTS**

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the School Corporation's administrative staff.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as an administrator which shall include the following:

- A. an expanded criminal history check as defined by I.C. 20-26-2-1.5
- B. an Indiana expanded child protection index check as defined by I.C. 20-26-2-1.3
- an expanded child protection index check in other states
- C. a search of the national sex offender registry maintained by the United States Department of Justice
- D. beginning July 1, 2017, a search of the State child abuse registry
- E. telephone inquiry with former employer(s)
- F. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- G. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1
- fingerprint check

- (x) a detailed background history including all prior employment and volunteer positions
- (x) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

The Board requires that an expanded criminal history check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of his/her employment before or not later than thirty (30) days after the start of the applicant's employment by the Corporation.

The Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of his/her employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation. ~~An expanded child protection index check shall include inquiries to each state in which information necessary to complete the expanded child protection index check is available.~~

The Board requires that all references and, if applicable, the most recent employer provided by an applicant be contacted before the Corporation may hire the applicant.

The Board shall deny employment to a person who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c), unless the conviction has been reversed, vacated, or set aside on appeal.

The Board may deny employment to an applicant who is the subject of a substantiated report of abuse or neglect.

Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien.

[x] Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.

(+) ~~or employ the applicant as a substitute.~~

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee.

**~~[SELECT ONE OF THE FOLLOWING OPTIONS]~~**

**~~[OPTION 1]~~**

Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the applicant.

**~~[END OPTION 1]~~**

**~~[OPTION 2]~~**

~~The Corporation shall pay the costs associated with conducting the expanded criminal history check and obtaining the expanded child protection index check for applicants.~~

**~~[END OF OPTION 2]~~**

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

**~~[OPTIONAL]~~**

~~In implementing this requirement, the Corporation shall conduct the updated expanded criminal history checks for Corporation employees over a period not to exceed \_\_\_\_\_ **[maximum is 5]** years by annually conducting updated expanded criminal history checks for at least \_\_\_\_\_ **[minimum is 1/5]** of employees who are employed by the Corporation on July 1, 2017.~~

~~[SELECT ONE (1) OF THE FOLLOWING OPTIONS]~~

~~[OPTION 1]~~

~~[ ]~~ Any costs associated with obtaining the expanded criminal history check are to be borne by the employee unless otherwise agreed upon through an agreement reached following negotiations with the exclusive representative of the employees.

~~[END OPTION 1]~~

~~[OPTION 2]~~

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

~~[END OPTION 2]~~

~~[OPTIONAL]~~

~~[ ]~~ The Board requires that an expanded child protection index check be obtained for each Corporation employee every five (5) years. The Corporation shall pay the costs associated with obtaining the expanded child protection index check for employees.

~~[ ]~~ In implementing this requirement, the Corporation shall obtain the updated expanded child protection index checks for Corporation employees over a period not to exceed ~~\_\_\_\_\_~~ **[maximum is 5]** years by annually obtaining updated child protection index checks for at least ~~\_\_\_\_\_~~ **[minimum is 1/5]** of employees who are employed by the Corporation on July 1, 2017.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the applicant or employee:

- A. is the subject of a substantiated report of child abuse or neglect or
- B. has been charged with or convicted of one (1) of the following crimes:
  - 1. Murder (I.C. 35-42-1-1).
  - 2. Causing suicide (I.C. 35-42-1-2).
  - 3. Assisting suicide (I.C. 35-42-1-2.5).
  - 4. Voluntary manslaughter (I.C. 35-42-1-3).
  - 5. Reckless homicide (I.C. 35-42-1-5).
  - 6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 7. Aggravated battery (I.C. 35-42-2-1.5).
  - 8. Kidnapping (I.C. 35-42-3-2).
  - 9. Criminal confinement (I.C. 35-42-3-3).
  - 10. A sex offense under I.C. 35-42-4.
  - 11. Carjacking (I.C. 35-42-5-2) (before its repeal).
  - 12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 13. Incest (I.C. 35-46-1-3).

14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
15. Child selling (I.C. 35-46-1-4(d)).
16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.

22. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

During the course of his/her employment with the Corporation, each administrator shall be required to report the

- arrest or the filing of criminal charges against the employee;
- A. conviction of the employee for a crime; and
- B. substantiated report of child abuse or neglect of which the employee is the subject

to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction or substantiated report of child abuse or neglect and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the administrator who was convicted or the subject of a substantiated report of child abuse or neglect.

I.C. 5-2-22  
I.C. 10-13-3  
I.C. 20-26-2-1.3, 20-26-2-1.5  
I.C. 20-26-5-10, -10.5, -11 and -11.5  
I.C. 20-28-5-8

**ANTI-HARASSMENT**

**General Policy Statement**

It is the policy of the Board of School Trustees to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all Corporation operations, employment opportunities, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Corporation environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the Corporation community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment.

All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition above) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes or which is reported to the employee.

The Board will investigate all allegations of unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment and, in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

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

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

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

The Corporation also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

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

**Definitions**

**Bullying**

Bullying rises to the level of unlawful harassment (see definition on page 1) when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence
- I. theft;
- J. sexual, religious, or racial harassment;

- K. public humiliation; or
- L. destruction of property.

In the bullying context, "harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

**Sexual Harassment**

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

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

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

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

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

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

- I. in the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- J. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- K. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the Corporation community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student (  ) may ~~(-)~~ ~~will~~ ~~[not recommended]~~ be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.

**Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

**Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

**National Origin Harassment**

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

**Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment also may include but is not limited to conduct directed at or pertaining to a person's genetic information.

**Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the Corporation may address the conduct before it becomes severe, pervasive, or persistent. All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with the Corporation's Anti-Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

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

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

**Anti-Harassment Compliance Officers**

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

[Director of Curriculum, Instruction and Assessment or Director of Business Operations](#)

[Phone: 812-738-2168 Fax: 812-738-2158](#)

[315 South Harrison Drive, Corydon, IN 47112](#)

[Email: antiharassment@shcsc.k12.in.us](mailto:antiharassment@shcsc.k12.in.us)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(School Corporation Title)

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(School Corporation Title)

\_\_\_\_\_  
(Telephone Number)

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(Telephone Number)

**BOARD OF SCHOOL TRUSTEES**  
**SOUTH HARRISON COMMUNITY**

ADMINISTRATION  
**SCHOOL CORPORATION** 1662/page 11 of 25

\_\_\_\_\_  
(Office Address)

\_\_\_\_\_  
(Office Address)

\_\_\_\_\_  
(E-mail Address)

\_\_\_\_\_  
(E-mail Address)

The names, titles, and contact information for the Compliance Officers will be published annually:

- in the student, parent, and staff handbooks.
- ~~in the School Corporation Annual Report to the public.~~
- on the School Corporation's web site.
- ~~on each individual school's web site.~~
- ~~in the School Corporation's calendar.~~
- \_\_\_\_\_.

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

Any Corporation employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within  two (2) ~~(1)~~ business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation(s) intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated.

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

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

two (2) business days

\_\_\_\_\_  business days

of learning of the incident.

**Investigation and Complaint Procedure (see Form 1662 F1)**

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

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within ~~(-) fifteen (15)~~  twenty (20) ~~(---)~~ business days of the complaint being received).

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

#### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1) and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully harassed or retaliated against in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Corporation community, or third parties who believe that they have been subjected to unlawful harassment (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

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

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

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

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

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

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

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

While there are no set time limits within which an informal complaint must be resolved, one of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within ~~( ) fifteen (15)~~ **(20) twenty (20)** business days of receiving the informal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One (1) of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy 8310, Policy 8320, and Policy 8330).

**Formal Complaint Procedure**

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

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

An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Corporation-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other Corporation-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.

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

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

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

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

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

Contemporaneously, one of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent must also be informed of the opportunity to submit a written response to the complaint within  five (5)  ~~\_\_\_\_\_~~  business days.

Although certain cases may require additional time, one of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;

- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

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

~~(x)~~ The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

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

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

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

**Privacy/Confidentiality**

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

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

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

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310 - Public Records and/or Policy 8330 - Student Records)~~

**Remedial Action, Sanctions, and Monitoring**

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

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

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

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

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

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

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

**Retaliation**

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

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

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

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

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

**Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee the training of Corporation employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

**Notice**

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

I.C. 35-42-4-3, 35-42-4-8, 35-42-4-9  
20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)  
20 U.S.C. 1681 et seq., Title IX of the Educational Amendments Act of 1972  
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967  
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended  
42 U.S.C. 1983  
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964  
42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
29 C.F.R. Part 1635  
National School Boards Association Inquiry and Analysis - May 2008

**EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES**

The School Board may find it necessary to employ members of the administration as coaches or activity sponsors.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

The Board requires that:

- A. Prior to coaching football to students who are less than twenty (20) years of age, all head and assistant football coaches shall complete a certified coaching education course approved by the Indiana Department of Education not less than once during a two (2) year period that:
  1. is sport specific;
  2. contains player safety content, including content on:
    - a. concussion awareness;
    - b. equipment fitting;
    - c. head emergency preparedness; and
    - d. proper technique;
  3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
  4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the School Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

- B. After June 30, 2017, prior to coaching students in grades 5 - 12, all head and assistant coaches of interscholastic sports other than football, including cheerleading, shall complete a certified coaching education course approved by the Indiana Department of Education at least once during a two (2) year period that:
1. contains player safety content on concussion awareness;
  2. after December 31, 2018, includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;
  - 2.3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
  - 3.4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

- C. A head or assistant coach of an intramural sport other than football who is coaching students in grades 5 - 12 may elect to complete the above-referenced certified coaching education course. If compliance with I.C. 20-34-7 is required by the coaching certification requirements for the intramural sport that the head or assistant coach is coaching, the coach shall complete the above-referenced certified coaching education course.

~~[THE FOLLOWING TRAINING IS OPTIONAL; CHOOSE THE OPTIONS THAT THE BOARD WISHES TO INCLUDE IN THE POLICY]~~

Additionally, the Board requires that:

All head and assistant coaches of students of any age participating in interscholastic or intramural sports other than football, including the cheerleading, shall complete a certified coaching education course approved by the State Department of Education at least once during a two (2)-year period that:

- 1. contains player safety content on concussion awareness;
- 2. includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;
- ~~2,3.~~ requires a coach to complete a test demonstrating comprehension of the content of the course; and
- ~~3,4.~~ awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

All coaches () and athletic activity sponsors ~~[END OF OPTION]~~ of interscholastic or intramural sports for students of any age shall receive training about () concussions () and sudden cardiac arrest- () and heat-related medical issues ~~[END OF OPTION]~~ at least once during a two (2)-year period.

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All coaches () and athletic activity sponsors ~~[END OF OPTION]~~, other than football coaches, shall be required to complete a coaching education course that contains player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique. The course must be completed prior to coaching or serving as an athletic activity sponsor. Each coach () and athletic activity sponsor ~~[END OF OPTION]~~ must complete a course not less than once during a two (2)-year period.

~~[END OF OPTIONS]~~

The Superintendent shall require that each person employed as a coach or athletic activity sponsor is qualified, has cleared a background check required by State law and Policy 1521 or Policy 8120, and has received the training required by State law and this policy.

I.C. 20-34-7  
I.C. 20-34-8

**MANDATORY CURRICULUM**

In compliance with the Indiana Code and Federal law, the School Board directs the Superintendent to prepare, implement, and supervise courses of instruction in the following areas as stipulated in the Indiana Code and the regulations of the State Department of Education:

- A. The Constitution of the United States and Indiana in grades 6 through 12
- B. the system of government in Indiana and the United States, methods of voting, party structures, election laws, and the responsibilities of citizen participation in government and in elections in grades 6 through 12
- C. American History in high school
- D. safety education in grade 8
- E. the principles of hygiene and sanitary science in grade 5, at a minimum
- F. the spread of disease by rats, flies, and mosquitoes, and its effects, and of disease prevention by the proper selection and consumption of food
- G. the nature of alcoholic beverages, tobacco, prescription drugs, narcotics, and their effects on the human system and society at large in grades K through 12
- H. Acquired Immune Deficiency Syndrome (AIDS), and to the extent possible, instruction on other dangerous communicable diseases

- I. instruction on human sexuality or sexually transmitted diseases including instruction that abstinence from sexual activity outside of marriage as the expected standard for all school age children, abstinence is the only certain way to avoid sexually transmitted diseases, pregnancy, and other associated health problems, and the best way to avoid sexually-transmitted diseases and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage
- J. instruction regarding breast and testicular cancer, including the significance of early detection through self-examination, and in the case of breast cancer, regularly-scheduled mammograms in high school
- K. career-awareness, employment matters, and work values in grades 1 - 12
- L. human organ donor program and blood donor program as part of the high school health education curriculum
- M. good citizenship instruction
- N. personal financial responsibility and financial literacy in grades 6 through 12
- O. bullying prevention instruction not later than October 15 of each school year in grades 1 through 12 (see also Policy 5517.01)
- P. daily physical activity, which may include recess for students in full day kindergarten programs and other students in elementary school
- Q. dating violence instruction including warning signs, basic principles of prevention, and methods of parent education and outreach for grades 6 through 12 (see also Policy 5517.01)

- R. child abuse and child sexual abuse education for grades 2 through 5 during the 2017 – 2018 school year, and for grades K through 12 by December 15 of each school year beginning with the 2018 – 2019 school year (see also Policy 8462)
- S. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications (see Policy 7540.03)
- T. the dangers inherent with the online disclosure of personally identifiable information (see Policy 7540.03)
- U. the consequences of unauthorized access (e.g. "hacking"), cyberbullying and other unlawful or inappropriate activities by students online (see Policy 7540.03)
- V. morals instruction
- W. instruction in cardiopulmonary resuscitation and use of an automated external defibrillator as part of the high school health education curriculum
- X. instruction in Language Arts, Mathematics, Social Studies, Sciences, Fine Arts, and Health Education, and Physical Fitness and beginning after June 30, 2021 computer science

The Superintendent shall prepare appropriate guidelines relative to the planning, teaching, and evaluation of these courses and ensure that each teacher present his/her instruction with special emphasis on honesty, morality, courtesy, obedience to the law, respect for the national flag, the constitutions of the United States and Indiana, respect for parents and the home, the dignity and necessity of honest labor, and other lessons of a steadying influence, which tend to promote and develop upright and desirable citizenry.

The Superintendent is prohibited from offering, supporting, or promoting any student program, class, or activity that provides student instruction that is contrary to a curriculum required to be provided to students under I.C. 20-30-5, set forth above.

When required by law, the Board shall approve the course of instruction.

(+) ~~prior to its use in the classroom.~~

I.C. 20-19-3-10 and 11

I.C. 20-30-5

511 IAC Article 6

47 U.S.C. 254(h), Children's Internet Protection Act

15 U.S.C. §§ 6551, Title II of the Broadband Data Improvement Act (aka Protecting Children in the 21st Century Act)

18 U.S.C. 2246

18 U.S.C. 2256

20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)

20 U.S.C. 6777

20 U.S.C. 9134 (2003)

47 C.F.R. Part 54

NONDISCRIMINATION AND  
ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship, and/or personal sense of self worth.

As such, the Board of School Trustees does not discriminate on the basis of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") occurring in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the Corporation, or social or economic background, to learn through the curriculum offered in this Corporation. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 – Use of School Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

D. Corporation Support

verify that like aspects of the Corporation program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

The Superintendent shall appoint and publicize the name of the Compliance Officer(s) who is/are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

**Compliance Officer(s)**

The following person(s) is/are designated as the Corporation's Compliance Officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Corporation and address any complaint of discrimination:

[Director of Curriculum, Instruction and Assessment or Director of Business Operations](#)

[315 South Harrison Drive, Corydon, IN 47112](#)

[Phone: 812-738-2168 Fax: 812-738-2158](#)

[Email: nondiscrimination@shcsc.k12.in.us](mailto:nondiscrimination@shcsc.k12.in.us)

[Name and Title](#) \_\_\_\_\_

[Address](#) \_\_\_\_\_

[Telephone No.](#) \_\_\_\_\_

[Email address](#) \_\_\_\_\_

[Name and Title](#) \_\_\_\_\_

[Address](#) \_\_\_\_\_

[Telephone No.](#) \_\_\_\_\_

**BOARD OF SCHOOL TRUSTEES**

PROGRAM

**SOUTH HARRISON COMMUNITY**

**SCHOOL**

**CORPORATION**

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Email address

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### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Students are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with a Compliance Officer

~~(x)~~ within two (2) business days.

~~( )~~ within \_\_\_\_\_ ( ) business days.

Students who believe they have been unlawfully discriminated/retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Corporation and/or a concurrent criminal complaint will not adversely affect the complaining individual's educational status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints that are initially filed with a school building administrator, supervisor or other Corporation-level official. Upon receipt of a complaint, either directly or through a school building administrator or other Corporation-level official, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer

**(x)** within two (2) business days

~~( )~~ within ~~\_\_\_\_\_~~ ~~( )~~ business days

of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the Compliance Officer or designee must contact the employee within two (2) business days to advise him/her of the Corporation's intent to investigate the wrongdoing.

### **Complaint Procedures**

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

In accordance with Federal and State law, students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in education.

In addition, students will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Corporation.

#### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to the Compliance Officer(s); and/or (3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to the Compliance Officer(s) who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 2260 Nondiscrimination and Access to Equal Educational Opportunity as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends school.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints

~~( ) within fifteen (15) business days of receiving the informal complaint.~~

**( x )** within twenty (20) ~~( )~~ business days of receiving the informal complaint.

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

The Compliance Officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310 or Policy 8330)

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), Superintendent, or other Corporation-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs.

If a Complainant informs an administrator, Superintendent, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee to whom the student complains must report such information to the Compliance Officer

**(x)** within two (2) business days.

~~( ) within \_\_\_\_\_ ( ) business days.~~

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult with the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint,

Within \_\_\_\_\_ (\_\_\_\_) business days of receiving the complaint,

the Compliance Officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this policy. The Respondent also must be informed of the opportunity to submit a written response to the complaint

within five (5) business days.

within \_\_\_\_\_ (\_\_\_\_) business days.

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation

~~( )~~ within fifteen (15) business days of receiving the formal complaint.

within twenty (20) ~~( )~~ business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

The Compliance Officer, or the designee, should consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must delineate the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board

within five (5) business days of his/her receipt of the Superintendent's decision.

~~within \_\_\_\_\_ ( ) business days of his/her receipt of the Superintendent's decision.~~

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

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies, such as the filing of a complaint with the Office for Civil Rights or the Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

### **Privacy/Confidentiality**

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

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

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~In accordance with the Board's records retention policy, the Compliance Officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310 - Public Records)~~

### **Remediation**

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

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any. With respect to violations of this policy by Respondents who are students, disciplinary action may be imposed up to and including expulsion from school, in accordance with applicable State law. Any discipline of students with disabilities will be in accordance with the Individuals with Disabilities Education Act (“IDEA”) and the Federal and State regulations implementing the IDEA.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any, and with Federal and State laws and regulations.

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

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

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

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

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

**Retaliation**

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination occurring in the Corporation’s educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation’s educational opportunities, programs and activities, affecting the Corporation environment, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

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

**Training**

The Compliance Officers also will oversee the training of Corporation employees so that all employees understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

**Notice**

Notice of the Board's policy on nondiscrimination in educational programs and the identity of the Compliance Officers will be posted throughout the Corporation and published in any Corporation statement regarding the availability of educational opportunities, in any student handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the Corporation but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in Corporation programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the Corporation will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (see AG 2260F).

I.C. 20-33-1-1

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 U.S.C. Section 794, Rehabilitation Act of 1973

29 C.F.R. Part 1635

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

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

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

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 CFR Part 110 (7/27/93)

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

Title III of the No Child Left Behind Act of 2001

**NEW POLICY – VOL. 31, NO. 1**

**INDIANA COURSE ACCESS PROGRAM<sup>[\*]</sup>**

The School Corporation shall permit eligible students to enroll in course access program (“iCAP”) courses offered by a course provider that is authorized by the Indiana Department of Education (“IDOE”) with limited exceptions, as provided below.

**OPTIONAL:**

~~Eligible students may not enroll in iCAP courses if the same course is offered in the Corporation’s curriculum  unless the student’s schedule prohibits the student from enrolling in the course offered by the Corporation.~~

~~Eligible students may not enroll in more than \_\_\_\_\_ (\_\_\_\_) **[DRAFTING NOTE: choose a number]** iCAP courses per \_\_\_\_\_. **[DRAFTING NOTE: insert “semester,” “trimester” or “school year,” as appropriate]**~~

Eligible students may enroll in iCAP courses only for the following reasons:

credit recovery;

enrichment;

~~grade improvement;~~

**[OTHER]** \_\_\_\_\_ scheduling conflicts.

~~Eligible students wishing to enroll in iCAP courses must complete the Corporation’s local enrollment process, including  parent/guardian permission,  teacher recommendations,  verification of minimum academic standing,  a statement of commitment to completion of the online course.~~

Requests to enroll in iCAP courses must be approved by  the Principal;  school counselor or guidance counselor;  ~~iCAP point of contact~~   
 ~~[OTHER] \_\_\_\_\_ [END OF OPTION]~~

~~Onsite orientation shall be offered to assist students in getting started on iCAP courses.~~

~~The student's school shall provide a scheduled class period  during  outside of ~~[END OF OPTION]~~ the regular school day to complete online work and connect with their Mentor.~~

~~**[END OF OPTIONS]**~~

The Corporation shall count successfully completed iCAP courses approved by IDOE toward the requirements of a diploma and include credits earned and grades received for such courses on a student's transcript.

Transfers of tuition payments for enrollment of an eligible student currently enrolled in the Corporation in an iCAP course shall be made to the authorized course provider by the Corporation. The amount of the tuition payment for enrollment of an eligible student in an iCAP course must be paid from the total amount of state tuition support that otherwise would be received by the Corporation on account of the student. Provided, however, that payment may not exceed the tuition fee established by IDOE for an iCAP course in which an eligible student is enrolled. The Corporation shall pay fifty percent (50%) of the tuition fee upon an eligible student's enrollment in an iCAP course. The Corporation shall pay the remaining amount if the measured student outcomes for the course access program course meet requirements set by the IDOE.

All requests to drop an iCAP course must be made to the Principal of the student's school. Corporation policy for dropping classes shall be followed with respect to iCAP courses.

The (x) Superintendent (-) ~~\_\_\_\_\_ [END OF OPTION]~~ shall assign a Corporation employee to serve as the Corporation's Lead Point of Contact for the iCAP who is the primary contact person for the IDOE. The Lead Point of Contact is responsible for: (1) the appeal process; (2) updating the Point of Contact for all schools in the Corporation; and (3) maintaining accurate information. The (x-) Principal of a school with eligible students participating in iCAP (-) ~~\_\_\_\_\_ [END OF OPTION]~~ shall assign a Corporation employee to serve as the school Point of Contact. The school Point of Contact's primary responsibilities are: (1) to conduct registration transactions with iCAP providers and (2) ensure final grades and credits are reflected on report cards and transcripts. Each eligible student enrolled in an iCAP course will be assigned an iCAP Mentor. Mentors work closely with students to facilitate a positive and successful experience.

Definitions:

"Course access program catalog" means a list of approved course access program courses provided by authorized course providers that is maintained by the IDOE.

"Course provider" means a provider that offers course access program courses that provide for the delivery of instruction through any method, including use of online technologies.

"Eligible student" means a student pursuing:

- A. any type of diploma available for students to receive in Indiana; or
- B. an industry certification that appears on the state board's approved industry certification list.

Exceptions:

The Corporation may disapprove an eligible student's enrollment in an iCAP course only for the following reasons:

- A. The course provided by the course provider is not in furtherance of the eligible student's graduation or certificate requirements.
- B. The eligible student's enrollment in the course access program course would exceed the requirements for a normal full course load at the school corporation.
- C. The course access program course is logistically infeasible.

Provided, however, that the Corporation may not deny enrollment of an eligible student under subdivision (3) if the eligible student agrees to pay the cost of tuition for the applicable iCAP course. Parents of eligible students who choose to pay the cost of tuition for an iCAP course should contact the student's school to make payment arrangements. If an eligible student has paid for an iCAP course and successfully completes the course, the Corporation ~~( ) shall (x )~~ shall not ~~[END OF OPTION]~~ reimburse the student for the cost of tuition.

