

Revised Bylaw

0142.3 - VACANCIES

***Revised to address options for review of prospective appointees for Board vacancies and requirements for interviewing only selected applicants for a vacated Board seat during public Board meetings. The revision also offers more options for the Board to advertise the existence of a Board vacancy.**

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

- A. death of the member is certified by the clerk of the circuit court (I.C. 5-8-6 and I.C. 20-26-4-4.5)
- B. failure of a sufficient number of petitions for candidates for Board membership being filed for an election (I.C. 20-26 4-4)
- C. a member submits a written resignation from the Board to the clerk of the circuit court pursuant to I.C. 5-8-3.5-1(a)(4)
- D. a member is convicted of a felony
- E. a member's election or appointment is declared void by a competent tribunal
- F. the winner of an election fails to take the oath of office required by I.C. 20-26-4-3-2
- G. a member ceases to possess the legal qualifications for continuing to hold office
- H. a member ceases to be a resident of the Corporation (I.C. 20-23-4- 30(e)) (applicable to community school corporations only)
- I. a member is removed from office by action of the Circuit Court pursuant to I.C. 5-8-1-35
- J. a court enters an order removing a member from office based upon a conviction for bribery or official misconduct under I.C. 35-50-5-1.1
- K. a member is convicted of any crime against the laws of the United States where the sentence imposed exceeds six (6) months, evading the Selective Service Act, engaging in conspiracy or an attempt to defraud the government of the United States, or seditious utterances in violation of the laws of the United States (I.C. 5-8-3-1)
- L. a member voluntarily became intoxicated within the business hours of the Board, or is in the habit of becoming intoxicated by the use of intoxicating liquors and is removed from office under I.C. 34-17 (I.C. 5-8-2-1)

Filling a Board Vacancy

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

The Board shall seek qualified and interested persons from the community through the news media, [option] (X) posting the vacancy on the Corporation website, [end of option] word of mouth, and contacts with appropriate organizations.

All **interested persons** are to submit a notice of their interest, in writing, to the Board President.

The Board shall interview all interested **persons** to ascertain their qualifications.

[X] The Board may interview no fewer than three (3) prospective appointees, unless there are fewer than three (3) interested persons, after meeting in executive session in accordance with State law and Board Bylaw 0167.2, to develop a list of prospective appointees, consider applications to review the qualifications of the prospective appointees, and make one initial exclusion of prospective appointees from further consideration.

I.C. 5-8-1-35

I.C. 5-8-3.5-1

I.C. 5-14-1.5-6.1(b)(10)

I.C. 20-23-4-30

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New Policy

1213.01 - STAFF-STUDENT RELATIONS

***This new policy is intended to specifically address staff-student relations that may constitute criminal conduct, child abuse or neglect, inappropriate boundary invasions (optional) or conduct unbecoming a professional staff member.**

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

Sexual Relationships with Students Prohibited

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

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

The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any conduct that may constitute a crime shall be reported to local law enforcement.

Any employee accused of sexual conduct or a sexual relationship with a student () may **(X) will [not recommended] [end of option]** be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student, regardless of the age of the student, will initiate the termination process for the employee.

Allegations Constituting Criminal Conduct or Child Abuse/Sexual Misconduct

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

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

Allegations made during harassment investigations:

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

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

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

[DRAFTING NOTE: PROVISIONS BELOW ARE OPTIONAL, AND THE BOARD MUST DECIDE WHAT TO INCLUDE]

Inappropriate Boundary Invasions by Corporation Employees

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

[DRAFTING NOTE: The Board may elect to include no, some, or all examples of boundary invasions as identified below.]

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

- ~~A. () hugging, kissing, or other physical conduct with a student;~~
- ~~B. () telling sexual jokes to students;~~
- ~~C. () engaging in talks containing sexual innuendo or banter with students;~~
- ~~D. () talking about sexual topics that are not related to curriculum;~~
- ~~E. () showing pornography to a student;~~
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- ~~I. () giving students rides in the staff member's personal vehicle or taking students on personal outings without administrator approval;~~
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- ~~K. () going to a student's home for non-educational purposes;~~
- ~~L. () inviting students to the staff member's home without proper chaperones (i.e., another staff member or the student's parent);~~
- ~~M. () giving gifts or money to a student for no educational purpose;~~
- ~~N. () accepting gifts or money from a student for no legitimate educational purpose (this does not include gifts given at Christmas or at the end of the year as a "thank you" to the staff member);~~
- ~~O. () being overly touchy with students;~~
- ~~P. () favoring certain students by inviting them to come to the classroom at non-class times;~~
- ~~Q. () pulling a student out of class to visit with the staff member;~~

~~R. () providing advice to or counseling a student regarding a personal problem (e.g., problems related to sexual behavior, substance abuse, mental or physical health, or family relationships) unless properly licensed and authorized to do so;~~

~~S. () talking to a student about problems that normally would be discussed with adults (e.g., marital issues);~~

~~T. () being alone with a student behind closed doors without a legitimate educational purpose;~~

~~U. () telling a student "secrets" and having "secrets" with a student;~~

~~V. () other similar activities or behavior:~~

~~1. () _____;~~

~~2. () _____;~~

~~3. () _____.~~

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

[END OF OPTION]

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

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

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New Policy

1216 - DRESS AND GROOMING

This policy has been added to the Administration Section as a new policy. The Administrators within the School Corporation should be held to the same standards of dress and grooming as the staff in the Corporation. Additionally, language has been added to existing policies that clearly identifies that a School Board will enforce the dress code in a nondiscriminatory/uniform manner. Implementation of such measures is required in accordance with the stated principles, whether they are in writing or not, in order to comply with Title VII and Title IX.

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

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

[X] When assigned to Corporation duty, all administrators shall:

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

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

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Revised Policy

2221 - MANDATORY CURRICULUM

Revisions were made to this policy to reflect changes in the statutory language, including replacing AIDS with HIV, and new course requirements.

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, including abstinence from sexual activity outside of marriage as the expected standard for all school-age children, that abstinence is the only certain way to avoid sexually transmitted diseases, pregnancy, and other associated health problems, and the best way to avoid sexually-transmitted diseases and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage
- J. instruction regarding breast and testicular cancer, including the significance of early detection through self-examination, and in the case of breast cancer, regularly-scheduled mammograms in high school
- K. career awareness **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 prior to its use in the classroom.

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

I.C. 20-30-5

511 IAC Article 6

47 U.S.C. 254(h), 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. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)

20 U.S.C. 6777

20 U.S.C. 7131, Internet Safety

20 U.S.C. 9134 (2003)

47 C.F.R. Part 54

Revised Policy

***This policy contains a technical correction replacing "ISTEP+" with "State-mandated testing program." This change is being made to keep this policy current with the existing and any future student assessment program in Indiana.**

2600 - SCHOOL ACCOUNTABILITY

In keeping with its philosophy that the purpose of education is to facilitate the development of the potential of each student, the Board encourages the implementation of a strategic and continuous school improvement and achievement plan.

The principal of each school must coordinate the development of an initial three (3) year strategic and continuous school improvement and achievement plan and coordinate an annual review of the plan. The initial plan and annual review must be made with input from a committee of persons interested in the school including administrators, teachers, parents, and community and business leaders. Members of the committee shall be appointed by the principal, except teacher representatives shall be appointed according to state statutes.

The committee must submit a school's initial plan to the Superintendent by March 1st prior to the school year of implementation. The Superintendent:

- A. shall review the plan to ensure it aligns with the School Corporation's goals, objectives, and expectations;
- B. may make written recommendations for modifications to the plan;
- C. return the plan and any recommendations to the committee by April 1st.

The school committee may modify the plan to comply with the recommendations of the Superintendent and submit the final recommended plan to the Superintendent for Board approval by May 1st.

The plan shall lay out objectives for a three (3) year period and must be reviewed annually and revised to accomplish the achievement objectives of the school. The achievement objectives must be consistent with State academic standards and include improvement in at least the following areas:

- A. attendance rate
- B. the percentage of students meeting academic standards under the **State-mandated assessment program**
- C. the graduation rate

The plan must address the learning needs of all students, including programs and services for exceptional students.

The plan must specify how and to what extent the school expects to make continuous improvement in all educational areas where results are measured by setting benchmarks on an individual school basis.

The plan is to note specific areas where improvement is needed immediately.

In developing a school's plan, the school's committee shall consider methods to improve the cultural competency of the school's teachers, administrators, staff, parents, and students.

The committee shall:

- A. identify the racial, ethnic, language-minority, cultural, exceptional learning, and socioeconomic groups that are included in the school's population;

- B. incorporate culturally appropriate strategies for increasing educational opportunities and educational performance for each group in the school's plan;
- C. recommend areas in which additional professional development is necessary to increase cultural competency in the school's educational environment.

