



## **MERRILLVILLE INTERMEDIATE SCHOOL**

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## **MERRILLVILLE COMMUNITY SCHOOL CORPORATION MISSION STATEMENT**

- Creates quality learning experiences by setting standards that engage students to reach their highest potential
- Provides learning environments that are enhanced through meaningful relationships that give students a global perspective
- Empowers students to believe they can be successful

## **MERRILLVILLE COMMUNITY SCHOOL CORPORATION VISION STATEMENT**

Every child. Every day. Whatever it takes.

### **SCHOOL COLORS**

Purple and White

### **NICKNAME**

Pirates

### **SCHOOL HOURS**

7:55 AM – 2:15 PM

## **PARENT INVOLVEMENT**

Students whose parents show an active and supportive interest in their daily schoolwork are more likely to achieve success at school. Parents are expected to cooperate with the school in the areas of academic progress. Parents should encourage children to take responsibility for completing their homework. Parents are encouraged to confer with the teacher on any subject concerning the child. The responsibility for basic behavior development rightfully belongs with the individual and the parents working cooperatively with the school.

Specific suggestions to improve student success include:

1. Parents should meet with teachers when necessary.
2. Parents need to provide a quiet place to study and proper time to study at home.
3. Parents must take an active interest in the academic program and the progress of their child.
4. Parents need to work with the child to develop a systematic approach to successful

- completion or homework assignments.
5. Parents should try to attend parent events.
  6. Parents should support school rules and regulations.
  7. Parents should provide instruction in citizenship, patriotism, respect for authority, honesty, integrity, courtesy, regard for the right of others, and personal responsibility.
  8. Parents need to monitor their child's leisure time activities which will have an impact on his/her academic success. This includes limiting the amount of time the child spends isolated in the house, immersed in cyberspace. If your Internet service provider has a parental control option, enable it.

Dear Parents and Students:

Welcome to Merrillville Intermediate School. There is no doubt that one of the greatest challenges facing MIS school staff each day is promoting a wholesome and supportive learning atmosphere throughout the school. Managing an educational program means promoting effective discipline that requires a comprehensive program supported by everyone. We believe that a well-disciplined school guarantees a safe environment for all in a friendly and cooperative atmosphere. The same set of rules is applied to everyone. The intent of this handbook is to provide parents, staff, and students with a definition of the limits of acceptable behavior. This information will assist everyone in administering discipline within the guidelines of Merrillville policies related to student behavior. I hope you will take time to review this handbook together with your child. All of us wish your child success while he/she attends MIS and pledge our cooperation in working towards common educational goals.

Merrillville Intermediate School Administration

# **Merrillville Intermediate School**

## **Parent Procedures for Concerns**

### **Step 1**

**Talk with your child. Provide some tools and strategies for your child to work through the situation.**

- Accomplish this by allowing your child to explain, in detail, what happened. Get all of the facts.
- If the problem/concern still exists, please contact your child's teacher.



Our school social worker and /or counselor can also assist with problems or concerns at any time.

### **Step 2**

**Email or call your child's teacher to share your concern.**

- Communication is the key!
- The teacher may have additional information to share and is often the best person to help your child.
- The teacher may have already taken care of the situation.
- If you are not satisfied with the outcome, proceed to Step 3.

**Allow time between each step for interventions and strategies to take place.**

### **Step 3**

**Schedule a meeting with your child's teacher or team.**

- Our goal is to make sure that everyone works together to help each child be successful.
- Allow your child to be present to make sure all sides are heard.
- If you are not satisfied with the outcome or if the problem reoccurs, please contact the grade level Assistant Principal

#### **Step 4**

##### **Contact an Assistant Principal**

- Explain in detail all that has been done or said up to this point.
- The Assistant Principal may schedule a meeting with all parties involved.
- Allow the Assistant Principal to handle any necessary actions.
- If you are not satisfied with the outcome, please contact the Principal.

#### **Step 5**

##### **Contact the building Principal**

- Explain in detail all that has been done or said up to this point.
- The Principal may schedule a meeting with all parties involved.
- Allow the Principal to handle any necessary actions.

# **MERRILLVILLE INTERMEDIATE SCHOOL**

## **BEHAVIORAL EXPECTATIONS**

### **DISCIPLINE POLICIES**

#### ***Introduction***

As teachers and students are brought together so that learning may take place in Merrillville classrooms, an environment must be created which permits an orderly and efficient operation of the schools. This environment, most of all, comes through consideration of others and self-discipline so that individuals do not allow themselves to infringe upon the rights of others as they seek an expression for their own just and legal privileges as members of the school and society.

The responsibility for development and maintenance of this self-discipline falls to a combined effort of students, parents, teachers, administrators, and to our community, which established the value system we accept. When self-discipline fails, however, regulations for management of school behavior must be outlined by those responsible for the operation of the schools. The Board of School Trustees of the Merrillville Community School Corporation has this legal responsibility for the school in which Merrillville students are enrolled.

The Board, in turn, has adopted the following policies and has appointed administrative officers to carry them out. Authority for such Board responsibility is included in the School Powers Act and Student Due Process Code of the Indiana General Assembly.

#### ***Delegation of Authority***

In carrying out the school purposes of the School Corporation, the following grants of authority are hereby made:

1. Each teacher and any of the other school personnel shall, when pupils are under his charge, have the right to take any action which is then reasonably necessary to carry out, or to prevent an interference with, the educational function of which he is then in charge. Teachers and other school personnel may not suspend students from school, and removal of a student from any educational function within the supervision of a teacher or any of the other school personnel may not extend for a period of more than one (1) day unless the removal is treated as a suspension under IC 20-33-8-18.

2. Each principal (or designee) may take any action concerning his school or any school activity within his jurisdiction, which is reasonably necessary to carry out or prevent interference with an educational function or school purposes. Such action may include establishing written rules and standards to govern student conduct. Similarly, the Superintendent, or his administrative staff with his approval, may take any action with respect to all schools within the Superintendent's jurisdiction which is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

## **MAJOR OR MINOR DISCIPLINE POLICY**

The purpose of the Discipline Policy of our school is to ensure a safe and secure environment for members of the school community.

There are times when it is necessary for school officials to make a decision concerning the acceptability of a student's behavior in school. These decisions are based on the welfare of the total school community and how this behavior problem will affect the learning environment.

## **MINOR VIOLATIONS**

Minor violations are normally handled by the classroom teacher, but may also result in an office referral. Students can receive as punishment any of the following: verbal reprimand, lunch detention, after-school detention, Friday School detention, in-school suspension, out-of-school suspension or denial of extra privileges. Repeated offenses of minor violations can result in a 2-10 days of Friday School detention, In-School Suspension or Out-of-School suspension; however, this will be at the discretion of the administration. This, by no means, represents the only steps that can be taken.

Any student who has been suspended for any major violation(s) or referred for repeated minor violations may be excluded from field trips and/or other school events.