Appeal Process:

If the Corporation denies a student's enrollment in an iCAP course under one of the exceptions listed above, the Corporation shall notify the student's parent or emancipated eligible student of the parent's or student's right to appeal the Corporation's decision to the IDOE. The parent of an eligible student or an emancipated eligible student may appeal the Corporation's decision to the IDOE in the manner prescribed by the IDOE. Upon receipt of an appeal, the IDOE will send the student's iCAP point of contact a link to a form for further details/justification from the school. The school has three (3) business days to complete and submit a digital response. If the school does not submit a response in three (3) business days, the school cannot contest the appeal based on any lack of information. Pursuant to State law, the IDOE will review the Corporation's denial and provide a final enrollment decision within seven (7) calendar days of receipt of the appeal.

Students with IEPs and Section 504 Plans:

Prior to the enrollment of a Corporation student with a disability into one or more iCAP courses, the student's case conference committee or Section 504 team should meet to determine whether each online course meets the student's educational goals, review the individualized education program ("IEP") or Section 504 plan to consider the extent to which the student's current accommodations can be provided in the virtual learning environment, and revise the IEP or Section 504 plan to identify any additional accommodations or assistive technology that may be needed to ensure equitable access in the virtual learning environment in order to ensure the provision of a free appropriate public education.

Prior to the first day of the online course, the student's teacher of record ("TOR") or Section 504 Coordinator (or designee) shall provide a copy of the student's IEP or Section 504 plan to the online course instructor and ensure that the instructor is made aware of any required accommodations or modifications for the student. The online course instructor is responsible for communicating any questions regarding implementation of the student's IEP or Section 504 plan to the TOR or Section 504 Coordinator.

I.C. 20-30-16

~~**[\*Participation in iCAP is optional. The School Board should adopt this policy only if the Board decides that the Corporation will participate in iCAP.]**~~

**REVISED POLICY – VOL. 31, NO. 1**

REPRODUCTIVE HEALTH AND FAMILY PLANNING  
AND HUMAN SEXUALITY INSTRUCTION

The School Corporation believes that provision should be made for the teaching of reproductive health, family planning, human sexuality, and the recognition, prevention, and treatment of sexually-transmitted diseases, as essential ingredients in a comprehensive school health education curriculum. As required by State law, the curriculum ~~shall also~~ also shall include the teaching of abstinence.

The Corporation shall make available for inspection by the parent of a student any instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality. Before providing instruction on human sexuality, the Corporation shall comply with State law requirements to provide a written request for consent of instruction to a parent of a student or the student, if the student is an adult or an emancipated minor.

The Superintendent shall prepare administrative guidelines to implement these curriculum components.

I.C. ~~20-34-3-7, 20-30-5-13~~

I.C. 20-30-5-12, 20-30-5-13, 20-30-5-17

**NEW POLICY – VOL. 31, NO. 1**

**DYSLEXIA SCREENING AND INTERVENTION**

The School Corporation shall provide dyslexia screening and intervention as required by State law. The following procedures shall be utilized in complying with State law.

Screening Process:

The Corporation's reading plan developed under 511 IAC 6.2-3.1 shall include indicators to screen for risk factors of dyslexia, using a screening tool approved by the Indiana Department of Education that screens for characteristics of dyslexia. The mandatory universal screener approved by the IDOE that includes indicators for dyslexia shall be reported in the Corporation's kindergarten through grade 2 reading plan. Until the IDOE approves the mandatory universal screener, the School Board directs the Superintendent to develop and utilize an appropriate screener that includes indicators for dyslexia which shall include, as developmentally appropriate, the following:

- A. Phonological and phonemic awareness
- B. Sound symbol recognition
- C. Alphabet knowledge
- D. Decoding skills
- E. Rapid naming skills
- F. Encoding skills

Students shall be screened for risk factors for dyslexia using the aforementioned screening tool:

- A. in kindergarten, grade 1, and grade 2;
- B. when a student in kindergarten through grade 2:
  - 1. transfers to a new school; and
  - 2. has not been screened previously during the school year;
- C. when a student in grade 3 or higher has difficulty, as noted by a classroom teacher, in:
  - 1. phonological and phonemic awareness;
  - 2. sound symbol recognition;
  - 3. alphabet knowledge;
  - 4. decoding skills;
  - 5. rapid naming skills; and
  - 6. encoding skills;
- D. when a student from another state enrolls for the first time in kindergarten through grade 2 in Indiana unless the student presents documentation that the student:
  - 1. had the dyslexia screening or a similar screening during the school year; or
  - 2. is exempt from screening.

If a student is determined to be at risk, or at some risk, for dyslexia after this screening, the Corporation shall administer a level I dyslexia screening of the student, as defined below. If the Corporation determines that a level II dyslexia screening should be administered, the Corporation may administer a level II dyslexia screening to the student, as defined below. A level II dyslexia screening shall be completed consistent with the Indiana dyslexia resource guide developed by the IDOE.

The level I dyslexia screening and the level II dyslexia screening of a student must include the following components, as developmentally appropriate:

- A. Phonological and phonemic awareness.
- B. Sound symbol recognition.
- C. Alphabet knowledge.
- D. Decoding skills.
- E. Rapid naming skills.
- F. Encoding skills.

If a universal screener, level I dyslexia screening, or level II dyslexia screening indicates that a student has characteristics of dyslexia, the Corporation shall use the response to intervention process to address the needs of the student.

Exceptions:

The Corporation is not required to administer a universal screener to a student if:

- A. the parent of the student objects to the screening; or
- B. the student is receiving intervention services for dyslexia.

Before the Corporation administers a level I dyslexia screening or level II dyslexia screening to a student, the parent of the student must consent to the screening.

If a parent objects to an initial dyslexia screening or does not consent to a level I dyslexia screening or level II dyslexia screening, the Corporation may not administer the initial dyslexia screening, level I dyslexia screening, or level II dyslexia screening, whichever is applicable, to the student.

Notification and Services:

If a student's performance on an initial dyslexia screening, level I dyslexia screening, or level II dyslexia screening indicates a need for dyslexia intervention services, the Corporation shall:

- A. Notify the student's parent of the results of the dyslexia screening.
- B. Provide the student's parent with information and resource material that includes the following:
  1. Characteristics of dyslexia.
  2. Appropriate classroom interventions and accommodations for students with dyslexia.
  3. A statement that the parent may elect to have the student receive an educational evaluation by the school.

Instructional Approaches:

If a student's level I dyslexia screening or level II dyslexia screening indicates the need for dyslexia intervention services for the student, the dyslexia intervention may include:

- A. explicit, direct instruction that is systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the student without presuming prior skills or knowledge of the student;

- B. individualized instruction to meet the specific needs of the student in a setting that uses intensive, highly concentrated instruction methods and materials that maximize student engagement;
- C. meaning based instruction directed at purposeful reading and writing with an emphasis on comprehension and composition;
- D. instruction that incorporates the simultaneous use of two or more sensory pathways during teacher presentations and student practice; and
- E. other instructional approaches as determined appropriate by the Corporation.

Reporting:

In accordance with the Corporation's reading plan developed under 511 IAC 6.2-3.1, the Superintendent shall report annually to the IDOE the number of students who were:

- A. administered an initial dyslexia screening during the school year; and
- B. determined to be at risk, or at some risk, for dyslexia.

Before July 15, 2019, and before July 15 of each year thereafter, the Corporation shall report on its Internet website the following information:

- A. The dyslexia intervention programs that were used during the previous school year to assist students with dyslexia.
- B. The number of students during the previous school year who received dyslexia intervention under this article.
- C. The total number of students identified with dyslexia during the previous school year.

Reading Specialist Trained in Dyslexia:

Not later than the 2019-2020 school year, the Corporation shall employ at least one individual to serve as an authorized reading specialist trained in dyslexia. The Corporation may enter into an agreement with a service provider or another school corporation or charter school to obtain or share services provided by an authorized reading specialist trained in dyslexia.

The Corporation may petition the state superintendent of public instruction, or the superintendent's designee, for a waiver necessary to hire an individual that does not meet the training requirements established by the IDOE to be an authorized reading specialist trained in dyslexia. The written petition must be submitted to the IDOE on a form and in a manner prescribed by the IDOE and must specify the reasons the Corporation is seeking the waiver. A waiver may be sought if:

- A. the individual is unable to meet the training requirements to become an authorized reading specialist trained in dyslexia within the required time period; or
- B. an authorized reading specialist trained in dyslexia leaves the specialist's position with the Corporation and the Corporation is not able to timely employ or designate another authorized reading specialist trained in dyslexia.

Definitions:

"Authorized reading specialist trained in dyslexia" means an employee of a school corporation or public school, including a charter school, who has successfully completed training in a dyslexia program approved by the IDOE. The term includes:

- A. a reading specialist trained in dyslexia;
- B. a teacher who has successfully completed the training in a dyslexia program approved by the IDOE; and
- C. a tutor or paraprofessional working under the supervision of a teacher described in section (2) above.

"Dyslexia program" means explicit, direct instruction that is:

- A. systematic, sequential, and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of a student without presuming prior skills or knowledge of the student;
- B. research based; and
- C. offered in a setting to teach a student the components of reading instruction, including:
  - 1. phonemic awareness to enable a student to detect, segment, blend, and manipulate sounds in spoken language;
  - 2. graphophonemic knowledge for teaching the letter sound plan of English;
  - 3. the structure of the English language that includes morphology, semantics, syntax, and pragmatics;
  - 4. linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and
  - 5. strategies that a student uses for decoding, encoding, word recognition, fluency, and comprehension.

"Level I dyslexia screening" means a process, as determined by the Corporation, for gathering additional information to determine if characteristics of dyslexia are present.

"Level II dyslexia screening" means a detailed process, as determined by the Corporation, for identifying a pattern of strengths and weaknesses documenting the characteristics of dyslexia and includes the administration of diagnostic tools designed to measure the underlying cause, characteristics, and outcomes to identify the characteristics of dyslexia.

"Reading specialist trained in dyslexia" means a professional who:

- A. has expertise in and either has or is working toward an endorsement or certification, as determined by the IDOE, in providing training for:
  - 1. phonological and phonemic awareness;
  - 2. sound and symbol relationships;
  - 3. alphabet knowledge;
  - 4. decoding skills;
  - 5. rapid naming skills; and
  - 6. encoding skills;
- B. is fluent in the response to intervention process; and
- C. has been trained in the identification of and intervention for dyslexia.

"Universal screener" means a diagnostic assessment used to aid educators in understanding the causes for student performance, learning strengths, and the needs that underlie student performance. The diagnostic assessment is conducted to identify or predict students who may be at risk for poor learning outcomes and is typically brief and conducted with all students at a particular grade level.

I.C. 20-35.5-1-1 et seq.

ANNUAL PERFORMANCE REPORT

Each year, not earlier than March 15<sup>th</sup> or later than March 31<sup>st</sup> the School Board shall publish a performance report for presentation to the public and may make it available on the School Corporation's Internet web site. It also shall ~~also~~ provide a copy of the report free of charge to any person who requests it.

The report which is prepared by the Indiana Department of Education (IDOE) may contain information which is outlined in I.C. 20-20-8-8 and I.C. 20-42.5-3-5, including:

- A. student enrollment;
- B. graduation rate as defined in State law and the graduation rate excluding students that receive a graduation waiver under I.C. 20-32-4-4 or I.C. 20-32-4-4.1;
- C. attendance rate;
- D. the following test scores, including the number and percentage of students meeting academic standards: all State standardized assessment scores; scores for assessments under I.C. 20-32-5-21, if appropriate; for a freeway school, scores on a locally adopted assessment program, if appropriate;
- E. average class size;
- F. the school's performance category or designation of school improvement assigned under I.C. 20-31-8;

- G. ~~the number and percentage of students in alternative education (if offered), career and technical education, special education, high ability, remediation; limited English language proficiency; students receiving free or reduced price lunch under the national school lunch program, school flex program (if offered); the number and percentage of students in the following groups or programs: alternative education (if offered); career and technical education; special education; high ability; remediation; limited English language proficiency, students receiving free or reduced price lunch under the national school lunch program or school flex program (if offered); and students in foster care;~~
- H.
  1. for advanced placement tests, the percentage of students scoring three (3), four (4), or five (5), and the percentage taking the test;
  2. test scores of all students taking the Scholastic Aptitude Test; test scores for students completing the Indiana diploma with a Core 40 with academic honors diploma designation program; and the percentage of students taking the test;
- I. course completion, including the number and percentage of students completing the academic honors ~~diploma curriculum~~, the Core 40 curriculum, and career and technical programs;
- J. the percentage of grade eight (8) students enrolled in algebra 1;
- K. the percentage of graduates considered college and career ready in a manner prescribed by the State Board;
- L. school safety, including the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons, and the number of incidents of a school employee being a victim of threat, intimidation, battery or harassment which were filed with a law enforcement agency (I.C. 20-33-9), ~~and the number of bullying incidents reported under I.C. 20-34-6 by category;~~

- M. financial information and various school cost factors including expenditures per student, average teacher salary, and remediation funding;
- N. interdistrict and intradistrict student mobility rates if that information is available;
- O. the number and percentage of teachers who are certificated employees; the number and percentage of teachers who teach the subject area for which the teacher is certified and holds a license; the number and percentage of teachers with national board certification;
- P. the percentage of grade 3 students reading at grade 3 level;
- Q. the number of students expelled, including the number participating in other recognized education programs during their expulsion, and the percentage of students expelled disaggregated by race, grade, gender, free or reduced lunch status, ~~and~~ eligibility for special education, and students in foster care;
- R. chronic absenteeism, which includes the number of students who have been absent for ten percent (10%) or more of a school year for any reason; and habitual truancy, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused or without being absent under a parental request that has been filed with the school;
- S. the number of students who have dropped out of school, including the reasons for dropping out, and the percentage of students who have dropped out disaggregated by race, grade, gender, free or reduced lunch status, ~~and~~ eligibility for special education, and students in foster care;
- T. the number of out of school suspensions assigned, including the percentage of students suspended disaggregated by race, grade, gender, free or reduced lunch status, ~~and~~ eligibility for special education, and students in foster care;

- U. the number of in school suspensions assigned, including the percentage of students suspended disaggregated by race, grade, gender, free or reduced lunch status, ~~and~~ eligibility for special education, and students in foster care;
- V. the number of student work permits revoked;
- W. the number of students receiving an international baccalaureate diploma;
- X. the percentage of expenditures for student academic achievement, student instructional support, overhead/operational expenses, and non-operational expenses, ~~whether the Corporation met the goals established for the previous school year under I.C. 20-42.5-3-6, and the trend line for each of the categories of expenditures during the previous school year, and the goals established under I.C. 20-42.5-3-6 for the current school year~~;
- Y. the number of instances in which either seclusion or restraint is used, including any seclusion or restraint implemented by a school resource officer;
- Z. other indicators of performance as recommended by the education roundtable.

The information concerning each of these benchmarks will relate to the preceding three (3) years of operation and will provide a comparison of graduation rates, attendance rates and ~~ISTEP+/GQE~~ test scores from the applicable State-mandated test(s) with the Corporation's performance-based accreditation status.

~~**[YOU MUST CHOOSE THE FOLLOWING OPTION IF THE CORPORATION IS LOCATED IN A COUNTY HAVING A CONSOLIDATED CITY:]**~~

~~**[ ]** The information reported in Sections A – Y above must be disaggregated by race, grade, gender, free or reduced lunch status, and eligibility for special education, and students in foster care and must be made available on the internet in a separate report.~~

~~**[END OF OPTION]**~~

In addition, to the above-described benchmarks, the report may provide information on:

- results of nationally recognized assessments of students under programs other than the ~~ISTEP program applicable State-mandated test(s)~~ which a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are tested under the ~~ISTEP program applicable State-mandated test(s)~~;
  - results of assessments of students under programs other than the ~~ISTEP program applicable State-mandated test(s)~~ that a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are not tested under the ~~ISTEP program applicable State-mandated test(s)~~;
  - the number and types of staff development programs;
  - the number and types of partnerships with the community, businesses, or higher education;
  - levels of parental participation.
- The Board may provide for a public hearing, within sixty (60) days of publication of the report, at a designated Corporation facility for the purpose of presenting the report to the public and discussing its contents.
- This hearing may be done at a regularly-scheduled Board meeting.

The Superintendent shall ensure that a copy of the published report is submitted to the State Department of Education and is published prominently on the Corporation's website.

**ADDITIONAL REPORT REQUIREMENTS FOR TITLE I PURPOSES**

In any year that the Corporation receives Title I funding, its annual report must also include the following information:

- A. number and percentage of schools identified for school improvement and how long they have been in that category
- B. a comparison of the achievement by the Corporation's students on the statewide academic assessment to the achievement of students in the State as a whole
- C. for each school:
  - 1. whether it has been identified for school improvement, and
  - 2. comparison of the school's student achievement on the statewide achievement assessments and other adequate yearly progress indicators to those students in the Corporation and the State as a whole

This information must be disseminated annually, not later than the beginning of the school year, to all buildings and all parents, and the Corporation must make the information widely available to the public through such means as posting on the Internet and distribution to local media and public agencies. Distribution to parents should be in an understandable format and in a language that parents can understand. This report to parents may be included with the student report cards at the end of the year, if all students receive report cards.

In any year that the Corporation receives Title I funding, its annual report also must meet the following requirements:

Reports must be concise and presented in an understandable and uniform format that is developed in consultation with parents and accessible to persons with disabilities and, to the extent practicable, in a language that parents can understand. [Drafting Note: The Corporation must make the report meaningfully accessible to parents and stakeholders who are limited English proficient.]

The report must include: 1) an overview section; and 2) a detail section. Reports must begin with a clearly labeled overview section that is prominently displayed. The overview section of Corporation reports must include information on key metrics of State, Corporation, and school performance and progress and is intended to help parents and other stakeholders quickly access and understand such information and provide context for the complete set of data included in the report.

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The overview section of the annual report must include, for the Corporation as a whole and each school, if appropriate, the following information:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the Corporation compares to the State as a whole and, for each school in the Corporation, how that school compares to the Corporation and the State as a whole;
- B. English language proficiency of English learners (i.e., the number and percentage of English learners achieving English language proficiency as measured by the State's English proficiency assessment);
- C. performance on each measure within the Academic Progress indicator used by the State for elementary schools and secondary schools that are not high schools;
- D. high school graduation rates, including the four (4) year adjusted cohort and the extended-year adjusted cohort;
- E. performance on other indicators of school quality or student success used by the State;
- F. school identifying information, including, at a minimum, the name, address, phone number, email, student membership count, and Title I participation status;

- G. summative determination for each school;
- H. whether the school was identified for comprehensive support and improvement or targeted support and improvement, and the reason(s) for such identification.

The overview section must include disaggregated data for specific student subgroups as required by the United States Department of Education (e.g., each major racial and ethnic group; children with disabilities; English learners; and economically disadvantaged students).

Report cards must include student achievement data overall and by grade, including the percentage of students at each level of achievement as determined by the State for all students and disaggregated by each major racial and ethnic group, gender, disability status, migrant status, English proficiency status, status as economically disadvantaged, status as a homeless student/youth, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces on active duty (which includes full-time National Guard duty). Data for these subgroups must be included in the detail section of report cards if it is not included in the overview section.

The detail section of the Corporation report card must include the remaining information required in the statute and applicable regulations. The Corporation need not include information in the detail section of the report if it includes such information in the overview section. The annual report detail section must include, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the Corporation compares to the State as a whole and, for each school in the Corporation, how that school compares to the Corporation and the State as a whole;
- B. percentages of students assessed and not assessed in each subject (i.e. participation rates on required assessments);

- C. the extent alternate assessments aligned with alternate academic achievements standards were used for students with the most significant cognitive disabilities (i.e., the number and percentage of students assessed using alternate academic achievement standards, by grade and subject);
- D. as applicable, number and percentage of recently arrived English learners exempted from one administration of the reading/language arts assessments or whose results are excluded from certain State indicators;
- E. high school graduation rates, including the four (4)-year adjusted cohort, and the extended-year adjusted cohort;
- F. postsecondary enrollment rates for each high school;
- G. information collected and reported in compliance with the Civil Rights Data Collection (CRDC) under 20 U.S.C. 3413(c)(1), including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (excused and unexcused), incidences of violence (including bullying and harassment) and the number and percentage of students enrolled in preschool programs and accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment programs;
- H. progress toward State-designed long-term goals for academic achievement, graduation rates, and English learners achieving English language proficiency (including measurements of interim progress);
- I. level of performance on each indicator included in State accountability system including, as applicable, results on each individual measure within each indicator not already included in the school overview section;

J. information on educator qualifications, including the number and percentage of inexperienced teachers, principals and other school leaders, teachers teaching with emergency or provisional credentials, and teachers who are not teaching in the subject or field for which the teacher is certified or licensed;

K. information on per-pupil expenditures (i.e., actual personnel and actual non-personnel for the Corporation as a whole and each school);

**[Note: The Corporation and school report cards must include per-pupil expenditures of Federal and State/local funds, disaggregated by source of funds; Corporation expenditures not allocated to public schools; and the web address to the procedures for calculation.]**

L. results on State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress compared to the national average of such results;

M. description and results of State accountability system (the Corporation may provide the web address or URL of, or a direct link to, a State plan or other location on the State Department of Education's website to meet this requirement);

N. additional information best-suited to convey the progress of each school;

**[Note: Corporation report cards must include the following NAEP data: 1) the percentage of students at each NAEP achievement level (below basic, basic, proficient, and advanced) in the aggregate; 2) participation rate for students with disabilities; and 3) participation rate for English learners.]**

O. other information as required by the State Department of Education.

When presenting data on a report card, the Corporation shall protect the privacy of individuals and the privacy of personally identifiable information contained in students' education records in accordance with the Family Educational Rights and Privacy Act (FERPA).

The Corporation's annual report card information must be made publicly available through such means as posting on the Corporation's website and distribution to local media and public agencies. **[Note: If the Corporation does not operate a website, the Corporation must make the report available to the public in another manner determined by the Board.]**

The Board will provide the school level overview directly to all parents in each school served by the Corporation annually. **[Note: The Corporation may send the report card overview to the parents of students enrolled in each school in the Corporation directly through the U.S. mail, via email, or through other means such as sending the report card overview home to parents in the child's backpack or distribute the report card during parent-teacher conferences.]**

The data from the local report card is to be used by each of the schools and the Corporation as a whole in revising and upgrading school and Corporation improvement plans.

I.C. 20-20-8-3, -4, -5, -6, -8

I.C. 20-26-13-6

I.C. 20-42.4-3-4, -5, -6

513 IAC 1-2-7(e)

20 U.S.C. 6311

I.C. 20-20-8-3, -4, -5, -6, -8

I.C. 20-26-13-6

I.C. 20-42.4-3-4, -5

513 IAC 1-2-7(e)

20 U.S.C. 6311-6314, Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act

34 C.F.R. Part 200

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**REVISED POLICY – VOL. 30, NO. 2**

**EMPLOYMENT OF SUBSTITUTES**

The Board recognizes the need to procure the services of substitute teachers in order to continue the operation of the schools as a result of the absence of regular personnel.

The Superintendent shall employ substitute teachers as services are required to replace temporarily-absent regular staff members. Such assignment of substitute teachers may be terminated when their services are no longer required. ~~The Corporation shall not employ persons holding a substitute teacher permit/license when licensed teachers are available.~~

~~Substitute teachers must possess a valid Indiana substitute teacher permit/license kept on file in the Office of the Superintendent or hold a valid Indiana initial practitioner, proficient practitioner, or accomplished practitioner license, emergency permit, visiting teacher permit, or transition to teaching permit, which shall be kept on file in the Office of the Superintendent.~~

Substitute teachers must possess a valid Indiana substitute teacher permit obtained through the Indiana Department of Education (IDOE) with a copy kept on file in the Office of the Superintendent or hold a valid Indiana professional, provisional, limited, or an equivalent license issued by the IDOE, a copy of which shall be kept on file in the Office of the Superintendent.

**[X]** Substitute teachers must meet the minimum requirements established by the IDOE to obtain a substitute teacher permit are:

- A. hold a high school diploma, and
- B. be eighteen (18) years of age or older.