The committee shall update annually the information identified in (A) above.

If a school has developed materials that are substantially similar to a component of the State mandated plan, the school may substitute those materials for the component of the mandated plan.

The Superintendent shall establish administrative guidelines for use in the development of the strategic and continuous school improvement and achievement plan.

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New Policy

3213.01 - STAFF-STUDENT RELATIONS

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- C. "sexual misconduct with a minor" under I.C. 35-42-4-9 in the case of a child between the ages of fourteen (14) and sixteen (16).

The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any conduct that may constitute a crime shall be reported to local law enforcement.

Any employee accused of sexual conduct or a sexual relationship with a student () may **(X) will [not recommended] [end of option]** be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student, regardless of the age of the student, will initiate the termination process for the employee.

Allegations Constituting Criminal Conduct or Child Abuse/Sexual Misconduct

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

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

Allegations made during harassment investigations:

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

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

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~~V. () other similar activities or behavior:~~

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

[END OF OPTION]

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

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

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- C. dress in a manner that communicates to students pride in personal appearance;
- D. dress in a manner that does not cause damage to Corporation property;
- E. be groomed in such a way that does not disrupt the educational process nor cause a health or safety hazard.

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

[DRAFTING NOTE: By way of example, staff should be permitted to wear clothing that is typical of the gender with which they identify and not required to wear clothing that is typical of their birth gender.]

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

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Revised Policy

4216 - SUPPORT STAFF DRESS AND GROOMING

***Language has been added to this policy that clearly identifies that a School Board will enforce the dress code in a nondiscriminatory/uniform manner. Implementation of such measures is required in accordance with the stated principles, whether they are in writing or not, in order to comply with Title VII and Title IX.**

The School Board believes that support staff members **set an example for the students in the School Corporation to follow.**

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

[X] When assigned to Corporation duty, all staff members shall:

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

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

[DRAFTING NOTE: By way of example, staff should be permitted to wear clothing that is typical of the gender with which they identify and not required to wear clothing that is typical of their birth gender.]

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Technical Correction

5111 - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY

****This policy contains a technical correction replacing "ISTEP+" with "State-mandated testing program." This change is being made to keep this policy current with the existing and any future student assessment program in Indiana.**

The School Board establishes the following policy for determining student eligibility to attend the schools of this School Corporation.

- A. The Board will educate, tuition-free, students who have legal settlement in the Corporation, and students enrolled according to the requirements of I.C. 20-26-11.
- B. Where the legal settlement of a student cannot reasonably be determined by reference to the residence of the student's parent or legal guardian and the student is being supported by and living with a person whose residence is within the Corporation, the student may be enrolled without payment of tuition. If the parents are able to support the student and have placed the student in the home of another person primarily for the purpose of attending school in this Corporation without establishing legal guardianship as required by Indiana law, tuition will not be charged unless otherwise required by law.

[NOTE: Pursuant to guidance from the Indiana Department of Education, this would be categorized as a "Third Party Custodial Agreement," and documentation of that agreement must be maintained by the Corporation.]

- C. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition-free, without regard to residency, to a school within the Corporation, as selected by the State Department of Human Services or the child placing agency responsible for the placement of that child.
- D. Foreign students participating in a foreign-exchange program approved by the Indiana State Board of Education and living with a resident host family will be admitted tuition-free.
- E. The Corporation will provide a free education to those students who are considered by Federal law to be illegal aliens, if the student's parent or legal guardian has legal settlement within the Corporation, or considered to be homeless by criteria established by the State (see Policy 5111.01 and AG 5111.01 - Homeless Students).
- F. If a student's legal settlement is changed after the student has begun attending school in the Corporation in any school year, the effective date of withdrawal from the Corporation may, at the election of the parent, the student (if the student is at least eighteen (18) years of age), or a juvenile court conducting a proceeding under I.C. 31-34-20-5, I.C. 31-34-21-10, I.C. 31-37-19-26, or I.C. 31-37-20-6 (or I.C. 31-6-4-18.5 before its repeal), be extended to the end of the semester in which the change of legal settlement occurred. At the discretion of the Director of Elementary Education or the Director of Secondary Education, the effective date of withdrawal from the Corporation may be extended to the end of that school year.

Students who have completed the eleventh grade in this Corporation and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.

- G. The School Corporation shall maintain proof of Indiana residency for each student enrolled in the Corporation whom the Corporation counts for membership in the ADM count. This documentation of Indiana residency shall be placed in the student's electronic or hard copy file. (See also Policy 6250 - Required ADM Counts for the Purpose of State Funding and Verification of Residency for Membership.)

Transportation from and to the site of the new legal settlement will not be provided by the School Corporation for a student whose effective date of withdrawal is extended beyond the date of the

change of legal settlement unless the student has an Individualized Education Program (IEP) in which transportation is required to be provided as a related service.

- H. A married student living with a spouse or a married or unmarried emancipated minor is eligible to attend school without payment of tuition if the student resides in the Corporation.

I. Children of Divorced Parents

Children of divorced parents may attend school in this Corporation without the payment of tuition if one (1) parent resides in this Corporation and an election is made utilizing the "Custodial Statement and Agreement: Divorce, Separation, or Abandonment" form provided by the Indiana State Board of Education.

The parent with physical custody of the student or the student, if the student is at least eighteen (18) years of age, must notify the Superintendent of the school corporation in which the parents/student seek to have the student enrolled of their election to enroll the student in the Corporation. The election shall be made on a yearly basis and applies throughout the school year unless the student's parent no longer resides within the attendance area of the Corporation.

- J. If a student's parent fails to inform the Corporation of the expulsion or withdrawal to avoid expulsion or the student fails to follow the terms and conditions established for enrollment, the Corporation may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion. Before consent is withdrawn, the student must be given an opportunity for an informal meeting with the principal. At the informal meeting, the student is entitled to:
 - 1. a written or verbal statement of the reasons for the withdrawal of consent;
 - 2. a summary of the evidence against the student;
 - 3. an opportunity to explain the student's conduct.
- K. Students who do not have legal settlement may/will be enrolled in the special education program of this Corporation pursuant to the provisions of a Cooperative agreement.
- L. Nonresident students may be accepted into the Summer School Program provided by this Corporation.

Transfer Student Whose Parent Is Employed by the Corporation:

The Corporation shall accept a transferring student who does not have legal settlement in the Corporation and whose parent is a current employee of the Corporation who resides in Indiana if: 1) the parent/employee earns an annual salary of at least: a) \$8,000; or b) \$3,000 earned due to being included an employee in the extracurricular portion of the Corporation's collective bargaining agreement; and 2) the Corporation has the capacity to accept the student. If the number of students who request to transfer to the Corporation under this section causes the Corporation to exceed its maximum student capacity, the Board shall determine which students will be admitted as transfer students by a random drawing in a public meeting.

Transfer Students:

In addition to students with legal settlement in the Corporation, students without legal settlement in the Corporation (hereafter referred to as "transfer students") will be enrolled in compliance with I.C. 20-26-11-32 and the following procedure:

- A. By March 31, the Board will establish the number of transfer students that can be accepted in each building and grade level.

- B. The Board will establish a date by which requests to enroll a transfer student must be submitted to the Superintendent. This date shall be submitted to the Indiana Department of Education and published on the Corporation Internet website.
- C. Requests to enroll a student without legal settlement in the Corporation shall not be denied if the student to be transferred:
 - 1. has been enrolled in the Corporation in the prior school year;
 - 2. is a member of a household in which any other member of the household is a student in the transferee school; or
 - 3. has a parent who is an employee of the Corporation who currently resides in Indiana and has a salary of at least \$8,000 or \$3,000 earned due to being included an employee in the extracurricular portion of the Corporation's collective bargaining agreement and the Corporation has the capacity to accept the student.
- D. If the number of requests to enroll in each building and grade level exceeds the number established by the Board reduced by the number of transfers that may not be denied as described in paragraph (C) above, the students to be enrolled in each building and grade level shall be determined by random selection in which each application submitted on or before the date established by the Board pursuant to paragraph (A) above has an equal chance of being selected.

Pursuant to State law, the Board may deny a student's application to transfer to the Corporation, discontinue enrollment of a transfer student currently attending, rescind approval of a student approved to attend in a subsequent year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year, if:

- A. during the preceding twelve (12) months, the student has been suspended or expelled for:
 - 1. ten (10) or more school days;
 - 2. possession of a firearm, deadly weapon, or a destructive device;
 - 3. causing physical injury to a student, school employee, or visitor to the school; or
 - 4. a violation of the Corporation's drug or alcohol rules.
- B. the student has had a history of unexcused absences, and the Board believes that, based upon the location of the student's residence, attendance would be a problem for the student if the student is enrolled in the Corporation.

