

Revised Policy - Special Update - July 2023

2510 - ADOPTION OF CURRICULAR MATERIALS

For purposes of this policy, "curricular materials" means systematically organized materials designed to provide a specific level of instruction in a subject matter category, including:

- A. books; **magazines, periodicals**
- B. hardware that shall be consumed, accessed, or used by a single student during a semester or school year;
- C. computer software; and
- D. digital content.

Curricular materials used as part of the educational program of the School Corporation shall be approved by the School Board, and the Board shall make approved curricular materials available ~~for rental or purchase by~~ **to** each student enrolled in a public school located in the attendance area served by the Board if that school is in compliance with the minimum certification standards established by the State Board of Education.

The curricular materials approved by the Board shall include a research-based core reading program for students in kindergarten through third grade.

The Superintendent shall implement administrative guidelines for the selection of curricular materials that ~~(-) shall~~ (X) may [end of options] include effective consultation with an Advisory Committee of parents and professional staff members at all appropriate levels. The Superintendent ~~(-) and the Advisory Committee [end of option] (-) shall~~ (X) may [end of options] consider using the list of curricular materials provided by the Indiana Department of Education under I.C. 20-20-5.5.

The Board ~~(-) shall~~ (X) may [end of options] retain curricular materials adopted under I.C. 20-26-12-24, if appropriate, and authorize the purchase of supplemental materials to ensure continued alignment with academic standards adopted by the State Board of Education.

The Board shall not purchase curricular materials from a publisher unless the publisher agrees, in accordance with Sections 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide curricular materials in NIMAS format and obtain NIMAS certification or grant a license to the Corporation to allow for the reproduction of adopted curricular materials in: 1) large type; 2) Braille; and 3) audio format.

Textbooks determined to be obsolete shall be disposed of in accordance with Policy 7310 - Disposition of Surplus Property and the Superintendent's administrative guidelines. See AG 7310 - Disposition of Surplus Property.

~~The annual rental rate for curricular materials shall not exceed twenty five percent (25%) of the retail price of the curricular materials. The Board may charge a student the cost of the student's use of disposable materials, software copyright licenses, and hardware to utilize software provided. If a software site license is not charged on a per student per school year basis, the Board shall approve a sum to be paid by each student that divides the cost of the license between all students expected to use the licensed~~

software. If hardware such as a laptop computer or a tablet is required to access the curricular materials approved by the Board, the Board shall approve a sum to be paid by each student expected to use the hardware.

~~[OPTION – THE STATE BOARD OF ACCOUNTS REQUIRES THAT THERE BE A BOARD POLICY IN PLACE IN ORDER TO REFUND FEES; THEREFORE IF THE BOARD DESIRES TO INCLUDE SUCH A POLICY, IT SHOULD SELECT THIS OPTION]~~

~~[] If a student has paid rental or use fees for curricular materials, such as textbooks, electronic textbooks, consumable hardware, computer software, digital content, disposable materials, software copyright licenses, hardware to utilize software provided, or other curricular materials, and the student transfers, withdraws, is expelled, or is unable to complete or continue to participate in a class, or activity, or utilize a school service for which the student or his/her parents have paid the applicable rental or use fee, the Corporation shall refund an amount equal to the total fee multiplied by the percentage of the semester, grading period or activity season remaining at the time the student transfers, withdraws, is expelled from the class, quits, or is cut from the activity, so long as _____ (e.g., one-fourth (1/4) or one-third (1/3)) or more of the semester, grading period, or activity season remains and the amount of refund, rounded up to the nearest dollar amount, equals or exceeds \$ _____. [Recommended amount is \$5.00.]~~

~~If a student transfers, withdraws, or is expelled from school, or withdraws or is cut from a school activity for which the student or his/her parents have paid fees for curricular materials and are owed a refund of all, or a proportionate share of any fees amounting to at least \$ _____ [Recommended amount is \$5.00], the Corporation shall promptly refund such fees if the address of the student or his/her parent is known or if requested by the student or his/her parents by the end of the school year in which the fees were paid, or within _____ () days, whichever is longer. The right to a refund fee shall be forfeited if not requested by the end of the school year in which the right to a refund accrues, or within _____ () days, whichever is longer. Parents and students shall be given written notice of this policy at the time of school enrollment.~~

~~[END OF OPTION]~~

~~[OPTIONAL – THE STATE BOARD OF ACCOUNTS REQUIRES THAT THERE BE A BOARD POLICY IN PLACE IN ORDER TO WRITE OFF FEES; THEREFORE, IF THE BOARD DESIRES TO INCLUDE SUCH A POLICY, IT SHOULD SELECT THIS OPTION];~~

~~[] The Corporation may write off any outstanding unpaid fees for rent or use of curricular materials of \$ _____ [Recommended amount is \$5.00] or less, if not paid by _____ of the school year following the school year or activity season in which the debt for nonpayment of fees for curricular materials was incurred.~~

~~Unpaid fees for rent or use of curricular materials in excess of \$ _____ [Recommended amount is \$5.00] may, at the discretion of the school treasurer or his/her designee, be written off _____ () years after the end of the school year or activity season in which the debt for nonpayment of fees for curricular materials was incurred. Fees in excess of \$ _____ [Recommended amount is \$5.00] may be written off at any time, if the principal, or his/her designee, determines the student's parents, or the student, if age eighteen (18) or older or an emancipated minor, is unable to pay.~~

~~[END OF OPTION]~~

Fees

The Board shall make approved curricular materials available to each student of the Corporation without cost. Curricular materials provided to a student shall remain the property of the Corporation. ~~The Corporation shall prescribe.~~

~~The Board shall prescribe reasonable rules and regulations for the care, custody, and return of curricular materials and hardware.~~ The Corporation may assess and collect a reasonable fee for lost or significantly damaged curricular materials. The Superintendent shall develop and implement reasonable rules and regulations for the care, custody, and return of curricular materials and hardware and the assessment of a reasonable fee for lost or significantly damaged curricular materials.

[Drafting Note: This section should mirror the options chosen in Policy 6152 - Student Fees and Charges.]

[X] If the Corporation determines that a hardship exists due to the inability of a student's family, adult student, or an emancipated minor to pay any ~~required~~ fees or a reasonable fee for lost or significantly damaged curricular materials, taking into consideration the income of the family, adult student, or the emancipated minor and the demands on the family, adult student, or emancipated minor, the Corporation ~~shall~~ may waive the fee.

[END OF OPTION]

x] [OPTIONAL - THE STATE BOARD OF ACCOUNTS REQUIRES THAT THERE BE A BOARD POLICY IN PLACE IN ORDER TO WRITE OFF FEES; THEREFORE, IF THE BOARD DESIRES TO INCLUDE SUCH A POLICY, IT SHOULD SELECT THIS OPTION]

The Corporation may write-off any outstanding unpaid fees for lost or significantly damaged curricular materials of \$ 5 [Recommended amount is \$5.00] or less, if not paid by the end of the school year following the school year or activity season in which the debt was incurred.

Unpaid fees for lost or significantly damaged curricular materials in excess of \$ 5 [Recommended amount is \$5.00] may, at the discretion of the school treasurer or designee, be written off two (2) years after the end of the school year or activity season in which the debt was incurred. Fees in excess of \$ 5 [Recommended amount is \$5.00] may be written off at any time, if the Principal or designee determines the student's parents, or the student, if age eighteen (18) or older or an emancipated minor, is unable to pay.

[END OF OPTION]

~~If a student or his/her parents have purchased textbooks and/or electronic textbooks and move from the Corporation, the Corporation shall, pursuant to I.C. 20-26-12-26, evaluate the student's curricular materials and offer to purchase the curricular materials at a reasonable price for resale to any family that moves into the Corporation during the school term.~~

~~The curricular materials approved by the Board shall include a research-based core reading program.~~

Supplementary materials required by a special education student's Individualized Education Program shall be provided without ~~additional~~ charge. The supplemental materials provided to students receiving special education services shall be in a format that allows the student to utilize the materials. When

necessary for a special education student to benefit from curricular materials, the materials shall be provided in NIMAS (National Instructional Materials Accessibility Standard) format and shall be certified by NIMAC (National Instructional Materials Access Center), or the publisher of the materials may authorize the Board to reproduce the curricular materials in a format such as large type or audio that allows the special education student to benefit from the materials.

~~The Superintendent shall implement administrative guidelines for the selection of curricular materials that include effective consultation with an Advisory Committee of parents and professional staff members at all appropriate levels. Textbooks determined to be obsolete shall be disposed of in accordance with Policy 7310—Disposition of Surplus Property and Superintendent's administrative guidelines. See AG 7310—Disposition of Surplus Property.~~ Guidelines for the collection of delinquent ~~textbook rental~~ fees are included in AG 2510B - Collection of ~~Textbook Rental~~ Fees for Lost or Significantly Damaged Curricular Materials. Additionally, please refer to Policy 6152 - Student Fees and Charges.