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~~In order to obtain proper licensure for substitute teaching, the Superintendent shall submit, on a yearly basis, to the Indiana Department of Education a substitute plan consisting of the following elements, at a minimum:~~

- ~~A. the Corporation's requirements for a substitute permit;~~
- ~~B. the minimum of a high school diploma earned from an accredited school;~~
- ~~C. a plan for reciprocity with other Indiana corporations providing for their utilization of substitute teachers who were licensed by the Corporation submitting the plan, if applicable;~~
- ~~D. training and mentoring procedures for first year substitute teachers; and~~
- ~~E. any additional documentation, as may be required by the Indiana Department of Education.~~

~~Any changes to the substitute plan shall be submitted to the Indiana Department of Education at least thirty (30) days prior to the implementation of any changes to the plan. The Superintendent shall sign and submit a completed application form for a substitute teacher permit approved by the Indiana Department of Education and a nonrefundable fee in the form of a cashier's check, certified check, or money order in the amount required under 515 IAC 9-1-31 to the Indiana Department of Education for each substitute teacher not otherwise licensed as provided herein.~~

~~This licensure requirement applies to all substitute teachers. Provided, however, that any person who holds a valid Indiana initial practitioner, proficient practitioner, or accomplished practitioner license, emergency permit, visiting teacher permit, or transition to teaching permit may serve as a substitute teacher without first obtaining a substitute permit/license.~~

Substitute teachers will be paid according to the Board adopted pay schedule and any revisions thereto.

~~[ ] The Superintendent will recommend annually a pay schedule for substitute teachers.~~

An individual who holds a professional license, provisional license, limited license, or an equivalent license issued by the Indiana Department of Education and serves as an occasional substitute teacher shall be compensated on the Corporation's substitute teacher pay schedule. Provided, however, that an individual who holds a professional license or provisional license and serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days shall be compensated on the regular pay schedule for Corporation teachers.

A substitute teacher may be employed without a written contract.

**X.1** The Superintendent may recommend that the Board approve a contract with a vendor to provide substitute teachers to work in the Corporation as long as the substitutes provided meet the provisions of this policy and AG 3120.04.

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~~I.C. 20-18-2-22, 20-28-5-2, 20-28-5-3, 20-28-9-6,  
I.C. 20-28-9-7, 20-28-9-8  
515 I.A.C. 5-1-1, 515 I.A.C. 5-1-2, 515 I.A.C. 5-1-3, 515 I.A.C. 5-1-4  
I.C. 20-28-5-2, 20-28-5-3  
I.C. 20-28-9-6, 20-28-9-7, 20-28-9-8~~

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**REVISED POLICY – VOL. 31, NO. 1**

**EMPLOYMENT OF CASUAL RESOURCE PERSONNEL**

It is the purpose of this policy to allow the casual employment of personnel in a consulting capacity for administration, in-service, or instruction.

In the general fund operations and education funds of the School Board, money is appropriated annually for special services. This might include resource persons in specialized fields of education that could offer consulting advice on the administration or instructional processes. The Superintendent shall negotiate a reasonable payment with the resource person.

Specialists from industry, business, agriculture, or health occupation fields may be employed in a consulting capacity to assist with program planning, in-services, or directly in the instructional program. Professional staff members employed by the School Corporation may be used as casual resource personnel, outside of their regular assignment, at the discretion of the Superintendent.

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

**EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES**

The School Board may find it necessary to employ members of the professional staff as coaches or activity sponsors.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

The Board requires that:

- A. Prior to coaching football to students who are less than twenty (20) years of age, all head and assistant football coaches shall complete a certified coaching education course approved by the Indiana Department of Education not less than once during a two (2)-year period that:
  1. is sport specific;
  2. contains player safety content, including content on:
    - a. concussion awareness;
    - b. equipment fitting;
    - c. heat emergency preparedness; and
    - d. proper technique;
  3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
  4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the School Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

- B. After June 30, 2017, prior to coaching students in grades 5 - 12, all head and assistant coaches of interscholastic sports other than football, including cheerleading, shall complete a certified coaching education course approved by the Indiana Department of Education at least once during a two (2)-year period that:
1. contains player safety content on concussion awareness;
  2. [after December 31, 2018, includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;](#)
  - ~~2.3.~~ requires a coach to complete a test demonstrating comprehension of the content of the course; and
  - ~~3.4.~~ awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

- C. A head or assistant coach of an intramural sport other than football who is coaching students in grades 5 - 12 may elect to complete the above-referenced certified coaching education course. If compliance with I.C. 20-34-7 is required by the coaching certification requirements for the intramural sport that the head or assistant coach is coaching, the coach shall complete the above-referenced certified coaching education course.

**~~[THE FOLLOWING TRAINING IS OPTIONAL; CHOOSE THE OPTIONS THAT THE BOARD WISHES TO INCLUDE IN THE POLICY]~~**

Additionally, the Board requires that:

All head and assistant coaches of students of any age participating in interscholastic or intramural sports other than football, including the cheerleading, shall complete a certified coaching education course approved by the State Department of Education at least once during a two (2)-year period that:

1. contains player safety content on concussion awareness;
2. includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;
- ~~2.3.~~ requires a coach to complete a test demonstrating comprehension of the content of the course; and
- ~~3.4.~~ awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

All coaches  and athletic activity sponsors ~~[END OF OPTION]~~ of interscholastic or intramural sports for students of any age shall receive training about  concussions  ~~and~~ sudden cardiac arrest  and heat-related medical issues ~~[END OF OPTION]~~ at least once during a two (2)-year period.

- [X]** All coaches (**X**) and athletic activity sponsors ~~[END OF OPTION]~~, other than football coaches, shall be required to complete a coaching education course that contains player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique. The course must be completed prior to coaching or serving as an athletic activity sponsor. Each coach (**X**) and athletic activity sponsor ~~[END OF OPTION]~~ must complete a course not less than once during a two (2)-year period.

**[END OF OPTIONS]**

The Superintendent shall require that each person employed as a coach or athletic activity sponsor is qualified, has cleared a background check required by State law and Policy 3121 or Policy 8120, and has received the training required by State law and this policy.

I.C. 20-34-7  
I.C. 20-34-8

**REVISED POLICY – VOL. 31, NO. 1**

**PERSONAL BACKGROUND CHECKS, REFERENCES,  
AND MANDATORY REPORTING OF CONVICTIONS AND  
SUBSTANTIATED CHILD ABUSE (X ) AND ARRESTS**

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the School Corporation's professional staff. Such an inquiry shall also be made for all substitutes.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as a professional staff member which shall include the following:

- A. an expanded criminal history check as defined by I.C. 20-26-2-1.5
- B. an Indiana expanded child protection index check as defined by I.C. 20-26-2-1.3
- (X) an expanded child protection index check in other states
- C. a search of the national sex offender registry maintained by the United States Department of Justice
- D. beginning July 1, 2017, a search of the State child abuse registry
- E. telephone inquiry with former employer(s)
- F. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- G. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1
- (+) fingerprint check

- a detailed background history including all prior employment and volunteer positions
- an Indiana Bureau of Motor Vehicles driver history if the position involves driving

The Board requires that an expanded criminal history check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of his/her employment before or not later than thirty (30) days after the start of the applicant's employment by the Corporation.

The Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of his/her employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation. ~~An expanded child protection index check shall include inquiries to each state in which information necessary to complete the expanded child protection index check is available.~~

The Board requires that all references and, if applicable, the most recent employer provided by an applicant be contacted before the Corporation may hire the applicant.

The Board shall deny employment to a person who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c), unless the conviction has been reversed, vacated, or set aside on appeal.

The Board may deny employment to an applicant who is the subject of a substantiated report of abuse or neglect.

Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.

~~(+) or employ the applicant as a substitute.~~

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee.

**[SELECT ONE OF THE FOLLOWING OPTIONS]**

**[OPTION 1]**

Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the applicant.

**[END OPTION 1]**

**[OPTION 2]**

~~The Corporation shall pay the costs associated with conducting the expanded criminal history check and obtaining the expanded child protection index check for applicants.~~

**[END OF OPTION 2]**

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

**[OPTIONAL]**

~~[ ] In implementing this requirement, the Corporation shall conduct the updated expanded criminal history checks for Corporation employees over a period not to exceed        **[maximum is 5]** years by annually conducting updated expanded criminal history checks for at least        **[minimum is 1/5]** of employees who are employed by the Corporation on July 1, 2017.~~

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**[SELECT ONE (1) OF THE FOLLOWING OPTIONS]**

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**[OPTION 1]**

~~[ ] Any costs associated with obtaining the expanded criminal history check are to be borne by the employee unless otherwise agreed upon through an agreement reached following negotiations with the exclusive representative of the employees.~~

**[END OPTION 1]**

**[OPTION 2]**

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

**[END OPTION 2]**

**[OPTIONAL]**

~~[ ] The Board requires that an expanded child protection index check be obtained for each Corporation employee every five (5) years. The Corporation shall pay the costs associated with obtaining the expanded child protection index check for employees.~~

~~{ } In implementing this requirement, the Corporation shall obtain the updated expanded child protection index checks for Corporation employees over a period not to exceed      [maximum is 5] years by annually obtaining updated child protection index checks for at least      [minimum is 1/5] of employees who are employed by the Corporation on July 1, 2017.~~

**[END OF OPTIONS]**

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the applicant or employee:

- A. is the subject of a substantiated report of child abuse or neglect or
- B. has been charged with or convicted of one (1) of the following crimes:
  - 1. Murder (I.C. 35-42-1-1).
  - 2. Causing suicide (I.C. 35-42-1-2).
  - 3. Assisting suicide (I.C. 35-42-1-2.5).
  - 4. Voluntary manslaughter (I.C. 35-42-1-3).
  - 5. Reckless homicide (I.C. 35-42-1-5).
  - 6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 7. Aggravated battery (I.C. 35-42-2-1.5).
  - 8. Kidnapping (I.C. 35-42-3-2).
  - 9. Criminal confinement (I.C. 35-42-3-3).

10. A sex offense under I.C. 35-42-4.
11. Carjacking (I.C. 35-42-5-2) (before its repeal).
12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
13. Incest (I.C. 35-46-1-3).
14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
15. Child selling (I.C. 35-46-1-4(d)).
16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.
22. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

During the course of his/her employment with the Corporation, each professional employee and substitute teacher shall be required to report the

- (x) arrest or the filing of criminal charges against the employee; and
- A. conviction of the employee for a crime; and
- B. substantiated report of child abuse or neglect of which the employee is the subject

to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction or substantiated report of child abuse or neglect and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the employee who was convicted or the subject of a substantiated report of child abuse or neglect.

- I.C. 5-2-22
- I.C. 10-13-3
- I.C. 20-26-2-1.3
- I.C. 20-26-2-1.5
- I.C. 20-26-5-10, -10.5, -11 and -11.5
- I.C. 20-28-5-8

**NONDISCRIMINATION AND**  
**EQUAL EMPLOYMENT OPPORTUNITY**

The School Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment.

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The compliance officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Corporation's collectively bargained contracts dealing with hiring, promotion, and tenure should contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender specific terms should be eliminated from such contracts.

**Compliance Officer(s)**

The following person(s) is/are designated as the Corporation's compliance officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Corporation and address any complaint of discrimination:

Director of Curriculum, Instruction and Assessment or  
Director of Business Operations

315 South Harrison Drive, Corydon, Indiana 47112

Phone: 812-738-2168 Fax: 812-738-2158

Email: nondiscrimination@shcsc.k12.in.us

Name and Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Email address \_\_\_\_\_

Name and Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Email address \_\_\_\_\_

**Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a

**BOARD OF SCHOOL TRUSTEES**

PROFESSIONAL STAFF

**SOUTH HARRISON COMMUNITY**

**SCHOOL CORPORATION** 3122/page 3 of 3

complaint shall file it with a compliance officer

within two (2) business days.

within \_\_\_\_\_ ( ) business days.

Employees who believe they have been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Corporation and/or a concurrent criminal complaint will not adversely affect the complaining individual's employment status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The compliance officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The compliance officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints that are initially filed with a school building administrator, supervisor or other Corporation-level official. Upon receipt of a complaint, either directly or through a school building administrator, supervisor or other Corporation-level official, a compliance officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The compliance officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the compliance officer will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the compliance officer

within two (2) business days

within \_\_\_\_\_ ( ) business days

of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the compliance officers within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the compliance officer or designee must contact the employee within two (2) business days to advise him/her of the Corporation's intent to investigate the wrongdoing.

### **Complaint Procedures**

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in employment.

In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Corporation.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee or unsuccessful applicant for employment who believes s/he has been unlawfully discriminated or retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees, or unsuccessful applicants for employment, who believe that they have been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The compliance officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the compliance officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to the compliance officer(s); and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to the compliance officer(s) who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 3122 Nondiscrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the compliance officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the compliance officer or designee will exercise his/her authority to attempt to resolve all informal complaints

~~( ) within fifteen (15) business days of receiving the informal complaint.~~

**(x)** within twenty (20) ~~( )~~ business days of receiving the informal complaint.

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

The compliance officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310)

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the compliance officer(s), Superintendent, or other Corporation-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs.

If a Complainant informs an administrator, supervisor, Superintendent, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee who is informed of the complaint must report such information to the compliance officer

within two (2) business days.

~~within \_\_\_\_\_ ( ) business days.~~

Throughout the course of the process, the compliance officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the compliance officer shall ask for such details in an oral interview. Thereafter, the compliance officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the compliance officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the compliance officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the compliance officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint,

Within \_\_\_\_\_ (\_\_\_\_) business days of receiving the complaint,

the compliance officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the compliance officer, or a designee, will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Nondiscrimination. The Respondent also must be informed of the opportunity to submit a written response to the complaint

within five (5) business days.

within \_\_\_\_\_ (\_\_\_\_) business days.

Although certain cases may require additional time, the compliance officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation

~~( )~~ within fifteen (15) business days of receiving the formal complaint.

**(x)** within twenty (20) ~~( )~~ business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the compliance officer, or the designee, shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

**(x)** The compliance officer, or the designee, should consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the compliance officer or the designee, the Superintendent must either issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must delineate the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board

within five (5) business days of his/her receipt of the Superintendent's decision.

~~within \_\_\_\_\_ ( ) business days of his/her receipt of the Superintendent's decision.~~

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

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee or unsuccessful applicant for employment alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

### **Privacy/Confidentiality**

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

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

During the course of a formal investigation, the compliance officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~In accordance with the Board's records retention policy, the compliance officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310 - Public Records)~~

### **Remedial Action, Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment by taking appropriate action reasonably calculated to stop and prevent further misconduct.

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

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

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

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

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

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

### **Retaliation**

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

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

### **Training**

The compliance officers also will oversee the training of Corporation employees so that all employees understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

## **Notice**

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the Corporation and published in any Corporation statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-1

I.C. 20-33-1-6

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

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

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

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

29 U.S.C. 6101, The Age Discrimination in Employment Act of 1975

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 2008

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

29 C.F.R. Part 1635

**REVISED POLICY – VOL. 30, NO. 2**

**REDUCTION IN FORCE (“RIF”) IN CERTIFICATED STAFF**

It is the responsibility of the School Board to employ and retain the certificated staff necessary for the effective and efficient implementation of its educational program and the safe operation of its schools.

The Board shall eliminate certificated positions and reduce the number of certificated staff when the Board finds that curricular changes, changes in enrollment, return to duty from leave of a certificated staff member, closing of schools, territorial changes, fiscal reasons, or other good cause warrants.

**[1] – [OPTIONAL]**

Consideration of Alternatives to RIF:

Prior to undertaking a RIF, the Board shall attempt to make adjustments in teaching through:

- A. Voluntary retirement
- B. Voluntary resignations
- C. Voluntary transfer of existing staff
- D. Leaves
- E. Cancellation of teachers’ contracts for other statutory reason(s)

**[END OF OPTION]**

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Discussion Prior to RIF:

Discussion shall be held with the exclusive representative of the Corporation's teachers prior to any RIF for the purpose of discussing any proposed reduction in the certificated staff.

Procedure for RIF:

As required by I.C. 20-28-7.5-1(d), once the positions to be eliminated are identified by the Board, the certificated staff members to be dismissed shall be identified on the basis of licensure and merit not years of service or seniority unless Indiana law dictates otherwise.

As used in this policy, "licensure" means the scope of the license issued by the Office of Educator Licensing and Development in the Indiana Department of Education, and "merit" means a performance category assigned to an educator pursuant to I.C. 20-28-11.5, i.e. "highly effective", "effective", "improvement necessary" or "ineffective". ~~Where two (2) certificated staff members are in the same performance category, the following factors may be considered to identify the staff member to be terminated: Where two (2) certificated staff members are in the same performance category and are required by law to be RIF'd based upon merit, one or more of the following factors may be considered to identify the staff member to be terminated:~~

- A. The academic needs of students in the Corporation.
- B. The results of an evaluation conducted under I.C. 20-28-11.5.
- C. The possession of either additional content area degrees beyond the requirements for employment; or additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under I.C. 20-29.

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- D. The assignment of instructional leadership roles, including the responsibility for conducting evaluations under I.C. 20-28-11.5.
- E. The number of years of a teacher's experience.

Certificated staff members selected to be terminated pursuant to this policy shall receive the initial notification of possible contract cancellation required by ~~I.C. 20-28-7.5-2(a)(2)~~ law between May 1st and July 1st preceding the proposed cancellation of their contract with the Board.

I.C. 20-28-7.5-1(d)

I.C. 20-28-7.5-2(a)(2)

I.C. 20-28-9-1.5(b)

I.C. 20-28-11.5

*Elliott v. Board of School Trustees of Madison Consolidated Schools, No. 16-4168 (7<sup>th</sup> Circuit Dec. 4, 2017)*

### STAFF DISCIPLINE

The School Board believes that standards of conduct for professional employees are necessary to provide students with a positive example of adult behavior and an orderly instructional environment. To this end, the Board has adopted a policy of progressive discipline to be applied except in cases of gross misconduct. In instances of gross misconduct, the purpose of this policy is to consider if the misconduct warrants suspension without pay or termination.

As used in this policy, “progressive discipline” means imposition of the least severe sanction that the Board determines, in its sole discretion, to be likely to prevent a recurrence of the offense. If the Board finds facts that support the use of progressive discipline, the Board may impose a penalty which may include, but not be limited to one or more of the following:

- A. Verbal counseling/oral warning in which a verbal conference between the employee and his/her supervisor is held.
- B. A written warning which is a formal notice of a performance problem or inability to follow established policy. This notice serves as a warning that continued infractions will not be tolerated and may result in recommendation for discharge.
- C. Probation for a period of time determined by the supervisor in connection with the written warning.
- ~~D. Administrative leave with pay.~~
- ~~E.~~D. Suspension without pay imposed in compliance with the applicable Indiana statutes.
- ~~F.~~E. Termination imposed in compliance with applicable Indiana statutes.

Exceptions to the principle of progressive discipline contained in this policy may be made in cases in which the Board finds that the interests of students and the school community make the application of the principle of progressive discipline inappropriate. Examples include, but are not limited to the following:

- A. Reporting for duty under the influence of an alcoholic beverage, an illegal drug, or a prescription drug used other than in accordance with a prescription.
- B. Possession or use of alcoholic beverages or drugs on school property or at an event sponsored by the Board.
- C. Willful refusal to follow established rules or standards for the conduct of a professional employee, i.e. insubordination.
- D. Theft, fraud, or another violation of criminal law.
- E. Arrest and subsequent conviction of a crime.
- F. Falsification or omission of a material fact in the application for employment by the Board.
- G. Threats of and/or acts of violence to a person or substantial property damage.
- H. Poor professional judgment resulting in a risk of physical harm to a person.
- I. Harassment in violation of Board policy on harassment.

In the event a professional staff member is recommended for suspension without pay or dismissal, the procedures required by Indiana law will be implemented.

Professional employees of the Board shall be paid on a “salary basis” and suspension of a professional employee without pay shall not negate the professional employee’s exemption from the Fair Labor Standards Act overtime provisions pursuant to 29 C.F.R. 541.303.

~~I.C. 20-28-6 and 7~~  
~~I.C. 20-28-9-21 through 23~~  
~~29 C.F.R. 541.303~~  
I.C. 20-28-6  
I.C. 20-28-7.5  
I.C. 20-28-9-21 and -22  
29 C.F.R. 541.303

SUSPENSION OF TEACHERS WITHOUT PAY

The School Board recognizes its obligation to maintain a working and learning environment that is conducive to the education of students and understands that at times there may be members of the teaching staff who fail to meet the expectation of serving as an exemplar for those students and/or fail to meet their professional responsibilities. In situations in which those charged with supervising professional staff members determine that a suspension of a teacher ~~is needed, whether as part of a system of progressive discipline or without pay is needed, whether as part of a system of progressive discipline or~~ for the benefit of students, colleagues, and/or the community, the administration ~~will shall~~ provide due process as required by Federal law ~~and, if a suspension without pay is sought, and~~ comply with the procedure established under State law for the suspension of teachers without pay.

It will be the responsibility of the Superintendent to establish administrative guidelines which ensure that the proper standards have been applied and the proper procedures have been followed when a principal makes a decision to suspend a teacher without pay.

In acting on a principal's preliminary determination that a teacher will be suspended without pay, the Board will be guided by the procedure set out in I.C. 20-28-9-22 and will proceed only for one or more of the reasons stated in I.C. 20-28-9-21.

I.C. 20-28-9-22

I.C. 20-28-9-21

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**NEW POLICY – VOL. 31, NO. 1**

**SUPPLEMENTAL PAYMENTS FOR TEACHERS**

The School Board authorizes the Superintendent to issue a supplemental payment in excess of the salary specified in the School Corporation's compensation plan to the following teachers:

- A teacher who teaches an advanced placement course or has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of a dual credit course; or another course taught by the teacher.
- A teacher who is a special education professional or who teaches in the areas of science, technology, engineering or mathematics.
- An elementary school teacher who earns a master's degree in math, reading, or literacy.

**Definitions:**

For purposes of this policy, the following definitions apply:

The term “teacher” means a professional person whose position with the Corporation requires a license (as defined in I.C. 20-28-1-7) and whose primary responsibility is the instruction of students.

The term "license" refers to a document issued by the Indiana Department of Education (“IDOE”) that grants permission to serve as a particular kind of teacher. The term includes any certificate or permit issued by the IDOE.

Discussion of Supplemental Payments:

A supplement provided under this policy is not subject to collective bargaining, but a discussion of the supplement must be held with the exclusive representative of the Corporation's teachers. Such a supplement is in addition to any salary increase permitted by I.C. 20-28-9-1.5(b).

I.C. 20-18-2-22

I.C. 20-28-1-7

I.C. 20-28-9-1.5

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**ANTI-HARASSMENT**

**General Policy Statement**

It is the policy of the Board of School Trustees to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all School Corporation operations, employment opportunities, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Corporation environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School Corporation community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment.

All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition above) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes or which is reported to the employee.

The Board will investigate all allegations of unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment and, in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

~~[ ] The Corporation will offer counseling services to any person found to have been subjected to unlawful harassment, and where appropriate, the person(s) who committed the unlawful harassment.~~

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

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

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

The Corporation also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

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

**Definitions**

**Bullying**

Bullying rises to the level of unlawful harassment (see definition on page 1) when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence;
- I. theft;
- J. sexual, religious, or racial harassment;

- K. public humiliation; or
- L. destruction of property.

In the bullying context, “harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

**Sexual Harassment**

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

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual’s employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual’s work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one’s ability to participate in or benefit from a class or an educational program or activity.

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

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

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. in the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- J. Inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- K. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the Corporation community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student (  ) may ~~(-) will [not recommended]~~ be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.

**Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

**Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

**National Origin Harassment**

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

**Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment also may include but is not limited to conduct directed at or pertaining to a person's genetic information.

**Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with the Corporation's Anti-Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

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

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

**Anti-Harassment Compliance Officers**

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

Director of Curriculum, Instruction and Assessment or Director of Business Operations

315 South Harrison Drive, Corydon, Indiana 47112

Phone: 812-738-2168 Fax: 812-738-2158

Email: anitharassment@shcsc.k12.in.us

_____ (Name)	_____ (Name)
_____ (School Corporation Title)	_____ (School Corporation Title)
_____ (Telephone Number)	_____ (Telephone Number)
_____ (Office Address)	_____ (Office Address)
_____ (E-mail Address)	_____ (E-mail Address)

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The names, titles, and contact information for the Compliance Officers will be published annually:

- in the student, parent, and staff handbooks.
- ~~in the School Corporation Annual Report to the public.~~
- on the School Corporation's web site.
- ~~on each individual school's web site.~~
- ~~in the School Corporation's calendar.~~
- \_\_\_\_\_.