For purposes of computing the number of days of suspension of the student requesting enrollment, student discipline received from a teacher pursuant to I.C. 20-33-8-25(b)(7) and I.C. 20-26-11-32(j) shall be included in the calculation of the number of school days that a student has been suspended.

The Board delegates authority to the Superintendent to deny a student's application to transfer to the Corporation, discontinue enrollment of a transfer student currently attending, rescind approval of a student approved to attend in a subsequent year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year if the student meets the criteria listed above.

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

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

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

[NOTE: The primary purpose of HEA 1381 (2013) is to end perceived "cherry-picking". This objective is expressed most succinctly by the addition of I.C. 20-26-11-32(g) which states: "(g) Except as provided in subsections (i), (j), and (k), the governing body of a school corporation

may not deny a request for a student to transfer into the school corporation based upon the student's academic record, scores on statewide assessment program tests, disciplinary record, or disability, or upon any other factor not related to the school corporation's capacity."]

Students Without Legal Settlement Attending Alternative Education Programs

Students without legal settlement in the Corporation may be accepted into an alternative education program operated by the Corporation even if the Corporation does not otherwise accept transfer students. The Board shall comply with I.C. 20-26-11-32(g), (h), (j), (k) and (l) with respect to those students.

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Technical Correction

5340.01 - STUDENT CONCUSSIONS AND SUDDEN CARDIAC ARREST

***Technical correction is being made to correct a drafting error in the last update. The term "s/he" is replaced with "the student".**

It is the policy of the School Board that the risk of student injury be considered and addressed in the planning and implementation of every student activity sponsored by the Board. The Board therefore directs and requires that before beginning practice for an interscholastic sports activity, including cheerleading, the coach of the activity shall provide the parent of each student-athlete in grades 5 - 12 and each student-athlete in grades 5 - 12 with the information sheet on Concussion and Head Injury and **acknowledgment** form issued by the Indiana Department of Education (IDOE) and shall require the student's parent and the student to sign and return the form acknowledging the receipt of the information from the IDOE on Concussion and Head Injury. If the coach of an intramural sports activity elects to or is required to comply with I.C. 20-34-7, s/he shall provide the parent of each student-athlete in grades 5-12 and each student-athlete in grades 5-12 with the information sheet on Concussion and Head Injury and **acknowledgment** form issued by the IDOE and shall require the student's parent and the student to sign and return to the coach the form acknowledging the receipt of the information from the IDOE on Concussion and Head Injury.

The Board also directs and requires that before beginning practice for an interscholastic sports activity, cheerleading, marching band, or other extracurricular activity in which students have an increased risk of sudden cardiac arrest as determined by the IDOE the coach of the activity or marching band leader shall provide to each applicable student and his/her parent or legal guardian (unless the student is at least age eighteen (18) or is an emancipated minor) the information sheet on Sudden Cardiac Arrest and **acknowledgment** form issued by the IDOE and require the applicable student and his/her parent or legal guardian (unless the student is at least age eighteen (18) or is an emancipated minor) to sign and return to the coach or marching band leader the form acknowledging the receipt of the information from the IDOE on Sudden Cardiac Arrest.

Additionally, the Board directs and requires that:

before beginning practice for any interscholastic or intramural sports activity, including cheerleading, the coach of the activity shall provide the parent of each student participating in the activity and the student participating in the activity with the information sheet on Concussion and Head Injury and **acknowledgment** form issued by the IDOE and shall require the student's parent and the student to sign and return to the coach the form acknowledging the receipt of the information from the IDOE on Concussion and Head Injury.

before beginning practice for any interscholastic or intramural sports activity, including cheerleading, the coach of the activity shall provide the parent or legal guardian of each student participating in the activity (unless the student is at least age eighteen (18) or is an emancipated minor) and the student participating in the activity with the information sheet on Sudden Cardiac Arrest and **acknowledgment** form issued by the IDOE and shall require the student's parent or legal guardian (unless the student is at least age eighteen (18) or is an emancipated minor) and the student to sign and return to the coach the form acknowledging the receipt of the information from the IDOE on Sudden Cardiac Arrest.

The coach/sponsor, marching band leader or other official designated by the school shall maintain an original of each applicable signed **acknowledgment** form for each student and shall not allow the applicable student to participate in the activity until the signed **acknowledgment** form(s) from the parent (as required above) and applicable student is/are properly executed and returned.

A student-athlete in grades 5 - 12 who participates in an interscholastic sport, including cheerleading, and is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of the injury and may not return to play until s/he has been seen and evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries, the coach receives a written clearance from the licensed healthcare provider who evaluated the student-athlete that the **student** can safely return to participation in the sport or activity, and not less than twenty-four (24) hours have passed since the **student** was removed from play.

Additionally, the Board directs and requires that:

- A. A student-athlete of any age who participates in any interscholastic or intramural sports activity, including cheerleading, and is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of the injury and may not return to play until s/he has been seen and evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries, the coach receives a written clearance from the licensed healthcare provider who evaluated the student-athlete that s/he can safely return to participation in the sport or activity, and not less than twenty-four (24) hours have passed since s/he was removed from play.
- B. A **school nurse** shall maintain the original of the written clearance from the health care provider for the student-athlete to return to play for no less than three (3) years after the student reaches age eighteen (18).
- C. Each coach of an interscholastic or intramural sports activity, including cheerleading

An applicable student participating in an interscholastic sports activity, cheerleading, marching band, or other extracurricular competitive or noncompetitive activity in which students have an increased risk of sudden cardiac arrest as determined by the IDOE who is suspected as determined by a game official, coach of the applicable student's team, licensed athletic trainer, physician assistant, advanced practiced registered nurse, licensed physician, marching band leader, or other official designated by the applicable student's school of experiencing a symptom of sudden cardiac arrest in a practice for an above activity shall be removed from practice or play at the time that the symptom is identified, and the parent or legal guardian of the applicable student shall be notified of the applicable student's symptoms (unless the student is at least age eighteen (18) or is an emancipated minor). An applicable student who has been removed from practice or play may not return to practice or play until the coach/sponsor, marching band leader, or other official designated by the applicable student's school has received verbal permission from a parent or legal guardian of the student (or from the student if the student is at least age eighteen (18) or is an emancipated minor) for him/her to return to practice and play. Within twenty-four (24) hours after giving verbal permission of the applicable student to return to practice and play, the parent or legal guardian (or the student if the student is at least age eighteen (18) or is an emancipated minor) must provide the coach, marching band leader, or other official designated by the school with a written statement that the student has permission to return to practice and play.

Additionally, the Board directs and requires that:

- A. A student-athlete of any age who participates in any interscholastic or intramural sports activity, including cheerleading, and is suspected of experiencing a symptom of sudden cardiac arrest in a practice or game shall be removed from practice or play at the time that the symptom is identified, and the parent or legal guardian of the student-athlete shall be notified of the student athlete's symptoms (unless the student is at least age eighteen (18) or is an emancipated minor). A student-athlete who has been removed from practice or play may not return to practice or play until the coach has received verbal permission from a parent or legal guardian of the student (or from the student if the student is at least age eighteen (18) or is an emancipated minor) for him/her to return to practice and play. Within twenty-four (24) hours after giving verbal permission of the student-athlete to return to practice and play, the parent or legal guardian (or the student if the student is at least age eighteen (18) or is an emancipated minor) must provide the coach with a written statement that the student has permission to return to practice and play.
- B. A coach shall maintain the original of the written statement that the student has permission to return to practice and play for no less than three (3) years after the student reaches age eighteen (18).
- C. Each coach of an interscholastic or intramural sports activity, including cheerleading, shall receive training on concussions, sudden cardiac arrest (including the symptoms), heat-related medical issues, cardiopulmonary resuscitation, and the use of an automated external defibrillator.

Revised Policy

5460 - GRADUATION REQUIREMENTS

***This policy has been revised to add the Graduation Pathways requirement for the graduating class of 2023 and all classes thereafter.**

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

The Superintendent is directed to provide each student in grade 12 and the parent of each student in grade 12 a notice regarding the existence of the Free Application for Federal Student Aid (FAFSA) and a description of the process and benefits of completing the FAFSA. This notice also shall include approximate annual tuition costs of each State educational institution of higher education in the Indiana and State scholarships, grants or other assistance available to students in Indiana. The Superintendent may use the model notice prepared by the commission of higher education or develop a local notice containing the required information.