~~I.C. 20-18-2-2.7 —Curricular materials defined~~

~~I.C. 20-20-5.5 —Curricular materials~~

I.C. 20-26-5-4(12)

~~I.C. 20-26-12 —Textbooks~~

I.C. 20-33-5-3

I.C. 20-41-2-5(b)

I.C. 20-42-3-10

~~511 IAC 6.2-3.1—Research-based core reading program requirement~~

~~511 IAC 9—Textbook adoption IDOE Memo dated 2/8/2012—"Updates to Textbook Adoption Procedures"~~

IDOE - FAQs Regarding New State Textbook Adoption Procedures, Textbook Rental Fees, and 1:1 Device Initiatives

IDOE Memo "Textbook and Computer Scenarios"

Indiana State Board of Accounts, Public Schools Audit Manual

Indiana State Board of Accounts, School Administrator

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1521 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING ~~OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE (-) 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
- ~~C. (-) an expanded child protection index check in other states~~
- D. a search of the national sex offender registry maintained by the United States Department of Justice
- E. beginning July 1, 2017, a search of the State child abuse registry
- F. telephone inquiry with former employer(s)
- G. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- H. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1
- ~~I. (-) fingerprint check~~
- J. (X) a detailed background history including all prior employment and volunteer positions
- K. (X) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

Eligibility

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

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

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

If a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one (1) type of expanded criminal history check, the Board shall evaluate all available types of criminal history checks to select and employ the expanded criminal history check that would best protect the Corporation's students.

The Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of the applicant's employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation.

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

The Board also shall deny employment to an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal. Likewise, the Board shall terminate the employment of an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal.

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

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

[X] Should it be necessary to employ a person **an individual** in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute **(X)** or employ the applicant as a substitute **[END OF OPTION]**.

~~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.~~

[DRAFTING NOTE: THE BOARD MAY SELECT ONE, BOTH, OR NEITHER OF THE FOLLOWING TWO OPTIONS. THE BOARD SHOULD BE SURE TO SELECT THE SAME OPTIONS HERE AS IT SELECTS IN POLICY 3120.02 - ADJUNCT TEACHERS, POLICY 3121 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING, POLICY 4121 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING, AND POLICY 8121 - PERSONAL BACKGROUND CHECK - CONTRACTED SERVICES.]

[X] [OPTION 1]

Per I.C. 20-26-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item [select the items below that the Board wishes to permit]:

- A. ☒ An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.
- B. ☒ Battery (I.C. 35-42-2-1), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
- C. ☒ Domestic battery (I.C. 35-42-2-1.3), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
- D. ☒ Contributing to the delinquency of a minor (I.C. 35-46-1-8).
- E. ☒ An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5.
- F. An offense relating to controlled substances under I.C. 35-48-4, other than: 1) an offense involving marijuana or paraphernalia used to consume marijuana, or 2) an offense requiring license revocation under I.C. 20-28-5-8(c).

[END OF OPTION 1]

~~[[OPTION 2]~~

~~Per I.C. 20-26-5-11.2(h), the Corporation may hire or contract with an individual [select the items below that the Board wishes to permit]:~~

- ~~A. ☐ who is required to wear an ankle monitor as the result of a criminal conviction~~
- ~~B. ☐ who entered into an agreement to settle an allegation of misconduct relating to the health, safety, or well-being of a student at a school corporation, charter school, or State accredited nonpublic school, if the agreement included a nondisclosure agreement covering the alleged misconduct as defined in I.C. 20-26-5-11.2(i)~~
- ~~C. ☐ who, in an academic environment, engaged in a course of conduct involving repeated or continuing contact with a child that is intended to prepare or condition the child for sexual activity (as defined in I.C. 35-42-4-13)~~

~~if a majority of the Board approves the employment or contract as a separate, special agenda item.~~

~~[END OF OPTION 2]~~

[END OF OPTIONS]

[DRAFTING NOTE: SELECT ONE (1) OF THE FOLLOWING TWO (2) OPTIONS]

[SELECT ONE (1) 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]~~

[END OF OPTIONS]

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.~~

~~[END OF OPTIONAL]~~

[SELECT ONE (1) OF THE FOLLOWING TWO (2) 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]~~

[X] [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]

[X] [OPTIONAL. DRAFTING NOTE: IF THE BOARD SELECTS THE FIRST OPTION BELOW, IT ALSO MUST DECIDE WHETHER TO ACCEPT THE SECOND OPTION. IF THE BOARD DOES NOT SELECT THE FIRST OPTION BELOW, IT LIKewise SHOULD SELECT THE SECOND OPTION]

[X] 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 ~~OPTION~~ OPTIONAL]

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:~~ an offense requiring license revocation per I.C. 20-28-5-8(c); or
 - ~~1. Murder (I.C. 35-42-1-1).~~
 - ~~2. Causing suicide (I.C. 35-42-1-2).~~
 - ~~3. Assisting suicide (I.C. 35-42-1-2.5).~~
 - ~~4. Voluntary manslaughter (I.C. 35-42-1-3).~~
 - ~~5. Reckless homicide (I.C. 35-42-1-5).~~
 - ~~6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
 - ~~7. Aggravated battery (I.C. 35-42-2-1.5).~~
 - ~~8. Kidnapping (I.C. 35-42-3-2).~~
 - ~~9. Criminal confinement (I.C. 35-42-3-3).~~
 - ~~10. A sex offense under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).~~
 - ~~11. Carjacking (I.C. 35-42-5-2) (before its repeal).~~
 - ~~12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
 - ~~13. Incest (I.C. 35-46-1-3).~~
 - ~~14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C.~~

~~35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~

~~15. Child selling (I.C. 35-46-1-4(d)).~~

~~16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~

~~17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~

~~18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~

~~19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~

~~20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~

~~21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.~~

~~22. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.~~

~~23. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.~~

C. has been charged with or convicted of an offense listed in I.C. 20-26-11.2(b).

References

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

Notwithstanding any confidentiality agreement entered into by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with

children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee committed an act resulting in a substantiated report of abuse or neglect.

Notwithstanding any confidentiality agreement entered into or amended after June 30, 2023, by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the school in which the employee or former employee was:

- A. arrested;
- B. charged with a criminal offense;
- C. convicted of a criminal offense;
- D. under court supervision or the supervision of a community correction program as the result of a conviction for a criminal offense (including being placed on home detention, work release, or intermittent incarceration);
- E. the subject of a protection order; or
- F. named as a defendant in a civil action if the civil action could affect the safety of students.

Information and records obtained from inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee or any other mandatory State reporting requirements.

Mandatory Reporting

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

- A. **(X)** arrest or the filing of criminal charges against the ~~employee~~ administrator;
- B. conviction of the administrator in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c);
- C. conviction of the ~~employee~~ administrator in Indiana or another jurisdiction for ~~a crime~~ an offense listed in I.C. 20-26-11.2(b) or I.C. 20-26-11.2(c); and
- D. substantiated report of child abuse or neglect of which the ~~employee~~ administrator is the subject

to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction or substantiated report of child abuse or neglect and shall recommend appropriate action to the ~~Board~~ 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~~
I.C. 5-2-22
I.C. 10-13-3
I.C. 20-26-5-10
I.C. 20-26-5-10.5
I.C. 20-26-5-11.2
I.C. 20-26-5-11.5
I.C. 20-28-5-8(C)

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2414 - 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 in grades 4 through 12. Instruction on human sexuality shall be provided only to students **in grades 4 through 12. However, a Corporation employee is not prohibited from responding to a question from a student in prekindergarten through Grade 3 regarding human sexuality.** As required by State law, the curriculum 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.