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

Any Corporation employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within  two (2) ~~(1)~~ \_\_\_\_\_ ~~(1)~~ business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated.

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

All Corporation employees must report incidents of unlawful harassment (see definition on page 1) that are reported to them to the Compliance Officer within

two (2) business days

\_\_\_\_\_  business days

of learning of the incident.

**Investigation and Complaint Procedure (see Form 3362 F1)**

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

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within ~~(-) fifteen (15)~~  twenty (20) ~~(---)~~ business days of the complaint being received).

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

#### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1), and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully harassed or retaliated against in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Corporation community, or third parties who believe that they have been subjected to unlawful harassment (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

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

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

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

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

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

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

While there are no set time limits within which an informal complaint must be resolved, one of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within ~~( ) fifteen (15)~~ (x ) twenty (20) ~~( )~~ business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

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

**Formal Complaint Procedure**

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

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

An individual who believes s/he has been subjected to offensive conduct/unlawful harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Corporation-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other Corporation-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.

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

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

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

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

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

Contemporaneously, one of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent must also be informed of the opportunity to submit a written response to the complaint within  five (5) ~~( )~~ business days.

Although certain cases may require additional time, one of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

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

- (x) The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

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

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

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

**Privacy/Confidentiality**

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

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

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

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310—Public Records and/or Policy 8330—Student Records)~~

**Remedial Actions, Sanctions and Monitoring**

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

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

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

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

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

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

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

**Retaliation**

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

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

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

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

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services, Office of Child Protective Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Any reports made to the local Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

**Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee training of Corporation employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

**Notice**

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

I.C. 35-42-4-3, 35-42-4-8, 35-42-4-9  
20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)  
20 U.S.C. 1681 et seq., Title IX of the Education Amendments Act of 1972  
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967  
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended  
42 U.S.C. 1983  
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964  
42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
29 C.F.R. Part 1635  
National School Boards Association Inquiry and Analysis - May 2008

REVISED POLICY – VOL. 31, NO. 1

LEAVES OF ABSENCE

All professional staff members not otherwise covered by the terms of a currently-valid negotiated agreement of this Corporation shall be entitled to the same leave benefits provided in the master agreement with South Harrison Education Association.

All requests for unpaid leaves of absence by professional staff members shall be presented to the School Board for approval.

Leave of Absence for Members of National Guard or Reserve;

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The Board shall grant a leave of absence in addition to a regular vacation period without loss of pay or time to any staff member who is a member of the Indiana National Guard, a reserve component of the U.S. forces, or a retired member of the naval, air, or ground forces of the United States and is on training duty for the State by order of the Governor or under the order of the reserve-component authority for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The staff member's vacation benefits, if any, will not be affected by this type of leave.

Leave of Absence for Active Duty Family Member:

A professional staff member who has been employed for at least twelve (12) months and is the spouse, parent, grandparent, or sibling of a person who is ordered to active duty is entitled to an unpaid leave of absence during one (1) or more of the following periods:

- A. during the thirty (30) days before active duty orders are in effect;
- B. during a period in which the person ordered to active duty is on leave while active duty orders are in effect; or
- C. during the thirty (30) days after the active duty orders are terminated.

The staff member must have worked at least 1,500 hours during the twelve (12) month period immediately preceding the day the leave begins.

The leave of absence allowed each year may not exceed a total of ten (10) working days.

~~The Board shall require the staff member~~

~~or~~

The staff member may request

to substitute any of his/her earned vacation, personal leave, or other paid leave except for paid medical or sick leave available for leave for any part of the ten (10) day period.

After a staff member takes a leave of absence, the staff member shall be restored to:

- A. the position the staff member held before the leave, or
- B. a position equivalent to the position that the staff member held before the leave with equivalent benefits and terms of the negotiated agreement.

The Board shall permit the staff member to continue his/her health care benefits during the leave at the staff member's expense.

Any professional staff member selected by the State Superintendent of Public Instruction as teacher of the year and who agrees to be "ambassador for education" shall be granted a one (1) year professional leave to serve as ambassador during the ambassador's term. During the term of the leave, the Corporation shall continue to provide the professional staff member all benefits of employment with the Corporation other than salary. Following the term of the leave, the professional staff member may return to the Corporation to the same or a comparable position as the staff member held prior to the leave without loss of accrued benefits or seniority.

~~Any professional staff member granted a leave of absence by the Board shall be considered to have terminated all work with the School Corporation until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the Corporation might be served.~~

I.C. 10-16-7-1 et seq., 10-17-4, 20-20-4-1, 22-2-13  
38 U.S.C. 4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)

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**NEW POLICY – VOL. 31, NO. 1**

**ADMINISTRATIVE LEAVE OF ABSENCE WITH PAY OR**  
**TEMPORARY ADMINISTRATIVE REASSIGNMENT OF TEACHERS**

The School Board recognizes its obligation to maintain a working and learning environment that is conducive to the education of students and understands that at times there may be a need for determining whether members of the teaching staff are meeting the expectation of serving as an exemplar for those students and/or their professional responsibilities. In situations in which those charged with supervising professional staff members determine that an administrative leave of absence with pay or a temporary administrative reassignment of a teacher is needed for the benefit of students, colleagues, and/or the community, including but not limited to investigatory periods, the administration shall provide due process as required by Federal law.

It will be the responsibility of the Superintendent to establish administrative guidelines which ensure that the proper standards have been applied and the proper procedures have been followed when a principal decides to place a teacher on an administrative leave of absence with pay or make a temporary administrative reassignment of a teacher.

**OPTIONAL:**

**[X]** Any leave of absence with pay that will exceed fifteen (15) instructional days must be approved by the Board.

**[END OF OPTION]**

**EMPLOYMENT OF PERSONNEL FOR**  
**EXTRACURRICULAR ACTIVITIES**

The School Board may find it necessary to employ on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees

- may be members of the Corporation's
- classified staff
- support staff
- or individuals from the community or nearby areas.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

All part-time employees selected as coaches or activity sponsors who are not members of the professional staff are "at-will" employees. Their employment can be terminated with or without cause at any time. No other representative of the Corporation has the authority to enter into any agreement for employment for any specified period of time with such an employee.

The Board requires that:

- A. Prior to coaching football to students who are less than twenty (20) years of age, all head and assistant football coaches shall complete a certified coaching education course approved by the Indiana Department of Education not less than once during a two (2)-year period that:
  - 1. is sport specific;

2. contains player safety content, including content on:
  - a. concussion awareness;
  - b. equipment fitting;
  - c. heat emergency preparedness; and
  - d. proper technique;
3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the School Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

- B. After June 30, 2017, prior to coaching students in grades 5 - 12, all head and assistant coaches of interscholastic sports other than football, including cheerleading, shall complete a certified coaching education course approved by the Indiana Department of Education at least once during a two (2)-year period that:
1. contains player safety content on concussion awareness;
  2. after December 31, 2018, includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;
  - ~~2.3.~~ requires a coach to complete a test demonstrating comprehension of the content of the course; and
  - ~~3.4.~~ awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

- C. A head or assistant coach of an intramural sport other than football who is coaching students in grades 5 - 12 may elect to complete the above-referenced certified coaching education course. If compliance with I.C. 20-34-7 is required by the coaching certification requirements for the intramural sport that the head or assistant coach is coaching, the coach shall complete the above-referenced certified coaching education course.

**~~[THE FOLLOWING TRAINING IS OPTIONAL; CHOOSE THE OPTIONS THAT THE BOARD WISHES TO INCLUDE IN THE POLICY]~~**

Additionally, the Board requires that:

All head and assistant coaches of students of any age participating in interscholastic or intramural sports other than football, including the cheerleading, shall complete a certified coaching education course approved by the State Department of Education at least once during a two (2)-year period that:

1. contains player safety content on concussion awareness;
2. includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;
- 2.3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
- 3.4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

All coaches () and athletic activity sponsors ~~[END OF OPTION]~~ of interscholastic or intramural sports for students of any age shall receive training about () concussions () ~~and~~ sudden cardiac arrest () and heat-related medical issues ~~[END OF OPTION]~~ at least once during a two (2) year period.

All coaches () and athletic activity sponsors ~~[END OF OPTION]~~, other than football coaches, shall be required to complete a coaching education course that contains player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique. The course must be completed prior to coaching or serving as an athletic activity sponsor. Each coach () and athletic activity sponsor ~~[END OF OPTION]~~ must complete a course not less than once during a two (2)-year period.

The Superintendent shall require that each person employed as a coach or athletic activity sponsor is qualified, has cleared a background check required by State law and Policy 4121 or Policy 8120, and has received the training required by State law and this policy.

I.C. 20-34-7

I.C. 20-34-8

PERSONAL BACKGROUND CHECKS, REFERENCES, AND  
MANDATORY REPORTING OF CONVICTIONS AND  
SUBSTANTIATED CHILD ABUSE (X) AND ARRESTS

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the School Corporation's support staff.

Such an inquiry shall also be made for substitutes.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment on the Corporation's support staff which shall include the following:

- A. an Indiana expanded criminal history check as defined by I.C. 20-26-2-1.5
- an expanded child protection index check in other states
- B. an expanded child protection index check as defined by I.C. 20-26-2-1.3
- C. a search of the national sex offender registry maintained by the United States Department of Justice
- D. beginning July 1, 2017, a search of the State child abuse registry
- E. telephone inquiry with former employer(s)
- F. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- G. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1

- fingerprint check
- a detailed background history including all prior employment and volunteer positions
- an Indiana Bureau of Motor Vehicles driver history if the position involves driving

The Board requires that an expanded criminal history check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of his/her employment before or not later than thirty (30) days after the start of the applicant's employment by the Corporation.

The Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of his/her employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation. ~~An expanded child protection index check shall include inquiries to each state in which information necessary to complete the expanded child protection index check is available.~~

The Board requires that all references and, if applicable, the most recent employer provided by an applicant be contacted before the Corporation may hire the applicant.

The Board shall deny employment to a person who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c), unless the conviction has been reversed, vacated, or set aside on appeal.

The Board may deny employment to an applicant who is the subject of a substantiated report of abuse or neglect.

Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.

( ) or employ the applicant as a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee.

~~[SELECT ONE OF THE FOLLOWING OPTIONS]~~

~~[OPTION 1]~~

Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the applicant.

~~[END OPTION 1]~~

~~[OPTION 2]~~

~~[ ] The Corporation shall pay the costs associated with conducting the expanded criminal history check and obtaining the expanded child protection index check for applicants.~~

~~[END OF OPTION 2]~~

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

**[OPTIONAL]**

~~[ ] In implementing this requirement, the Corporation shall conduct the updated expanded criminal history checks for Corporation employees over a period not to exceed \_\_\_\_\_ [maximum is 5] years by annually conducting updated expanded criminal history checks for at least \_\_\_\_\_ [minimum is 1/5] of employees who are employed by the Corporation on July 1, 2017.~~

**[SELECT ONE (1) OF THE FOLLOWING OPTIONS]**

**[OPTION 1]**

Any costs associated with obtaining the expanded criminal history check are to be borne by the employee unless otherwise agreed upon through an agreement reached following negotiations with the exclusive representative of the employees.

**[END OPTION 1]**

**[OPTION 2]**

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

**[END OPTION 2]**

**[OPTIONAL]**

~~[ ] The Board requires that an expanded child protection index check be obtained for each Corporation employee every five (5) years. The Corporation shall pay the costs associated with obtaining the expanded child protection index check for employees.~~

~~[ ] In implementing this requirement, the Corporation shall obtain the updated expanded child protection index checks for Corporation employees over a period not to exceed      [maximum is 5] years by annually obtaining updated child protection index checks for at least      [minimum is 1/5] of employees who are employed by the Corporation on July 1, 2017.~~

**~~[END OF OPTIONS]~~**

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the applicant or employee:

- A. is the subject of a substantiated report of child abuse or neglect or
- B. has been charged with or convicted of one (1) of the following crimes:
  - 1. Murder (I.C. 35-42-1-1).
  - 2. Causing suicide (I.C. 35-42-1-2).
  - 3. Assisting suicide (I.C. 35-42-1-2.5).
  - 4. Voluntary manslaughter (I.C. 35-42-1-3).
  - 5. Reckless homicide (I.C. 35-42-1-5).
  - 6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 7. Aggravated battery (I.C. 35-42-2-1.5).
  - 8. Kidnapping (I.C. 35-42-3-2).
  - 9. Criminal confinement (I.C. 35-42-3-3).

10. A sex offense under I.C. 35-42-4.
11. Carjacking (I.C. 35-42-5-2) (before its repeal).
12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
13. Incest (I.C. 35-46-1-3).
14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
15. Child selling (I.C. 35-46-1-4(d)).
16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.
22. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

During the course of his/her employment with the Corporation, each support staff employee shall be required to report the

- (X) arrest or the filing of criminal charges against the employee;
- A. conviction of the employee for a crime; and
- B. substantiated report of child abuse or neglect of which the employee is the subject

to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction or substantiated report of child abuse or neglect and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the employee who was convicted or the subject of a substantiated report of child abuse or neglect.

I.C. 5-2-22  
I.C. 10-13-3  
I.C. 20-26-2-1.3, 20-26-2-1.5  
I.C. 20-26-5-10, -10.5, -11 and -11.5  
I.C. 20-28-5-8

**NONDISCRIMINATION AND**  
**EQUAL EMPLOYMENT OPPORTUNITY**

The School Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment.

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The compliance officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Corporation's collectively bargained contracts dealing with hiring, promotion, and tenure should contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender specific terms should be eliminated from such contracts.

**Compliance Officer(s)**

The following person(s) is/are designated as the Corporation's compliance officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Corporation and address any complaint of discrimination:

Director of Curriculum, Instruction and Assessment or  
Director of Business Operations

315 South Harrison Drive, Corydon, Indiana 47112

Phone: 812-738-2168 Fax: 812-738-2158

Email: nondiscrimination@shcsc.k12.in.us

Name and Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Email address \_\_\_\_\_

Name and Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Email address \_\_\_\_\_

**Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a

**BOARD OF SCHOOL TRUSTEES**

SUPPORT STAFF

**SOUTH HARRISON COMMUNITY**

**SCHOOL CORPORATION** 4122/page 3 of 3

complaint shall file it with a compliance officer

within two (2) business days.

within \_\_\_\_\_ ( ) business days.

Employees who believe they have been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Corporation and/or a concurrent criminal complaint will not adversely affect the complaining individual's employment status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The compliance officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The compliance officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints that are initially filed with a school building administrator, supervisor or other Corporation-level official. Upon receipt of a complaint, either directly or through a school building administrator, supervisor or other Corporation-level official, a compliance officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The compliance officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the compliance officer will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the compliance officer

within two (2) business days

within \_\_\_\_\_ ( ) business days

of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the compliance officers within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the compliance officer or designee must contact the employee within two (2) business days to advise him/her of the Corporation's intent to investigate the wrongdoing.

### **Complaint Procedures**

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in employment.

In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Corporation.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee or unsuccessful applicant for employment who believes s/he has been unlawfully discriminated or retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees, or unsuccessful applicants for employment, who believe that they have been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The compliance officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the compliance officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to the compliance officer(s); and/or (3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to the compliance officer(s) who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 4122 Nondiscrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the compliance officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the compliance officer or designee will exercise his/her authority to attempt to resolve all informal complaints

~~( ) within fifteen (15) business days of receiving the informal complaint.~~

**(x)** within twenty (20) ~~( )~~ business days of receiving the informal complaint.

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

The compliance officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310)

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the compliance officer(s), Superintendent, or other Corporation-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs.

If a Complainant informs an administrator, supervisor, Superintendent, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee who is informed of the complaint must report such information to the compliance officer

within two (2) business days.

~~within \_\_\_\_\_ ( ) business days.~~

Throughout the course of the process, the compliance officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the compliance officer shall ask for such details in an oral interview. Thereafter, the compliance officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the compliance officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the compliance officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the compliance officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint,

Within \_\_\_\_\_ (\_\_\_\_) business days of receiving the complaint,

the compliance officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the compliance officer, or a designee, will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4122 - Nondiscrimination. The Respondent also must be informed of the opportunity to submit a written response to the complaint

within five (5) business days.

within \_\_\_\_\_ (\_\_\_\_) business days.

Although certain cases may require additional time, the compliance officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation

~~( ) within fifteen (15) business days of receiving the formal complaint.~~

**(x )** within twenty (20) ~~( )~~ business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the compliance officer, or the designee, shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

**[x ]** The compliance officer, or the designee, should consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the compliance officer or the designee, the Superintendent must either issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must delineate the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board

within five (5) business days of his/her receipt of the Superintendent's decision.

~~within \_\_\_\_\_ ( ) business days of his/her receipt of the Superintendent's decision.~~

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

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee or unsuccessful applicant for employment alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

### **Privacy/Confidentiality**

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

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

During the course of a formal investigation, the compliance officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~In accordance with the Board's records retention policy, the compliance officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310 - Public Records)~~

### **Remedial Action, Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment by taking appropriate action reasonably calculated to stop and prevent further misconduct.

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

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

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

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

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

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

### **Retaliation**

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

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

### **Training**

The compliance officers also will oversee the training of Corporation employees so that all employees understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

**Notice**

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the Corporation and published in any Corporation statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-1

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

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

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

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

29 U.S.C. 6101, The Age Discrimination in Employment Act of 1975

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 2008

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

29 C.F.R. Part 1635

REVISED POLICY – VOL. 30, NO. 2

DRUG AND ALCOHOL TESTING OF CDL HOLDERS AND OTHER  
EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS  
DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS

The School Board entrusts the safety of students being transported to and from school and school activities on school ~~busses~~buses to the drivers of those ~~busses~~buses. To be worthy of the Board’s continuing trust, each school bus driver must be mentally and physically alert at all times while on duty. The Board therefore establishes this policy and directs the Superintendent to promulgate administrative guidelines as needed to fully implement Department of Transportation requirements for drug and alcohol testing of these employees of the Board.

The Board requires all ~~CDL license~~Commercial Driver’s License (“CDL”) holders, including school bus drivers, to comply with Board Policy 4122.01 on Drug Free Workplace which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times. To implement this requirement, it is the policy of the Board that all ~~CDL license~~CDL holders and employees who perform safety-sensitive functions are to be free of any impairment from the use of alcohol or controlled substances while on duty.

The Board directs the Superintendent to establish a drug and alcohol testing program pursuant to ~~an~~Federal regulations and the School Corporation’s administrative guideline that requires each employee who is employed as a regular or substitute bus driver or performs safety sensitive functions on school ~~busses~~buses such as bus mechanics, and contractors who drive school ~~busses~~buses pursuant to a transportation contract, to be subject to testing for the presence of alcohol in his/her system as well as for the presence of the following:

- A. Marijuana metabolites
- B. Cocaine metabolites
- C. ~~Opiates metabolites~~Opioids

- D. Amphetamines
- E. Phencyclidine (PCP)

Tests are to be conducted pursuant to this policy and Federal regulations:

- A. prior to employment (for controlled substances only);
- B. based upon reasonable suspicion;
- C. upon an ~~employee~~ employee's or contractor's return to duty after any alcohol or drug rehabilitation;
- D. after an accident under circumstances described in the Superintendent's administrative guideline;
- E. on a random basis; and
- F. on a follow-up basis.

Employees who are subject to this policy shall comply with the testing procedures required by the Federal regulations and the Department of Transportation ("DOT"), especially with regard to adulterated tests, substituted tests, refusals to test, dilute tests, and other procedures as described in AG 4162A.

~~A driver who tests positive on a test described above shall be prohibited from driving a school bus or performing a safety sensitive function on a school bus. The employee shall also be subject to discipline, up to and including discharge and a contract driver shall be prohibited from driving on the same basis as if the driver was an employee of the Board.~~

Any individual who tests positive on a test described above shall be prohibited from driving a school bus or performing a safety sensitive function on a school bus. An employee who tests positive on a test described above also shall be subject to discipline, up to and including discharge. A contract driver shall be prohibited from driving on the same basis as a driver who is an employee of the Corporation.

In addition, the Superintendent shall require that individuals who test positive, but who are not discharged, be evaluated by a substance abuse professional and complete a counseling/educational program before they may return to driving or performing safety-sensitive functions for the School Corporation, consistent with AG 4162A.

Employees who are removed from driving or performing safety-sensitive functions as a result of this policy must take and pass a return-to-duty test before returning to driving or performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming driving or performing safety-sensitive duties.

Background checks also are to be conducted on all potential employees who will serve as drivers or perform safety-sensitive functions, or all current employees who desire to transition to serve as drivers or perform safety-sensitive functions, regarding history of drug and alcohol usage and tests during prior employment for DOT-regulated employers consistent with AG 4162A.

The Board directs the Superintendent to comply with Department of Transportation DOT/Federal regulations requiring that the Board provide educational materials that explain the requirements of drug and alcohol testing according to Federal regulations and the Board's policies and procedures for compliance with those regulations to school bus drivers and employees who perform safety-sensitive functions and any organization of these employees. After the initial distribution of materials to each driver and employee who performs safety-sensitive functions employed at the time of the distribution, the Superintendent or a designee shall see that each employee subsequently hired or transferred into one of these positions receives the materials required by this policy.

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The materials to be provided to drivers and other employees who perform safety-sensitive functions pursuant to this policy shall include a detailed discussion of the following:

- A. the identity of the person designated by the Superintendent to answer employee questions about the materials
- B. the categories of drivers and employees who perform safety-sensitive functions who are subject to drug and alcohol testing
- C. sufficient information about the safety-sensitive functions performed by those employees to make clear what period of the employee's work day the employee is subject to this policy
- D. specific information concerning employee conduct that is prohibited by this policy
- E. the circumstances under which an employee will be tested for alcohol and/or controlled substances, including post-accident testing
- F. the procedures that will be used to test for the presence of alcohol and controlled substances, protect the employee and the integrity of the testing ~~processes~~process, safeguard the validity of the test results, and ensure that test procedures are attributed to the correct person, including post-accident information and procedures and instructions required by Federal regulations
- G. the requirement that an employee submit to alcohol and controlled substances tests administered in accordance with Federal regulations
- H. an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the consequences of refusal to submit a sample

- I. the consequences for an employee found to have violated this policy, including the requirement that the driver be removed immediately from driving or performing any safety-sensitive function, and the procedures for seeking the assistance of substance abuse professionals and the return-to-duty process found in 40 C.F.R. 40.281 to 313
- J. the consequences for drivers and employees who perform safety-sensitive functions found to have an alcohol concentration of 0.02 or greater but less than 0.04
- K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to the Superintendent

The Superintendent shall ~~ensure that~~require each driver and employee who performs safety-sensitive functions ~~is required~~ to sign a statement certifying that he or she has received a copy of these materials described in this policy. The original of the certificate signed by the employee shall be maintained in a file on the employee or contractor. An employee required to sign a certificate certifying that he or she has received a copy of the materials described in this policy who refuses to sign the certificate shall not be permitted to drive or perform any safety sensitive function until the certificate required by this policy is signed.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse. In addition, the Corporation shall provide a comprehensive drug-free awareness program as an ongoing educational effort to prevent and eliminate illegal drug use and controlled substance abuse.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide services for implementation of the Department of Transportation rules including the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the Board's Corporation's Medical Review Officer (MRO)
- C. methodology and procedures for conducting random tests for controlled substances and alcohol
- D. preparation and submission of all required reports

The Superintendent ~~shall also~~ shall propose that the Board select the agency or persons who will conduct the alcohol tests, provide the Board's Corporation's MRO, and the drug collection site(s) in accordance with the requirements of the law.