## **MAJOR VIOLATIONS**

**IT WILL BE RECOMMENDED THAT A STUDENT BE EXPELLED WHEN HE/SHE HAS BEEN ASSIGNED A COMBINATION OF 10 IN-SCHOOL/OUT-OF-SCHOOL SUSPENSIONS IN A TRIMESTER.**

Grounds for suspension or expulsion are student misconduct or substantial disobedience. The following include examples of student misconduct or substantial disobedience, but are not limited to:

1. Engaging in conduct that disrupts or interferes with school purposes or an educational function, including but not limited to: the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance,



engaging in sexual behavior on school property, disobedience of administrative authority, engaging in speech or conduct (including clothing, jewelry or hair style) which is profane, indecent, lewd, vulgar or offensive to school purposes, failing to tell the truth about any matter under investigation by school personnel, possessing or using a laser pointer or similar device, or other comparable conduct, or urging others to engage in such conduct.

2. Trespassing, vandalizing school property, breaking and entering a school building or facility, attempting to set fire or setting fire or intentionally damaging any school property.
3. Causing or attempting to cause substantial damage to school property or stealing or attempting to steal school property of substantial value or repeatedly damaging or stealing school property of small value.
4. Intentionally causing or attempting to cause damage to valuable private property, stealing, or attempting to steal valuable private property, or repeatedly damaging or stealing private property.
5. Attending school or a school-sponsored activity, with the odor of alcohol on breath, will be grounds for expulsion. BREATHALYZER TESTS OF VARIOUS TYPES COULD BE USED TO CONFIRM THE CONSUMPTION OF ALCOHOL.
6. Repeatedly refusing to follow the directions of supervising school employees; engaging in acts of serious disrespect to school employees.
7. Willfully truant from school in violation of building policy.
8. The use or possession of tobacco is prohibited in the Merrillville Schools.
9. The violation or repeated violation, of any rules, standards or policies which have been established by the Superintendent and presented to the Board; or established by the principal of a school, reviewed and approved by the Superintendent, and presented to the Board. The Board may change any such rules, standards or policies in accordance with procedures, which it has adopted.
10. Engaging in immoral conduct or sexual misconduct.
11. Intentionally causing or attempting to cause physical injury or intentionally behaving in such a way as could reasonably cause physical injury to any person.
12. Using force or the threat of force to take money or something of value from another person, engaging in blackmail, or using coercion to gain

something of value or an advantage.

13. Failing to report the actions or plans of another person to a teacher or administrator where those actions or plans, if carried out, could result in harm to another person or persons or damage property when the student has information about such actions or plans.
14. Falsely accusing any person of sexual harassment, or of violating a school rule, and/or a state or federal law.
15. Engaging in any activity forbidden by the laws of Indiana that constitutes an interference with school purposes or an educational function.
16. Possessing, handling, using, transmitting or selling weapons, dangerous instruments or explosives.
17. Knowingly possessing, handling, or transmitting a knife or any other object that can reasonably be considered a weapon. This does include a "look alike" weapon.
18. Knowingly possessing or using on school grounds during school hours an electronic device or a cell phone in a situation not related to school purpose or an educational function.
19. Knowingly possessing, using, transmitting, or being under the influence of any controlled substance, prescription drug, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, intoxicant of any kind, or depressant of any kind, or any paraphernalia used in connection with the listed substances. Also prohibited is the consumption of any of the stated substances immediately before attending school or a school function or event.

Knowingly using or taking a prescription drug that is not prescribed for that person or that exceeds the recommended dosage for the person to which it is prescribed or a patent drug by exceeding recommended dosage with the purpose of creating an intoxicated or irrational state or of causing physical injury, either to one self or to other persons. Knowingly transmitting or selling such prescription or patent drugs to aid a person violates this paragraph.

Any violation of the above rule will result in a recommendation by the school administration that the student be expelled.

*Exception to rule: a student with a chronic disease or medical condition may possess and self-administer prescribed medication for the disease or condition if the student's parent has filed a written authorization with the building principal. The written authorization must be filed annually and must include the following information:*

1. *Physician's statement that the student has an acute or chronic disease or medical condition for which medication has been prescribed.*
  2. *The nature of the disease or medical condition requires emergency administration of the prescribed medication.*
  3. *The student has been instructed in how to self-administer the prescribed medication.*
  4. *The student is authorized to possess and self-administer the prescribed medication.*
20. Possessing or providing to any person anything used or designed to be used primarily for the storage, processing, delivery or consumption of alcohol, marijuana, stimulants, intoxicants, narcotics, depressants or hallucinogens. Examples of things which are not to be possessed or provided to another person are: pipes, rolling papers, clips, stones and any other devices believed to be, by school authorities, used for the storage, processing, delivery or consumption of the above mentioned drugs.
- Any student who is unsure if possession, use or providing another person with any particular medicine, substance or paraphernalia would violate the above rule should contact the building principal or his designee before possessing, using or providing the medication, substance or paraphernalia.
21. A person knowingly or intentionally delivers any substance that he represents to be controlled substance commits "dealing in a substance represented to be a controlled substance."
22. Creating a disturbance by displaying or using a substance represented to be a controlled substance.

## **5610 - SUSPENSION AND EXPULSION OF STUDENTS**

The School Board recognizes that removal from the educational programs of the School Corporation, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this Corporation and one (1) that cannot be imposed without due process since removal deprives a child of the right to an education.

No student is to be suspended and/or expelled from an activity, program, or a school unless his/her behavior represents misconduct or substantial disobedience while the

student is on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; or traveling to or from school or a school activity, function, or event.

In addition to the grounds specified above, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function, or the student's removal is necessary to restore order or protect persons on school property, including any unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

Furthermore, a student may be suspended or expelled for bullying, regardless of the physical location in which the bullying occurred, whenever:

- A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
- B. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

A Student Code of Conduct, approved by the Board, shall specify the procedures to be followed by school officials when administering this policy. In addition to the procedural safeguards and definitions set out in this policy and the student/parent handbook, the procedures set forth in Policy 5605 shall apply to students identified as disabled under IDEA.

For purposes of this policy and the Superintendent's administrative guidelines, the following definitions shall apply:

- A. "Suspension" means any disciplinary action that does not constitute an expulsion whereby a student is separated from school attendance for a period not to exceed ten (10) school days. A student may be suspended for a longer period of time in accordance with the provisions of I.C. 20-33- 8-23 pending expulsion.

If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event that the student has questions regarding the assignments or

schoolwork. The student will receive credit, in the same manner as a student who is not suspended would receive, for any assignments or school work assigned during the period of the student's suspension that the student completes. The student shall be allowed to make up missed tests or quizzes when the student returns to school.

B. "Expulsion" means a disciplinary or other action whereby a student is:

1. separated from school attendance for a period exceeding ten (10) school days;
2. separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or
3. separated from school attendance for at least one (1) calendar year pursuant to I.C. 20-33-8-16 for possession of firearms, deadly weapons, or destructive devices, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

The term does not include situations when a student is disciplined under I.C. 20-33-8-25, removed from school pursuant to I.C. 20-34-3-9, or removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

Any student who brings a firearm, as defined in I.C. 35-47-1-5, or a destructive device, as defined in I.C. 35-47.5-2-4 to school or onto school property or at a school-related activity or is in possession of a firearm shall be expelled for at least one (1) calendar year unless the Superintendent reduces the punishment for reasons justified by the particular circumstances of the incident.