See also Policy 2221 - Mandatory Curriculum

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

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3120.02 – ADJUNCT TEACHERS

The School Board supports filling all teaching positions in the School Corporation with certificated employees but recognizes that there may be times when it is necessary to employ persons who have not completed their certification to teach. In an effort to fill a vacant teaching position, offer a new program or class, or supplement a program currently being offered, the Board may issue an adjunct teacher permit to an individual if the following minimum requirements are met:

- A. The individual has at least four (4) years of experience in the content area in which the individual intends to teach.
- B. The Corporation conducts an expanded criminal history check and expanded child protection index check concerning the individual as required under ~~I.C. 20-26-5-10~~. **Policy 3121 - Personal Background Checks, References, and Mandatory Reporting of Convictions and Substantiated Child Abuse (X) and Arrests.**
- C. ~~The individual has not been convicted of a () felony [minimum required] () offense [END OF OPTIONS] listed in I.C. 20-28-5-8(e) or (d) or the individual's conviction has been reversed, vacated, or set aside on appeal.~~ **The individual has not been convicted of an unemployable offense as identified in Policy 3121 - Personal Background Checks, References, and Mandatory Reporting of Convictions and Substantiated Child Abuse () and Arrests.**
- ~~D. () _____.~~
- ~~E. () _____.~~

[DRAFTING NOTE: THE BOARD MAY SELECT ONE, BOTH, OR NEITHER OF THE FOLLOWING OPTIONS]:

[X] [Option 1]

Per I.C. 20-28-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item [select the items below that the Board wishes to permit]:

- A. **(X) An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.**
- B. **(X) Battery (I.C. 35-42-2-1), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).**
- C. **(X) Domestic battery (I.C. 35-42-2-1.3), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014)**

- D. (X) Contributing to the delinquency of a minor (I.C. 35-46-1-8).
- E. (X) An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5.
- F. (X) An offense relating to controlled substances under IC 35-48-4, other than (a) an offense involving marijuana or paraphernalia used to consume marijuana; (b) dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1); (c) dealing in methamphetamine (I.C. 35-48-4-1.1); (d) manufacturing methamphetamine (I.C. 35-48-4-1.2); (e) dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2); (f) dealing in a schedule IV controlled substance (I.C. 35-48-4-3); (g) dealing in a schedule V controlled substance (I.C. 35-48-4-4); (h) dealing in a counterfeit substance (IC 35-48-4-5); (i) dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10); or (j) an offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance [as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019) or under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019)], a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).

[End of Option 1]

~~[[Option 2]~~

~~Per I.C. 20-26-5-11.2(h), the Corporation may hire or contract with an individual [select the items below that the Board wishes to permit]:~~

- ~~A. () who is required to wear an ankle monitor as the result of a criminal conviction.~~
- ~~B. () who entered into an agreement to settle an allegation of misconduct relating to the health, safety, or well-being of a student at a school corporation, charter school, or State accredited nonpublic school, if the agreement included a disclosure agreement covering the alleged misconduct [as defined in I.C. 20-26-5-11.2(i)].~~
- ~~C. () who, in an academic environment, engaged in a course of conduct involving repeated or continuing contact with a child that is intended to prepare or condition the child for sexual activity (as defined in I.C. 35-42-4-13)~~

~~if a majority of the Board approves the employment or contract as a separate, special-agenda item.~~

~~[End of Option 2]~~

[END OF OPTIONS]

The Corporation may enter into an employment agreement with an individual to whom the Board has issued an adjunct teacher permit as a part-time or full-time teacher of the Corporation. The individual who holds the adjunct teacher permit may teach in any content area in which the Corporation allows the individual to teach and in which the individual has at least four (4) years of experience. Provided, however, that:

- A. the individual ~~must~~ **shall** be assigned a teacher mentor for support in pedagogy; and
- B. the individual ~~must~~ **shall** complete the following training within the first ninety (90) days of employment:
 - 1. I.C. 20-26-5-34.2 (bullying prevention).
 - 2. I.C. 20-28-3-4.5 (training on child abuse and neglect).
 - 3. I.C. 20-28-3-6 (youth suicide awareness and prevention training).
 - 4. I.C. 20-28-3-7 (training on human trafficking).

An adjunct teacher shall not provide special education instruction.

Except as otherwise provided in a collective bargaining agreement entered into or renewed before July 1, 2022, an employment agreement entered into between the Corporation and an individual to whom the Board has issued an adjunct teacher permit is not subject to a collective bargaining agreement entered into under I.C. 20-29. Furthermore, it is not an unfair practice for the Corporation to enter into an employment agreement with an individual to whom the Board has issued an adjunct teacher permit.

The Corporation shall report the following information to the State Department of Education if it hires an adjunct teacher:

- A. The number of adjunct teachers who hold an adjunct teacher permit that the Corporation has hired each school year, disaggregated by the grade level and subject area taught by the adjunct teacher.
- B. The following information for each adjunct teacher:
 - 1. The name of the adjunct teacher.
 - 2. The subject matter the adjunct teacher is permitted to teach.
 - 3. A description of the adjunct teacher's experience that qualifies the adjunct teacher for the adjunct teacher permit.
 - 4. The adjunct teacher's total salary and any other compensation paid to the adjunct teacher during the school year.
 - 5. The number of previous adjunct teaching employment agreements the adjunct teacher has entered into with the Corporation or any other school corporation.

The Corporation shall post a vacant adjunct teacher position on the State Department of Education's online adjunct teacher portal.

The Corporation **(X) may [statutory]** ~~() shall () shall not~~ **[END OF OPTIONS]** notify the parents of students enrolled in the Corporation of a vacant adjunct teacher position.

The Board shall announce any vacant adjunct teacher positions at Board meetings.

An individual who holds an adjunct teacher permit issued by the Board is not required to be employed on a uniform teacher's contract or a supplemental service teacher's contract. An employment agreement entered into between the Corporation and an individual who holds an adjunct teacher permit issued by the Board ~~must~~ **shall**:

- A. be in writing;
- B. be signed by both parties; and
- C. contain the following:
 - 1. the total salary and any other compensation to be paid to the adjunct teacher during the school year;
 - 2. the method and frequency of salary payments;
 - 3. the number of classes the adjunct teacher is to teach;
 - 4. the classes and subject matter areas that the adjunct teacher will be teaching;
 - 5. an expiration date that is not later than the end of the school year.

This employment agreement is a public record open to inspection. An adjunct teacher may enter into employment agreements with more than one (1) school corporation. An employment agreement between an adjunct teacher and the Corporation is not subject to I.C. 20-28-9-1.5, which governs salary increases for a teacher employed by the Corporation.

An adjunct teacher holding a permit issued by the Board is not a “school employee” within the meaning of I.C. 20-29-2-13, for purposes of collective bargaining. However, the use of adjunct teachers is a mandatory subject of discussion between the Corporation and the exclusive representative of its certificated employees.

I.C. 10-13-3-39

I.C. 20-19-3-25

I.C. 20-26-5-10

I.C. 20-26-5-11.2

I.C. 20-28-5-27

I.C. 20-28-6-7.3

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

I.C. 20-29-6-7(16)

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2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

The School Board respects the privacy rights of parents and their children. No student shall be required as a part of the school program or the **School** Corporation's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, ~~his/her parents~~ **the student's parent**, to submit to or participate in any ~~survey~~, personal analysis, ~~or~~ evaluation, **or survey** that reveals ~~information or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings~~ concerning:

- A. political affiliations ~~or beliefs of the student or his/her parents~~;
- B. religious beliefs or practices of the student or the student's family;**
- C. mental or psychological ~~problems of~~ **conditions that may embarrass** the student or ~~his/her~~ **the student's** family;
- D. ~~sex~~ **sexual** behavior or attitudes;
- E. illegal, anti-social, self-incriminating, or demeaning behavior;
- F. critical appraisals of other individuals with whom ~~respondents have~~ **the student has a** close family ~~relationships~~ **relationship**;
- G. legally recognized privileged ~~and analogous relationships, such as those of lawyers, physicians, and ministers~~ **or confidential relationships, including a relationship with a lawyer, minister, or physician**; or
- ~~H. religious practices, affiliations, or beliefs of the student or his/her parents; or~~
- I. income (~~other than that~~ **except as** required by law to determine eligibility for participation in a program or for receiving financial assistance under ~~such~~ a program).

~~The Superintendent shall establish procedures whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.~~

~~Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.~~

~~Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.~~

Additionally, no student shall be required, without prior written consent of the student, if an adult or emancipated minor, or the student's parent if an unemancipated minor, to submit to or participate in any personal analysis, evaluation, or survey administered by a third party vendor

that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings. A request for written consent shall include an explanation of the reasons for a personal analysis, evaluation, or survey administered by a third party vendor. The Corporation or school shall post a copy of a personal analysis, evaluation, or survey administered by a third party vendor on the Corporation or school website.

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

The parent of a student or the student, if the student is an adult or an emancipated minor, has the right to inspect instructional materials and all materials related to personal analyses, evaluations, or surveys. The Superintendent shall establish procedures for a student's parent or the student, if the student is an adult or an emancipated minor, to inspect instructional materials and all materials related to personal analyses, evaluations, or surveys.

The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term includes teachers' manuals, curricular materials, films or other video materials, tapes, and other materials used in instruction. The term does not include academic tests or assessments.