I.C. 20-27-5 (driver qualifications – transportation contracts)

I.C. 20-27-8 (driver standards)

49 C.F.R. Part 40 (drug and alcohol testing)

49 C.F.R. 40.85 (drugs to be tested for)

49 C.F.R. 382.107 (safety sensitive function defined)

49 C.F.R. 382.301 (pre-employment testing)

49 C.F.R. 382.303 (post-accident testing)

49 C.F.R. 382.305 (random testing)

49 C.F.R. 382.307 (reasonable suspicion testing)

49 C.F.R. 382.601 (employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances)

**ANTI-HARASSMENT**

**General Policy Statement**

It is the policy of the Board of School Trustees to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all School Corporation operations, employment opportunities, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Corporation environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the Corporation community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment.

All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition above) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes or which is reported to the employee.

The Board will investigate all allegations of unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment and, in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

~~{ } The Corporation will offer counseling services to any person found to have been subjected to unlawful harassment, and where appropriate, the person(s) who committed the unlawful harassment.~~

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

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

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

The Corporation also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

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

## **Definitions**

### **Bullying**

Bullying rises to the level of unlawful harassment (see definition on page 1) when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence;
- I. theft;
- J. sexual, religious, or racial harassment;

- K. public humiliation; or
- L. destruction of property.

In the bullying context, “harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

### **Sexual Harassment**

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

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

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

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

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. in the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- J. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- K. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the Corporation community is prohibited, and any teacher, administrator, coach or other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student (**X**) may ~~(-)~~ **will not be recommended** be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

### **National Origin Harassment**

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment also may include but is not limited to conduct directed at or pertaining to a person's genetic information.

### **Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the Corporation may address the conduct before it becomes severe, pervasive, or persistent. All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with the Corporation's Anti-Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

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

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

**Anti-Harassment Compliance Officers**

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

Director of Curriculum, Instruction and Assessment or Director of Business Operations

315 South Harrison Drive, Corydon, Indiana 47112

Phone: 812-738-2168 Fax: 812-738-2158

Email: anitharassment@shcsc.k12.in.us

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(School Corporation Title)

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(School Corporation Title)

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(Telephone Number)

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(Telephone Number)

\_\_\_\_\_  
(Office Address)

\_\_\_\_\_  
(Office Address)

\_\_\_\_\_  
E-mail Address)

\_\_\_\_\_  
(E-mail Address)

The names, titles, and contact information for the Compliance Officers will be published annually:

- in the student, parent, and staff handbooks.
- ~~in the School Corporation Annual Report to the public.~~
- on the School Corporation's web site.
- ~~on each individual school's web site.~~
- ~~in the School Corporation's calendar.~~



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

Any Corporation employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within **(X)** two (2) ~~( )~~ business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated.

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

All Corporation employees must report incidents of harassment that are reported to them to the Compliance Officer within **(X)** two (2) ~~( )~~ business days of learning of the incident.

**Investigation and Complaint Procedure** (see Form 4362-F1)

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

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within ~~( ) fifteen (15)~~ **(X) twenty (20)** ~~( )~~ business days of the complaint being received).

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

**Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1) to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully harassed or retaliated against in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Corporation community, or third parties who believe that they have been subjected to unlawful harassment (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

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

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

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

All informal complaints must be reported to one (1) of the Compliance Officers, who will either facilitate an informal resolution as described below on his/her own or appoint another individual to facilitate an informal resolution.

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

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

While there are no set time limits within which an informal complaint must be resolved, one of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within ~~( ) fifteen (15) (x )~~ twenty (20) ~~( )~~ business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One (1) of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy 8310, Policy 8320 and Policy 8330).

### **Formal Complaint Procedure**

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

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

An individual who believes s/he has been subjected to offensive conduct/unlawful harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Corporation-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other Corporation-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.

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

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

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

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

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

Contemporaneously, one (1) of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent must also be informed of the opportunity to submit a written response to the complaint within  five (5) ~~( )~~ business days.

Although certain cases may require additional time, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. (interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

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

- The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

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

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

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

### **Privacy/Confidentiality**

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

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

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

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310—Public Records and/or Policy 8330—Student Records)~~

### **Remedial Action, Sanctions and Monitoring**

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

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

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

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

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

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

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

**Retaliation**

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

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

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

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

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services, Office of Child Protective Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

**Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee training of Corporation employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

**Notice**

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

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

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

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

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

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

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

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

29 C.F.R. Part 1635

National School Boards Association Inquiry and Analysis - May 2008

**REVISED POLICY – VOL. 31, NO. 1**

**LEAVES OF ABSENCE**

The School Board delegates to the Superintendent the responsibility to determine whether to grant a leave of absence of up to one (1) year's time. Any request for a leave of absence of one (1) year or more shall be submitted to the Board.

**Leave of Absence for Members of National Guard or Reserve;**

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The Board shall grant a leave of absence in addition to a regular vacation period without loss of pay or time to any staff member who is a member of the Indiana National Guard, a reserve component of the U.S. forces, or a retired member of the naval, air, or ground forces of the United States and is on training duty for the State by order of the Governor or under the order of the reserve-component authority for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The staff member's vacation benefits, if any, will not be affected by this type of leave.

**Leave of Absence for Active Duty Family Member;**

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A staff member who has been employed for at least twelve (12) months and is the spouse, parent, grandparent, or sibling of a person who is ordered to active duty is entitled to an unpaid leave of absence during one (1) or more of the following periods.

- A. during the thirty (30) days before active duty orders are in effect;
- B. during a period in which the person ordered to active duty is on leave while active duty orders are in effect; or
- C. during the thirty (30) days after the active duty orders are terminated.

The staff member or must have worked at least 1,500 hours during the twelve (12) month period immediately preceding the day the leave begins.

The leave of absence allowed each year may not exceed a total of ten (10) working days.

The Board shall require the staff member

or

The staff member may request

to substitute any of his/her earned vacation, personal leave, or other paid leave except for paid medical or sick leave available for leave for any part of the ten (10) day period.

After a staff member takes a leave of the absence staff member shall be restored to:

- A. the position the staff member held before the leave, or
- B. a position equivalent to the position that the staff member held before the leave with equivalent benefits and terms of the negotiated agreement.

The Board shall permit the staff member to continue his/her health care benefits during the leave at the staff member's expense.

~~Any support staff member granted a leave of absence shall be considered to have terminated all work with the Corporation until completion of the leave. Exceptions may be made by the Superintendent in cases where the best interests of the Corporation might be served.~~

~~The Superintendent shall prepare appropriate administrative guidelines for this policy.~~

I.C. 22-2-13  
I.C. 10-16-7-1 et seq.  
38 U.S.C. 4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)

**REVISED POLICY – VOL. 31, NO. 1**

**ENTRANCE REQUIREMENTS**

The School Board shall establish student entrance requirements which are consistent with Indiana law and sound educational practice and which ensure equitable treatment and proper placement.

A. **Kindergarten**

Each child of legal settlement shall be eligible for Kindergarten providing that s/he has attained the age of five (5) on or before August 1st. This requirement also shall apply to children who transfer into the School Corporation and who may have attended private or public kindergarten in another locality.

B. **First Grade**

If a child seeking to enroll in first grade has not attended kindergarten, the Superintendent shall make a determination as to whether the student will enroll in kindergarten or first grade based upon the assessment model found in the administrative guidelines (see AG-~~5112C~~5112B) and initiate the prompt transfer of any previous school records.

The Superintendent shall establish administrative guidelines which ensure providing for 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, and 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.

**BOARD OF SCHOOL TRUSTEES**  
**SOUTH HARISON COMMUNITY**

STUDENTS

**SCHOOL CORPORATION** 5112/page 2 of 2

~~[OPTIONAL] [NOTE: If the Corporation does not wish to permit children who have not reached age 5 by August 1 to attend school, do not choose this option.]~~

~~[ ] — These guidelines shall include an appeal procedure for early entrance to kindergarten or first grade that is in accordance with any guidelines promulgated by the State Department of Education.~~

~~[END OF OPTION]~~

I.C. 20-33-2-7

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**STUDENT CONCUSSIONS AND SUDDEN CARDIAC ARREST**

It is the policy of the School Board that the risk of student injury be considered and addressed in the planning and implementation of every student activity sponsored by the Board. The Board therefore directs and requires that before beginning practice for an interscholastic sports activity, including cheerleading, the coach of the activity shall provide the parent of each student athlete in grades 5 - 12 and each student athlete in grades 5 - 12 with the information sheet on Concussion and Head Injury and 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 on Concussion and Head Injury. If the coach of an intramural sports activity elects to or is required to comply with I.C. 20-34-7, 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 at 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 at least age eighteen (18) or is an emancipated minor) to sign and return to the coach the form acknowledging the receipt of the information from the Indiana Department of Education on Sudden Cardiac Arrest.

~~[THE FOLLOWING NOTIFICATIONS ARE OPTIONAL; CHOOSE THE OPTIONS THAT THE BOARD WISHES TO INCLUDE IN THE POLICY]~~

Additionally, the Board directs and requires that

- before beginning practice for any interscholastic or intramural sports activity, including cheerleading, the coach of the activity shall provide the parent of each student participating in the activity and the student participating in the activity 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.
- before beginning practice for any interscholastic or intramural sports activity, including cheerleading, the coach of the activity shall provide the parent or legal guardian of each student participating in the activity (unless the student is at least age eighteen (18) or is an emancipated minor) and the student participating in the activity with the information sheet on Sudden Cardiac Arrest and acknowledgement form issued by the Indiana Department of Education and shall require the student's parent or legal guardian (unless the student is at least age eighteen (18) or is an emancipated minor) and the student to sign and return to the coach the form acknowledging the receipt of the information from the Indiana Department of Education on Sudden Cardiac Arrest.

~~[END OF OPTIONS]~~

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 s/he has been seen and evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries, the coach receives a written clearance from the licensed healthcare provider who evaluated the student athlete that the s/he 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.

**[THE FOLLOWING PROVISIONS ARE OPTIONAL]**

Additionally, the Board directs and requires that:

A student athlete of any age who participates in any interscholastic or intramural sports activity, including cheerleading, and is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of the injury and may not return to play until s/he has been seen and evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries, the coach receives a written clearance from the licensed healthcare provider who evaluated the student athlete that s/he 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 coach shall maintain the original of the written clearance from the health care provider for the student athlete to return to play for no less than ~~(+) three (3) years~~  three (3) years after the student reaches age eighteen (18).

~~[END OF OPTIONS]~~

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.

**[THE FOLLOWING PROVISIONS ARE OPTIONAL]**

Additionally, the Board directs and requires that:

- [X] A student athlete of any age who participates in any interscholastic or intramural sports activity, including cheerleading, and is suspected of experiencing a symptom of sudden cardiac arrest in a practice or game shall be removed from practice or play at the time that the symptom is identified, and the parent or legal guardian of the student athlete shall be notified of the student athlete's symptoms (unless the student is at least age 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.

[X] A coach shall maintain the original of the written statement that the student has permission to return to practice and play for no less than ~~( ) three (3) years~~ (X) three (3) years after the student reaches age eighteen (18).

[X] Each coach of an interscholastic or intramural sports activity, including cheerleading, shall receive training on (X) concussions, (X) sudden cardiac arrest (including the symptoms), (X) heat-related medical issues, (X) cardiopulmonary resuscitation, (X) and the use of an automated external defibrillator.

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[END OF OPTIONS]

I.C. 20-34-7, 20-34-8

### STUDENT SUICIDE AWARENESS AND PREVENTION

The School 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 make available to families in the Corporation information concerning suicide prevention services in the community. The Superintendent shall encourage cooperation among the Corporation and suicide prevention services in the community.

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~~ confirm that all Corporation teachers ~~[X]~~ and any other appropriate Corporation employees ~~[END OF OPTION]~~ 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~~ research-based in-service youth suicide awareness and prevention training program 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;
- 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 research-based youth suicide awareness and prevention training program required under this policy must be demonstrated to be effective or a promising program and recommended by the Indiana Suicide Prevention Network Advisory Council.~~

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

**REVISED POLICY – VOL. 31, NO. 1**

GRADUATION REQUIREMENTS

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

The 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 standard Indiana high school diploma with any of the designations 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 Corporation may award a standard Indiana high school diploma with a general designation, Core 40 designation, a Core 40 with Academic Honors designation, or a Core 40 with Technical Honors designation.~~

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.
- a certificate of course completion.

The Corporation shall not require students with disabilities to complete locally required credits that exceed State credit requirements to receive a diploma unless otherwise required as part of the student's individualized education program (IEP). The Board shall award a certificate of achievement to a student who is on a nondiploma track as determined by that student's case conference committee and indicated on the student's IEP.

The Board shall award a certificate of course completion to a student who completes the minimum courses required for high school graduation but does not pass the Graduation Qualifying Examination unless the student meets the criteria for waiver under State law, in which case the Board shall award a diploma to the student.

The Board shall award a high school equivalency certificate to any individual who meets the criteria established by State law.

Additional Requirements for Students with Disabilities

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

- A. ~~the types of diplomas available for students to receive in the State of Indiana;~~ the types of designations available for the high school diploma students may receive in the State of Indiana;
- B. the course requirements for each type of diploma designation; and

- C. employment and career options for the student and the type of academic, technical, and vocational preparation necessary to achieve the employment or career.

The student's IEP must include the ~~type of diploma~~ [type of designation for the diploma](#) the student will seek and courses that will allow the student to progress toward the diploma in a timely manner.

Beginning in grade 9 and in addition to the annual case review, the student's teacher of record shall communicate at least once each grading period with the student's parent concerning the student's progress toward the ~~selected diploma~~ [diploma with the selected designation](#). If the parent requests a meeting with the teacher of record to discuss the student's progress, the teacher must meet with the parent in a timely manner. Such a meeting does not constitute a case conference committee meeting, and a request for such a meeting does not abrogate a parent's right to call for a meeting of the case conference committee at any time.

Each student is required to meet:

- A. the academic standards tested in the graduation examination;
- B. the ~~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 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, (X) certificate of achievement, or (X) 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](#)
- [I.C. 20-19-2-21](#)
- [I.C. 20-26-5-37](#)
- [I.C. 20-32-4-1 through 13](#)

**ANTI-HARASSMENT**

**General Policy Statement**

It is the policy of the Board of School Trustees to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all Corporation operations, educational opportunities, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Corporation environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition on page 1), that is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information, which are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the Corporation community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment.

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

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

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

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

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

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

The Corporation also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment (see definition on page 1) or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment (see definition on page 1).

- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment (see definition on page 1), when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

**Definitions**

**Bullying**

Bullying rises to the level of unlawful harassment (see definition on page 1) when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence;

- I. theft;
- J. sexual, religious, or racial harassment;
- K. public humiliation; or
- L. destruction of property.

In the bullying context, "harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

### **Sexual Harassment**

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

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual.

- C. Such conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

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

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

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. threats or insinuations that a person's academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of education may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature;
- K. in the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

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

**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the School Corporation community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student (**X**) may ~~(-)~~ ~~will~~ ~~[not recommended]~~ be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

### **National Origin Harassment**

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

### **Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. All Corporation-level employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator or other Corporation-level official who receives such a complaint shall file it with the Corporation's Anti-Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

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

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

**Anti-Harassment Compliance Officers**

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

Director of Curriculum, Instruction and Assessment or Director of Business Operations

315 South Harrison Drive, Corydon, Indiana 47112

Phone: 812-738-2168 Fax: 812-738-2158

Email: [anitharassment@shcsc.k12.in.us](mailto:anitharassment@shcsc.k12.in.us)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(School Corporation Title)

\_\_\_\_\_  
(School Corporation Title)

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\_\_\_\_\_

**BOARD OF SCHOOL TRUSTEES**

STUDENTS

**SOUTH HARRISON COMMUNITY**

**SCHOOL CORPORATION** 5517/page 10

(Telephone Number)

(Telephone Number)

(Office Address)

(Office Address)

(E-mail Address)

(E-mail Address)

The names, titles, and contact information for the Compliance Officers will be published annually:

- in the student, parent, and staff handbooks
- ~~in the School Corporation Annual Report to the public~~
- on the School Corporation's web site
- ~~on each individual school's web site~~
- ~~in the School Corporation's calendar~~
- \_\_\_\_\_

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

Any Corporation employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within  two (2)  \_\_\_\_\_  business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated.

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

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

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

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

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within  fifteen (15)  twenty (20) \_\_\_\_\_  business days of the complaint being received).

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

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1), and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

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

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

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

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

All informal complaints must be reported to one (1) of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

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

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends school.

- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, one (1) of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within ~~( ) fifteen (15)~~ **(x ) twenty (20)** ~~( )~~ business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

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

### **Formal Complaint Procedure**

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

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

An individual who believes s/he has been subjected to offensive conduct/unlawful harassment/retaliation, hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Corporation-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other Corporation-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the student reports the complaint must report such information to the Compliance Officer or designee within two (2) business days.

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

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

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

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

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

Contemporaneously, one of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;

- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

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

- (  ) The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

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

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

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

**Privacy/Confidentiality**

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

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

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

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310 - Public Records and/or Policy 8330 - Student Records)~~

**Remediation**

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

### **Sanctions and Monitoring**

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

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any. Any discipline of students with disabilities will be in accordance with the Individuals with Disabilities Education Act (“IDEA”) and the Federal and State regulations implementing the IDEA.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any, and with Federal and State laws and regulations.

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

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

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

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

**Retaliation**

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

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

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

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

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services, Office of Child Protective Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

**Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee training of Corporation employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

**Notice**

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

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

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

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

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

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Titles VII of the Civil Rights Act of 1964

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

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

29 C.F.R. Part 1635

National School Boards Association Inquiry and Analysis - May 2008

BULLYING

The School Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying behavior toward a student, whether by other students, staff, or third parties, is strictly prohibited and 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 “cyberbullying,” which is bullying behavior that occurs through the use of data or computer software that is accessed through a computer, computer system, ~~or~~ computer network, or cellular telephone or other wireless or cellular communications device 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 School Corporation; and
- B. the bullying behavior results in a substantial interference with school discipline or an unreasonable threat to the rights of others to a safe and peaceful learning environment.

Bullying as defined in State law means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student and create for the targeted student an objectively hostile school environment that:

- A. places the targeted student in reasonable fear of harm to the targeted student's person or property;
- B. has a substantially detrimental effect on the targeted student's physical or mental health;
- C. has the effect of substantially interfering with the targeted student's academic performance; or
- D. has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

This type of behavior is a form of harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It includes, but is not limited to, such behaviors as stalking, intimidation, menacing behavior, coercion, name-calling, taunting, making threats, and hazing. It also includes the use of digital or electronic communications to engage in such behaviors.

However, Indiana law exempts the following from the definition of "bullying":

- A. Participating in a religious event.
- B. Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.

- C. Participating in an activity consisting of the exercise of a student's rights protected under the First Amendment to the United States Constitution or Article I, Section 31 of the Constitution of the State of Indiana, or both.
- D. Participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.
- E. Participating in an activity undertaken at the prior written direction of the student's parent.
- F. Engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

Any student who believes 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.

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.

[The Corporation shall maintain a link on its internet website to the internet website resource page maintained by the Indiana Department of Education that provides parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying.](#)

### **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

## 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 interventions must be consistent with a student's right to be treated with dignity and respect and to be free from abuse.

Any behavioral intervention used must be consistent with the student's most current individualized education program (IEP) and with the student's behavior intervention plan (BIP), if applicable.

Every effort must 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 below.

Seclusion and restraint are to 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 may be used only for a short period of time or until the imminent risk of injury has passed.

Any instance of seclusion or restraint must be documented as indicated below.

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, and a copy of an incident report must be sent to the student's parent, as indicated below.

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 or serious harm to the student, school employees or others is required, as indicated below.

Seclusion and restraint must not be used as a means of punishment or discipline, coercion or retaliation, or as a matter of convenience.

Seclusion and restraint must never be used in a manner that restricts a child's breathing.

The student must 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 or others.

#### Use of Seclusion

The use of seclusion with a student shall not be permitted except when the conditions described in this policy exist. The use of seclusion with a student with a disability also is subject to any conditions in the student's IEP and any BIP established for the student in addition to the conditions established in this policy.

- A. Seclusion may be used only when a student is displaying behavior that presents an imminent risk of injury to the student or others.
- B. Seclusion may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success.
- C. Seclusion may be used only as long as necessary and must be discontinued when the student is no longer an imminent threat to others.
- D. Seclusion may be employed only by staff members who have received specific Corporation-approved crisis intervention training in the use of seclusion procedures.
- E. Seclusion may be used only when the student can be transported safely to the seclusion environment by trained staff members using appropriate techniques based on crisis intervention training.

- F. All seclusion environments must:
1. be of reasonable size to accommodate the student and at least one (1) adult;
  2. be of reasonable size to permit students to lie or sit down;
  3. have adequate ventilation, including heat and air conditioning as appropriate;
  4. have adequate lighting;
  5. be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass;
  6. permit direct continuous visual and auditory monitoring of the student;
  7. permit automatic release of any locking device if fire or other emergency in the school exists;
  8. if locked, be released automatically after five (5) minutes or with any building-wide alarm, such as a fire, tornado or code red alarm;
  9. meet current fire and safety codes.
- G. Seclusion may not be used when the student's known medical or physical condition would make the use of seclusion dangerous for that student.
- H. Seclusion must not be used unless a staff member can continuously monitor the student for visual or auditory signs of physiological distress and can communicate with the student.
- I. During the seclusion, students must be permitted to use the restroom upon request and be escorted to and from the restroom.

- J. During the seclusion, students must be provided water on request.
- K. Seclusion must never be used as a means of punishment or to force compliance with staff commands.
- L. Time-out procedures that do not constitute seclusion, as defined above, are permitted in school. A time-out must be both developmentally and behaviorally appropriate and must be short in duration.

#### Use of Restraints

The use of restraint with a student shall not be permitted except when the conditions described in this policy exist. The use of restraint with a student with a disability also is subject to any conditions in the student's IEP and any BIP established for the student in addition to the conditions established in this policy.

- A. Restraint may be used only when a student is displaying behavior that presents an imminent risk of injury to the student or others.
- B. Restraint may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success.
- C. Restraint may be employed only by staff members who have received crisis intervention training by the school in the use of restraint procedures with the following exception: other school personnel may employ restraint procedures in an emergency, as defined below, when fully trained school personnel are not immediately available. Untrained staff must request assistance from trained staff as soon as possible.
- D. Restraint may last only as long as is necessary for the student to regain behavioral stability and the risk of injury has ended, usually a matter of minutes.
- E. The degree of restriction employed must be in proportion to the circumstances of the incident, the size and condition of the student, and the potential risks for injury to the student.

- F. Mechanical restraints and chemical restraints are not authorized in school.
- G. Prone (face down on a horizontal surface) physical restraints are not authorized and must be avoided.
- H. Restraint must never be used in a manner that restricts a child's breathing.
- I. Every instance in which restraint is used must be carefully, continuously and visually monitored to ensure the appropriateness of its use and safety of the student, other students, teachers, and other personnel.
- J. A verbal threat or verbally aggressive behavior does not itself constitute an imminent risk of injury and does not warrant the use of restraint.
- K. Destruction of or damage to property does not constitute an imminent risk of injury warranting the use of restraint unless in the course of such behavior a risk of injury to the student or others is created.
- L. Restraint may not be used when the student's known medical or physical condition would make the use of restraint dangerous for that student.
- M. Restraint must never be used as a means of punishment or to force compliance with staff commands.

#### Documentation and Recording Requirements

The building administrator or designee verbally must notify the student's parent or guardian of the use of seclusion or restraint as soon as possible following the incident but no later than the end of the school day in which the seclusion or restraint occurred.

Immediately after the student has regained emotional and behavioral control following the use of seclusion or restraint, a staff member not involved with the incident must ascertain if the student has sustained any injury during the seclusion or restraint and document such injury or the lack thereof in the incident report referenced below. If the student has sustained an injury, the staff member must seek appropriate treatment of the student for the injury.

Staff will assist the student to process the event at the earliest appropriate time after the student has regained emotional and behavioral control.