If the student brings a deadly weapon as defined in I.C. 35-31.5-2-86 onto Corporation property or is found to possess a deadly weapon on Corporation property or at a school-related activity, s/he may be expelled for a period of not more than one (1) calendar year unless the Superintendent reduces the punishment for reason justified by the particular circumstances of the incident. The Superintendent shall notify the law enforcement agency designated by the Prosecuting Attorney immediately when a student possesses a firearm, destructive device, or deadly weapon on school property or at a school related activity.

The Superintendent shall ensure that a copy of this policy is sent to the State Department of Education as well as a description of the circumstances surrounding any expulsions for the above-stated firearms or weapons offense together with the name of the school, the number of students so expelled, and the types of firearms or weapons that were brought on Corporation property.

The Corporation shall annually prepare a list of

1. alternative education programs in the same county in which the Corporation is located or a county immediately adjacent to the county in which the Corporation is located; and
2. virtual charter schools;

in which a student may enroll if the student is expelled. The list must contain contact information for the entities described above and must provide the student and the student's parent notice that the student may be required to comply with I.C. 20-33-2 or any statute relating to compulsory school attendance in accordance with I.C. 20-33-8-31. A copy of the list shall be provided to the student or the student's parent at the expulsion meeting. If the student or student's parent fails to attend an expulsion meeting, a copy of the list shall be mailed to the student's residence.

If a student is expelled from school or from any educational function, the student's absence from school because of the expulsion is a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in

1. an alternative education program in the county where or in a county immediately adjacent to the county where the Corporation from which s/he was expelled is located; or
2. a virtual charter school

and the student does not enroll in an alternative education program or a virtual charter school during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance.

The Board of School Trustees has voted to hear all expulsion appeals. The Superintendent shall develop administrative guidelines which provide appropriate procedures for implementing this policy and comply with applicable statutes.

The Board authorizes the Superintendent to develop administrative guidelines to provide for the referral of a student to the juvenile court.

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

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

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

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

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Legal I.C. 20-33-8-13.5 et seq.

I.C. 35-31.5-2-86

I.C. 35-47-1-5

I.C. 35-47.5-2-4

20 U.S.C. 7151

**5605 - SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES**

In matters relating to the discipline of students with disabilities, the Board shall abide by Federal and State laws and regulations regarding suspension and expulsion.

The Superintendent shall establish administrative guidelines and require that the guidelines are followed when disciplining any student with a disability.

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Legal I.C. 20-33-8-34

- 20 U.S.C. 1400 et seq.
- 29 U.S.C. 794
- 34 C.F.R. Part 104
- 34 C.F.R. Part 300
- 34 C.F.R. Part 301
- 511 IAC 7-44-1 through 10

**LAW ENFORCEMENT NOTIFICATION PROCEDURES**

1. Reporting of Threat or Intimidation Against School Employee: In compliance with Indiana law, any employee who has knowledge of a school employee being the subject of a threat or an act of intimidation shall report orally this knowledge to the building administrator and to the local law enforcement agency.

The building administrator upon receiving such a report shall also make an oral report to the local law enforcement agency. The law provides that any person who reports a threat or an act of intimidation against a school employee, or who participates in any judicial proceeding or other proceeding resulting from such a report, is immune from any civil or criminal liability that might otherwise be imposed because of such actions, provided that the individual is acting in good faith.

2. The Superintendent, or his designee, will notify the appropriate local law enforcement agency when a student is expelled for violation of behavior rules related to firearms, destructive devices and deadly weapons.

*LEGAL REFERENCE I.C. 20-8.1-5.1-1 et seq.; 20 U.S.C. §8921; 20 U.S.C. §8922; 20 U.S.C. §1415; 511 I.A.C. 7-15-1; 511 I.A.C. 7-15-2; I.C. 35-47.5-2-4; I.C. 35-41-1-8; I.C. 35-47-1-5.*

**DETENTION AND SUSPENSION POLICY**

Any student who is on a lunch detention, after school detention, Friday School, or in-school suspension will be picked up by security from class and escorted to the behavior room.

Students serving in-school suspension will be permitted to use the cafeteria to purchase a lunch or they may also bring their own lunch. Students will remain in this room throughout the day. They will be excused from the room only at special times and then



under direct control of the person in charge. Each student will bring books and other study materials to the room. Assignments will be given to students by teachers. If a student is absent during the suspension or detention, the suspension or detention will continue upon returning to school. MISBEHAVIOR IN THE SUSPENSION OR DETENTION ROOM RESULT IN ADDITIONAL DAYS OF IN-SCHOOL SUSPENSION, OUT-OF-SCHOOL SUSPENSION OR FRIDAY SCHOOLS.

ANY STUDENT WHO FAILS TO SHOW UP FOR DETENTION WITHOUT PRIOR APPROVAL OF THE PROPER AUTHORITIES WILL SERVE ONE ADDITIONAL DAY OF DETENTION. ANY SUBSEQUENT INFRACTIONS OF THIS POLICY RESULT IN FULL DAY SUSPENSIONS OR FRIDAY SCHOOLS. If an examination is being given while a student is in suspension or detention he/she must make that up the day he/she returns to his/her regular class or the teacher may give the student the test while he/she is in suspension. A student must be doing something constructive and cannot sleep while in detentions, Friday Schools or in-school suspensions.

When a student is assigned a full day suspension, he/she is not allowed to attend any Merrillville Community School function or be on any school property until midnight of the last day of suspension.

All discipline referrals will be recorded and kept as part of that student's record until the end of that school year.

*Any student who is truant from Friday School will receive a 1 day in-school suspension.*

## 5600 - STUDENT DISCIPLINE

The School Board acknowledges that conduct is closely related to learning and that an effective instructional program requires an orderly school environment, which is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed. Students should learn to assume responsibility for their own behavior and the consequences of their actions.

The Board requires each student of this School Corporation to adhere to the Code of Conduct promulgated by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

- A. conform to reasonable standards of socially acceptable behavior;
- B. respect the person and property of others;
- C. preserve the degree of order necessary to the educational program in which they are engaged;

U. respect the rights of others;

E. obey constituted authority and respond to those who hold that authority.

The Superintendent will promulgate administrative guidelines for student conduct which carry out the purposes of this policy and:

A. are not arbitrary but bear a reasonable relationship to the need to maintain a school environment conducive to learning; B. do not discriminate among students;

C. do not demean students;

D. do not violate any individual rights constitutionally guaranteed to students.

The Superintendent will designate sanctions for the infractions of rules, excluding corporal punishment, which:

A. relate in kind and degree to the infraction;

B. help the student learn to take responsibility for his/her actions;

C. are directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

The Superintendent shall publish to all students and their parents the rules of this Corporation regarding student conduct, the sanctions which may be imposed for breach of those rules, and the due-process procedures that will be followed in administering the Code of Conduct.

The Superintendent will report to the Board periodically the methods of discipline used and the incidents of those types of student misconduct designated by the Board.