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

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

If the Corporation contracts with a third party vendor to provide a personal analysis, survey, or evaluation described above, the contract shall include a provision stating that if the third party vendor does not comply with the requirements in I.C. 20-26-21, the third party vendor has committed a breach of contract.

See also Policy 2221 - Mandatory Curriculum

[CHOOSE OPTION #1 OR OPTION #2 (Be sure this choice is consistent with Policy 8330.)]

[X] [OPTION 1]

The Board will not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Superintendent is directed to provide notice directly to parents of students enrolled in the Corporation of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the Corporation, at least annually at

the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

[END OPTION 1]

~~[OPTION 2]~~

~~The Board will allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).~~

~~Parents have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to the student. The parent will have access to the instrument within a reasonable period of time after the request is received by the building principal.~~

~~The term "personal information" means individually identifiable information including: a student or parent's first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; and a Social Security identification number.~~

~~This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following: 1) college or other postsecondary education recruitment, or military recruitment; 2) book clubs, magazines, and programs providing access to low-cost literary products; 3) curricular and instructional materials used by elementary and secondary schools; 4) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments; 5) the sale by students of products or services to raise funds for school-related or education-related activities; and 6) student recognition programs.~~

~~The Superintendent is directed to provide notice directly to parents of students enrolled in the Corporation of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the Corporation, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:~~

- ~~A. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);~~
- ~~B. The administration of any survey by a third party that contains one or more of the items described in A through H above.~~

[END OPTION 2]

Parental Notification Regarding Identification

The Corporation shall, in compliance with I.C. 20-33-7.5, notify at least one (1) parent, if the student is an unemancipated minor, of a request made by the student to change the student's name or the pronoun, title, or word used to identify the student. This notification shall be made within five (5) business days after a school receives the request from the student.

This notification provision may not be construed to require a school psychologist, a school nurse, a school social worker, or a school counselor to violate a Federal law or regulation.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

I.C. 20-26-21

I.C. 20-30-5-17

I.C. 20-33-7.5

20 U.S.C. 1232g

20 U.S.C. 1232h

34 C.F.R. 98.3

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2221 - 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, controlled substances, and their effects on the human system and society at large in grades K through 12
- H. Human Immunodeficiency Virus (HIV), and to the extent possible, instruction on other serious communicable diseases
- I. instruction on human sexuality or sexually transmitted diseases **in grades 4 through 12**, including: **1)** abstinence from sexual activity outside of marriage as the expected standard for all school-age children, ~~that~~ **2)** abstinence from sexual activity is the only certain way to avoid **out-of-wedlock pregnancy**, sexually transmitted diseases, pregnancy, and other associated health problems, and **3)** 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

Instruction on human sexuality shall be provided only to students in grades 4 through 12. However, a School Corporation employee is not prohibited from responding to a question from a student in prekindergarten through grade 3 regarding human sexuality.

- J. instruction regarding breast and testicular cancer, including the significance of early detection through self-examination, and in the case of breast cancer, regularly-scheduled mammograms in high school
- K. career awareness and career development, 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 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 K through 12 by December 15 of each 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 and Citizenship, Sciences, Fine Arts, Health Education and Physical Fitness, and Computer Science
- Y. Indiana studies as an elective course in high school
- Z. ethnic studies as an elective course in high school
- AA. civics in grade 6, 7, or 8 for all students entering grade 6 beginning in the 2023-2024 school year

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 steady 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. **(X) prior to its use in the classroom. [end of option]**

Before a school may provide a student with instruction on human sexuality, the school shall provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent of instruction pursuant to I.C. 20-5-30-17(c) and (d). Before a student can be administered a personal analysis, evaluation or survey by a third party vendor under I.C. 20-26-21, the school shall provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent of administration that complies with I.C. 20-26-21-4(b) and (c). Before a student can be administered a personal analysis, evaluation or survey by a school that meets the criteria listed in I.C. 20-30-5-17(b), the school shall provide the

parent of the student or the student, if the student is an adult or emancipated minor, with a written request for consent of administration that complies with I.C. 20-30-5-17(b).

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

The parent of a student or the student, if the student is an adult or an emancipated minor, has the right to inspect instructional materials and all materials related to personal analyses, evaluations, or surveys. The Superintendent shall establish procedures for a student's parent or the student, if the student is an adult or an emancipated minor, to inspect instructional materials and all materials related to personal analyses, evaluations, or surveys.

The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term includes teachers' manuals, curricular materials, films or other video materials, tapes, and other materials used in instruction. The term does not include academic tests or assessments.

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

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

If the Corporation contracts with a third party vendor to provide a personal analysis, survey, or evaluation described above, the contract shall include a provision stating that if the third party vendor does not comply with the requirements in I.C. 20-26-21, the third party vendor has committed a breach of contract.

See also Policy 2412 - Reproductive Health and Family Planning and Human Sexuality Instruction and Policy 2416 - Student Privacy and Access to Parental Information.

The Superintendent shall establish and maintain procedures related to the provision of human sexuality instruction and the administration of personal analyses, evaluations, or surveys to students.

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

I.C. 20-26-21

I.C. 20-30-5

I.C. 20-30-17

511 IAC Article 6

47 U.S.C. 254(h), (l), Communications Act of 1934, as amended (2003)

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

18 U.S.C. 2246

18 U.S.C. 2256

20 U.S.C. 1232h

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

20 U.S.C. 6777

20 U.S.C. 9134 (2003)

20 U.S.C. 7131, Internet Safety

34 C.F.R. 98.3

47 C.F.R. Part 54

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3121 - 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 also shall be made for all substitutes.

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

- A. an expanded criminal history check as defined by I.C. 20-26-2-1.5
- B. an Indiana expanded child protection index check as defined by I.C. 20-26-2-1.3
- ~~C. () an expanded child protection index check in other states~~
- D. a search of the national sex offender registry maintained by the United States Department of Justice
- E. beginning July 1, 2017, a search of the State child abuse registry
- F. telephone inquiry with former employer(s)
- G. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- H. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1
- ~~I. () fingerprint check~~
- J. (X) a detailed background history including all prior employment **and volunteer positions**
- K. (X) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

Eligibility

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

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

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

If a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one type of expanded criminal history check, the Board shall evaluate all available types of criminal history checks to select and employ the expanded criminal history check that would best protect the Corporation's students.

The Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of the applicant's employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation.

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

The Board also shall deny employment to an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal. Likewise, the Board shall terminate the employment of an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal.

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

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

[X] Should it be necessary to employ a person ~~an individual~~ in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute **(X) or employ the applicant as a substitute [END OF OPTION]**.

~~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.~~

DRAFTING NOTE: THE BOARD MAY SELECT ONE, BOTH, OR NEITHER OF THE FOLLOWING TWO OPTIONS. THE BOARD SHOULD BE SURE TO SELECT THE SAME OPTIONS HERE AS IT SELECTS IN POLICY 1521 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING, POLICY 3120.02 - ADJUNCT TEACHERS, POLICY 4121 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING, AND POLICY 8121 - PERSONAL BACKGROUND CHECK - CONTRACTED SERVICES.]

[X] [OPTION 1]

Per I.C. 20-26-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item [select the items below that the Board wishes to permit]:

- A. (X) An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.
- B. (X) Battery (I.C. 35-42-4-1), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
- C. (X) Domestic battery (I.C. 35-42-2-1.3), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
- D. (X) Contributing to the delinquency of a minor (I.C. 35-46-1-8).
- E. (X) An offense involving a weapon under I.C. 35-57 or I.C. 35-47.5.
- F. (X) An offense relating to controlled substances under I.C. 35-48-4, other than: 1) an offense involving marijuana or paraphernalia used to consume marijuana; or 2) an offense requiring license revocation under I.C. 20-28-5-8(c).

[END OPTION 1]

~~++[OPTION 2]~~

~~Per I.C. 20-26-5-11.2(h), the Corporation may hire or contract with an individual [select the items below that the Board wishes to permit]:~~

- ~~A. () who is required to wear an ankle monitor as the result of a criminal conviction~~
- ~~B. () who entered into an agreement to settle an allegation of misconduct relating to the health, safety, or well-being of a student at a school corporation, charter school, or State-accredited nonpublic school, if the agreement included a nondisclosure agreement covering the alleged misconduct [as defined in I.C. 20-26-5-11.2(i)]~~
- ~~C. () who, in an academic environment, engaged in a course of conduct involving repeated or continuing contact with a child that is intended to prepare or condition the child for sexual activity (as defined in I.C. 35-42-4-13)~~

~~if a majority of the Board approves the employment or contract as a separate, special agenda item.~~

~~[END OF OPTION 2]~~

[END OF OPTIONS]

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 five (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.~~

~~[END OF OPTIONAL]~~

[DRAFTING NOTE: SELECT ONE (1) OF THE FOLLOWING TWO (2) 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]~~

[X] [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]

[END OF OPTIONS]

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 five (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]~~

[X] [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]

[END OF OPTIONS]

[X] [OPTIONAL, DRAFTING NOTE: IF THE BOARD SELECTS THE FIRST OPTION BELOW, IT ALSO MUST DECIDE WHETHER TO ACCEPT THE SECOND OPTION. IF THE BOARD DOES NOT SELECT THE FIRST OPTION BELOW, IT LIKewise SHOULD NOT SELECT THE SECOND OPTION.]