[DRAFTING NOTE: A graduation plan is a requirement of I.C. 20-30-4-2, however, it is not mandated to be part of the Corporation's graduation requirement policy. The Corporation would not withhold a diploma for failure to have a graduation plan. This language is provided to highlight the revised requirements established in the 2021 legislative session and all Corporation counselors should be trained regarding these statutory requirements.]

[X] A graduation plan shall be developed, in consultation with the student's school counselor and after seeking consultation with each student's parents, by the time each student completes 8th grade. This plan will be part of each student's permanent student record and accessible to a parent of the student pursuant to the Family Education Rights and Privacy Act (FERPA).

Each plan shall include:

- A. a statement of intent to graduate from high school;
- B. an acknowledgment of the importance of:
 1. good citizenship;
 2. school attendance; and
 3. diligent study habits;
- C. the subject and skill areas of interest to the student;
- D. the postsecondary goals of the student aligned with the graduation pathway requirements pursuant to State law;
- E. a program of study under the college/technology preparation curriculum adopted by the State Board under I.C. 20-30-10-2 for grades 10, 11, and 12 that meets the interests, aptitude, and postsecondary goals of the student;
- F. assurances that upon satisfactory fulfillment of the plan, the student:
 1. is entitled to graduate; and
 2. will have taken at least the minimum variety and number of courses necessary to gain admittance to a State educational institution;

G. An indication of assessments that the student plans to take voluntarily during grade 10 through grade 12 and which may include any of the following:

1. The SAT Reasoning Test.
2. The ACT Test.
3. Advanced placement exams.
4. College readiness exams approved by the department.
5. Workforce readiness exams approved by the department of workforce development established under I.C. 22-4.1-2; and
6. Cambridge International examinations.

The Board shall award a high school diploma to every student enrolled in this Corporation who meets the requirements of graduation established by this Board as provided by the State.

To earn a standard Indiana high school diploma, students in the graduating class of 2023, and each graduating class thereafter must satisfy all three of the graduation pathway requirements established by the State. To be eligible to receive a diploma a student shall: 1) meet the credit requirements of the State as provided by the Indiana Department of Education (IDOE) (X) and listed in AG 5460. 2) learn and demonstrate employability skills through one of three methods as defined by the IDOE (X) and given in AG 5460A. 3) demonstrate postsecondary-ready competencies through one of the several methods provided for by the IDOE (X) and enumerated in AG 5460A. **Senior Projects completed by BCSC students meet the requirement to demonstrate employability skills.**

Students enrolled in the Corporation shall have the opportunity to earn the standard Indiana high school diploma with any of the designations approved by the Indiana State Board of Education.

The Corporation may award a standard Indiana high school diploma with a general designation, Core 40 designation, a Core 40 with Academic Honors designation, or a Core 40 with Technical Honors designation.

The Board shall issue a diploma for a deceased student at the request of a parent (as defined in I.C. 20-18-2-13) of the student if the student:

- A. died while enrolled in grade 12 of a school in the school corporation; and
- B. was academically eligible or on track to meet the requirements for the diploma at the time of death.

A student who is issued a diploma pursuant to this provision may not be considered a graduate for purposes of I.C. 20-26-13.

Students with disabilities who have completed and are ready to exit their programs may participate in graduation activities and shall be awarded, as appropriate,

- A. a diploma;
- B. an alternate diploma for students with significant cognitive disabilities;
- C. a certificate of achievement; or
- D. a certificate of course completion.

The Corporation shall not require students with disabilities to complete locally required credits that exceed State credit requirements to receive a diploma unless otherwise required as part of the student's individualized education program (IEP). The Board shall award a certificate of achievement to a student who is on a nondiploma track as determined by that student's case conference committee and indicated on the student's IEP.

The Board shall award an alternate diploma to students with significant cognitive disabilities who meet the criteria established by the State Board. Not more than one percent (1%) of students of a cohort may be awarded an alternate diploma.

The Board shall award a certificate of course completion to a student who completes the minimum courses required for high school graduation but does not satisfy all three (3) of the Graduation Pathway Requirements unless the student meets the criteria for waiver under State law, in which case the Board shall award a diploma to the student.

The Board shall award a high school equivalency certificate to any individual who meets the criteria established by State law.

Additional Requirements for Students with Disabilities

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

- A. the types of designations available for the high school diploma students may receive in the State of Indiana;
- B. the course requirements for each type of designation; and
- C. employment and career options for the student and the type of academic, technical, and vocational preparation necessary to achieve the employment or career.

The student's IEP must include the type of designation for the diploma the student will seek and courses that will allow the student to progress toward the diploma in a timely manner.

Beginning in grade 9 and in addition to the annual case review, the student's teacher of record shall communicate at least once each grading period with the student's parent concerning the student's progress toward diploma with the selected designation. If the parent requests a meeting with the teacher of record to discuss the student's progress, the teacher must meet with the parent in a timely manner. Such a meeting does not constitute a case conference committee meeting, and a request for such a meeting does not abrogate a parent's right to call for a meeting of the case conference committee at any time.

Each student is required to meet:

- A. the academic standards tested in the graduation examination;
- B. the course and credit requirements adopted by the State Department of Education;
- C. additional graduation requirements established by the Board of School Trustees.

Upon the request of the student's parents, the student may be exempted from the Core 40 curriculum requirements and be required to complete the general curriculum to graduate as required by State law. Also, school officials may initiate a discussion with the parents about exempting a student from the Core 40 curriculum if the student does not pass at least three (3) courses required under the Core 40 curriculum or if the student scores in the twenty-fifth percentile or lower the first time the student takes the graduation exam. If the parent makes the decision to exempt the student from the Core 40 requirement, the student will be required to complete the general curriculum as required by State law.

Commencement exercises will include those students who are eligible for a diploma, (X) certificate of achievement, or (X) certificate of course completion as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

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

I.C. 20-19-2-21

I.C. 20-26-5-37

I.C. 20-30-4-2

I.C. 20-32-4-1.5 through 14

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Revised Policy

5511 - DRESS AND GROOMING

***Optional language has been added to state what is legally required with regard to enforcing the dress code in a nondiscriminatory/uniform manner and affirming a student's right to dress in accordance with their gender identity (within the constraints of the adopted dress code) versus their birth gender. Implementation of such measures is required in accordance with the stated principles, whether they are in writing or not, in order to comply with Title IX.**

The School Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the **School Corporation**.

Accordingly, the Superintendent shall establish such grooming guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such guidelines shall prohibit student dress or grooming practices which:

- A. present a hazard to the health or safety of the student himself/herself or to others in the school;
- B. interfere with school work, create disorder, or disrupt the educational program;
- C. (X) cause excessive wear or damage to school Corporation property;**
- D. (X) prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.**

Such guidelines shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing the Corporation at a public event.

The Superintendent shall develop administrative guidelines to implement this policy which designate the principal as the arbiter of student dress and grooming in his/her building.

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

The established dress code shall be upheld in a nondiscriminatory and uniform manner.

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Revised Policy

5722 – School-Sponsored Publications and Productions

***This technical correction is being made to correct drafting errors in the last release of Policy 5722 – School-Sponsored Publications and Performances.**

The School Board sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, "school-sponsored student media" shall include both student publications and productions. School-sponsored student media does not include student expression related to classes that are not directly associated with student publications/productions. The term "publication" shall include distribution, transmission, and dissemination of a student publication, regardless of its medium. "Student publications" shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing) , as well as material in electronic or online form including but not limited to Apps and Services (as defined in Bylaw 0100), webpages/sites, **weblogs** ("Blogs"), video or audio clips, postings of Social Media (as defined in Bylaw 0100), and newsletters of announcements transmitted by e-mail, text, wireless broadcast, or other similar distribution/dissemination.

The **term** "performance" shall include presentation and broadcast of a student production. "Student productions" shall include vocal, musical, and/or theatrical performance, impromptu dramatic presentation, or any electronic media (including but not limited to radio and television programs, videoblogs ("vlogs"), podcast, Social Media (as defined in Bylaw 0100) and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology.

[DRAFTING NOTE: The Board should select the following option only if it selected the first option under "student publication" or either or both of the first two options under "student production."]

Only Corporation-approved social media (as defined in Bylaw 0100) may be used to host school-sponsored student media, in accordance with Policy 7544. School-sponsored student media also must comply with Policy 7540.02.