The Principal shall have the authority to assign discipline to students, subject to Corporation administrative guidelines and the student's due process rights to notice, hearing, and appeal.

Teachers and other employees of this Board having authority over students shall have the authority to take such means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within

the jurisdiction of this Board including when such conduct interferences with the educational program of the schools or threatens the health and safety of others.

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Legal I.C. 20-26-5-32

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

## 5517.01 - BULLYING

The School Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying behavior toward a student, whether by other students, staff, or third parties, is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse as provided herein. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. Engaging in "cyberbullying," which is bullying that occurs through the use of data or computer software that is accessed through a computer, computer system, computer network, or cellular telephone or other wireless or cellular communications device also is prohibited. This policy applies when a student is on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; traveling to or from school or a school activity, function, or event; or, using property or equipment provided by the school. Additionally, this policy applies regardless of the physical location when:

- A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within the School Corporation; and
- B. the bullying behavior results in a substantial interference with school discipline or an unreasonable threat to the rights of others to a safe and peaceful learning environment.

Bullying as defined in State law means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student and create for the targeted student an objectively hostile school environment that:

- A. places the targeted student in reasonable fear or harm to the targeted student's person or property;
- B. has a substantially detrimental effect on the targeted student's physical or mental health;
- C. has the effect of substantially interfering with the targeted student's academic performance; or
- D. has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

This type of behavior is a form of harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It includes, but is not limited to, such behaviors as stalking, intimidation, menacing behavior, coercion, name-calling, taunting, making threats, and hazing. It also includes the use of digital or electronic communications to engage in such behaviors.

However, Indiana law exempts the following from the definition of "bullying":

- A. Participating in a religious event.
- B. Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.
- C. Participating in an activity consisting of the exercise of a student's rights protected under the First Amendment to the United States Constitution or Article I, Section 31 of the Constitution of the State of Indiana, or both.
- D. Participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.
- E. Participating in an activity undertaken at the prior written direction of the student's parent.
- F. Engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

Any student who believes s/he has been or is currently the victim of bullying should immediately report the situation to the building principal or assistant principal or the

Superintendent. The student also may report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. This report may be made anonymously. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President. A parent may file a complaint on behalf of a student in the same manner.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above. Staff members who fail to report bullying or who fail to conduct an investigation when assigned that duty are subject to disciplinary action, up to and including discharge.

All complaints about bullying behavior that may violate this policy shall be promptly investigated according to the timeline established by the Superintendent's administrative guidelines.

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

If the investigator finds an instance of bullying behavior has occurred, prompt and appropriate action or responses shall be taken to address the behavior wherever it occurs including, as appropriate, disciplinary action, up to and including expulsion for students, discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Bullying acts shall be reported to law enforcement officials immediately upon determining that a report to law enforcement is necessary.

The parents of the targeted student and the reported bully shall be notified of the alleged bullying incident at the beginning of the investigation, the findings of the investigation at the conclusion of the investigation, and, as appropriate, any remedial action that has been or will be taken to the extent disclosure is permitted by law. In addition to discipline, remedial action may include support services for the targeted student and bullying education for the bully, among other actions.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as

bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and making intentionally false reports may result in disciplinary action as indicated above.

For a definition of and instances that could possibly be construed as hazing, consult Policy 5516.

The Corporation shall maintain a link on its internet website containing information and protocols for reporting a bullying incident as well as a link to the internet website resource page maintained by the Indiana Department of Education that provides parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying.

## **Confidentiality**

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

## **Safe School Committee**

In accordance with State law, there shall be a Safe School Committee in each school within this Corporation (see Policy 8400 - School Safety).

The Superintendent is directed to develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

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

## **ZERO TOLERANCE**

Merrillville School Corporation has adopted a “zero tolerance” policy for the discipline infractions listed below. Expulsion will be recommended for these first time offenses:

1. Serious disrespect to a staff member, who is the target of a student’s hostile or highly offensive speech or action
2. Causing a false alarm.
3. Immoral conduct/sexual misconduct.
4. Possession or use of alcohol.
5. Possession or use of a drug/look alike.
6. Possession of firecrackers or other explosives (Bullets, etc.).

7. Possession of a weapon/facsimile (BB guns, Paint guns and balls, knives or anything used as a weapon).
8. Engaging in unlawful activities off of school grounds (Indiana State Code 20-8.1-5.1-9).

## **RULE OF TEN**

Ten in-school/out-of-school suspensions in a trimester could result in a recommendation for expulsion.

## **DISCIPLINE GUIDELINES**

The following guidelines have been developed for use when students are sent to the office with discipline referrals. Each team will develop their own team rules, which will be sent home to the parents.

### **KEY:**

LD	Lunch Detention (30 minutes)
ASD	After School Detention Program (60 minutes)
ISS	In School Suspension (all day)
FE	Friday School Detention Program (3 hours)
OSS	Out of School Suspension (all day)
REC. EXP	Recommended for Expulsion

*Disciplinary measures may be issued in multiple numbers. Expulsion will be recommended for first time offenses under the Zero Tolerance Policy. Additionally, each team will develop its own rules which will be sent home to parents/guardians.*

## **POLICIES AND GENERAL INFORMATION**

### **ACADEMIC**

#### **ATTENDANCE POLICY**

Student attendance throughout the year is extremely important to student achievement. Missed classroom instruction can never totally be recaptured. Research shows that students who attend school consistently are more likely to master the necessary academic skills for success. The Indiana compulsory attendance law requires every child who turns seven during the school year to attend public or non-public school up to the age of sixteen. Parents are asked to call the office to report their child's absence prior to the start of the school day. Without a parent phone call **your child will be considered truant.** The following shall be considered valid reasons for student absences:

- A. Personal illness (with Doctor's Note)
- B. Death in the immediate family
- C. Court attendance required by legal authorities
- D. Dental and medical appointments (make every effort to schedule after school)
- E. Religious holiday (verification requested)
- F. Special circumstances will be considered on a case by case basis for various family situations.

The Merrillville Community School Corporation recognizes that vacations and out-of-town trips do not always coincide with school vacations. However, we strongly recommend that you make every effort to plan your vacations around the school calendar. In order to be fair to both the school and the students involved, parents desiring to have their children absent from school for family trips must follow these procedures:

1. Parents must complete and turn into the school office a signed form (can be obtained from school office) at least one week in advance of the planned absence. (One form for each child in school.)
2. The student will be counted absent and the absence will be properly recorded.
3. The student is responsible for all work missed during the absence and shall be responsible for make-up work assigned by the teacher. (Alternative assignments may be given.) Work may be assigned before the child leaves or upon his/her return. This will be left up to the discretion of the teacher. The amount of time allowed for make-up work shall be one day for each day absent.
4. When work is made up on time, there will be no penalty on the assignment. If work is not made-up, no credit will be given which will negatively affect your child's grade.
5. Parents are urged not to remove their child/children the week prior and during standardized testing or the last two weeks of the school year. It is also important that your child is present at the start of each trimester.