Staff, including School Resource Officers (SROs), involved in the use of seclusion or restraint must complete ~~an "Incident Report"~~ a "Seclusion and Restraint Incident Report" as soon as practical after the use of seclusion or restraint. The following data should be included in the incident report if known:

- A. the student's name
- B. the date and time of the incident
- C. the duration of any seclusion or restraint; or the beginning and ending times of the seclusion or restraint
- D. a description of any relevant events leading up to the incident
- E. a description of any interventions used prior to the implementation of the seclusion or restraint
- F. a description of the student behavior that resulted in implementation of seclusion or restraint, including a description of the imminent risk of injury which resulted in use of the seclusion or restraint
- G. a log of the student's behavior during the seclusion or restraint, including a description of any restraint technique(s) used and any other interaction between the student and staff
- H. a description of any injuries (to the student, other students, staff, or others) or property damage

- I. a description of the approach planned for dealing with the student's behavior in the future
- J. a list of the school personnel who participated in the implementation, monitoring, and supervision of the seclusion or restraint and whether they had training related to seclusion or restraint
- K. the date and time on which the parent or guardian was notified of the seclusion or restraint
- L. if the student has a disability (IDEIA or Section 504), the type of disability

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 building administrator or designee must provide support to staff members involved by determining if any staff member has suffered an injury, seeking appropriate treatment for that staff member, and determining when the staff member can return to his/her duties.

The building administrator or designee must ensure that each staff member involved in an incident engages in a de-briefing or processing session(s) in order to determine what could have been done to prevent the use of seclusion or restraint in this incident and how to avoid the need for use of seclusion or restraint in the future for this student specifically and for other students in similar situations. Ideally, this will occur immediately following the incident but may occur later if the needs of the student or other students take precedence or the staff member has suffered an injury requiring treatment. The building administrator must complete a "Staff Process of Seclusion or Restraint Form" that summarizes the de-briefing process and file it with the Corporation administrator designated by the Superintendent, who must maintain records of all such forms.

### Notification of Parents

Student handbooks must include a statement similar to the following: "a student will not be subject to seclusion or restraint unless the student's behavior poses an imminent risk of injury to the student or others. However, significant violations of the law, including assaults on students and staff, will be reported to the police. As soon as possible after any use of seclusion or restraint, the student's parent or guardian will be informed and provided with a detailed account of the incident, including the circumstances that led to the use of seclusion or restraint."

When a seclusion or restraint is used with a student, the student's parent or guardian must be notified verbally as soon as possible.

A copy of the incident report prepared by staff following the use of seclusion or restraint with a student must be sent to the student's parent or guardian.

### Training of Staff

The Corporation will provide all staff members with basic training about conflict de-escalation procedures, the dangers of seclusion and restraint, and procedures for contacting fully trained and certified staff when behavioral crises occur.

This training will be recurrent and will be provided to new staff.

The Corporation will determine a specific curriculum and method of providing training related to seclusion and restraint.

A core group of appropriate personnel will be trained in each building in crisis intervention techniques which will include the use of seclusion and restraint procedures.

Recurrent training will be provided on a regular basis (at least annually).

Annual Review, Planning Process and Oversight

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 and serve as chair of the committee referenced below or, if a standing committee is used, as co-chair along with the chair of the standing committee.

The Superintendent is directed to establish a committee or use a standing committee to conduct an annual review of all individual and program-wide data associated with this policy. The committee must review the following components related to the use of seclusion or restraint:

- A. incident reports
- B. procedures used during restraint, including the proper administration of specific Corporation-approved restraint techniques
- C. preventative measures or alternatives tried and techniques or accommodations used to avoid or eliminate the need for future use of restraint
- D. documentation and follow up of procedural adjustments made to eliminate the need for future use of restraint
- E. injuries incurred during a restraint
- F. notification procedures
- G. staff training needs
- H. specific patterns related to staff or student incidents
- I. any environmental considerations, including physical space, student seating arrangements, and noise levels

Upon review of the data, the committee must identify any issues or practices that require further attention and provide written recommendations to the Superintendent for changes in Corporation policies or practices.

The committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the Corporation's training program.

#### Definition of Terms

The following definitions apply in this policy regardless of the term(s) used to describe the conduct when it occurs.

- A. **"Behavioral intervention plan" or "BIP"** has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 7-32-10)
- B. **"Case conference committee"** has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 7-32-12)
- C. **"Chemical restraint"** means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment and dosage for the student's medical or psychiatric condition. The term does not include the administration of prescription medication pursuant to the orders of a student's physician that is a standard treatment and dosage for the student's medical or psychiatric condition.
- D. **"Emergency"** means a situation in which immediate intervention is necessary to protect the safety of a student or others from an imminent threat of physical injury to the student or others and staff trained in crisis intervention are not present to assist.
- E. **"Individualized education program" or "IEP"** has the meaning given to it in the rules of the Indiana State Board of Education. (511 IAC 7-32-48)

- F. **"Mechanical restraint"** means the use of a mechanical device, material or equipment attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or a part of the student's body or restricts normal access to the student's body. The term does not include mechanical devices, a material or equipment used as prescribed by a physician.
- G. **"Physical restraint"** means physical contact between a school employee and a student in which the student unwillingly participates and that involves the use of a manual hold to restrict freedom of movement of all or a part of a student's body or to restrict normal access to the student's body. The term does not include: 1) briefly holding a student without undue force in order to calm or comfort the student or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation; 2) physical escort; or (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.
- H. **"Physician"** means a person holding an unlimited license to practice medicine in Indiana, and includes an M.D. (medical doctor) and a D.O. (osteopathic physician).
- I. **"Positive behavior intervention and support"** means a systematic approach that uses evidence based practices and data driven decision making to improve school climate and culture and includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior to achieve improved academic and social outcomes and increase learning for all students.
- J. **"Seclusion"** means the confinement of a student alone or in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.

- K. **"Time-out"** means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted.

Administrative Guidelines and Forms

The Superintendent is authorized to issue administrative guidelines, directives, and forms, including but not limited to, the Seclusion and Restraint Incident Report ~~and the Staff Processing of Seclusion or Restraint Form~~, as needed to fully implement this policy and document compliance.

I.C. 20-20-40-1, 20-20-40-2, 20-20-40-4, 20-20-40-5, 20-20-40-6, 20-20-40-9

I.C. 20-20-40-10, 20-20-40-13, 20-20-40-14

I.C. 20-26-18.2-4

SEARCH AND SEIZURE

The School 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 Student's Person and Possession Possessions**

Prior to a search of a student's person and personal items in the student's immediate possession, consent of the student shall be sought by an administrator. If the student does not consent, such a search shall be permitted based only upon the administrator's individualized reasonable suspicion to believe that the search 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, also 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.

Permission for a student to bring a vehicle on school property shall be conditioned upon consent of the search of the vehicle and all containers inside the vehicle by a school administrator with reasonable suspicion to believe the search will produce evidence of a violation of law, a school rule, or a condition that endangers the safety or health of the student driver or others. The student shall have no expectation of privacy in any vehicle or in the contents of any vehicle operated or parked on school property.

The Superintendent may request the assistance of a law enforcement agency in implementing any aspect of this policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the Superintendent, the search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to law enforcement officers.

C. **Breath Test Instruments**

Administrators are authorized to arrange for the use of breath-test instruments for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

**D. Metal Detectors**

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To address the School Corporation's duty to maintain a safe learning environment free of the potential presence of weapons, school officials, school resource officers and other school personnel trained in the usage of metal detectors are authorized to use metal detectors, either hand-held wands or walk through devices, for the purpose of determining if a person is in possession of weapons or other dangerous metal objects. When the school administration has a reasonable suspicion to believe weapons or other dangerous metal objects are in the possession of an identified person, a search of the identified person and/or of his/her possessions shall be conducted in accordance the requirements of this policy's provisions for searching a Student's Person or Possessions (B. above) and administrative guideline 7440B.

**D.E. Use of Dogs**

The Board authorizes the use of specially-trained dogs to detect the presence of drugs or devices such as bombs on school property under the conditions established in the Superintendent's administrative guidelines.

Anything found in the course of a search pursuant to this policy 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 Superintendent 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

**REVISED POLICY – VOL. 30, NO. 2**

**EXTRA-CURRICULAR FUNDS**

The School Board shall establish financial controls for the administration of the normal, legitimate, ~~curricular related and~~ extra-curricular activities of the Corporation in accordance with guidelines of the State Board of Accounts and the applicable provisions of Policy 6111 – Internal Control Standards and Procedures.

Each fund covered by this policy must be recognized by the School Board before monies can be collected or disbursed in the name of said fund. Each fund shall be managed by a school administrator designated by the Superintendent and a bonded Treasurer approved by the Board.

The Superintendent is directed to submit annually a list of any new accounts along with a brief description of its objectives.

All student activity funds will be managed by the bonded School Treasurer in accordance with the guidelines established by the State Board of Accounts in its Handbook of Instruction for extra-curricular accounts. The Superintendent shall be responsible for ensuring that the Corporation has the current edition of this handbook.

A person who has charge of the collection, custody, and disbursement of funds collected and expended to pay expenses incurred in conducting any athletic, social, or other school function, the cost of which is not paid from public funds, shall: (1) keep an accurate account of all money received and expended, showing the: (A) sources of all receipts; (B) purposes for which the money was expended; and (C) balance on hand; and (2) file a copy of the account with the **(X)** Board of School Trustees ~~( ) Board of School Commissioners~~ **[END OF OPTIONS]** within two (2) weeks after the close of each school year.

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The funds of all accounts of any organization, class, or activity shall be accounted separately from all others. Funds may not be transferred from the accounts of any organization, class, or activity except by a majority vote of its members, if any, and by the approval of the principal, sponsor, and Treasurer of the organization, class, or activity. However, in the case of athletic funds: (1) approval of the transfer must be made by the athletic director, who is regarded as the sponsor; and (2) participating students are not considered members. All expenditures of the funds are subject to review by the governing body of the school corporation.

The Treasurer shall give a bond in an amount fixed by the Superintendent and principal of the school approximating the total amount of the anticipated funds that will come into the possession of the Treasurer at any one (1) time during the regular school year. Bonds shall be filed with the trustee or Board of School Trustees.

The surety on the bonds must be a surety company authorized to do business in Indiana. However, the requirement for giving the bond and the requirement to deposit the receipts in a separate bank account, as required by I.C. 20-41-1-9, does not apply to any school for which the funds, as estimated by the principal, will not exceed three hundred dollars (\$300) during a school year.

The principal or teacher in charge of the school shall designate a collecting authority to be in charge of the collection of any funds described in this section. This designation must be made immediately upon the opening of the school term or the vacating of the office of Treasurer. Upon collection of any funds, the collecting authority shall deliver the funds, together with an accounting of the funds, to the custody of the school Treasurer. The principal may designate different collecting authorities for each separate account of funds.

The Treasurer shall keep an accurate account of all money received by the collecting authority and expended, showing: (1) the sources of all receipts; (2) the purposes for which the money was expended; and (3) the balance on hand. A copy of the report, together with all records and files of extracurricular activities, shall be filed as required under I.C. 20-41-1-3.

However, in a school that has two (2) or more semesters in any one (1) school year, the Treasurer of the school shall file a copy of the Treasurer's financial report of receipts and disbursements with the (X) Board of School Trustees ~~(-) Board of School Commissioners~~ **END OF OPTIONS** not more than two (2) weeks after the close of each semester. Records and files of extracurricular activities for the entire school year shall be filed with the last financial semester report of any one (1) school year. These records shall be kept for five (5) years, after which they may be destroyed, unless the school corporation's records retention policy requires this category of records to be maintained for a longer period.

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The Treasurer shall deposit all receipts in one (1) bank account. The receipts shall be deposited without unreasonable delay. The account shall be known as the school extracurricular account. The records of each organization, class, or activity shall be kept separate so that the balance in each fund may be known at all times.

The money in the school extracurricular account may be invested under the conditions specified in IC 5-13-10 and IC 5-13-10.5 for investment of state money. However, investments under this section are at the discretion of the principal. The interest earned from any investment may be credited to the school extracurricular account and need not be credited proportionately to each separate extracurricular fund. The interest earned from the investment may be used for any of the following:

- A. a school purpose approved by the principal.
- B. an extracurricular purpose approved by the principal.

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**BOARD OF SCHOOL TRUSTEES**

FINANCES

**SOUTH HARRISON COMMUNITY** \_\_\_\_\_ **SCHOOL CORPORATION** 6610/page 4 of 4

Amounts expended from the extra-curricular account are in addition to any appropriation under I.C. 20-26-5-4-(3).

I.C. 20-26-6-4, 20-26-6-6, 20-26-6-7

I.C. 5-11-1-24, 5-11-1-27

I.C. 5-13-10, 5-13-10.5

I.C. 20-26-5-4(3)(A) – Uniform Internal Control Standards for Political Subdivisions Accounting and Uniform Compliance Manual for Extra-Curricular Accounts

I.C. 20-41-1

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INTERNAL CONTROL STANDARDS AND PROCEDURES

The Superintendent shall establish and maintain effective internal control standards and procedures for all funds received by the School Corporation, including financial grants and awards from Federal or State sources, that provide reasonable assurance that the program and funds are managed in compliance with applicable Federal and State statutes, Federal and State regulations, and the terms and conditions of grants and awards made to the Corporation.

The Corporation shall have a process that provides reasonable assurance regarding the achievement of the following objectives:

- A. effectiveness and efficiency of operations;
- B. reliability of reporting for internal and external use; and
- C. compliance with applicable laws and regulations.

The internal control standards and procedures must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal and State reports; maintain accountability over assets; and demonstrate compliance with Federal and State statutes, Federal and State regulations, and the terms and conditions of grants and awards.

The internal control standards and procedures also must provide reasonable assurance that these transactions are executed in compliance with Federal and State statutes, Federal and State regulations, and the terms and conditions of grants and awards that could have a direct and material effect on any grant or award, as well as any other Federal and State statutes and regulations that are identified in the Federal Compliance Supplements and/or directives of the State Board of Accounts (SBOA).

Additionally, the Corporation's internal control standards and procedures must provide reasonable assurance that all Federal and State funds, property, and other assets are safeguarded against loss from theft, fraud, unauthorized use, or unauthorized disposition.

Further, erroneous or irregular variances, losses, shortages, or thefts of any amount of Corporation funds or property whose source is a Federal grant or award are considered material and therefore are to be reported immediately to the SBOA as required by Federal and State law.

Other than with respect to Corporation funds or property whose source is a Federal grant or award, any erroneous or irregular variances, losses, shortages, or thefts of Corporation funds or property in excess of:

A. with respect to cash funds:

~~**[CHOICES: Please select one (1) of the following four (4) options that will be the materiality threshold for the Corporation.]**~~

- ~~\$-5,000~~ \_\_\_\_\_ in any fund
- \_\_\_\_\_ percent (\_\_\_\_%) in any fund
- \$ \_\_\_\_\_ in the General Education Fund,  
\$ \_\_\_\_\_ in the Debt Service Fund,  
\$ \_\_\_\_\_ in the Capital Projects Fund,  
\$ \_\_\_\_\_ in the Transportation Fund,  
\$ \_\_\_\_\_ in the Bus Replacement Operations Fund,  
\$ \_\_\_\_\_ in the Referendum Tax Levy Fund,  
\$ \_\_\_\_\_ in the Rainy Day Fund,  
\$ \_\_\_\_\_ in the Pension Bond Fund,  
\$ \_\_\_\_\_ in the Extracurricular Activity Fund,  
\$ \_\_\_\_\_ in the \_\_\_\_\_ Fund,  
\$ \_\_\_\_\_ in all other funds

- \_\_\_\_\_ percent (\_\_\_%) in the General Education Fund,
- \_\_\_\_\_ percent (\_\_\_%) in the Debt Service Fund,
- \_\_\_\_\_ percent (\_\_\_%) in the Capital Projects Fund,
- \_\_\_\_\_ percent (\_\_\_%) in the Transportation Fund,
- \_\_\_\_\_ percent (\_\_\_%) in the Bus Replacement Operations Fund,
- \_\_\_\_\_ percent (\_\_\_%) in the Referendum Tax Levy Fund,
- \_\_\_\_\_ percent (\_\_\_%) in the Rainy Day Fund,
- \_\_\_\_\_ percent (\_\_\_%) in the Pension Bond Fund,
- \_\_\_\_\_ percent (\_\_\_%) in the Extracurricular Activity Fund,
- \_\_\_\_\_ percent (\_\_\_%) in the \_\_\_\_\_ Fund,
- \_\_\_\_\_ percent (\_\_\_%) in all other funds

**[END OF CHOICES]**

B. with respect to assets other than cash funds:

**[CHOICES: ~~Please select one (1) of the following two (2) options that will be the materiality threshold for the Corporation.~~]**

- any asset valued in excess of \$ \_\_\_\_\_ \$5,000
- any asset, regardless of value

**[END OF CHOICES]**

are considered material and therefore are to be reported immediately to the SBOA as required by State law.

The Corporation shall:

- A. comply with Federal statutes, regulations, and the terms and conditions of the Federal grants and awards;
- B. comply with State statutes and regulations related to the management and control of all funds received by the Corporation;

- C. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of Federal grants and awards and State and local funds received;
- D. investigate all variances, losses, shortages, or thefts of Corporation funds or property, document the investigation and its results, and maintain a record of the investigation and its results;
- E. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;
- F. report all misappropriations of Corporation funds or property to the SBOA and the county prosecuting attorney whenever a Corporation employee has actual knowledge of or reasonable cause to believe that a misappropriation has occurred;
- G. provide, upon employment and periodically thereafter, training concerning the internal control standards and procedures established for the Corporation for any personnel whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the Federal government, State government, the Corporation, or other governmental entities; and
- H. take reasonable measures to safeguard protected "personally identifiable" information (PII) and other information the State, awarding agency, or pass-through entity designates as sensitive or the Corporation considers sensitive consistent with applicable Federal, State, local, and tribal laws and Corporation policies regarding privacy and obligations of confidentiality.

PII is defined at 2 C.F.R. 200.79 as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. "

However, the definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

**[Suggested resources:]**

- A. *Standards for Internal Control in the Federal Government* issued by the Comptroller General of the United States;
- B. *Internal Control Integrated Framework* (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;
- C. *Circular A-110 Compliance Supplement* issued by the U.S. Office of Management and Budget;
- D. *Circular A-133 Compliance Supplement* issued by the U.S. Office of Management and Budget; and
- E. Internal control guidance issued by the U.S. Department of Education.]

I.C. 5-11-1-27  
2 C.F.R. 200.61-.62  
2 C.F.R. 200.79  
2 C.F.R. 200.203  
State Examiner Directive 2015-6 (SBOA 11-18-15)

REVISED POLICY – VOL. 31, NO. 1

FISCAL PLANNING

The School Board shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the School Corporation and to plan for the financial needs of the educational program. The Board will strive to maintain both short and long range projections of the Corporation's financial requirements.

Accordingly, the Board directs the Superintendent or designee to:

- (x) include cost estimates of all ongoing financial requirements;
- (x) prepare a long range year-by-year plan for the maintenance and replacement of facilities and equipment;
- (x) maintain a plan of anticipated local, State, and Federal revenues;
- (x) meet periodically with the municipal governing board appropriate officials of the local municipality or county to review planned expenditures and the joint effect of school and community costs on tax rates;
- (x) report to the Board any serious financial implications that emerge from the Corporation's ongoing fiscal planning.

In addition, the Board directs the Superintendent or designee \_\_\_\_\_ to maintain annually a detailed three (3) \_\_\_\_\_ year forecast of estimated expenditures and revenues of the Capital Projects Funds Operations Fund.

I.C. 20-26-5-4

**COST-SAVINGS INCENTIVE PROGRAM**

With the increasing demands on the [School](#) Corporation's resources and the limited means to enhance its resources, the School Board will continue to seek ways to reduce costs without diminishing the quality of services provided to the students of the Corporation.

To that end, the Board authorizes the Superintendent to establish a Cost-Savings Reduction Program, in accordance with I.C. 36-1-13, which will provide opportunities for any employee to suggest ways in which the Corporation can effectively reduce its costs. The type and amount of any awards that may be included in the program, as well as the manner in which any awards would be made, must be approved by the Board. All such awards would be paid with funds allocated to the [General Fund Education Fund or Operations Fund, depending on the nature of the suggestion made.](#)

I.C. 36-1-13

TECHNICAL CORRECTION INDIANA CODE CHANGE – VOL. 31, NO. 1

PETTY CASH

The School Board recognizes the convenience afforded the day-by-day operation of the schools by the establishment of a Petty Cash Fund not to exceed \$500 ~~(\$500 maximum)~~.

The Board shall allow small petty cash funds to be established provided controls are imposed by the Superintendent to prevent abuse of such funds or total spending to exceed the fund appropriation.

The custodian of the petty cash fund shall ensure that the funds in his/her care shall be disbursed only for minor expenditures not readily deferred. No petty cash fund may be used to circumvent the purchasing procedures required by law and the policies of the Board. A receipt for petty cash must be signed by the person making the request and include such supporting documentation as may be appropriate. The petty cash box must be secured daily.

The custodian of the petty cash fund shall prepare a schedule of disbursements when the funds available have declined to less than twenty-five percent (25%) of the full amount authorized and shall show the disbursements by line account numbers. The custodian shall submit the schedule to the Superintendent or designee \_\_\_\_\_ with a voucher requesting replenishment in like amount.

~~{ } All petty cash funds will be closed out for audit at the end of the school year and unused funds will be returned to the depository.~~

~~I.C. 36-1-8~~

~~I.C. 21-2-5~~

I.C. 36-1-8-3

**REVISED POLICY – VOL. 31, NO. 1**

OPERATIONS CASH CHANGE FUND

The School Board recognizes the convenience of a cash change fund in the day-to-day ~~operation~~operations of the School Corporation.

The Board authorizes the establishment of a cash change fund by means of a check drawn on the Corporation's General Operations Fund in an amount designated by the Board. The fund shall be under the direction of the Superintendent who may designate a building cashier who shall be responsible for providing change as needed and for the safekeeping and accounting of cash change funds in their possession.

The Superintendent may request the Board to increase or decrease the amount of this fund appropriate to the need of the schools. When the fund is no longer needed, all remaining monies shall be returned to the General Operations Fund.

I.C. 36-1-8-2

**DELETE POLICY – VOL. 31, NO. 1**

**SCHOOL TECHNOLOGY FUND**

The School Board shall establish a School Technology Fund. The fund consists of monies received by the School Corporation for a specific purpose or purposes, by gift, endowment, or pursuant to any Federal statute, which was held in a separate fund, is no longer needed, and no local tax funds are involved. However, no such funds shall be accepted unless the terms of the gift, endowment or payment and their acceptance are so stated that the School Board is not divested of any authority which they now have or may be granted by law. Funds so received for specific purposes and any earnings from them may be disbursed without appropriation. Any money saved by the School Corporation as a result of universal service discounts provided to the School Corporation under the Federal Telecommunications Act of 1996 must be transferred to the School Technology Fund. Property taxes levied for a Capital Projects Fund shall not be transferred to the School Technology Fund.

Money in the fund may not be used to purchase software programs to be used exclusively for administrative purposes. However, if a particular software program is to be used for administrative purposes and other authorized purposes, a pro rata portion of the cost of the software program may be paid from the fund.

I.C. 21-2-11-6  
I.C. 21-2-11-6.5  
I.C. 21-2-18

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REVISED POLICY – VOL. 31, NO. 1

SYSTEM OF ACCOUNTING

It is the policy of the School Board that a chart of accounts be established in accordance with the requirements of the State Board of Accounts for the accounting of all School Corporation funds.

The Superintendent \_\_\_\_\_ shall be responsible for the proper accounting of all Corporation funds. S/He shall ensure that expenditures are budgeted under and charged against those accounts which most accurately describe the purpose for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts which most accurately describe the purposes for which such monies are to be or have been spent.

A report of the revenues and expenditures in the General Fund–Education Fund, Operations Fund, and ~~the~~ all other funds established by the Corporation \_\_\_\_\_ Fund(s) shall be made to the Board on a monthly basis by the Superintendent. \_\_\_\_\_.

I.C. 5-11-1-2

**REVISED POLICY – VOL. 31, NO. 1**

**FACILITY SECURITY PROGRAM**

Construction and maintenance of safe and secure facilities to support the instruction of students by the ~~Board's School Corporation's~~ staff involves a substantial investment of public funds. It is therefore in the interest of the school community that the School Board protect its investment in facilities by implementing a security program.

The Superintendent shall develop and supervise a program for the security of the Corporation's students, staff, visitors, buildings, grounds and equipment. This program may include the use of video and audio monitoring and recording equipment on the ~~Board's Corporation's~~ grounds and in the ~~Board's Corporation's~~ vehicles.