For purposes of this policy, "school community" is defined to include students, School Corporation employees (i.e., administrators and professional and classified staff), parent/family members and other individuals who are authorized or otherwise permitted by the Superintendent **[end of option]** to view a performance or receive directly from the Corporation a publication and those who have been issued credentials to access the Corporation's secure portal. **[end of option]**

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to minors as that term is defined in the Children's Internet Protection Action (CIPA); speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

Student expression **relating** to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions are nonpublic forums. As nonpublic forums, the content of such student expression can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of these student expressions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

[DRAFTING NOTE: With respect to student expression related to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions, select Option 1, Option 2, Option 3, Option 4, or Option 5.]

[X] Option #3

[X] While ordinarily nonpublic forum student expression may be published/performed only to members of the school community, the Superintendent may authorize specific nonpublic forum student expression to be published/performed outside the school community (i.e., to the general public). A teacher, student, or group of students who wish to have nonpublic forum student expression published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance. **[X]** See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #3]

[DRAFTING NOTE: PLEASE CHOOSE ONE (1) OF THE FOLLOWING FOUR (4) OPTIONS (A-D). The order in which the below four (4) options are listed is not meant to convey a preference or recommendation. Boards should select the option that best reflects their current practice or a new practice they wish to follow. As they consider the following options, the Board and administrators are encouraged to consult the accompanying Toolkit for a discussion of the different types of forums - e.g., nonpublic forum and limited public forum.]

[X] Option A [Select if the Board intends to designate all school-sponsored student media to be limited-purpose public forums (i.e., not subject to prior review/restraint) and generally allows them to be published/performed outside the school community. This is the most permissive of the options.]

[X] The Board designates all school-sponsored student media as limited-purpose public forums where students can address matters of concern and/or interest to their readers/viewers. All school-sponsored student media may be published/performed outside the school community. The student journalists, content-creators and/or performers involved in these publications/ productions have the right to determine the content of the student media.

[X] The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers. School officials will not review or restrict the content of school-sponsored student media prior to publication/performance, except with respect to unprotected speech. **[end of options]**

All school-sponsored student media shall contain a notice to the reader/viewer that the material, while school-sponsored, is student directed and not subject to prior review. Given all student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content. With editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

[END OF OPTION A]

[NOTE: The following paragraph is optional.]

[DRAFTING NOTE: CHOOSE ONE (1) OF THE FOLLOWING THREE (3) OPTIONS RE: ADVERTISING.]

[X] Option #1 [Select if the Board intends to permit advertising in some or all school-sponsored student media but requires a school employee/official to pre-approve the advertisements.]

Advertising is permitted in **[X]** all school-sponsored student media.

Any advertisements must be consistent with Policy 9700.01 **[X]** AG 9700B.

Advertisements submitted for publication or inclusion in a production shall be reviewed by school officials **[end of options]** for a determination that they are appropriate for juveniles. The Superintendent retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

[END OF OPTIONS RE: ADVERTISING]

General Prohibitions

Regardless of their status as non-public or limited-purpose public forums, the Board prohibits publications, productions, and advertisements that:

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

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Revised Policy

6110 - GRANT FUNDS

***This policy has been revised to include the latest changes to the Education Department General Administrative Regulations (EDGAR). Specific requirements for Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) will need to be documented and provided at the time of the audit for specific funded programs (ESSER, GEER, etc.).**

It is the objective of the School Board to provide equal educational opportunities for all School Corporation students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the Corporation that benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs s/he deems would be of aid to the students of this Corporation. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school corporations and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the Corporation shall be used to:

- A. develop or distribute materials or operate programs or courses of instruction directed at youth that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
- B. distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds or at school-sponsored activities;
- C. provide sex education or HIV-prevention education in schools unless that instruction is age-appropriate and includes the health benefits of abstinence; or
- D. operate a program of contraceptive distribution in schools.

The Superintendent shall review grant opportunities and authorize the development of proposals.

Grant Proposal Development

- A. All grant proposals must support at least one (1) Corporation goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

- A. Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.
- B. The Superintendent may identify a project director prior to proposal submission.**
- C. The Superintendent may accept private funded or foundation grants of less than \$10,000 for individual schools.**

Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as Corporation policies and administrative guidelines.
- B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations, and objectives, and the terms and conditions of the grant award.
- D. The Corporation, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the Corporation will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the Corporation's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The Corporation shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

- F. The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.

Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local, and grantor rules, regulations, and assurances as well as Corporation policies and administrative guidelines.

The Corporation shall provide for the following:

- A. Identification, in Corporation accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.
- B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.
- C. Records that identify adequately the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
- D. Effective control over, and accountability for, all funds, property, and other assets. The Corporation must adequately safeguard all assets and assure that they are used solely for authorized purposes.

Further, the Corporation must:

1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the Corporation is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;
 2. comply with Federal statutes, regulations, and the terms and conditions of the Federal award;
 3. evaluate and monitor the Corporation's compliance with statutes, regulations, and the terms and conditions of the Federal award;
 4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;
 5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.
- E. Comparison of expenditures with budget amounts for each Federal award.
- F. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability, including, but not limited to, the following areas:
1. cash management
 2. allowability
 3. conflict of interest
 4. procurement
 5. equipment management
 6. conducting technical evaluations of proposals and selecting recipients
 7. compensation and fringe benefits
 8. travel
- G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.
- H. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the Corporation.

Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines, and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the Federal award or Federal awarding

agency regulations as program income. Finally, proceeds from the sale of real property, equipment or supplies are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the Corporation uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will be used only for current costs unless the Corporation is otherwise directed by the Federal awarding agency or pass-through entity.

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Revised Policy

6114 - COST PRINCIPLES - SPENDING FEDERAL FUNDS

***This policy has been revised to include the latest changes to the Education Department General Administrative Regulations (EDGAR). Specific prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment are included, along with Davis-Bacon prevailing wage provisions for contracts in excess of \$2,000 related to construction, alteration, repairs, etc.**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the School Corporation or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or School Board policy which justifiably may increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the Corporation can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment; and
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This standard is met if the cost: 1) is incurred specifically for the Federal award; 2) benefits both the Federal award and other work of the Corporation and can be distributed in proportions that may be approximated using reasonable methods; 3) and is necessary to the overall operation of the Corporation and is assignable to the Federal award in accordance with cost principles mentioned here.

- B. Conform to any limitations or exclusions set forth in the cost principles in Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Corporation.
- D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Not be included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
 - 1. in the case of personal services, the Superintendent shall implement a system for Corporation personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;
 - 2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
- I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods unless waived.

Selected Items of Cost

The Corporation shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, Corporation staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Corporation and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable, and Corporation personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.
- D. All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.
- E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.
- F. When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A - C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- G. If the Corporation is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect:

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal awarding agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$5,000.

- B. Indirect costs are those that have been incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the cost objectives specifically benefited without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the Corporation, the governing body of the Corporation, compensation of the Superintendent, compensation of the chief executive officer of any component of the Corporation, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff normally should be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Indiana Department of Education (IDOE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Equipment and other capital expenditures are unallowable as indirect costs.

Timely Obligation of Funds

Financial obligations are orders placed for property and services, contracts and sub-awards made, and similar transactions that require payment.

This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education regulations.

If the obligation is for:

- A. Acquisition of property - on the date which the Corporation makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the Corporation - when the services are performed.
- C. Personal services by a contractor who is not an employee of the Corporation - on the date which the Corporation makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the Corporation makes a binding written commitment to obtain the work.
- E. Public utility services - when the Corporation receives the services.
- F. Travel - when the travel is taken.
- G. Rental of property - when the Corporation uses the property.

- H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the Corporation is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one or more funded portions or budget periods. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the awarding agency or the pass-through entity (e.g., Indiana Department of Education) to reimburse for pre-approval expenses.

If a Federal awarding agency or pass-through entity approves an extension, or if the Cooperative extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the Corporation shall liquidate all financial obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the Corporation shall closely monitor grant spending throughout the grant cycle.

2 C.F.R. 200.403-407

2 C.F.R. 200.413(a)-(c)

2 C.F.R. 200.430(a)

2 C.F.R. 200.431(a)

2 C.F.R. 200.439(b)(2)

2 C.F.R. 200.458

2 C.F.R. 344(b)

34 C.F.R. 75.703

34 C.F.R. 76.707

34 C.F.R. 76.708(a)

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Revised Policy

6325 - PROCUREMENT – FEDERAL GRANTS/FUNDS

***This policy has been revised to include the latest changes to the Education Department General Administrative Regulations (EDGAR). Specific prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment are included, along with Davis-Bacon prevailing wage provisions for contracts in excess of \$2,000 related to construction, alteration, repairs, etc.**

Procurement of all supplies, materials, equipment, and services paid from Federal funds or School Corporation matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, and School Board policies and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small and minority businesses and women's business enterprises, for the administration and management of Federal grants and Federally-funded programs. The Corporation shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the Corporation's documented general purchasing Policy 6320 and AG 6320A.