### **Absences**

1. A notification will be sent to the parents on the 3<sup>rd</sup> and 5<sup>th</sup> unexcused/nonexempt absence with a copy of the Indiana Compulsory Law and information concerning the truancy diversion program, The C.A.P.S. (Consistent Attendance Promote Success)



program; a collaboration between the Merrillville Town Court and Merrillville Schools.

2. The school attendance secretary will contact the parents on the 3<sup>rd</sup> absence to address issues that are impacting consistent attendance.
3. On the 9<sup>th</sup> unexcused/nonexempt absences a referral will be sent to the Merrillville Town Truancy Court. These absences are in violation of the Indiana Compulsory Attendance Law. Failure to appear could result in a bench warrant for your arrest, as well as educational neglect charges being filed with the Lake County Prosecutor's Office and a referral made to the Lake County Child Protection Services.

### **Tardies**

It is extremely important for students to arrive to school on time. Late arrivals to school and class hinder a child's ability to receive instruction at the beginning of the day with the rest of the classmates. Students who arrive after the school day begins or are late to class will be considered tardy. Students should be in their class ready to learn by 7:55 am.

1. Students must first report to the office
2. A tardy slip will be issued before being admitted to class
3. After 3 tardies, a 3<sup>rd</sup> tardy letter will be sent.
4. On the 3<sup>rd</sup> tardy, the school attendance secretary or guidance counselor will contact the parent/guardian to address the tardy policy.
5. After 5 tardies, a notice will be sent home citing the record of tardies to remind parents of the importance of students arriving to school on time.
6. After 7 tardies, the student will serve a Friday School and the administration will contact the parent.
7. 10 tardies arriving late to school may result in a referral to Lake County Truancy Court.

### **Truancy**

A student is considered truant if:

The absence is unexcused. The state of Indiana identifies a student that has unexcused absences from school for more than ten (10) days in one (1) school year as a habitual truant (IC 20-33-2-11). A student with ten (10) truanancies will be referred to Lake County Truancy Court.

### **Truancy to class**

A student is considered truant from class when they are out of the class without permission for 15 minutes or more. Disciplinary action will be taken by teachers/or administrators for repeat offenders.

**Perfect Attendance**

Perfect attendance is perfect attendance.

If a student receives 2 tardies (up to 15 minutes late) or 1 truancy to school they will no longer be eligible for perfect attendance.

**CHEATING (AND PLAGIARISM)**

*Cheating* is defined here to mean seeking unauthorized assistance from another or providing such assistance to another so as to acquire credit for school work (homework, tests, quizzes, projects, others) in a manner deemed dishonest by those in authority. Involved students will receive a zero for assignments/assessments and the teacher will document parent contact of such offense. Any subsequent acts of cheating will carry zero credit and referral to the office for assignment to Friday School for each violation incurred thereafter.

**GRADING POLICY**

Assessment of effort and progress is inevitable and essential to growth. Standards of achievement set expectations toward which students can strive. Grades are symbols that indicate to a student and parent(s) how well the student has progressed towards achieving these expectations. Teachers will discuss their grading/marking system with each of their classes. In the final analysis, each teacher is deemed the best judge of a student's performance in a given subject.

Report card grades are electronically calculated based on the following percentage breakpoints (wherein a .5 is rounded up to the next whole number, such as 59.5 rounded up to 60 whose grade value is D-):

A+	100	C+	77.5
A	92.5	C	72.5
A-	89.5	C-	69.5
B+	87.5	D+	67.5
B	82.5	D	62.5
B-	79.5	D-	59.5

Plus and minus may be used. Less than 59.5 percent is Failure.

Academic grades will be calculated as follows:

### MIS Weighted Category Breakdown

Assessments – 60%

Classwork/Projects – 30%

Homework – 10%

## **HOMEWORK**

Homework will be assigned on a regular basis. When homework is assigned, it will be meaningful and realistic, providing the student the opportunity for creativity. All assignments will be designed to strengthen daily work and they will be made with specific purpose and expectation. Homework aids in learning to work independently and to improve skills taught in the classroom. Homework may be assigned over the weekends. All students will be provided with a student assignment book, which should be used as a communication tool for students, parents and teachers. Failure to complete homework on a regular basis will likely result in a lower report card grade and/or disciplinary measures based on individual team's class rules.

Abundant research indicates that effective homework policies can induce higher student achievement at all ability levels if purposes are clear and thoughtful, amounts are reasonable, and responsibilities are shared by students, parents, and teachers. The following policy has been adopted to establish homework as a continuous and systematic part of the school corporation's educational programs.

### **A. Purposes:**

1. *Reinforce Classroom Learning:* Includes independent practice or review of knowledge and concepts introduced during the school day.
2. *Extend the Day's Lesson:* Requires the utilization of newly acquired knowledge to achieve higher levels of understanding. Such utilization often involves the mental processes of analysis, synthesis, evaluation, and application.
3. *Introduction of New Material:* Involves additional reading or searching for new information as a means of extending the acquisition of new knowledge beyond the confines of the school day.

### **B. Responsibilities for Homework:**

1. *Students:* Students are expected to make a good faith effort to complete all assigned homework on time and to the best of their ability.
2. *Parents:* Parents are expected to provide a home environment conducive to the development of reliable and systematic study habits, and to monitor homework to ensure its completion.
3. *Teachers:* Teachers are expected to explain the purpose of homework, to make

assignments that are deemed fair and reasonable when compared to homework being assigned by other teachers, to review all completed homework, and to contact parents when assigned homework is not being appropriately completed.

## **HONORS PROGRAM**

Merrillville Intermediate School's Honors program is a differentiated extension of a quality curriculum based on Indiana Academic Standards. The selection process for placement into the Honors Program is a combination of aptitude and academics.

Students may be reevaluated and/or removed from the Honors Program if any of the following occurs:

- Not achieving a Pass or Pass+ on ISTEP+
- Falling below a 70% in Math and/or Reading/Language Arts in the Honors classroom
- Repeated disruptive behavior in class
- Repeatedly exhibiting poor work ethic
- Repeated instances of incomplete class work
- Difficulty keeping up with class work and the challenges of the class

## **HONOR ROLL**

Students at MIS may qualify for one of three honor roll categories providing they have no grade lower than "C" and they meet one of the following criteria:

- "A" Honor Roll – student must earn all A's
- "A-B" Honor Roll – student must earn all A's and B's

\*\*Honor Roll Bumper Stickers will only be given to a student one time per year.\*\*

## **MAKE-UP POLICY**

It is the student's responsibility to ask the teacher for missing assignments after any absence. Number of days absent plus one will be allowed for make-up work including tests. Students who are out of school due to suspension will be provided with assignments for make-up work within one day of suspension. Weekends and holidays shall be counted as make-up days. It is the teacher's responsibility to spell out for the student exact assignments and projects, which must be made up after any absence.

If a student has been absent one day with the knowledge of a forthcoming test and returns the next day (day of test), he/she should take the test. If a student is absent two or more days, he/ she must decide either to take or not to take the test that day. If he/she decides not to take the test that day, the usual rules for make-up go into effect.

Students who are absent a number of consecutive days (three days or more) may have their parents contact the main office for make-up work, allowing 24 hours' notice to teachers.