[X] 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 five (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~~ OPTIONAL]

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~~ neglect, or
- B. has been charged with or convicted of ~~one (1) of the following crimes:~~ an offense requiring license revocation per I.C. 20-28-5-8(c) or has been charged with or convicted of an offense listed in I.C. 20-26-11.2(b).
 - ~~1. Murder (I.C. 35-42-1-1).~~
 - ~~2. Causing suicide (I.C. 35-42-1-2).~~
 - ~~3. Assisting suicide (I.C. 35-42-1-2.5).~~
 - ~~4. Voluntary manslaughter (I.C. 35-42-1-3).~~
 - ~~5. Reckless homicide (I.C. 35-42-1-5).~~
 - ~~6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
 - ~~7. Aggravated battery (I.C. 35-42-2-1.5).~~
 - ~~8. Kidnapping (I.C. 35-42-3-2).~~

- ~~9. Criminal confinement (I.C. 35-42-3-3).~~
- ~~10. A sex offense under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).~~
- ~~11. Carjacking (I.C. 35-42-5-2) (before its repeal).~~
- ~~12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~13. Incest (I.C. 35-46-1-3).~~
- ~~14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~15. Child selling (I.C. 35-46-1-4(d)).~~
- ~~16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.~~
- ~~22. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.~~

~~23. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.~~

References

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

Notwithstanding any confidentiality agreement entered into by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee committed an act resulting in a substantiated report of abuse or neglect.

Notwithstanding any confidentiality agreement entered into or amended after June 30, 2023, by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee was:

- A. arrested;
- B. charged with a criminal offense;
- C. convicted of a criminal offense;
- D. under court supervision or the supervision of a community correction program as the result of a conviction for a criminal offense (including being placed on home detention, work release, or intermittent incarceration);
- E. the subject of a protection order; or
- F. named as a defendant in a civil action if the civil action could affect the safety of students.

Information and records obtained from inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee or any other mandatory State reporting requirements.

Mandatory Reporting

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

- A. (X) arrest or the filing of criminal charges against the employee; ~~and~~

B. conviction of the employee in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c);

C. conviction of the employee **in Indiana or another jurisdiction** for ~~a crime~~ **an offense listed in I.C. 20-26-11.2(b) or I.C. 20-26-11.2(c);** and

D. 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~~ **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. 20-26-5-10.5

I.C. 20-26-5-11

I.C. 20-26-5-11.5

I.C. 20-28-5-8

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3220.01 - TEACHER APPRECIATION GRANTS

[DRAFTING NOTE: The statute places the revenue received from the Teacher Appreciation Grant outside of negotiations ~~but requires the policy for distribution of the funds be discussed with the exclusive representative prior to adoption by the Board.~~ Discussion of the policy for distribution of the funds with a certificated employee or group of certificated employees at one or more meetings open to all certificated employees is at the discretion of the School Corporation. This policy must be considered, approved by the School Board, and submitted to the IDOE annually.]

The School Board shall adopt an annual policy concerning the distribution of teacher appreciation grants. This policy shall be submitted to the Indiana Department of Education (IDOE) along with the School Corporation's staff performance evaluation plan online as one (1) document by September 15th of each year.

Definitions:

For purposes of this policy, the following definitions apply:

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

The term "license" refers to a document issued by the IDOE that grants permission to serve as a particular kind of teacher. The term includes any certificate or permit issued by the IDOE.

Distribution of Annual Teacher Appreciation Grants:

Teacher appreciation grant funds received by the Corporation shall be distributed to licensed teachers who meet the following criteria:

- A. employed in the classroom (including providing instruction in a virtual classroom setting);
- B. rated as Effective or Highly Effective on their most recent performance evaluation; and
- C. employed by the Corporation as of December 1st of the year in which the teacher appreciation grant funds are received by the Corporation.

The Corporation shall distribute the teacher appreciation grant funds as follows:

[NOTE: Pursuant to State statute, the Corporation may elect to set aside a portion of the Teacher Appreciation Grant funds for distribution only to qualified teachers with less than five (5) years of service, or not to do so. The Corporation must select either Option A or B below]

~~[[OPTION A:]~~

~~(-) The Corporation shall allocate _____ percent (—%) **[insert a number which is NOT MORE THAN twenty percent (20%)]** of the Teacher Appreciation Grant funds received to provide a supplemental award to each teacher with less than five (5) years of service who is rated as highly effective~~

~~or effective on the most recent performance evaluation. The amount of the stipend awarded to those teachers rated as highly effective shall be _____ percent (___%) **[insert a number that is AT LEAST twenty-five percent (25%)]** more than the amount awarded to those teachers rated as effective.~~

~~The Corporation shall then distribute the remaining funds in the Teacher Appreciation Grant to all qualified teachers, including those qualified teachers with less than five (5) years of service.~~

~~[END OF OPTION A]~~

~~[] [OPTION B]~~

~~(-) The Corporation shall not allocate a percentage of the Teacher Appreciation Grant funds received to provide a supplemental award to each teacher with less than five (5) years of service who is rated as highly effective or effective on the most recent performance evaluation.~~

~~[END OF OPTION B]~~

[NOTE: The Corporation must select OPTION C or OPTION D below.]

[X] [OPTION C:]

- A. A cash stipend as determined by the Superintendent shall be distributed to all teachers in the Corporation who are rated as Effective; and
- B. A cash stipend in an amount that is twenty-five percent (25 %) [insert an amount that is at least twenty-five percent (25%)] more than the stipend given the teachers rated as Effective shall be distributed to all teachers in the Corporation who are rated as Highly Effective.

[END OF OPTION C]

~~[] [OPTION D:]~~

- ~~A. A cash stipend as determined by the Superintendent shall be distributed to all teachers in the Corporation who are rated as Effective;~~
- ~~B. A cash stipend in an amount that is _____ percent (___%) **[insert an amount that is at least twenty-five percent (25%)]** more than the stipend given the teachers rated as Effective shall be distributed to all teachers in _____ School who are rated as Highly Effective;~~
- ~~C. A cash stipend in an amount that is _____ percent (___%) **[insert an amount that is at least twenty-five percent (25%)]** more than the stipend given the teachers rated as Effective shall be distributed to all teachers in _____ School who are rated as Highly Effective;~~
- ~~D. A cash stipend in an amount that is _____ percent (___%) **[insert an amount that is at least twenty-five percent (25%)]** more than the stipend given the teachers rated as Effective shall be distributed to all teachers in _____ School who are rated as Highly Effective;~~
- ~~E. **[ADD SAME PROVISION AS ABOVE FOR AS MANY INDIVIDUAL BUILDINGS AS THE BOARD WISHES TO SELECT FOR DIFFERENTIATION]**; and~~

~~F. A cash stipend in an amount that is _____ percent (____%) **[insert an amount that is at least twenty-five percent (25%)]** more than the stipend given the teachers rated as Effective shall be distributed to all teachers in all other buildings who are rated as Highly Effective.~~

~~[END OF OPTION D]~~

[NOTE: THE CORPORATION MUST SELECT OPTION E OR OPTION F BELOW.]

[X] OPTION E

The Corporation shall allocate ten percent (10 %) [insert an amount that is not more than 10%] of the Teacher Appreciation Grant funds received to provide a supplemental award to teachers who serve as mentors to teachers who have less than two (2) years of service. This supplemental award is in addition to the award made from the part of the grant that is allocable to all eligible teachers.

[END OPTION E]

[OR]

~~[] OPTION F~~

~~The Corporation shall not allocate a percentage of the Teacher Appreciation Grant funds received to provide a supplemental award to teachers who serve as mentors to teachers who have less than two (2) years of service.~~

~~[END OF OPTION F]~~

If the Corporation is the local educational agency (LEA) or lead school corporation that administers a special education cooperative or joint services program or a career and technical education program, including programs managed under I.C. 20-26-10, 20-35-5, 20- 37, or I.C. 36-1-7, then it shall award teacher appreciation grant stipends to and carry out the other responsibilities of an employing school corporation under this section for the teachers in the special education program or career and technical education program with respect to the teacher appreciation grant funds it receives on behalf of those teachers.