All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. of public buildings or public works must comply with Davis-Bacon and Related Acts prevailing wage requirements.

All Corporation employees, officers (that is, Board members), and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3113 and Policy 4113 – Conflict of Interest.

The Corporation shall avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the Corporation may enter into State and local intergovernmental agreements, where appropriate, for procurement or use of common or shared goods and services.

Competition

All procurement transactions for the acquisition of property or services required under a Federal award paid for from Federal funds or Corporation matching funds shall be conducted in a manner that encourages full and open competition and is in accordance with good administrative practice and sound business judgment. In order to promote objective contractor performance and eliminate unfair competitive advantage, the Corporation shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business;

- B. unnecessary experience and excessive bonding requirements;
- C. noncompetitive pricing practices between firms or between affiliated companies;
- D. noncompetitive contracts to consultants that are on retainer contracts;
- E. organizational conflicts of interest;
- F. specification of only a "brand name" product instead of allowing for an "*or equal*" product to be offered and describing the performance or other relevant requirements of the procurement; and
- G. any arbitrary action in the procurement process.

Further, the Corporation shall not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals unless 1) an applicable Federal statute expressly mandates or encourages a geographic preference; or 2) the Corporation is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the Corporation uses a pre-qualified list of persons, firms or products to acquire goods and services that are subject to policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The Corporation allows vendors to apply for consideration to be placed on the list **following a request for proposal on a continuous basis.**

The Corporation shall require that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to provide maximum open and free competition. The Corporation shall not preclude potential bidders from qualifying during the solicitation period.

Solicitation Language (Purchasing Procedures)

The Corporation shall have written procurement procedures that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and the solicitation shall identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The Corporation shall have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

A. Informal Procurement Methods

When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold or a lower threshold established by the State, formal procurement methods are not required. The Corporation may use informal procurement methods to

expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

1. Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed **\$10,000**. To the maximum extent practicable, the Corporation should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Purchasing Agent identified in Policy 6320 considers the price to be reasonable based on research, experience, purchase history, or other relevant information and documents are filed accordingly. The Corporation shall maintain evidence of this reasonableness in the records of all purchases made by this method.

2. Small Purchases

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of **\$250,000**. Small purchase procedures require price or rate quotations shall be obtained from **an adequate number** of qualified sources.

3. Corporations are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

B. Formal Procurement Methods

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

1. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment amounts to more than **\$250,000** and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed the amount allowed by Indiana statute.

In order for sealed bidding to be feasible, the following conditions shall be present:

- a. a complete, adequate, and realistic specification or purchase description is available;
- b. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
- c. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

- a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from **an adequate number** of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
- b. The invitation for bids shall include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- c. All bids shall be opened at the time and place prescribed in the invitation for bids; bids shall be opened publicly.
- d. A firm fixed price contract award shall be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may be used to determine the low bid only when prior experience indicates that such discounts are usually taken.
- e. The Board reserves the right to reject any or all bids for sound documented reason.

2. Proposals

Procurement by proposals is a method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. Indiana law stipulates a threshold for which sealed bids are required. (See Policy 6320.)

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from **an adequate number** of sources.
- c. The Corporation shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The Corporation may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can be used only in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

3. Noncompetitive Procurement

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. micro-purchases
- b. the item is available only from a single source
- c. the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation

- d. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Corporation
- e. after solicitation of a number of sources, competition is determined to be inadequate

Domestic Preference for Procurement

As appropriate and to the extent consistent with law, the Corporation shall, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards including all contracts and purchase orders for work or products under the Federal award.

Contract/Price Analysis

The Corporation shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Corporation shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the Corporation shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The Corporation uses a time and materials type contract only 1) after a determination that no other contract is suitable, and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the Corporation is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the Corporation sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the Corporation shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The Corporation shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the Corporation and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Corporation shall consider such factors as 1) contractor integrity; 2) compliance with public policy; 3) record of past performance; and 4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The Corporation is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.

Suspension is an action taken by the Corporation that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R Chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. Chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The Corporation shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the Corporation shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

Bid Protest

The Corporation maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package for resolution. Bid protests shall be filed in writing with the Superintendent within seventy- two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The Corporation shall maintain records sufficient to detail the history of all procurements. These records shall include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Revised Policy

8500 - FOOD SERVICE PROGRAM

***This policy has been revised to include a prohibition against discrimination on the basis of any protected class and to include a complaint procedure for filing complaints of discrimination in the food service program, as required by Federal law.**

The School Board will provide cafeteria or serving facilities in all schools where space and facilities permit and food service for the purchase and consumption of lunch for all students.

The Board also will provide a breakfast program in accordance with procedures established by the State Department of Education.

The Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information, or any other legally protected category (collectively, "Protected Classes") in its educational programs or activities, including the Food Service program. Students and all other members of the School Corporation community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation related to the Food Service program to a teacher, administrator, supervisor, or other Corporation official so that the Board may address the conduct. See Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

The Food Service program will comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

Further, the Food Service program shall comply with the School Lunch Fund provisions of Chapter 4 of the State Board of Accounts *Uniform Compliance Guidelines for Indiana Public School Corporations*.

Dietary Modifications

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student with a disability or the parent of a student with a disability, without delay and at no additional charge. The adult student with a disability or the parent of a student with disability making such a request of the Food Service Director shall be informed that medical certification that the student has a disability that restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b must be submitted within **ten (10)** school days from a health care provider who has prescriptive authority in the State of Indiana or the dietary modification may be discontinued until such statement is received.

The medical certification must identify:

- A. the child's physical or mental impairment and why the student's disability or medical condition necessitates such a restriction of the child's diet;
- B. an explanation of what the Food Service Program must do to accommodate the child's disability; and
- C. the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

After a request for a dietary modification is submitted to the Director of Food Service (Director), the Director shall, in turn, notify the Principal, school nurse, and the members of the student's IEP or 504 Team that the dietary modification shall be made for the student, pending the receipt of the required medical certification.

If deemed necessary by the student's IEP or 504 Team, the dietary modification shall be included in the student's IEP or 504 plan.

An adult student with a disability or the parent of a student with a disability who believes the accommodation requested is not being appropriately addressed may access the processes and assistance described in Policy 2260 and/or Policy 2260.01 by contacting the Corporation's Compliance Coordinator named in those policies.

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability, without delay and at no additional charge. An adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability making such a request of the Food Service Director shall be informed that a signed medical statement from a health care provider who has prescriptive authority in the State of Indiana that the student cannot consume certain food items due to a medical condition or some other special dietary need must be submitted within **ten (10)** school days or the dietary modification may be discontinued until such statement is received.

To qualify for continuing consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet;
- B. an explanation of what the Food Service Program must do to address the student's medical or dietary restriction; and
- C. the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

The request for such dietary modifications shall be submitted to the Director, who shall, in turn, notify the Principal and school nurse that the dietary modification shall be made for the student. Upon request of the parent or adult student, a meeting of a team including the parent, the Director of Food Service, school nurse, and principal shall be convened to determine the specific substitution(s) that will be made to the standard meal pattern for the student.

For students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

The Food Service Program shall not accommodate a student's request for specific substitutions to the standard meal pattern requirements that is based solely on religious or lifestyle choices.

Operation and Supervision of the Food Service Program

The operation and supervision of the Food Service program is the responsibility of the Director of Food Services. The Food Service program will be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board will assist the program by furnishing available space, initial major equipment, and utensils.

Meal Charges

Lunches sold by the Corporation may be purchased by students, staff members and community residents in accordance with the procedures established by the Superintendent.

The Superintendent shall recommend and the Board shall approve the cost of meals for elementary, middle, and high schools annually.

The Board recognizes that circumstances may result in a student's need to charge lunch or breakfast on occasion and shall permit such charges.

[X] Staff members are able to charge up to three (3) meals.

The Superintendent shall develop procedures regarding meal charges (AG 8500B), which shall be implemented by the Director of Food Services. The procedures will provide direction so that deposits into a student's account are not considered income to the child nutrition program until the student charges a meal to his/her account. Further, the procedures will: 1) provide direction so that students attending Corporation schools who do not have funds in their account or on-hand to cover the cost of their meal at the time of service are treated consistently, 2) address feeding students with unpaid meal balances without stigmatizing them, 3) provide for notification of parents when a student charges a meal, and 4) establish a plan to collect the charges made by students so that the unpaid charges are not classified as "bad debt" at the end of the school year.

Significant negative lunch account balances shall not be permitted. A significant negative lunch account balance is any balance owed in excess of **three (3) days' worth of meals.**

If a student has a significant negative lunch account balance, s/he shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to his/her negative lunch account balance.