## **PARENTS RIGHT TO KNOW**

### **Professional Qualifications of Teachers**

As a parent/guardian of a Merrillville Community School Corporation student, and in accordance with the Elementary and Secondary Education Act, Section 111(h)(6), you have the right to request and receive information regarding the professional qualifications of your child's classroom teachers. This information shall include the following:

- If the teacher has met state qualification and licensing criteria for the grade level and subject areas taught.
- If the teacher is teaching under emergency or temporary status in which Indiana qualifications and licensing criteria are waived.
- The teacher's baccalaureate degree major, graduate certification, and field of discipline.
- Whether the student is provided services by paraprofessionals, and if so, their qualifications.

If at any time your student has been taught for 4 or more consecutive weeks by a teacher that is not highly qualified, you will be notified by the school of this information.

## **IF YOU HAVE QUESTIONS OR CONCERNS, PLEASE CONTACT YOUR CHILD'S SCHOOL PRINCIPAL.**

## **REPORT CARDS**

Report cards are available every trimester (12 weeks) through Skyward Family Access. Students may receive an incomplete grade for a course if there has been an extended illness or for incomplete projects.

## **RETENTION/ASSIGNMENT**

All fifth and sixth grade students will take four (4) academic subjects, language arts, math, science, and social studies. Student grades, test scores, and performance will be the determining factors for retention. Failure of Math and English/Language Arts for two trimesters will be grounds for retention for the next school year.

Parents are responsible for monitoring student progress on mid-term reports and report cards. In addition, parents may electronically access grades on Skyward. Teachers will notify parents at the beginning of the third trimester to discuss possible summer school options or recommendation for retention. **THE FINAL DECISION FOR RETENTION OR ASSIGNMENT IS DETERMINED BY SCHOOL BOARD POLICY.**

"Assignment" means the teacher does not have enough performance/academic information to recommend promotion to the next grade level for the following school year. It is the expectation that these students will not be considered for return to the previous grade level after the new school year begins. This assignment is to inform the next teacher, as well as, the parent/guardian, the assigning teacher feels there may be some gaps in the student's preparedness.

## **SCHEDULE CHANGES**

Students are required to remain in classes to which they are assigned or elect to take. Any possible change will be considered only after teacher, principal, and parent contacts have occurred.

## **STUDENT ID'S**

Student ID's are issued free to each student at the start of each school year.

**Student ID's must be worn at all times.** Failure to do so will result in progressive disciplinary measures. Students must show school ID to participate in any and all after school/extra curricula activities.

## **WITHDRAWALS**

In the event that a student is withdrawing, the parent must call or write to secure a withdraw form. This must be done at least two days in advance before changing schools. All books and equipment are to be returned and all fees paid. Each teacher will initial and enter the up-to-date grade. Students must then secure final signature from the treasurer.

## **NON-ACADEMIC**

### **ALCOHOL AND DRUG TESTING POLICY**

#### **Reasonable Suspicion (Gr. 6-12) 5.49C**

##### *Philosophy*

Merrillville Community School Corporation has a strong commitment to the health, safety, and welfare of its students. Results of studies throughout the United States indicate that education alone, as a preventative measure, is not effective in combating substance abuse. Our commitment to maintaining the Merrillville Community School Corporation as a safe and secure educational environment requires a clear policy and supportive programs relating to detection, treatment, and prevention of substance abuse by students.

## *Definitions*

As used in this policy:

Reasonable suspicion: means a belief based upon circumstances which, when taken together in the context of the school building or activity in which they occur, would lead a reasonable person to believe a student has violated a state law, federal law, or student rule. Information provided by other persons may be considered by an administrator as part of the administrator's reasonable suspicion where the administrator has reason to believe the person offering the information is credible.

## *Scope of Policy*

The provisions of this policy apply in all situations in which a student is subject to school disciplinary rules pursuant to Indiana Code 20-8.1-5.1-8(b), including:

1. on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
2. off school grounds at a school activity, function, or event; or
3. traveling to or from school or a school activity, function, or event.

## *Reasonable Suspicion Testing*

When a trained administrator, counselor, or school nurse has reasonable suspicion to believe that a student is under the influence of alcohol or drugs, the administrator may require the student to submit to an alcohol or drug test. The physical characteristics that may be grounds for reasonable suspicion that a student is under the influence of alcohol or drugs include but are not limited to the following:

1. odor of alcohol or marijuana on breath or clothing - bruises, cuts or needle marks;
2. excessive drowsiness - accelerated heart rate - dilated pupils - bloodshot, watering and or dull looking eyes- decreased heart rate
3. unsteady gait or loss of balance when walking - rapid, slowed or slurred speech - extreme hyperactivity;
4. manic or hyper behavior - irresponsible, disrespectful or argumentative behavior - fighting or aggressive behavior - emotional instability, especially overreactions to minor provocation - anxiety or depression - euphoria - dysphoria - hallucinations - delusions - tremors - drowsiness or lethargy - confusion - seizures

## *Procedures*

A testing laboratory that is certified pursuant to the regulations of the United States Department of Transportation will provide training and direction to those who supervise the alcohol and drug testing of students. The test sample shall be collected by a person designated by the Superintendent and trained to collect specimen for analysis. The integrity of the test sample shall be carefully preserved at all times through a strict chain

or custody maintained with the supervision of the testing laboratory. The sample shall be tested at a certified testing laboratory. Test results shall be reported to the school corporation's Medical Review Officer.

### *Consequences of Positive Test*

Students who test positive for being under the influence of alcohol or drugs will be subject to the provisions of the school corporation's student discipline policy.

A refusal to submit to an alcohol or drug test will be treated as a positive test result.

### *Financial Responsibility*

The Merrillville Community School Corporation will be responsible for the costs of all initial alcohol and drug tests based on reasonable suspicion.

A request for a confirmation test, following a positive test result, will be the financial responsibility of the student or his/her parent or guardian.

### *Confidentiality*

If the test is positive, the principal or administrative designee will meet with the student and the student's parent or guardian. The student and the student's parent or guardian will be given the names of counseling and assistance agencies that the family may want to contact for help.

**Other than when necessary to administer this policy, any employee of the Merrillville Community School Corporation who has knowledge of the test result of an alcohol or drug test shall not divulge to anyone, other than the student or the student's parent or guardian, the results of the alcohol or drug test. Exceptions to this rule may be made in the case of a valid court order.**

## **UNPAID TEXTBOOK RENTAL AND FEES**

The following is the procedure in determining the book fine:

1. The full price of a new book will be charged to the student.
2. If a book has been improperly handled or used and rebinding is necessary, the fine will be the cost of the rebinding.
3. If a book has been improperly handled or misused and is not in usable condition, the full price of a new book will be charged to the student.
4. If the book will not be used again the following year and is lost, stolen, or needs rebinding, a charge equivalent to the cost of rebinding will be made.
5. Original cost of books will be available in the office. All fines are to be paid by the last day of school. **UNPAID TEXTBOOK RENTAL AND FEES WILL BE TURNED OVER FOR COLLECTION.**



## **BOOK RENTAL AND FEES**

Students are supplied all necessary books for a rental charge. They are responsible for all books issued to them and will be subject to a fine should any book be lost or damaged; they should NOT loan books to other students. Charges are also made for workbooks, consumable items, and some course projects. These fees will vary from course to course.