A stipend to an individual teacher in a particular year is not subject to collective bargaining ~~but is discussable~~ and is in addition to the minimum salary or increases in the salary set under I.C. 20-28-9-1.5. **The Corporation may discuss with a certificated employee or a group of certificated employees at one or more meetings open to all certificated employees the policy for distribution of teacher appreciation grants.**

The Corporation shall distribute all stipends from a teacher appreciation grant to individual teachers within twenty (20) business days of the date the IDOE distributes the teacher appreciation grant funds to the Corporation.

~~[] OPTIONAL:~~

~~Percentage of Teacher Appreciation Grant Becomes Part of the Base Salary:~~

~~An amount not exceeding _____ percent (___%) [**insert an amount that is not more than fifty percent (50%)**] of the amount of a stipend to an individual teacher in a particular year shall become a permanent part of and increase the base salary of the teacher receiving the stipend for school years beginning after the year in which the stipend is received.~~

~~The addition to base salary is not subject to collective bargaining but is discussable.~~

~~[END OF OPTION]~~

This policy shall be reviewed annually by the Board and shall be submitted to the IDOE annually by the Superintendent as indicated above.

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9700 - RELATIONS WITH SPECIAL INTEREST GROUPS

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fundraising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests without advancing the special interests of any particular group.

It is the policy of the School Board that students, staff members, and School Corporation facilities not be used for advertising or promoting the interests of any nonschool agency or organization, public or private, without the approval of the Board or its delegated representative; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

A. Political/Commercial Interests

All materials or activities proposed by outside political or commercial sources for student or staff use or participation shall be reviewed by the ~~() Board~~ (X) Superintendent ~~() principal~~ [END OF OPTION] on the basis of their (X) educational contribution to part or all of the school program, (X) benefit to students, (X) good taste [END OF OPTION] and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.

[CHOOSE BETWEEN OPTION #1 AND OPTION #2 BELOW]

~~[SELECTION OF FIRST OPTION PRECLUDES SELECTION OF SECOND OPTION.]~~

~~[[Option #1]~~

~~The Board shall not permit the use of any type of educational material, program, or equipment in its curricular or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages or are designed to persuade students or staff members to acquire a particular product or service offered by a named individual, company, organization, association, or agency. Professional staff may, however, utilize political materials or those provided by special interest groups in adopted courses of study with the approval of the principal.~~

[OR]

[X] [Option #2]

The Board shall permit the use of educational materials, programs, and equipment which that contains commercial messages provided the content of such messages and the manner of presentation has been approved by the Superintendent and is in compliance with the Corporation's administrative guidelines. (X) Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the Corporation.

[END OF OPTIONS]

B. Patriotic Youth Membership Organizations

The Board may provide a representative of a Patriotic Youth Membership Organization, as defined and organizations listed in Title 36 of the United States Code (e.g., Boy Scouts of America, Girl Scouts of the United States, Big Brothers and Big Sisters of America, and Boys and Girls Club of America) that has an educational purpose and promotes patriotism and civic involvement to provide an oral, written, or oral and written information regarding the organization to students of the Corporation.

If the organization makes such a request to provide oral or written information to students, the Corporation is required to provide at least one (1) time each school year, with a specific day and time specified, for the organization to provide the information on Corporation property.

Prior to the representative from the Patriotic Youth Membership Organization being permitted on Corporation property, the Corporation shall conduct an expanded criminal history check on the representative seeking to present information to students on Corporation property. The Corporation may request written consent for the expanded criminal history check from the representative of the organization. The representative is responsible for all costs associated with obtaining the expanded criminal history check.

A Corporation may, upon receipt of the expanded criminal history check, refuse to allow a representative to provide information if the representative that has been selected from the Patriotic Youth Membership Organization has been convicted of a felony listed in I.C. 20-28-5-8(c) or I.C. 20-28-5-8(d).

C. Contests/Exhibits

The Board recognizes that contests, exhibits, and the like may benefit individual students or the Corporation as a whole, but participation in such special activities may not:

1. (X) have the primary effect of advancing a special product, group, or company;
2. (X) make unreasonable demands upon the time and energies of staff or students or upon the resources of the Corporation;
3. (X) involve any direct cost to the Corporation;
4. (X) interrupt the regular school program; ~~(-) unless the student body as a whole derives benefit from such activities;~~
5. (X) cause the participants to leave the Corporation, unless:
 - a. (X) Board Policy 2340 - Field and Other Corporation-Sponsored Trips has been complied with in all aspects;
 - b. (X) the Board has granted special permission;
 - c. (X) the parents of a minor student have granted their permission.

D. Distribution/Posting of Literature

[X] No outside organizations or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on Corporation property either during or after school hours (X) without the permission and prior review of the ~~() Board. () Superintendent.~~ (X) principal. [END OF OPTION]

The Superintendent shall establish administrative guidelines which ensure that:

1. (X) criteria established in Policy 5722 – School-Sponsored Publications and Productions are used to make a decision regarding materials that students seek to post or distribute;
2. (X) distribution or posting of materials employees wish to distribute on behalf of an employee organization comply with the terms of negotiated collective bargaining agreements;
3. ~~() the school mail system is not used by students or staff for distribution of nonschool-related materials;~~
4. (X) no materials from any profit-making organization are distributed for students to take home to their parents; () unless authorized by the Superintendent;
5. (X) the time, place, and manner of distribution of all nonschool-related materials is clearly established and communicated;

E. Solicitation of Funds

[CHOOSE BETWEEN OPTION #1 OR OPTION #2 BELOW]

~~++ Option #1~~

~~Because the Corporation cannot accommodate every organization that desires to solicit funds for worthy purposes, the Board shall not permit any organization not related to the Corporation to solicit funds on Corporation property.~~

[OR]

[X] Option #2

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the () Board. () Superintendent.

[END OF OPTIONS]

Permission to solicit funds will be granted only to those organizations, individuals, or staff members who meet the permission criteria established in the Corporation's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830, no Corporation student may participate in the solicitation without the Superintendent's approval.

[X] The Board disclaims all responsibility for the protection of or accounting for such

funds.

[X] Solicited funds are not to be deposited in any regular or special accounts of the Corporation.

~~[] A copy of this policy, as well as the relevant administrative guidelines, shall be given to any individual granted permission to solicit funds on Corporation property.~~

[X] This policy does not apply to the raising of funds for Corporation-sponsored or school-sponsored activities.

[X] Use of the name, logo, or any assets of the Corporation, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the ~~() Board.~~ (X) Superintendent. [END OF OPTION]

[CHOOSE BETWEEN OPTION #1 OR OPTION #2 BELOW]

~~[] OPTION #1~~

~~The Board does not permit or sanction the use of crowdfunding for Corporation or specific school programs or activities, including co-curricular or extra-curricular activities.~~

OR

[X] OPTION #2

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the (X) Superintendent. () Board upon recommendation of the Superintendent.

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

[END OF OPTIONS]

Any booster club or school-support group that may use students in a fundraising activity must comply with I.C. 4-32.2-5-21 and Board Policy 5830 for any of the following types of fundraising events: bingo games, charity game nights, raffles, door prizes, fundraising festivals, activities related to pull tabs, punch-boards, tip-boards, and the like. Moreover, any fundraiser involving games of chance must comply with Indiana law, including obtaining the appropriate license or permits.