Furthermore, if a student has a significant negative lunch account balance, the student shall not be permitted to charge any à la carte food or beverage items.

Any significant negative lunch account balance should be pursued for collection before it is determined to be uncollectible pursuant to Policy 6151.

The Board's policy and Superintendent's procedure related to meal charges shall be distributed in writing to all households at the start of each school year and to households transferring to the school or Corporation during the school year. Additionally, the Board's policy and Superintendent's procedure related to meal charges shall be distributed to all Corporation staff responsible for policy enforcement, including Corporation food service employees, accounting staff, and all other staff involved in enforcing any aspect of the meal charge policy at the beginning of the school year and upon hire during the school year. If the Corporation contracts with any third party to provide food services, the Board policy and Superintendent's procedure also must be distributed to the contractor and its employees working in the Corporation schools.

A lunch account becomes inactive after **fifty-two (52) weeks** with no deposits or withdrawals. An inactive lunch account that has a positive balance of **\$15** or less may be receipted back into the school lunch fund where the School Lunch Program funds are maintained. An inactive lunch account that has a nominal negative account balance of **\$15** or less may be offset against the positive balances in the Fund; provided, however, that if the parent requests and can document entitlement to the positive balance in the account, the parent is entitled to a refund of that amount.

Bad Debt/Uncollectable Debt

Significant negative lunch account balances that are not collected in the year when the debt was incurred shall be classified as bad debt. Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Once classified as bad debt, non-Federal funding sources shall reimburse the school lunch program account for the total amount of the bad debt. If funds to reimburse the Corporation for this bad debt are not available from another source, such as school or community organizations (like the PTA) or any other non-Federal source, the funds to reimburse

the school lunch program shall be transferred from the Corporation operations fund or other State or local funding to make that reimbursement.

Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b)(17) and 7 C.F.R. 210.15(b). Any related collection costs, including legal costs, arising from such bad debt after they have been determined to be uncollectable also are unallowable.

Bad debt may be removed from accounts receivable in accordance with Policy 6151.

Additional Compliance

In accordance with Federal law, the Director of Food Services will take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request. **[Please note: schools participating in more than one (1) child nutrition program are required to obtain only two (2) food safety inspections per school year if the nutrition programs offered use the same facilities for the preparation and service of meals. Also, the requirement for two (2) inspections does not apply to schools that offer only the Special Milk Program.]**

A periodic review of the Food Service accounts will be made by the Assistant Superintendent for Financial Services.

Any surplus funds from the National School Lunch Program will be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from à la carte foods may accrue to the Food Service program.

With regard to the operation of the Corporation Food Service program, the Superintendent shall require:

- A. maintenance of sanitary, neat premises free from fire and health hazards;
- B. preparation of food that complies with Federal food safety regulations;
- C. planning and execution of menus in compliance with USDA requirements;
- D. purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1130, Policy 1214, Policy 3113, Policy 3214, Policy 4113, Policy 4214, and Policy 6460);
- E. compliance with food holds and recalls in accordance with USDA regulations;
- F. accounting and disposition of food-service funds pursuant to Federal and State law and USDA regulations;
- G. safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
- H. regular maintenance and replacement of equipment;
- I. compliance with the Corporation's time and effort record-keeping policy by all Corporation employees whose salaries are paid from USDA funds or with non-Federal funds used to meet a match or cost share requirement. (See Policy 6116)

The Corporation's Food Service program will serve only food items and beverages as determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans. Any competitive food items and beverages that are available for sale to students à la carte in the dining area between midnight and thirty (30) minutes following the end of the last lunch period also shall comply with the current USDA *Nutrition Standards for the National School Lunch and School Breakfast Programs* and the USDA *Smart Snacks in Schools* regulations. Foods and beverages unassociated with the food-service program may be vended subject to the rules and regulations set forth in Policy 8540.

The Superintendent shall require that the Food Service program serve foods in the schools of the Corporation that are wholesome and nutritious and reinforce the concepts taught in the classroom.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: www.usda.gov/sites/default/files/documents/Complain_combined-6-8-23-608.pdf, or at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. Mail: U.S. Department of Agriculture
Director, Center for Civil Rights Enforcement
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
2. Fax: (202) 690-7442; or
3. E-mail: program.intake@usda.gov.

This institution is an equal opportunity provider.

All verbal or written civil rights complaints regarding the school nutrition programs that are filed with the Corporation must be forwarded to the Civil Rights Division of USDA Food and Nutrition Service within three (3) days.

Revised Policy

8330 - STUDENT RECORDS

***This policy contains a technical correction replacing "ISTEP+" with "State-mandated testing program." This change is being made to keep these policies current with the existing and any future student assessment program in Indiana.**

In order to provide appropriate educational services and programming, the School Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable information.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person whom the School Corporation reasonably believes knows the identity of the student to whom the education record relates.

A social security number of a student contained in the records of the Corporation may be disclosed if the record is specifically required by a State or a Federal Statute or is ordered by a court under the rules of discovery.

PII concerning students shall be protected against theft, unauthorized access, alteration, disclosure, misuse, or invasion of privacy. Unless specifically authorized by the Superintendent or produced pursuant to a request under the Indiana Access to Public Records Act, PII concerning students shall not be left unprotected, shared or transferred from Corporation records to any place not within the control of the Corporation. This includes any laptop computer or portable storage medium.

The Board is responsible for maintaining records of all students attending schools in this Corporation. In addition to records mandated by the Federal Government, the State of Indiana requires that the Corporation record or include in the official high school transcript for each high school student the following information:

- A. attendance records
- B. the students' latest **State-mandated testing** results
- C. any secondary level and postsecondary level certificates of achievement earned by the student
- D. immunization information from the student's immunization record
- E. any dual credit courses taken that are included in the core transfer library under I.C. 21-42-5-4
- F. a functional workplace Spanish designation on the student's transcript if the student successfully completed a Spanish language course that meets the requirements of I.C. 20-32-4-12(b)

The Board also authorizes the collection of other student information including, but not limited to:

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency;
- B. samples of student work;
- C. information obtained from professionally acceptable standard instruments of measurement such as:

1. interest inventories and aptitude tests,
 2. vocational preference inventories,
 3. achievement tests,
 4. standardized intelligence tests,
- D. verified reports of serious or recurrent behavior patterns;
- E. rank in class and academic honors earned;
- F. psychological tests;
- G. custodial arrangements.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials, and designated school personnel, who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" includes any student who is eighteen (18) years of age or older, or who is enrolled in a postsecondary institution regardless of his/her age.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student's educational records unless stated otherwise by court order. In the case of an eligible student, that is a student who is eighteen (18) years of age or older, parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under Section 152 of the Internal Revenue Code.

A "school official" is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), school psychologist, therapist, or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for purposes of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);
- B. school psychologists, whether employed by a special education cooperative, interlocal, joint services organization, or an outside contractor, for purposes of the referral, evaluation, and identification of students suspected to have a disability;
- C. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other

outside parties. "Designated school personnel" may include but is not limited to employees or agents of an insurance carrier providing a defense to the Corporation or its employees or agents and Corporation legal counsel.

In the case of a health or safety emergency, "appropriate officials" include local or State law enforcement officials, Department of Child Services (DCS) officials, trained medical personnel, and school administrators whose knowledge of PII in a student's education records is necessary to protect the health or safety of students or other persons on Corporation property. The term "school administrator" includes a principal, an assistant principal, a superintendent, and an assistant superintendent. The term "school administrator" also includes a director of special education or assistant director of special education.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the Corporation" or if the record is necessary in order for the designated school personnel official to perform an administrative, supervisory or instructional task for the Corporation or to perform a service or benefit for the student or the student's family or to provide a defense to the Corporation with respect to any of these tasks. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have a legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records including disciplinary records with respect to suspensions and expulsions upon request to a private or public school or school corporation in which a student of this Corporation seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
 1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification – Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
 2. the parent or eligible student, upon request, receives a copy of the record; and
 3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school corporation in which a student in foster care is enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request.
- C. provide, disclose, or report on the education records of a student, including PII contained in the education records, without the consent of the student's parent or eligible student, to appropriate officials and the parents of an eligible student whose knowledge of the information is necessary to protect the health or safety of the student or other individuals if school administrators determine there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
Information concerning any suspicious activity or potential criminal activity related to a child that is shared between a law enforcement officer and the Corporation or an appropriate official shall not be stored or maintained in any type of database.
- D. request each person or party requesting access to a student's record to abide by the Federal and State regulations concerning the disclosure of information to a third party;
- E. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;

- F. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the Corporation for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative(s) of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the Corporation will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

This written agreement must include: 1) specification of the purpose, scope, duration of the study, and the information to be disclosed; 2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; 3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and 4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- G. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities;

The disclosed records must be used to audit or evaluate a federal- or state-supported education program or to enforce or comply with federal requirements related to those education programs. A written agreement between the parties is required under this exception (see Form 8330 F16).