## **BUSES**

Merrillville Community School Corporation provides transportation for its students. All students who avail themselves of this service must remember riding the bus is a privilege that should not be abused. All students must ride their assigned bus to and from school. If an emergency arises whereby a student must ride another bus, the parent of that student must call the MCSC Director of Transportation. Common sense will dictate the conduct necessary for the safety and welfare for all. Failure to comply with bus regulations will result in disciplinary action being taken.

### **IC 20-33-8-14**

#### **Grounds for suspension or expulsion**

Sec. 14. (a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:

- (1) Student misconduct.
- (2) Substantial disobedience.

(b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:

- (1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
- (2) off school grounds at a school activity, function, or event; or
- (3) traveling to or from school or a school activity, function, or event.

*As added by P.L. 1-2005, SEC. 17.*

When the bus arrives at school, students are to go directly into the building to the designated area.

After school is dismissed, students will wait for their bus in a properly designated area.

There is to be no pushing, hitting, kicking, cutting lines, or running to the bus stop nor running at the side of a moving bus. Once on the bus, students must remain in their seat. Students should obey the bus drivers. They are responsible for student's safety.

While on the bus, students are to remain seated, use an appropriate voice level, and keep hands, feet and other objects inside the bus and to self. Failure to adhere to the

bus rules may result in disciplinary action which may result in bus suspension and/or suspension from school.

*UNDER NO CIRCUMSTANCE WILL STUDENTS WHO RIDE BUSES LEAVE SCHOOL GROUNDS BEFORE THEIR BUS ARRIVES.* Failure to comply with this rule will result in the student being considered truant.

## **CAFETERIA RULES**

Using the facilities of the cafeteria is a privilege given to those students who wish to follow a few simple rules. All students are expected to use their restaurant manners and follow the Pirate Code. All students whether purchasing or bringing their own lunches, are required to eat in the cafeteria. If a student purchases a lunch, he/she will be required to line up as instructed. Any student not wearing their school ID will be served last. Upon finishing lunch, students should return the tray to the tray rack or window. A STUDENT SHOULD CLEAN UP HIS/HER OWN AREA AND DISPOSE OF HIS/HER SACK IN THE TRASH CONTAINERS. Students who willfully create messy conditions in the cafeteria will be assigned kitchen/maintenance duties or placed in lunch detention. ***\*\*As a courtesy an email will be sent on Fridays reminding parents/guardians of low balances of lunch accounts. The student charge limit is 3 meals. This reflects the food service policy 5.75. Visitors and students cannot bring in restaurant food to school.*** NO sharing of food and NO large bags of chips.

### **5.75 MEAL CHARGE POLICY**

The National School Lunch Program (NSLP) requires school food authorities to establish written administrative guidelines and policy for meal charges. Merrillville Community School Corporation will adhere to the following meal charge policy:

1. A student may charge up to three (3) meals maximum (one charge per meal) as long as they establish and maintain a good credit history of making payments on their food service accounts.
2. A staff member may charge the total cost of \$3.00 as long as they establish and maintain a good credit history of making payments on their food service accounts.
3. A student who has charged a meal may not charge or purchase "ala carte" item(s), including extra main entrees.
4. If a student repeatedly comes to school with no lunch and no money, food service employees must report this to the building administrator. It could be a sign of abuse or neglect and the proper authorities should be contacted.
5. The food service manager or other school personnel will coordinate communications with the parent(s)/guardian(s) to resolve the matter of unpaid charges.
6. If food and nutrition services staff suspects that a student may be abusing this policy, written notice will be provided to the parent(s)/guardian(s) that if he/she continues to abuse this policy, the privilege of charging meals will be refused.

7. The food service manager will also send home letters each week to parents of elementary students who carry negative balances \$6.00 and above. Parents of secondary students will receive e-mails once a week with negative balance information.
8. All accounts must be settled by the last student day as designed on the school calendar. Letters will be sent home mid-March to students who have any negative balances. Negative balances of more than \$20.00 not paid in full by the last student day of school will force the District to take action to collect unpaid funds by means of collection agencies, small claims court, or any other legal method deemed necessary by the District. Under the National School Lunch Program, the Food and Nutrition Program is not allowed to write-off debt.
9. Students who graduate or withdraw from the district and have \$15.00 or more left in the food service account will be notified by mail by the district Food and Nutrition Department Office at the end of the school year and given the option to transfer the funds to another student or to receive a refund. If no response is received within thirty (30) days, the student's food service account will closed and the funds will no longer available.

Presented: 07/18/2017

Adopted: 08/01/2017

## **CHANGE OF CONTACT INFORMATION**

Parents should inform the office immediately of any change in telephone number(s) or other emergency contact information. They should also provide proof of residency when reporting any change in address.

## **CLASSROOM OBSERVATIONS/PARENT CONFERENCES**

We encourage all parents to visit school and observe the school in action. Should any parent wish a conference, it may be arranged by calling the school office. Conferences are scheduled before or after school, or at any time during the day the teacher is not scheduled to be with students.

The following procedures should be followed before making a classroom observation:

1. Arrange classroom observations with a minimum 24 hour advanced notice by calling the main office: (219) 650-5306.
2. All visitors must register (Raptor) through Entrance A in the front office to obtain a Visitor's Pass.
3. Visits shall be limited to adults to minimize classroom disruption.
4. Classroom observations should not exceed one hour a day per teacher per visit unless the teacher feels a longer visit is warranted.
5. Visitors should arrive between classes when possible so their entry will be as unobtrusive as possible.

6. It is inappropriate for visitors to speak out, make statements or ask questions of the students or teacher during the visit unless asked to participate.
7. If a visitor wishes to discuss his/her observation or any issue with the teacher, he/she should make an appointment to meet during non-class time.
8. The use of tape recorder, videotape machines or other recording equipment to record meetings at which a teacher is present or to record a teacher during the discharge of his/her duties is prohibited without the prior written consent of each teacher who will be included in the recording.

### **Visitation Policy:**

The Merrillville Community School Corporation welcomes visits to school by parents/guardians, other adult residents of the community and interested educators. To protect the safety and welfare of students and school personnel, as well as to minimize classroom disruptions, procedures for visitors shall include the following:

1. School visits should make allowance for 24 hours' notice and should be arranged through main office personnel: (219) 650-5306.
2. Every visitor to MIS must register (Raptor) through Entrance A in the front office to obtain a Visitor's Pass.
3. Sign-in lists showing name, purpose of visit, arrival time, and departure time shall be maintained by the school office.
4. The office will hold the license/ID of any visitor until they depart from the building.
5. Any person who does not register with school office is on school property illegally and should be asked to identify him/herself properly, get visitor's pass, or leave the school's grounds.
6. No student guests are allowed in the building during the school day.
7. Parents having lunch with their child will sit in an assigned area.
8. We ask that parents have their cellphones put away while visiting their child.