F. Prizes/Scholarships

The Board is appreciative of the generosity of organizations ~~which~~ **that** offer scholarships or prizes to deserving students in this Corporation. But, in accepting the offer of such scholarships or prizes, the Board directs that these guidelines be observed:

1. (X) No information ~~(-), either academic or personal,~~ [END OF OPTION] shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.
2. (X) The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the ~~(-) Board.~~ (X) Superintendent. ~~(-) principal.~~
3. ~~(-) The principal, together with a committee of staff members designated by the principal, shall be involved in the selection of the recipient. (-) and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.~~

G. Sale of School Supplies

In determining the appropriateness of the sale of school supplies by organizations other than the Corporation, the Board requires that:

1. (X) the organization have a purpose ~~which~~ that will benefit the Corporation and its students;
2. (X) the organization's planned activities are clearly in the best interest of the Corporation and its students;
3. (X) the organization has submitted the following information and assurances on the form provided by the Corporation: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

H. Personal Analyses, Evaluations, or Surveys ~~and Questionnaires~~

Neither Corporation-related nor noncorporation-related organizations shall be allowed to administer a **personal analysis, evaluation, or survey** ~~or questionnaire~~ to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved in accordance with the Superintendent's criteria, a copy of the results and the proposed manner of their communication are to be provided to the Superintendent for review and approval before they are released. **Any approved personal analysis, evaluation or survey to be administered to students shall be administered in accordance with Policy 2221 - Mandatory Curriculum and Policy 2416 - Student Privacy and Parental Access to Information.**

I.C. 4-32.2-4

I.C. 4-32.2-5

I.C. 4-32.2-5-21

I.C. 20-26-20

I.C. 20-26-21

I.C. 20-28-5-8(c)

I.C. 20-28-5-8(d)

I.C. 20-30-5-5

I.C. 20-30-5-6
I.C. 20-30-5-17

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4121 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING OF CONVICTIONS ~~AND SUBSTANTIATED CHILD ABUSE (-) 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 also shall 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 expanded criminal history check as defined by I.C. 20-26-2-1.5
- B. an Indiana expanded child protection index check as defined by I.C. 20-26-2-1.3
- ~~C. (-) an expanded child protection index check in other states~~
- D. a search of the national sex offender registry maintained by the United States Department of Justice
- E. beginning July 1, 2017, a search of the State child abuse registry
- F. telephone inquiry with former employer(s)
- G. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- H. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1
- ~~I. (-) fingerprint check~~
- J. **(X)** a detailed background history including all prior employment and volunteer positions
- K. **(X)** an Indiana Bureau of Motor Vehicles driver history if the position involves driving

Eligibility

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

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

The Board requires that an expanded criminal history check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of the applicant's

employment before or not later than thirty (30) days after the start of the applicant's employment by the Corporation.

If a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one type of expanded criminal history check, the Board shall evaluate all available types of criminal history checks to select and employ the expanded criminal history check that would best protect the Corporation's students.

The Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of the applicant's employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation.

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

The Board also shall deny employment to an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal. Likewise, the Board shall terminate the employment of an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal.

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

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

[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 **(X) or employ the applicant as a substitute [END OF OPTIONS].**

~~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.~~

[DRAFTING NOTE: THE BOARD MAY SELECT ONE, BOTH, OR NEITHER OF THE FOLLOWING TWO OPTIONS. THE BOARD SHOULD BE SURE TO SELECT THE SAME OPTIONS HERE AS IT SELECTS IN POLICY 1521 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING, POLICY 3120.02 - ADJUNCT TEACHERS, POLICY 3121 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING, AND POLICY 8121 - PERSONAL BACKGROUND CHECK - CONTRACTED SERVICES.]

[X] [OPTION 1]

Per I.C. 20-26-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item [select the items below that the Board wishes to permit]:

- A. (X) An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.
- B. (X) Battery (I.C. 35-42-2-1), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
- C. (X) Domestic battery (I.C. 35-42-2-1.3), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
- D. (X) Contributing to the delinquency of a minor (I.C. 35-46-1-8). () An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5.
- E. (X) An offense relating to controlled substances under I.C. 35-48-4, other than: 1) an offense involving marijuana or paraphernalia used to consume marijuana; or 2) an offense requiring license revocation under I.C. 20-28-5-8(c).

[END OPTION 1]

~~[[OPTION 2]~~

~~Per I.C. 20-26-5-11.2(h), the Corporation may hire or contract with an individual [select the items below that the Board wishes to permit]:~~

- ~~A. () who is required to wear an ankle monitor as the result of a criminal conviction~~
- ~~B. () who entered into an agreement to settle an allegation of misconduct relating to the health, safety, or well-being of a student at a school corporation, charter school, or State-accredited nonpublic school, if the agreement included a nondisclosure agreement covering the alleged misconduct [as defined in I.C. 20-26-5-11.2(i)]~~
- ~~C. () who, in an academic environment, engaged in a course of conduct involving repeated or continuing contact with a child that is intended to prepare or condition the child for sexual activity (as defined in I.C. 35-42-4-13) if a majority of the Board approves the employment or contract as a separate, special agenda item.~~

~~if a majority of the Board approves the employment or contract as a separate, special agenda item.~~

~~[END OPTION 2]~~

[END OF OPTIONS]

DRAFTING NOTE: SELECT ONE (1) OF THE FOLLOWING TWO (2) 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]

[END OF OPTIONS]

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 LANGUAGE~~

~~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 five (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.~~

~~[END OF OPTIONAL]~~

DRAFTING NOTE: SELECT ONE (1) OF THE FOLLOWING TWO (2) 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 OF OPTION 1]~~

[X] [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 OF OPTION 2]

[END OF OPTIONS]

[X] [OPTIONAL ~~LANGUAGE~~. DRAFTING NOTE: IF THE BOARD SELECTS THE FIRST OPTION BELOW, IT ALSO MUST DECIDE WHETHER TO ACCEPT THE SECOND OPTION. IF THE BOARD DOES NOT SELECT THE FIRST OPTION BELOW, IT LIKewise SHOULD NOT SELECT THE SECOND OPTION.

[X] 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 five (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 OPTIONAL ~~LANGUAGE~~]

~~[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:~~ **an offense requiring license revocation per I.C. 20-28-5-8(c); or**
- C. **has been charged with or convicted of an offense listed in I.C. 20-26-11.2(b).**
 - ~~1. Murder (I.C. 35-42-1-1).~~
 - ~~2. Causing suicide (I.C. 35-42-1-2).~~
 - ~~3. Assisting suicide (I.C. 35-42-1-2.5).~~
 - ~~4. Voluntary manslaughter (I.C. 35-42-1-3).~~
 - ~~5. Reckless homicide (I.C. 35-42-1-5).~~
 - ~~6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
 - ~~7. Aggravated battery (I.C. 35-42-2-1.5).~~
 - ~~8. Kidnapping (I.C. 35-42-3-2).~~
 - ~~9. Criminal confinement (I.C. 35-42-3-3).~~

- ~~10. A sex offense under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).~~
- ~~11. Carjacking (I.C. 35-42-5-2) (before its repeal).~~
- ~~12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~13. Incest (I.C. 35-46-1-3).~~
- ~~14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~15. Child selling (I.C. 35-46-1-4(d)).~~
- ~~16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.~~
- ~~22. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.~~
- ~~23. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.~~

References

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

Notwithstanding any confidentiality agreement entered into by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee committed an act resulting in a substantiated report of abuse or neglect.

Notwithstanding any confidentiality agreement entered into or amended after June 30, 2023 by the Corporation and an employee of the Corporation, the Corporation shall respond to a request for an employment reference from another school for a current or former employee who is likely to have direct, ongoing contact with children within the scope of the new employment by disclosing to the requesting school any incident known by the Corporation in which the employee or former employee was:

- A. arrested;
- B. charged with a criminal offense;
- C. convicted of a criminal offense;
- D. under court supervision or the supervision of a community correction program as the result of a conviction for a criminal offense (including being placed on home detention, work release, or intermittent incarceration);
- E. the subject of a protection order; or
- F. named as a defendant in a civil action if the civil action could affect the safety of students.

Information and records obtained from inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee or any other mandatory State reporting requirements.

Mandatory Reporting

During the course of employment with the Corporation, each support staff employee shall be required to report the

- A. (X) arrest or the filing of criminal charges against the employee;
- B. conviction of the employee in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c);

C. conviction of the employee ~~for a crime~~ in Indiana or another jurisdiction for an offense listed in I.C. 20-26-11.2(b) or I.C. 20-26-11.2(c); and

D. 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. 20-26-2-1.5

I.C. 20-26-5-10, ~~10.5, 11 and 11.5~~

I.C. 20-26-5-10.5

I.C. 20-26-5-11

I.C. 20-26-5-11.5

I.C. 20-28-5-8

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Revised Policy - Special Update - July 2023

5720 - STUDENT ACTIVISM

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

If the School Corporation or a Corporation employee makes part of a course, awards a grade or course credit, including extra credit, or otherwise incentivizes a student to engage in:

- A. political activism;**
- B. lobbying; or**
- C. efforts to persuade members of the legislative or executive branch at the Federal, State, or local level;**

the Corporation or Corporation employee shall not require the student to adopt, affirm, affiliate, or take any action that would result in favoring any particular position on the issue or issues involved without offering an alternative option for the student to complete the assignment or receive extra credit or other incentive that allows for the favoring of an alternative position.