The Board directs the Superintendent to identify persons who knowingly or negligently damage property or expose persons to the risk of harm in the course of Corporation activities. If persons responsible for harm or risk of harm to a person or property damage are identified, the Board directs the Superintendent and staff to cooperate in the prosecution of these persons and to pursue recovery of the cost of repair or replacement of damaged property.

In implementing the security program required by this policy, the Board authorizes the Superintendent to direct a person to not come on ~~or Corporation property~~, leave Corporation property, or that s/he may not attend a Corporation activity when the Superintendent determines that the person's presence ~~endangers others may be a danger to others~~. ~~Where~~ If a person does not comply with such a directive, the Board authorizes the Superintendent to seek arrest of the person by a law enforcement officer and prosecution of the person for the Class D felony of Criminal Trespass on School Property, as found at ~~I.C. 35-43-2-2(a)(1) or (2)~~ I.C. 35-43-2-2(b)(1) or (2). ~~A decision by a designee of the Superintendent may ask that the Superintendent review and modify the designee's decision.~~ A decision by a designee of the Superintendent may be reviewed and modified by the Superintendent.

~~{ } The Superintendent is authorized to install metal detectors and video and audio monitoring equipment on school property in order to protect the health, welfare, and safety of students, staff, visitors, and Board property. The Superintendent is also authorized to deploy other security devices that would assist in the detection of contraband such as weapons or drugs~~

~~( ) in school buildings;~~

~~( ) on Corporation property;~~

~~( ) at school activities held off site.~~

[X] The Superintendent is authorized to purchase and install walk-through metal detectors and video and audio monitoring equipment on school property in order to protect the health, welfare, and safety of students, staff, parents and other visitors, and Corporation property.

The Superintendent also is authorized to purchase hand-held metal detectors and permit administrative staff, school resource officers, and other personnel trained in the usage of hand-held metal detectors to utilize such metal detectors as a part of a comprehensive program of school security and safety of students, staff, parents and other visitors.

Metal detectors, both walk-through and hand-held wands, will be used only in accordance with the Superintendent's administrative guidelines.

When a school administrator has a reasonable suspicion to believe a weapon is in the possession of a (X) person (X) student (X) staff member (X) parent or other visitor, walk-through and hand-held metal detectors may be used.

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**[Options – choose one or both of the following options:]**

**[X]** The Board authorizes the search of all **(X)** persons **(X)** students **(X)** staff members **(X)** parents and other visitors **[end of options]** **(X)** entering Corporation buildings, **(X)** boarding or riding Corporation buses/vehicles owned by, or contracted for, the Corporation, **(X)** entering Corporation property, **(X)** attending events on Corporation property, **(X)** attending school activities off site **[END OF OPTIONS]**. Such searches may be conducted using walk-through or hand-held metal detectors as a part of a comprehensive program of safety and security.

**[X]** The Board authorizes the random search of all **(X)** persons **(X)** students **(X)** staff members **(X)** parents and other visitors **[end of options]** **(X)** entering Corporation buildings, **(X)** boarding or riding Corporation buses/vehicles owned by, or contracted for, the Corporation, **(X)** entering Corporation property, **(X)** attending events on Corporation property, **(X)** attending school activities off site **[END OF OPTIONS]**. Such searches may be conducted using walk-through or hand-held metal detectors as a part of a comprehensive program of safety and security.

**[END OF OPTIONS]**

If a person has a medical condition that prohibits them from going through a walk-through metal detector, then only a hand-held metal detector may be used.

The Superintendent shall require that notice of the Corporation's intent to conduct such searches is provided at least annually to all Corporation staff members, students and their parents, and visitors, including an outline of the procedure to be utilized during a search.

No person shall be selected to be searched based solely upon his/her gender, race, ethnicity, religion, disability, physical appearance, manner of dress, or association with any particular group of persons.

**[END OF OPTION]**

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[X] The Superintendent shall report to the Board, no later than the next Board meeting, any significant incident involving vandalism, theft, personal safety, or other security risk and the measures being taken to address the situation.

I.C. 20-26-5-4(2) and (4)

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

I.C. 20-26-5-4(a)(2), (4) and (5)

I.C. 20-33-8

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USE OF SCHOOL FACILITIES

The School Board believes that the school facilities of this Corporation should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of the schools.

- (X) and is harmonious with the purposes of this Corporation. For purposes of this policy, “community” is defined as the area within the geographical boundaries of South Harrison Community School Corporation.

The Board will permit the use of school facilities when such permission has been requested in writing by a responsible organization or a group of citizens and has been approved

~~(x)~~ by the Superintendent.

~~(+)~~ by the Board.

Corporation facilities shall be available for the below-listed uses. When there are competing interests for such uses, approval will be given according to the following priorities:

- (x) uses directly related to the schools and the operations of the schools
- (x) uses by not-for-profit or for-profit organizations providing child care programs which meet the State requirements and additional conditions established by Board policies and the Superintendent's guidelines
- (x) uses and groups indirectly related to the schools
- (x) meetings of employee associations
- (x) uses for voter registration and elections
- (x) departments or agencies of the municipal government

**BOARD OF SCHOOL TRUSTEES**

PROPERTY

**SOUTH HARRISON COMMUNITY** \_\_\_\_\_ **SCHOOL CORPORATION** 7510/page 2 of 5

(-x) other governmental agencies

- community organizations or groups of individuals formed for
  - charitable
  - civic
  - social
  - educational
  - political
  - religious
  - recreational

Ppurposes

commercial or profit-making organizations or individuals offering services for profit (these must be approved by the Board).

\_\_\_\_\_  
\_\_\_\_\_

The use of Corporation grounds and facilities shall not be granted for:

~~private social functions.~~

any purpose which is prohibited by law.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Should all or any part of the Corporation's community be struck by a disaster, the Board shall make Corporation grounds and/or facilities available, at no charge, for the housing, feeding, and care of victims or potential victims when requested by local, State, or Federal authorities. The Superintendent should meet with the local authorities \_\_\_\_\_ ~~(local governing body)~~ to establish a disaster preparedness plan in order to ensure that proper procedures are established to minimize confusion, inefficiency, and disruption of the educational program.

The Superintendent shall develop administrative guidelines for the granting of permission to use Corporation facilities including a schedule of fees. Such guidelines are to include the following:

- (x) Each user
  - (+) ~~shall~~
  - (x) may be required to

present evidence of the purchase of organizational liability insurance to the limit prescribed by Corporation guidelines.

- (x) Use of school equipment in conjunction with the use of school facilities must be requested specifically in writing, and may be granted by the procedure by which permission to use facilities is granted. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use. Where guidelines so specify, no item of equipment may be used except by a qualified operator.

- (x) Users shall be liable financially for damage to the facilities and for proper chaperonage.

- (x) Users shall not possess, consume, or distribute alcoholic beverages or other controlled substances

(x) \_\_\_\_\_, nor shall any betting occur, at any function occurring on Corporation premises.

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(f) ~~Corporation related organizations may be permitted to have raffles and similar forms of fundraising only when specifically authorized in advance by the Superintendent pursuant to Policy 9211 – Corporation Support Organizations and Policy 9700 – Relations with Special Interest Groups.~~

No liability shall attach to this Corporation, any employee, officer, or member of this Corporation specifically as a consequence of permitting access to these facilities.

I.C. 20-26-5-1, 20-26-5-4, 20-26-8-1  
511 IAC 6-2-1(b)(5)

REVISED POLICY – VOL. 30, NO. 2

STAFF USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices (“PCDs”) has become pervasive in the workplace. For purposes of this policy, “personal communication device” includes computers, tablets (e.g., iPads and similar devices), electronic readers (“e-readers”; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], (X) telephone paging devices [e.g., beepers or pagers]), (X) and/or other web-enabled devices of any type. Whether the PCD is School Board-owned Corporation-owned and assigned to a specific employee, employee or school official or personally-owned by the employee or school official (regardless of whether the Board-Corporation pays the employee or school official an allowance for his/her use of the device, the Board-Corporation reimburses the employee or school official on a per use basis for their business-related use of his/her PCD, or the employee or school official receives no remuneration for his/her use of a personally-owned PCD), the employee or school official is responsible for using the device in a safe and appropriate manner and in accordance with this policy and its accompanying guidelines, as well as other pertinent Board policies and procedures.

**Conducting Corporation Business Using a PCD**

**[NOTE: FIRST SET OF OPTIONS – CHOOSE OPTION A OR OPTION B]**

**OPTION A**

**[X]** Employees and school officials are permitted to use a Corporation-owned and/or personally owned-PCD to make/receive calls, send/receive emails, send/receive texts, send/receive instant messages, or [ ] that concern Corporation business of any kind.

Employees and school officials are responsible for archiving such communication(s) in accordance with the Corporation's requirements. **[INSERT REQUIREMENTS INSTEAD OF GENERAL REFERENCE TO REQUIREMENTS]**

**[END OF OPTION A]**

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**OPTION B**

~~[ ] Employees and school officials are prohibited from using a Board-owned and/or personally-owned PCDs for Corporation business of any kind other than to ( ) make/receive telephone calls, ( ) send/receive emails on a Corporation-issued email account, ( ) or [END OF OPTION].~~

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~~Employees and school officials who receive Corporation business-related communication(s) on Corporation owned and personally owned PCDs on a function that is not permitted under this policy are still responsible for the following:~~

- ~~A. Archiving such communication(s) sent or received in accordance with the Corporation's requirements; and~~
- ~~B. Responding to an individual who sends such communication using the employee's or school official's Corporation-issued email account with the following message: "On [insert date], I received a message from you on my ( ) Corporation owned ( ) personally owned PCD. Pursuant to Board Policy 7530.02, please contact me with such communications regarding Corporation business of any kind via my wireless communication device, the Corporation issued email account from which I am sending this message ( ), or [END OF OPTION]. Thank you."~~

~~[END OF OPTION B]~~

~~[END OF FIRST SET OF OPTIONS]~~

**Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones**

**[NOTE: START OF FIRST SECOND SET OF OPTIONS - CHOOSE OPTION A AND/OR OPTION B OR OPTION C]**

**OPTION A**

~~[ ] Employees and school officials whose job responsibilities include regular or occasional driving and who use a PCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees and school officials are strongly encouraged to should pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message or e-mail, or browsing the Internet using a PCD while driving is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee or school official is driving in an unfamiliar area. In the interest of safety for both Board employees, school officials, and other drivers, employees and school officials are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving), applicable State laws and local ordinances while driving, including any laws that prohibit texting or using a cell phone or other PCD while driving.~~

~~[ ] In situations where job responsibilities include regular driving and accepting of business calls, the employee should consider the use of hands-free equipment to facilitate the provisions of this policy.~~

~~[ ] In situations where job responsibilities include regular driving and accepting of business calls, the employee or school official should use hands-free equipment to facilitate the provisions of this policy.~~

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**OPTION B**

Employees and school officials are responsible for operating ~~Board/Corporation-~~owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees and school officials are prohibited from using ~~PCDs~~ a PCD while operating such vehicles or equipment. In the interest of safety for ~~both Board~~ employees, school officials, and other drivers, employees and school officials are required to comply with all applicable laws while driving.

**OPTION C**

~~Using a cell phone or other PCD while operating a vehicle is strongly discouraged. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/e-mails read and/or sent, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).~~

**[NOTE: END OF FIRST SECOND SET OF OPTIONS]**

Employees and school officials may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

**Duty to To Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements**

Employees and school officials are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on ~~their PCDs~~ a PCD regardless of whether they are Corporation-owned and assigned to a specific employee or school official or personally-owned by the employee or school official.

~~Cellular and wireless PCD communications, including calls, text messages, instant messages, and e-mails sent or received from PCDs, may not be secure. Therefore, employees and school officials should use discretion in relaying when using a PCD to relay confidential information, particularly as it relates to students.~~

~~Additionally, cellular/wireless PCD communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records, if the content of the message concerns Corporation business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with Corporation requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.~~

~~Further, PCD communications about students, including text messages, instant messages and e-mails sent and/or received by a Corporation employee or school official using his/her PCD may constitute education records if the content includes personally identifiable information about a student.~~

~~Communications, including text messages, instant messages and e-mails sent and/or received by a Corporation employee or school official using his/her PCD, that are public records or student records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. PCD communications that are student records should be maintained pursuant to Policy 8330 – Students Records.~~

~~It is the responsibility of the Corporation employee or school official who uses a PCD for Corporation business-related use to archive all text messages, instant messages and e-mails sent and/or received using his/her PCD in accordance with the Corporation's requirements.~~

Finally, PCD communications and other electronically stored information (ESI) stored on the staff member's or school official's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Employees and school officials are required to comply with Corporation requests to produce copies of PCD communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

**[NOTE: ~~START OF SECOND~~ THIRD SET OF OPTIONS – CHOOSE OPTION A OR OPTION B]**

**OPTION A [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01 V1]**

At the conclusion of an individual's employment or official service (whether through resignation, nonrenewal, or termination), the employee or school official is responsible for verifying all public records, student records and ESI subject to a Litigation Hold that are maintained on the employee's or school official's PCD are transferred to the Corporation's custody (e.g., server, alternative storage device). The Corporation's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the Corporation's custody, the employee or school official is required to delete the records/ESI from his/her PCD. The employee or school official will be required to sign a document confirming that all such records/information has have been transferred to the Corporation's custody and deleted from his/her PCD.

Similarly, if an employee or school official intends to dispose of, or otherwise stop using, a personally owned PCD on which s/he has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the employee or school official must transfer the records/ESI to the Corporation's custody before disposing of, or otherwise ceasing to use, the personally owned PCD. The employee or school official is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally owned PCD. Failure to comply with these requirements may result in disciplinary action.

**OPTION B [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01 V2]**

At the conclusion of an individual's employment or official service (whether through resignation, nonrenewal, or termination), the employee or school official is responsible for informing the Superintendent or his/her designee of all public records, student records and ESI subject to a Litigation Hold that is maintained on the employee's ~~Board-owned PCD~~ or school official's Corporation-owned PCD. The Corporation's IT department/staff will then transfer the records/ESI to an alternative storage device.

[X] If the employee or school official ~~also~~ utilized a personally-owned PCD for ~~work-related~~ Corporation-related communications, and the device contains public records, students records and/or ESI subject to a Litigation Hold, the employee or school official must transfer the records/ESI to the Corporation's custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment or official service. The Corporation's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the Corporation's custody, the employee or school official is required to delete the records/ESI from his/her personally-owned PCD.

**[NOTE: END OF SECOND THIRD SET OF OPTIONS]**

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee or school official must ~~immediately~~ notify the Superintendent immediately so a determination can be made as to whether any public records, ~~students-student~~ records and/or ESI subject to a Litigation Hold ~~has~~ have been compromised and/or lost. ~~The Pursuant to Policy 8305 Information Security and its accompanying guidelines, the~~ Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD ~~was~~ were encrypted.

The Board prohibits employees and school officials from maintaining the following types of records and/or information on their  PCDs  cell phones:

- social security numbers
- driver's license numbers
- credit and debit card information
- financial account numbers
- student personally identifiable information
- information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)
- \_\_\_\_\_

If an employee or school official maintains records and/or information on a  PCD or  cell phone that is confidential, privileged or otherwise protected by State and/or Federal law, the employee or school official is required to encrypt the records and/or information.

It is ~~+~~ required  suggested that employees and school officials lock and password protect their PCDs when not in use.

Employees and school officials are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

**Privacy Issues**

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees and school officials are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

**[NOTE: START THIRD FOURTH SET OF OPTIONS – CHOOSE OPTION A OR OPTION B OR OPTION C]**

**[ ] — OPTION A**

~~The use of PCDs that contain a PCD that contains built-in cameras (i.e., devices that take still or motion pictures, whether in a digital or other format) is prohibited in ( ) classrooms, ( ) gymnasiums, locker rooms, shower facilities, rest/bathrooms ( ) and/or swimming pool.~~

**[ ] — OPTION B**

~~The use of PCDs a PCD in ( ) classrooms, ( ) gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or ( ) swimming pool is prohibited.~~

**[x] — OPTION C**

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, (x) classrooms, (x) 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.

**[NOTE: END OF THIRD FOURTH SET OF OPTIONS]**

**Personal Use of PCDs While at Work**

~~[NOTE: START OF FOURTH FIFTH SET OF OPTIONS — CHOOSE OPTION A OR OPTION B]~~

**OPTION A**

During work hours personal communications made or received, regardless of whether on a PCD or a regular telephone or network computer, can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.

~~[END OF OPTION A]~~

**OPTION B**

~~Board Corporation employees may carry ( ) PCDs ( ) cell phones with them while at work ( ) including while operating Board Corporation equipment, but are subject to the following restrictions:~~

- ~~A. Excessive use of a ( ) PCD ( ) cell phone for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.~~
- ~~B. Employees are personally and solely responsible for the care and security of their personally owned PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, personally owned PCDs brought onto its Corporation property, or the unauthorized use of such devices.~~

~~[END OF OPTION B]~~

~~[NOTE: END OF FOURTH FIFTH SET OF OPTIONS]~~

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**Potential Disciplinary Action**

Violation of any provision of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws ~~may~~ also may result in disciplinary action up to and including termination.

Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)

Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)  
20 U.S.C. 1232g; 34 CFR Part 99

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# South Harrison Community School Corporation

## Bylaws & Policies

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### 8120 - VOLUNTEERS

The School Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the staff responsible for the conduct of those programs and activities.

The Superintendent shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. The Superintendent shall not be obligated to make use of volunteers whose abilities are not compatible with School Corporation needs.

Further, the school board recognizes that there are differences between the volunteer who will assist a teacher or sponsor with constant direct supervision and the volunteer who, by the nature of the activity, could or will likely be left unsupervised with students.

For ~~E~~each volunteer who is in direct contact with students (but within constant supervision of the teacher or sponsor such as classroom activities, field trip supervision, etc.) will be required to submit to an Expanded Criminal History Record Check as defined by I.C. 20-26-2-1.5. ~~which shall include:~~

For each volunteer who is in direct contact with students (with the likely possibility of being with students unsupervised by teachers or head coaches such as volunteer coaching assignments, overnight field trips, etc.) will be required to submit to an Expanded Criminal History Record Check which shall include:

- A. an expanded criminal history check (as defined by I.C. 20-26-2-1.5) of the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or another method of positive identification;
- B. an expanded child protection index check as defined by I.C. 20-26-2-1.3;
- C. search of the national sex offender registry maintained by the United States Department of Justice;
- D. beginning July 1, 2017, a search of the State child abuse registry;
- E. a detailed background history including all prior employment and volunteer positions;
- F. an Indiana Bureau of Motor Vehicles driver history if the position involves driving.

The cost of these record checks will be borne by the volunteer and must be conducted at least one time every five years to remain as a volunteer. Volunteers in the capacity of coaching positions must be approved by the Board of School Trustees on an annual basis.

The procedures shall ensure that information and records obtained from criminal history inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or to defend a decision made pursuant to this policy.

The Superintendent is to inform each volunteer that s/he:

- A. shall agree to abide by all Board policies and Corporation guidelines while on duty as a volunteer;
- B. will be covered under the Corporation's liability policy but the Corporation shall not provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the volunteer eligible for workers' compensation;
- C. will be asked to sign a form releasing the Corporation of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services;
- D. will be required to report any arrests, the filing of criminal charges against him/her, or convictions for a crime while serving as a volunteer;
- E. will be required to report any substantiated report of child abuse or neglect of which s/he is the subject.

The Superintendent also shall ensure that each volunteer is properly informed of the Corporation's appreciation for his/her time and efforts in assisting the operation of the schools.

I.C. 5-2-22  
I.C. 10-13-3  
I.C. 20-26-2-1.3  
I.C. 20-26-2-1.5  
I.C. 20-26-5-10, -11 and -11.5

Adopted 12/4/07  
Revised 12/7/10  
Revised 3/7/17  
Revised 3/6/18

Revised

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**REVISED POLICY – VOL. 30, NO. 2**

**INFORMATION MANAGEMENT**

~~The School Board recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the Corporation outside the "Records Retention Schedule". In such situations, a "Litigation Hold" procedure will be utilized to identify and preserve information relevant to a specific matter. "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the Corporation will identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule." The Corporation will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the Corporation, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements. Failure to comply with a Litigation Hold notice ( ) **may** ( ) **shall** result in disciplinary action, up to and including possible termination.~~

The School Board recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the School Corporation outside the "records retention schedule". In such situations, a litigation hold procedure will be utilized to identify and preserve information relevant to a specific matter. All paper documents and electronically stored information ("ESI") subject to a litigation hold shall be handled pursuant to the requirements in AG 8315. All information falling within a litigation hold, which is under the control of the Corporation, must be preserved in a readily accessible form and cannot be disposed of under the records retention and disposal procedures. Failure to comply with a litigation hold notice (X) **may** ( ) ~~shall~~ result in disciplinary action, up to and including possible termination.

Instances where the Board must maintain information outside the "Records Retention Schedule" include:

- A. when the Board has specific information and/or written notice from an individual, parent or student of an intent to file an appeal of student discipline to State court;
- B. when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;
- C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;
- D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees or agents at an administrative agency such as the Equal Employment Opportunity Commission, Indiana Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;
- E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Indiana Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;
- F. when the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation against that third party;
- G. when the Superintendent recommends the termination of an employee to the Board pursuant to a labor contract;

H. ~~when the Board explores, contemplates or initiates litigation.~~

**Definitions**

"Documents" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. It includes, but is not limited to, e-mails, e-mail attachments, instant messages, word processing files, spreadsheets, pictures, application program and data files, databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, TIFF files, PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voice mails, phone logs, faxes, internet histories, caches, cookies or logs of activity on computer systems that may have been used to process or store electronic data.

"Electronic media" includes, but is not limited to, hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's, CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, micro-film, backup tapes, cassette tapes, cartridges, etc.), accessed, used and/or stored on/in/through the following locations: networks and servers; laptop and desktop work computers; home and personal computers; other computer systems; backup computers or servers; archives; ~~personal digital assistants ("PDAs" including Palm, Blackberry, cellular phone, tablet PC, etc.)~~ wireless communication device as defined in Bylaw 0100; pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media shall also include any item containing or maintaining ESI that is obtained by the Corporation for Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy is adopted into the future.

**Initiation and Removal of a "Litigation Hold"**

The Board or the Superintendent may initiate a "~~Litigation Hold~~litigation hold" under this policy. If the Superintendent initiates a "~~Litigation Hold~~litigation hold," s/he or the Board's legal counsel will notify the Board of the reason the ~~Litigation Hold~~litigation hold was instituted and its scope. When implementing a ~~Litigation Hold~~litigation hold, the Board or Superintendent (**X**) ~~may~~ **will** utilize an Electronically Stored Information Team ("ESI Team"). The Board's legal counsel shall be involved in implementation of the "~~Litigation Hold Procedure~~."litigation hold procedure outlined in AG 8315.

A "~~Litigation Hold~~litigation hold shall remain in place until removed by the Board. A "~~Litigation Hold~~litigation hold may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the "~~Records Retention Schedule~~records retention schedule once the "~~Litigation Hold~~litigation hold is removed.

The Superintendent shall develop administrative guidelines outlining the procedures to be followed by Board members and employees when initiating and implementing a "~~Litigation Hold~~litigation hold. This policy and its related administrative guidelines shall be posted and distributed in the manner described in AG 8315.

Federal Rules of Civil Procedure 34, 37(f)  
Indiana Rules of Trial Procedure 34

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**LETTER OF REFERENCE OR EMPLOYMENT REFERENCE**

**Letter of Reference:**

The School Board recognizes that an employee's request to an administrator for a letter of reference is an opportunity to share information about the staff member's performance with prospective employers. A current or former employee has no expectation that a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the administrator.

If an administrator opts to prepare such a letter, the Board expects that administrator to provide specific and truthful comments concerning the employee's actual performance that can be substantiated by the individual's personnel file.

**Employment Reference:**

Notwithstanding the preceding provision giving an administrator discretion to provide a letter of reference to a current or former employee, if another school makes a request for an employment reference for a current or former employee, in compliance with I.C. 20-26-5-11.5, the administrator shall disclose to the requesting school any incident known by the School Corporation in which the employee committed an act resulting in a substantiated report of abuse or neglect under Indiana law.