The Corporation will verify that the authorized representative complies with FERPA regulations.

- H. disclose or report educational records to a State or local juvenile agency when the disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released; and the juvenile justice agency receiving the information certifies, in writing, that the agency or individual receiving the information has agreed not to disclose it to a third party, other than other juvenile justice agency, without the consent of the child's parent, guardian, or custodian.

A disclosure or reporting of educational records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the agency provides documentation to the Corporation that the agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to the supervision of the child as an adjudicated delinquent child.

The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if the Superintendent submits a written request establishing that the juvenile court records are necessary for the school to serve the educational needs of the child whose records are requested or to protect the safety or health of a student, an employee, or a volunteer at the school.

The school shall keep the records confidential. However, the confidentiality order does not prohibit the school from forwarding the juvenile records to another school or a person if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person.

The Corporation will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Corporation shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Corporation's policy and administrative guidelines and/or those specified in the law.

DIRECTORY INFORMATION

Each year, the Superintendent shall provide public notice to students and their parents of the Corporation's intent to make available, upon request, certain information known as "directory information". The Board designates as student "directory information": a student's name; age; photograph; major field of study; grade level; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; type of diploma awarded; awards received; honor rolls; and scholarships.

Each year, the Superintendent shall provide public notice to students and their parents of the Corporation's intent to make available, upon request, certain information known as "directory information". The Board designates as student "directory information": a student's name; age; photograph major field of study; grade level; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; X date of graduation; type of diploma awarded; awards received; honor rolls; scholarships.

[NOTE: The following option should be selected if the Board assigns school email accounts to students per Policy 7540.03. This option is provided to address potential confidentiality issues presented by Policy 7540.03 and is supported by Federal FERPA regulation 34 CFR 99.37(d).]

[X] The Board designates school-assigned email accounts as "directory information" for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes. School assigned email accounts shall not be released as directory information beyond this limited purpose and to any person or entity but the specific online educational service provider.

Directory information shall not be provided to any organization for profit-making purposes. The Superintendent may allow access to a school campus or give students' directory information to organizations that make students aware of educational or occupational options.

In accordance with Federal law, the Board shall comply with FERPA when releasing students' information to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information.

Parents and eligible students may refuse to allow the Corporation to disclose any or all of such "directory information" upon written notification to the Corporation within ten (10) days after receipt of the Superintendent's annual public notice.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of directory information, either parent may provide such consent unless specifically stated otherwise by court order.

The Corporation may disclose "directory information" on former students without consent of the parent(s)/eligible student unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

Student Mental and Behavioral Health Services Records

Student Mental and Behavioral Health Services (SMBHS) records are documents relating to mental health or behavioral health services provided to students by (1) a provider certified or licensed by the State to provide mental or behavioral health services who is contracted or employed by the Corporation or a special education cooperative of which the Corporation is a member or (2) a community mental health center established under State law with whom the Corporation or a special education cooperative of which the Corporation is a member has entered into a memorandum of understanding. SMBHS records include but are not limited to mental health records, reports, notes, diagnosis(es) and/or appointments relating to a student who was referred by Corporation officials to receive mental or behavioral health services pursuant to State law or under a memorandum of understanding between the Corporation and a community mental health center established under State law or a provider certified or licensed by the state to provide mental or behavioral health services to students. SMBHS records are to be considered medical records and are confidential. SMBHS records that include any reports, notes, diagnosis(es) or appointments that result from a student's participation in any treatment relating to mental or behavioral health services provided by a community mental health center or appropriate provider that is contracted and paid for by the Corporation or a special education cooperative of which the Corporation is a member shall not be maintained in a student's permanent educational file/cumulative file. SMBHS records kept by a provider employed or contracted by the Corporation or a special education cooperative of which the Corporation is a member shall be maintained in separate student folders in a secured file under the control of the provider. Sharing of any reports or notes resulting from a conference with the student and the student's parent to address the student's potential need for and benefit from mental or behavioral health services with other Corporation officials is strictly prohibited.

Disclosure of Lists of Students for Political or Commercial Purposes

It is the policy of the Board not to release the lists of students for commercial or political purposes. This policy shall be equally applied to similarly situated organizations and persons. (I.C. 5-14-3-3(f))

Inspection of Information Collection Instrument

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least **ten (10)** business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within **ten (10)** business days of the principal receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment
- B. book clubs, magazine, and programs providing access to low-cost literary products

- C. curriculum and instructional materials used by elementary and secondary schools
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
- E. the sale by students of products or services to raise funds for school-related or education-related activities
- F. student recognition programs

The Superintendent shall prepare procedures to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except disclosures allowed without parental consent;
- D. challenge Board noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint of Corporation noncompliance with the United States Department of Education;
- F. obtain a copy of the Corporation's policy and administrative guidelines on student records.

The Superintendent also shall develop procedural guidelines for:

- A. the proper storage and retention of records including a list of the type and location of records;
- B. informing Corporation employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Corporation specifically as a consequence of permitting access or furnishing students' records in accordance with this policy and administrative guidelines.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the time frame for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Address Confidentiality Program

If a parent (or adult student) presents information to the Corporation certifying that the parent (or adult student), his/her child, or a member of the parent's household is a participant in the Address Confidentiality Program administered by the State Attorney General, the Corporation shall refrain from including the student's actual/confidential residential address in any student records or files (including electronic records

and files) or disclosing the student's actual/confidential residential address when releasing student records. Because student records are available to non-custodial parents, designated school officials who have a legitimate educational interest in the information, and other individuals or organizations as permitted by law (including the public in some situations), the Corporation shall list only the address designated by the Attorney General's Office to serve as the student's address in any student records or files, including electronic records and files. Further, the Corporation shall use the student's designated address for any and all communications and correspondence between the Board or Corporation employees and the parent(s) of the student (or adult student). The student's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose.

The intentional disclosure of the student's actual/confidential residential address is prohibited. Any violations could result in disciplinary action.

Violation of this Policy

As provided for by State law, an employee or agent of the Board:

- A. who knowingly or intentionally discloses information classified as confidential by State statute commits a Class A infraction;
- B. who intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by this policy may be disciplined or terminated.

Additionally, State law provides that a person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Level 6 felony unless the destruction is pursuant to a record retention schedule adopted by the County Public Records Commission.

Revised Policy

9150 - SCHOOL VISITORS

***This policy has been revised to prohibit persons who are entered in the State Sex and Violent Offender Registry or the equivalent Federal registry and persons who meet the definition of Serious Sex Offender from accessing school grounds pursuant to Indiana law and to provide an option whether to permit visitors other than parents on school grounds.**

The School Board understands that parents or other persons with legitimate educational purposes may visit the school; however, in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to invoke visitor controls.

The Superintendent or principal has the authority to prohibit the entry of any person to a school of this Corporation or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the principal is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

[X] Persons who have been entered into the State Sex and Violent Offender Registry or the equivalent Federal registry will not be permitted access to school grounds, except as otherwise required to comply with State or Federal law. [END OF OPTION]

Persons who meet the definition of Serious Sex Offender under Indiana law will not be permitted access to school grounds, except as otherwise required to comply with State or Federal law.

[X] Option:

Visits by persons other than parents, including but not limited to outside therapists, doctors or other service providers, are subject to administrative guidelines established by the Superintendent.

According to the Collective Bargaining Agreement observation or visitation of a teacher's class by persons other than school administrative personnel shall be arranged in advance through the building principal, and shall only be allowed with the consent of the building principal and the teacher involved.

The Superintendent shall promulgate such administrative guidelines as are necessary for the protection of students and employees of the Corporation from disruption to the educational program or the efficient conduct of their assigned tasks.

Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances, and at the main entrance to each school building.

Individual Board members who are interested in visiting schools or classrooms on an unofficial basis shall make the appropriate arrangements with the Superintendent. In keeping with Board bylaws, such Board member visits shall not be considered to be official unless designated as such by the Board.

The Board member shall be visiting as an interested individual in a similar capacity of any parent or citizen of the community. These visits should not be considered to be inspections nor as supervisory in nature.

If, during a visit to a school or program, a Board member observes a situation or condition which causes concern, s/he the Board member should discuss the situation first with the Superintendent as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the Board.

I.C. 20-26-5-4

I.C. 35-42-4-14

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