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

I.C. 20-33-1.5

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Revised Policy - Special Update - July 2023

6152 - STUDENT FEES AND CHARGES

~~Because of limited financial means, the School Board may need to levy certain charges to students to facilitate the utilization of adequate, appropriate learning materials. Such charges may be made on expendable items including but not limited to magazines, workbook materials, paperback selections, and laboratory supplies as well as fees for lost or damaged books and materials for independent study or special projects, and School Corporation sponsored trips. No student, however, shall be denied any educational opportunity because of inability to pay any fee or charge.~~

~~A charge shall not exceed the combined cost of the material used, freight and/or handling and processing charges, and nominal add-on for loss. Money received from the resale of such material shall be returned to the _____ with an accurate accounting of all transactions.~~

~~When Corporation property, equipment, or supplies are damaged, lost, or taken by a student, a fee shall be assessed. The fee shall be reasonable, seeking only to compensate the Corporation for the expense or loss incurred.~~

The School Board may assess and collect a reasonable fee for lost or significantly damaged curricular materials. The Superintendent shall develop administrative guidelines for the selection, care, custody, maintenance, and return of all curricular materials and supplementary materials and equipment and provide for the assessment of fees for lost or significantly damaged curricular materials.

The late return of borrowed books or materials from the **School** Corporation's school libraries shall be subject to appropriate fees.

Any fees collected by members of the staff are to be turned in to the Business Office within twenty-four (24) hours after collection.

Fees assessed for lost or significantly damaged curricular materials or equipment shall be collected in accordance with the Superintendent's administrative guidelines (AG 2510B - Collection of Fees for Lost or Significantly Damaged Curricular Materials).

~~In the event~~ If the above course of action does not result in the fee being collected, the Board authorizes the ~~(-) Corporation's local counsel (-) collection agency~~ **(X) [OTHER]**
Treasurer **[fill in the blank by naming a ~~school~~ Corporation employee by position]** to take the student and/or the parents to Small Claims Court for collection if the claim does not exceed **\$1,500 (if a Corporation employee) or** the jurisdictional limit of the county small claims court ~~(if the Corporation's local counsel or a collection agency)~~. If the claim exceeds the jurisdictional limit of the county small claims court, the Board authorizes the ~~Corporation attorney~~ **Corporation's local counsel [X] or another attorney [END OF OPTION]** to pursue a collection action in the appropriate court against the student and/or the parents. ~~Please refer to AG 2510B—Collection of Textbook Rental Fees and AG 2510C—Delinquent Student Textbook Rental Fees for a detailed collection procedure.~~

Fees collected for lost or significantly damaged curricular materials shall be deposited in a separate curricular materials account (I.C. 20-40-22-9) for the school in which the student was enrolled at the time the fee was imposed.

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

Fees **for lost or significantly damaged** curricular materials, ~~supplies, and other class fees~~ may **not** be charged to or collected from a ~~child~~ **student** whose parent meets the eligibility standard for financial assistance, an emancipated minor who meets the eligibility standard for financial assistance, or a homeless student within the meaning of the McKinney-Vento Act. In such cases, the fees shall be paid by the Board, and the Board may apply for reimbursement from the Indiana Department of Education for the costs incurred or seek appropriate Federal funds, such as McKinney-Vento grant funds. ~~To the extent the reimbursement received by the Board is less than the rental fee assessed for curricular materials, a statement of the unreimbursed fees may be mailed to the parents of the student or to the emancipated minor. However, no other collection action may be taken.~~

Any dispute regarding a charge or fee that is imposed shall not delay the enrollment of a homeless student or serve as a barrier to enrollment by delaying the transfer of student records to another school or school ~~corporation~~ **corporation**, if applicable.

The Corporation shall give notice in nontechnical language and in a manner that reasonably can be expected to reach parents of students before the collection of any fees ~~for schoolbooks and supplies~~ **that are not for curricular materials**. This notice shall inform the parents of the following:

- A. the availability of assistance
- B. the eligibility standards
- C. the procedure for obtaining assistance, including the right and method of appeal
- D. the availability of application forms at a designated school office
- E. that they may be required to pay a reasonable fee for lost or significantly damaged curricular materials**
- F. the procedure for obtaining assistance**
- G. the right to appeal an assessment of a fee for lost or significantly damaged curricular materials, including the procedure required**

This notice shall be included when the statement of fees is mailed to the parents, **adult student**, or emancipated minor.

~~{OPTIONAL—THE STATE BOARD OF ACCOUNTS REQUIRES THAT THERE BE A BOARD POLICY IN PLACE IN ORDER TO REFUND FEES; THEREFORE, IF THE BOARD DESIRES TO INCLUDE SUCH A POLICY, IT SHOULD SELECT THIS OPTION};~~

~~{ } If a student has paid the fees or charges described above, and the student transfers, withdraws, is expelled, or is unable to complete or continue to participate in a class, or activity, or utilize a school service for which the student or his/her parents have paid the applicable fees or charges, the Corporation shall refund an amount equal to the total fee multiplied by the percentage of the semester, grading period or activity season remaining at the time the student transfers, withdraws, is expelled from the class, quits, or is cut from the activity, so long as _____ () [e.g., one fourth (1/4) or one third (1/3)] or more of~~

~~the semester, grading period, or activity season remains and the amount of refund, rounded up to the nearest dollar amount, equals or exceeds \$ _____. [Recommended amount is \$5.00.]~~

~~If a student transfers, withdraws, or is expelled from school, or withdraws or is cut from a school activity for which the student or his/her parents have paid fees and are owed a refund of all, or a proportionate share of any fees amounting to at least \$ _____ [Recommended amount is \$5.00], the Corporation shall promptly refund such fees if the address of the student or his/her parent is known or if requested by the student or his/her parents by the end of the school year in which the fees were paid, or within _____ () days, whichever is longer. The right to a refund fee shall be forfeited if not requested by the end of the school year in which the right to a refund accrues, or within _____ () days, whichever is longer. Parents and students shall be given written notice of this policy at the time of school enrollment.~~

~~[END OF OPTION]~~

[Drafting Note: This section should mirror the options chosen in Policy 2510 - Adoption of Curricular Materials.]

[X] If the Board determines that a hardship exists due to the inability of a student's family or an adult student or emancipated minor to pay any required fees or a reasonable fee for lost or significantly damaged curricular materials, taking into consideration the income of the family or the adult student or emancipated minor and the demands on the family or the adult student or emancipated minor, the Board (X) may ~~() shall~~ [end of options] waive the fee.

[END OF OPTION]

[OPTIONAL - THE STATE BOARD OF ACCOUNTS REQUIRES THAT THERE BE A BOARD POLICY IN PLACE IN ORDER TO WRITE OFF FEES; THEREFORE, IF THE BOARD DESIRES TO INCLUDE SUCH A POLICY, IT SHOULD SELECT THIS OPTION]:

[X] The Corporation may write-off any outstanding unpaid ~~student fees of \$ _____ [Recommended amount is \$5.00]~~ or less, if not paid by _____ of the school year following the school year or activity season in which the debt for nonpayment of student fees was incurred. ~~fees for lost or significantly damaged curricular materials, or unpaid fees that are not for curricular materials, of \$ 5.00 [Recommended amount is \$5.00]~~ or less, if not paid by the beginning of the school year following the school year or activity season in which the debt was incurred.

~~Unpaid student fees in excess of \$ _____ [Recommended amount is \$5.00] may, at the discretion of the School Treasurer or his/her designee, be written off _____ () years after the end of the school year or activity season in which the debt for nonpayment of student fees was incurred. Fees in excess of \$ _____ [Recommended amount is \$5.00] may be written off at any time, if the principal, or his/her designee, determines the student's parents, or the student, if age eighteen (18) or older or an emancipated minor, is unable to pay.~~

Unpaid fees for lost or significantly damaged curricular materials, or unpaid fees that are not for curricular materials, in excess of \$ 5.00 [Recommended amount is \$5.00] may, at the discretion of the school treasurer or designee, be written off two (2) years after the end of the school year or activity season in which the debt was incurred. Fees in excess of \$ 5.00 [Recommended amount is \$5.00] may be written off at any time, if the Principal or designee determines the student's parents, or the student, if age eighteen (18) or older or an emancipated minor, is unable to pay.

[END OF OPTION]

I.C. 20-18-2-2.7

I.C. 20-26-5-4(12)(B)

I.C. 20-26-12-1(B)

I.C. 20-35-5-3

I.C. 20-33-5-5

I.C. 20-33-5-11

I.C. 20-41-2-5(b)

I.C. 20-42-3-10

Grants for State and Local Activities for Education of Homeless Children and Youth, 42 U.S.C. 11432(g)(1)(I)

Indiana State Board of Accounts, Public Schools Audit Manual

Indiana State Board of Accounts, School Administrator

McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11301 et seq.

Education for Homeless Children and Youths Program Non-Regulatory Guidance, p. 25 (US DOE July 2016)

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