In accordance with State law, an administrator who, in the scope of his/her employment, provides a letter of reference or employment reference is entitled to at least a qualified privilege for his/her statements provided such statements were made in good faith.

All Corporation employees, including but not limited to an administrator who prepares a letter of reference or provides an employment reference pursuant to this policy, are prohibited from assisting a Corporation employee, contractor or agent in obtaining a new job if s/he knows or has probable cause to believe that such Corporation employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files. The only exceptions permitted are those authorized by the Every Student Succeeds Act, such as where the matter has been investigated by law enforcement and the matter was officially closed due to lack of probable cause or where the individual was acquitted or otherwise exonerated of the alleged misconduct. No Corporation employee shall provide a letter of reference or an employment reference for any Corporation employee, former employee, contractor or agent if s/he knows or has probable cause to believe that such individual engaged in sexual misconduct regarding a minor or student in violation of State or Federal law.

~~I.C. 20-26-5-11.5~~

~~I.C. 22-5-3-1~~

~~Section 8546 of the Every Student Succeeds Act (ESSA)~~

~~I.C. 20-26-5-11.5~~

~~I.C. 22-5-3-1~~

~~20 U.S.C. 7926, Section 8546 of the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA)~~

### COACH TRAINING

The School Corporation shall comply with State law governing the training and certification of all coaches (**X**) and athletic activity sponsors. This applies to all coaches, whether employees, volunteers, or other individuals, who are coaching student athletes.

The School Board requires that:

- A. Prior to coaching football to students who are less than twenty (20) years of age, all head and assistant football coaches shall complete a certified coaching education course approved by the Indiana Department of Education not less than once during a two (2)-year period that:
  1. is sport specific;
  2. contains player safety content, including content on:
    - a. concussion awareness;
    - b. equipment fitting;
    - c. heat emergency preparedness; and
    - d. proper technique;
  3. requires a coach to complete a test demonstrating comprehension of the content of the course; and

4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the School Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

- B. After June 30, 2017, prior to coaching students in grades 5 - 12, all head and assistant coaches of interscholastic sports other than football, including cheerleading, shall complete a certified coaching education course approved by the Indiana Department of Education at least once during a two (2)-year period that:

1. contains player safety content on concussion awareness;
2. after December 31, 2018, includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;
- ~~2.3.~~ requires a coach to complete a test demonstrating comprehension of the content of the course; and
- ~~3.4.~~ awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

- C. A head or assistant coach of an intramural sport other than football who is coaching students in grades 5 - 12 may elect to complete the above-referenced certified coaching education course. If compliance with I.C. 20-34-7 is required by the coaching certification requirements for the intramural sport that the head or assistant coach is coaching, the coach shall complete the above-referenced certified coaching education course.

~~[THE FOLLOWING TRAINING IS OPTIONAL; CHOOSE THE OPTIONS THAT THE BOARD WISHES TO INCLUDE IN THE POLICY]~~

Additionally, the Board requires that:

All head and assistant coaches of students of any age participating in interscholastic or intramural sports other than football, including cheerleading, shall complete a certified coaching education course approved by the State Department of Education at least once during a two (2)-year period that:

1. contains player safety content on concussion awareness;
2. includes content for prevention of or response to heat related medical issues that may arise from a student athlete's training;
- ~~2.3.~~ requires a coach to complete a test demonstrating comprehension of the content of the course; and
- ~~3.4.~~ awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

All coaches () and athletic activity sponsors ~~[END OF OPTION]~~ of interscholastic or intramural sports for students of any age shall receive training about () concussions () ~~and~~ sudden cardiac arrest () and heat-related medical issues ~~[END OF OPTION]~~ at least once during a two (2)-year period.

~~[X]~~ All coaches (**X**) and athletic activity sponsors ~~[END OF OPTION]~~, other than football coaches, shall be required to complete a coaching education course that contains player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique. The course must be completed prior to coaching or serving as an athletic activity sponsor. Each coach (**X**) and athletic activity sponsor ~~[END OF OPTION]~~ must complete a course not less than once during a two (2)-year period.

~~[END OF OPTIONS]~~

The Superintendent shall require that each person employed as a coach (**X**) or athletic activity sponsor ~~[END OF OPTION]~~ is qualified, has cleared a background check as required by State law and Board Policy 1521, Policy 3121, Policy 4121, Policy 8120, or Policy 8121 and has received the training required by State law and this policy.

All coaches (**X**) and athletic activity sponsors ~~[END OF OPTION]~~ shall be informed of Corporation policies regarding reporting requirements and investigation requirements for complaints of bullying or harassment and suspected child abuse/sexual abuse.

I.C. 20-34-7  
I.C. 20-34-8

REVISED POLICY – VOL. 31, NO. 1

CHILD ABUSE AND NEGLECT

As an agency of the State, the School Board is concerned with the physical and mental well-being of the children of this School Corporation and will cooperate in the identification and reporting of cases of suspected child abuse or neglect in accordance with law.

Each staff member employed by this Corporation shall be responsible for reporting immediately every case, whether ascertained or suspected, of abuse, abandonment, cruelty, or neglect resulting in physical or mental injury to a student by other than accidental means. If a staff member has reason to believe a child is a victim of abuse or neglect, s/he shall immediately make a report to the Department of Child Services (“DCS”) by calling the Indiana Child Abuse and Neglect Hotline at 1-800-800-5556 or the appropriate law enforcement agency. ~~[local law enforcement agency]~~. After making the report, the staff member shall notify the appropriate building administrator of the circumstances that led to the report that the staff member made to DCS or the police. The building administrator shall document the report and, if unable to confirm the date and time it was made and/or the identity of the person to whom the report was made, shall contact DCS or the police to ensure that they have received the report and an investigation has begun.

- The building administrator shall secure prompt medical attention for any such injuries reported.

Information concerning alleged abuse or neglect of a student is confidential information and is not to be shared with anyone other than the administration, DCS,  the local prosecutor ~~[END OF OPTION]~~, or the [local law enforcement agency]. Unless the parent is the subject of the investigation, the Corporation shall notify the parents that a report was made.

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Failing to report suspected child abuse or neglect is a Class B misdemeanor, which is punishable by up to 180 days in jail and a \$1,000 fine.

Building administrators should be mindful of the possibility of physical or mental abuse inflicted by a staff member. A staff member who violates this policy may also be subject to disciplinary action. Information concerning alleged abuse of a student by a teacher is confidential information and is not to be shared with anyone other than the parent(s), administration, DCS, or the \_\_\_\_\_ [local law enforcement agency]. Any such instances, real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent after making a report of suspected abuse or neglect as described above.

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The Board requires that each Corporation employee who is likely to have direct, ongoing contact with children within the scope of his/her employment attend or participate in training on child abuse and neglect, including:

- A. training on the duty to report suspected child abuse or neglect under I.C. 31-33-5; and
- B. training on recognizing possible signs of child abuse or neglect

at least once every two (2) years. This training may include:

[Select one or more of the options listed below]

- 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;
- \_\_\_\_\_ [insert training format].

[END OF OPTIONS]

The training required by this policy shall count toward the Board's requirements for professional development and be provided during the Corporation employee's contracted day or at a time chosen by the employee.

Also, the Board requires each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee's employment to attend or participate in at least one (1) hour of training at least every two (2) years on the identification and reporting of human trafficking. The format of this training may include:

- (x) an in-person presentation;
- (x) an electronic or technology based medium, including self-review modules available on an online system;
- (x) an individual program of study of designated materials;
- ( ) **[insert other format]**

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This training shall count toward the requirements for professional development required by the Board.

Not later than December 15, 2018 and annually thereafter, the Corporation shall provide age appropriate and research and evidence based instruction on child abuse and child sexual abuse to students in Kindergarten through Grade 12. This instruction may be delivered by a school safety specialist, school counselor, or any person with training and expertise in the area of child abuse and child sexual abuse.

A staff member who violates this policy in any way may be subject to disciplinary action, up to and including termination.

I.C. 20-26-5-35.5

I.C. 20-28-3-4.5

I.C. 20-28-3-7

I.C. 20-30-5-5.7

I.C. 31-33-1-1

I.C. 31-33-5-1

I.C. 31-33-5-2(b)

I.C. 31-33-5-3

I.C. 31-33-5-5(b)

I.C. 31-33-22-1(a)

**REVISED POLICY – VOL. 31, NO. 1**

**FOOD SERVICE SERVICE PROGRAM**

The School Board will provide cafeteria or serving facilities in all schools where space and facilities permit and food service for the purchase and consumption of lunch for all students.

- [X]** The Board also will provide a breakfast program in accordance with procedures established by the State Department of Education.

The Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities, including the Food Service program. Students and all other members of the School Corporation community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation related to the Food Service program to a teacher, administrator, supervisor, or other Corporation official so that the Board may address the conduct. See Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

The Food Service program will comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

~~Substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a health care provider who has prescriptive authority in the State of Indiana has provided medical certification that the student has a disability that restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b. To qualify for such substitutions the medical certification must identify:~~

Dietary Modifications

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~~A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student with a disability or the parent of a student with a disability, without delay and at no additional charge. The adult student with a disability or the parent of a student with disability making such a request of the Food Service Director shall be informed that medical certification that the student has a disability that restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b must be submitted within ten (10) (\_\_\_\_) school days from a health care provider who has prescriptive authority in the State of Indiana or the dietary modification may be discontinued until such statement is received.~~

The medical certification must identify:

- A. ~~the student's disability and the major life activity affected by the disability; the child's physical or mental impairment and why the student's disability or medical condition necessitates such a restriction of the child's diet;~~
- B. ~~an explanation of why the disability affects the student's diet; and an explanation of what the Food Service Program must do to accommodate the child's disability; and~~
- C. ~~the food(s) to be omitted from the student's diet and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula); the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).~~

After a request for a dietary modification is submitted to the Director of Food Service (Director), the Director shall, in turn, notify the Principal, school nurse, and the members of the student's IEP or 504 Team that the dietary modification shall be made for the student, pending the receipt of the required medical certification.

If deemed necessary by the student's IEP or 504 Team, the dietary modification shall be included in the student's IEP or 504 plan.

An adult student with a disability or the parent of a student with a disability who believes the accommodation requested is not being appropriately addressed may access the processes and assistance described in Policy 2260 and/or Policy 2260.01 by contacting the Corporation's Compliance Coordinator named in those policies.

**[Optional Provision]**

~~[ ] — On a case by case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not identified as having a disability but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:~~

- ~~A. the medical or dietary need that restricts the student's diet; and~~
- ~~B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.~~

**[End Optional Provision]**

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A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability, without delay and at no additional charge. An adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability making such a request of the Food Service Director shall be informed that a signed medical statement from a health care provider who has prescriptive authority in the State of Indiana that the student cannot consume certain food items due to a medical condition or some other special dietary need must be submitted within ten (10) \_\_\_\_\_ (\_\_\_\_) school days or the dietary modification may be discontinued until such statement is received.

To qualify for continuing consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet;
- B. an explanation of what the Food Service Program must do to address the student's medical or dietary restriction; and
- C. the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

The request for such dietary modifications shall be submitted to the Director, who shall, in turn, notify the Principal and school nurse that the dietary modification shall be made for the student. Upon request of the parent or adult student, a meeting of a team including the parent, the Director of Food Service, school nurse, and Principal shall be convened to determine the specific substitution(s) that will be made to the standard meal pattern for the student.

For students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

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~~[Choose one of the following two options.]~~

~~The Food Service Program shall not accommodate a student's request for specific substitutions to the standard meal pattern requirements that is based solely on religious or lifestyle choices.~~

~~The Food Service Program shall accommodate a student's request for specific substitutions to the standard meal pattern requirements that is based solely on religious or lifestyle choices.~~

~~[End of Options]~~

Operation and Supervision of the Food Service Program

The operation and supervision of the Food Service program is the responsibility of the Superintendent. ~~Food services~~ The Food Service program will be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board will assist the program by furnishing available space, initial major equipment, and utensils.

Meal Charges

Lunches sold by the Corporation may be purchased by students, staff members and community residents in accordance with the procedures established by the Superintendent.

- The Superintendent shall recommend and the Board shall approve the cost of meals for elementary, middle, and high schools annually.
- The Board recognizes that circumstances may result in a student's need to charge lunch or breakfast on occasion and shall permit such charges.
- Staff members and adult community residents shall not be permitted to charge meals.

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The Superintendent shall develop procedures regarding meal charges, which shall be implemented by the business office. \_\_\_\_\_ This procedure will provide direction so that students attending Corporation schools who do not have funds in their account or on-hand to cover the cost of their meal at the time of service are treated consistently, parents of students who charge meals are notified when a student charges a meal, and efforts are made to collect the charges made by students so that the unpaid charges are not classified as “bad debt” at the end of the school year.

Significant negative lunch account balances shall not be permitted. A significant negative lunch account balance is any balance owed in excess of \$7.80. \_\_\_\_\_.

**[CHOOSE ONE OF THE FOLLOWING TWO OPTIONS]**

**[Option 1]**

If a student has a significant negative lunch account balance, s/he shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to his/her negative lunch account balance.

**[End of Option 1]**

**[Option 2]**

\_\_\_\_\_ ~~If a student has a significant negative lunch account balance, s/he shall be provided an alternate meal ( ) at a reduced price recommended by the Superintendent and approved by the Board [end of option], the cost of which shall continue to accrue to his/her negative lunch account balance, and his/her parent(s) shall be contacted to collect the outstanding charges. The alternate meal will be a low-cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools Regulations so that it qualifies for reimbursement under the National School Lunch/Breakfast Program.~~

**[End of Option 2]**

Furthermore, if a student has a significant negative lunch account balance, the student shall not be permitted to charge any à la carte food or beverage items.

Any significant negative lunch account balance should be pursued for collection before it is determined to be uncollectible pursuant to Policy 6151.

The Board's policy and Superintendent's procedure related to meal charges shall be distributed in writing to all households at the start of each school year and to households transferring to the school or Corporation during the school year. Additionally, the Board's policy and Superintendent's procedure related to meal charges shall be distributed to all Corporation staff responsible for policy enforcement, including Corporation food service employees, accounting staff, and all other staff involved in enforcing any aspect of the meal charge policy () at the beginning of the school year () and upon hire during the school year. If the Corporation contracts with any third party to provide food services, the Board policy and Superintendent's procedure also must be distributed to the contractor and its employees working in the Corporation schools.

A lunch account becomes inactive upon student's or employee's last day of attendance. ~~after \_\_\_\_\_ weeks with no deposits or withdrawals.~~ An inactive lunch account that has a positive balance of \$~~5.00~~ [SBOA recommends \$10.00] or less may be receipted ~~back~~ into the fund established to benefit other students. ~~[select one of the following options] ( ) school lunch fund ( ) extracurricular activity fund [END OF OPTION] where the School Lunch Program funds are maintained.~~ An inactive lunch account that has a nominal negative account balance of \$~~5.00~~ or less may be offset against non-Federal funds available the positive balances in the Fund; ~~provided, however, that if~~ the parent requests and can document entitlement to the positive balance in the account, the parent is entitled to a refund of that amount.

Bad Debt/Uncollectable Debt

Significant negative lunch account balances that are not collected in the year when the debt was incurred shall be classified as bad debt. Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Once classified as bad debt, non-Federal funding sources shall reimburse the school lunch program account for the total amount of the bad debt. If funds to reimburse the Corporation for this bad debt are not available from another source, such as school or community organizations (like the PTA) or any other non-Federal source, the funds to reimburse the school lunch program shall be transferred from the Corporation general operations fund or other State or local funding to make that reimbursement.

Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b)(17) and 7 C.F.R. 210.15(b). Any related collection costs, including legal costs, arising from such bad debt after they have been determined to be uncollectable also are unallowable.

Bad debt may be removed from accounts receivable in accordance with Policy 6151.

Additional Compliance

In accordance with Federal law, the Superintendent will take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request. ~~[Please note: schools participating in more than one (1) child nutrition program are required to obtain only two (2) food safety inspections per school year if the nutrition programs offered use the same facilities for the preparation and service of meals. Also, the requirement for two (2) inspections does not apply to schools that offer only the Special Milk Program.]~~

A periodic review of the Food Service accounts will be made by the business office.



The Corporation's Food Service program will serve only food items and beverages as determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans. Any competitive food items and beverages that are available for sale to students à la carte in the dining area between midnight and thirty (30) minutes following the end of the last lunch period also shall comply with the current USDA *Nutrition Standards for the National School Lunch and School Breakfast Programs* and the USDA *Smart Snacks in Schools* regulations. Foods and beverages unassociated with the food-service program may be vended subject to the rules and regulations set forth in Policy 8540.

The Superintendent shall require that the Food Service program serve foods in the schools of the Corporation that are wholesome and nutritious and reinforce the concepts taught in the classroom.

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

7 CFR Parts 15b, 210, 215, 220, 225, 226, 227, 235, 240, 245, 3015

2 C.F.R. Part 200

USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794

34 CFR Part 104

TRANSPORTATION

It is the policy of the Board to provide transportation for students when the distance between their home and school makes the service advisable. This policy and any administrative guideline implementing it shall be implemented in compliance with Federal and State law, regulations of the Indiana State Board of Education and the State School Bus Committee.

- |  School buses shall be purchased, housed, and maintained by the Board for the transportation of students between their home areas and the schools of the Corporation to which they are assigned. All use of tobacco including smoking is prohibited on a school bus. A school bus is a motor vehicle that is designed and constructed for the accommodation of at least ten (10) passengers and used for the transportation of school children to and from school, school athletic games or contests, and other school functions. The term “school bus” does not include a privately owned automobile with a capacity of not more than five (5) passengers that is used for the purpose of transporting school children to and from school.
  
- |  The Board may enter into a contractual agreement with a qualified contractor for the transportation of students.
  
- |  The Board may enter into an agreement with an agency or organization serving persons with a developmental disability in which a school bus or special purpose bus used by the Corporation may be used to transport persons with a developmental disability who are at least two (2) years of age to and from programs for persons with a developmental disability.

[X] A special purpose bus is any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers that meets the Federal school bus safety standards, except the requirement for stop arms and flashing lights, and that is used by the Board for transportation purposes not appropriate for school buses.

A special purpose bus may not be used to provide regular transportation of school children (except for persons enrolled in a special program, i.e., for the habilitation or rehabilitation of students with developmental disabilities, orthopedic impairments, or multiple disabilities between their residence and the school.

A special purpose bus be may used to transport students and their supervisors, including coaches, managers, and sponsors to athletic, other extracurricular school activities, and field trips. **END OF OPTION**

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~~A special purpose bus also may be used to transport homeless students.~~  
[X] A special purpose bus may be used to transport homeless or foster students. If more than seven (7) students are being transported to schools in the same school corporation, a special purpose bus must be used. If seven (7) or fewer students are being transported to schools in the same school corporation, a special purpose bus or an "appropriate vehicle" may be used to transport the students. The driver must meet the qualifications for the driver of a special purpose bus as set forth in I.C. 20-27-9-5(c).

An "appropriate vehicle" is defined as: 1) owned by the School Corporation or contracted for by the Corporation and 2) has a seating capacity of not more than eight (8) passengers including the driver. The term "appropriate vehicle" includes a car, truck, sport utility vehicle, or minivan. **END OF OPTION**

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If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid operator's, chauffeur's, commercial drivers, or public passenger chauffeur's license. If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements of a regular school bus driver.

A special purpose bus is not required to be constructed, equipped, or painted as specified for a regular school bus. END OF OPTION

Transportation of eligible vocational or special education children between their home areas and schools outside the Corporation shall be arranged through the use of Corporation-owned vehicles, through cooperation with other corporations, through commercial carriers, and/or by other means in the most efficient and economical manner.

The Board shall provide transportation to non-public school students with legal settlement in the Corporation when seats are available on a bus on an existing route. This transportation shall be provided without charge when the Board does not incur additional expense, and shall be to and from the students' non-public school or the point on an established bus route that is nearest or most easily accessible to the non-public school.

Vehicle routes shall be established so that an authorized vehicle stop is available within reasonable walking distance of the home of a student entitled to transportation services.

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus.

~~[NOTE: SELECT THE FOLLOWING OPTION ONLY IF YOU ARE A RURAL SCHOOL CORPORATION]~~

Transportation of Charter School Students

If a student who attends a charter school located in a rural school corporation resides on or along the highway constituting the regular route of a Corporation bus, the Board shall provide transportation for the charter school student when seats are available on a bus on an existing route. This transportation shall be provided without charge when the Board does not incur additional expense and shall be to and from the student's charter school or the point on an established bus route that is nearest or most easily accessible to the charter school.

I.C. 16-41-37-2.3, 16-41-37-4 ("school bus" defined, smoking prohibited)

I.C. 9-13-2-161 ("school bus" defined)

I.C. 20-26-5-4(a)(5) (purchase of buses) and (8) (employ drivers)

I.C. 20-27-3 (State School Bus Committee)

I.C. 20-27-9 (use of school buses)

I.C. 20-27-11-1

[I.C. 20-27-12-0.1](#)

[I.C. 20-27-12-0.3](#)

[I.C. 20-27-12-5](#)

*Hoagland v. Franklin Township Community School Corporation,*

No. 49S02-1410-PL-643, 27 N.E.3d 737 (Ind. 2015) (school corporation may discontinue transportation services for students)

*Archdiocese of Indpls. v. MSD of Lawrence Twp.,* 945 N.E.2d 757 (Ind. App. 2011);

*Frame v. South Bend Schools,* 480 N.E.2d 261 (Ind. App. 1985) (transporting non-public school students)

**REVISED POLICY – VOL. 31, NO. 1**

**PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The School Board welcomes the attendance of members of the community at athletic and other public events held by the schools in the Corporation, but the Board also acknowledges its duty to maintain order and preserve the facilities of the Corporation during the conduct of such events.

The Board holds the legal authority to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators have the authority to call law enforcement officials if a person violates posted regulations or does not leave school property when requested. They are also authorized to use detectors and other devices to better ensure the safety and well-being of participants and visitors.

If a ~~student or adult person~~ is asked to leave or is removed from a school event, no admission fees shall be refunded.

~~Further, if a person is asked to leave or removed from a school event more than \_\_\_\_\_ ( ) times in a school year, or if the severity of the incident leading to removal warrants, the Superintendent may, after either meeting with the person or offering to meet with the person but the person refuses to meet or fails to respond to the offer to meet, ban him/her from attending school events for the remainder of the school year.~~

~~A person who is banned from attending school events for the remainder of a school year may appeal that decision to the Board, whose decision in the matter shall be final.~~

- The Board directs that no alcoholic beverage or other controlled substance be possessed, consumed, or distributed
- nor any betting occur
- at any function sponsored by the Corporation.
- at any function occurring on Corporation premises.
- Raffles and similar forms of fund-raising by Corporation-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - Corporation Support Organizations and Policy 9700 - Relations with Special Interest Groups.

No qualified person with a disability will, because the Corporation's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.

Individuals with disabilities have an equal opportunity to purchase tickets for events that have been sanctioned or approved by the Board in accordance with the provisions of the Americans with Disabilities Act, as amended.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go (see also Policy 8390 and AG 8390).

The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the Corporation. If the performance is of copyrighted material and the necessary license has not been secured in advance by the Corporation, the audience shall be advised before the performance begins that audio and/or video recordings that will be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of noncorporation audio/visual recording equipment at any Corporation-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

Any person or organization seeking to film students or a school activity which is not a public event shall obtain prior permission from the Superintendent.

The Superintendent shall ensure that all notices, signs, schedules, and other communications about school events contain the following language: "The activity site is fully-accessible. Any person requiring further accommodation should contact the \_\_\_\_\_, ~~at the~~ School Corporation's central office."

~~[NOTE: A School Corporation is no longer required to allocate a certain number of tickets to be available at no charge or at a reduced charge; however, the Corporation may do so if it chooses.]~~

For any school-related activity at which tickets for admission are sold, the Superintendent is authorized to allocate a certain number of tickets to be available

at no charge

at a reduced fee determined by the Superintendent

~~for use by~~

~~( ) Board members,~~

~~( ) members of the staff,~~

~~( ) senior citizens who are residents in the Corporation.~~

~~( ) \_\_\_\_\_.~~

~~[ ] \_\_\_\_\_ Such tickets shall be distributed on~~

~~( ) a first come, first served basis.~~

~~( ) priority basis established by the Superintendent.~~

I.C. 20-26-8-1

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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