### **CLOSED CAMPUS**

#### **(Sign-in/Sign-out)**

Students who come to school late or must leave during the day must sign in or out in the school's main office. Those who must leave during the school day should have a note from their parents stating the reason why and then secure permission from the office personnel or the school nurse. The individual picking the student up must come in and notify the office personnel. If a student comes to school late he/she should have a note from his/her parents.

### **DRESS CODE**

- We believe in providing a learning environment that focuses on the education of each student. In order to prevent distractions that may

prevent an optimal setting for learning, we have implemented the following dress code:

- Clothes must be worn of a length and size that is safe for movement in all settings. Shoelaces must be tied. Pants that drag on the floor may not be worn. Skirts and shorts must end at the mid-thigh. Skirts and shorts may not have slits that extend beyond fingertip length.
- Clothes may not be worn that are sheer, see-through, expose the midriff, or expose underwear/undergarments.
- All pants, including jeans, leggings, etc., with holes above the knee must have exposed skin covered.
- Tutus may not be worn.
- No pajamas or slippers/house shoes may be worn, unless it's a designated Pajama Day for the school, in which case, all dress code rules must still be followed and pajamas must be appropriate.
- Students may not wear sleeveless shirts of any kind. T-shirts must be worn under jerseys.
- Shirts and tops must be long enough to be tucked in, but are not required to be tucked in. Shirts that expose the midriff are not allowed.
- No head gear (i.e. hats, bandanas, wave caps, hair wraps, excessively large headbands, etc.) may be worn, unless approved by staff. **All students are to remove hats and other head covering upon entering the building during the day.**
- No jewelry or hair accessories with spike/sharp points may be worn. (Rat-tail combs, picks with metal teeth, etc.)
- No shades/dark lens glasses or non-prescription glass worn in school unless under medical directive.
- **Pant "sagging" is not acceptable!** Pants must fit at the waist and/or a belt must be worn to prevent the "dropped" pant look. A student's underwear, gym shorts, any other garment worn under his/her pants or shorts, or skin should not be exposed due to the sagging of pants or shorts.
- Pants may not be tied or bound at any part of the leg.
- No flip-flops or slides may be worn.
- Coats, gloves, mittens, and scarves worn for outdoor use may not be worn to class unless approved by staff.
- Backpacks, purses, tote bags and fanny packs, etc, are to be kept in lockers and not carried to class. Book bags on wheels are not allowed.
- Form fitting clothing, leggings, tight athletic pants must have a shirt long enough to cover bottoms.
- Any clothing/jewelry with words, symbols, or pictures that promote

violence, alcohol, drugs, sex, tobacco or vulgarities is forbidden.

Additionally any attire may be considered inappropriate at an administrator's discretion.

Violations of the dress code will result in being required to change clothing. The office may provide a suitable garment if a student cannot reach anyone to bring a change of clothes. Repeated violations of the dress code may result in a parent conference, detention or suspension.

## **EMERGENCY PROCEDURES**

### *FIRE DRILLS*

A fire evacuation plan has been given to each teacher and has been posted in each room. Students should study the plan and become familiar with it. When the fire alarm sounds, students will immediately stand and form lines as they leave the room. Running is not permitted. The first students to reach the outside doors are to hold them open until all have left the building. Students are not permitted to talk during a fire drill and are to remain at least 50 feet away from the building until the signal to return is given by the principal or his/her authorized representative.

### *POWER FAILURE*

In the event there is a power failure, all movement throughout the building will be made in a quiet, orderly manner and the following instructions will be followed:

1. Teachers will remain with their students.
2. Electrical or gas equipment that is being used when the blackout occurs will be shut off immediately.
3. Students will remain in classrooms.
4. In case of complete darkness in an interior room (failure of emergency lighting to work or an absence of emergency lighting), teachers will take the students to exterior classrooms.
5. If a room is vacated, the door to that room will be closed.
6. If the emergency occurs during a class break, teachers will go to assigned room. Students will go quietly and orderly to nearest classroom (an outside classroom or one with emergency lighting functioning) or to the gym.
7. An injury or unusual happening will be reported to the office immediately.

### *TORNADO DRILLS*

1. A tornado evacuation plan will be given to each teacher and posted in each room. Students should study the plan and become familiar with it.
2. All persons in the room will proceed to the nearest solid wall in the hall when the

signal is given over the public address system. They will remain standing until they receive further instructions or the 'All Clear' signal is given.

3. Everyone is to remain absolutely quiet.
4. All instructions are to be obeyed promptly.
5. Avoid areas where there is any object that could do personal damage i.e., glass laboratory equipment, glass bookcases, etc.
6. Avoid window areas and have your back to such areas.
7. In case of a real tornado alert, students will be asked to get down on their knees and cover their heads with their hands to protect themselves from flying debris.
8. It is important that everyone be absolutely quiet so that instructions that are given can be heard by everyone. Also, when there is an excessive amount of commotion and noise, people tend to become very nervous and panic. The most important thing is to remain calm and follow all instructions.

## **ELECTRONIC DEVICES**

Electronic devices such as cell phones, handheld games, Bluetooth headphones, etc. are prohibited on school property, which includes school buses and bus stops. If a student is found to be in possession of such a device, the item will be confiscated and will only be released directly to a properly identified parent/guardian who comes to school wishing to reclaim it.

Cell phone use or having a cell phone visible in the school building is strictly prohibited and will result in a Friday School. The staff member will take the cell phone and give it to the appropriate assistant principal for pick up. Refusal will result in suspensions.

Sending, sharing, viewing, or possessing pictures, text messages, emails, or other material of sexual nature in electronic or any other form, including the contents of a cell phone or other electronic device is strictly prohibited and possessing such items will be grounds for expulsion.

### **Important Notice to Students and Parents Regarding Cell Phone Content and Display**

- The Child abuse/Neglect Law requires school personnel to report to law enforcement or child protective services whenever there is reason to believe that any person/student is involved with "child exploitation" or "child pornography" as defined by Indiana Criminal Statutes.
- It is "child exploitation," a Class C felony under I.C. 35-42-4-4(b), for any person/student (1) to exhibit, photograph or create a digitalized image of any incident that includes "sexual conduct" by a child under the age of 18; or (2) to disseminate, exhibit to another person, or offer to so disseminate or exhibit, matter that depicts or describes "sexual conduct" by a child under the age of 18.
- It is "child pornography," a Class D felony under I.C. 35-42-4-4(c), for any person/student to possess a photograph, motion picture, digitalized image, or any

pictorial representation that depicts or describes "sexual conduct" by a child who the person knows is less than 16 years of age or who appears less than age 16.

- "Sexual conduct" is defined by I.C. 35-42-4-4(a) to include sexual intercourse, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, or fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of the child or other person.
- The Indiana Sex Offender Registration Statute at I.C. 11-8-8-7 and the Sex Offender Registry Offense Statute at I.C. 35-42-4-11, as of May 2009, require persons convicted of or adjudicated as a juvenile delinquent for violating the Child Exploitation Statute at I.C. 35-42-4-4(b) to register as a sex offender.

Because student cell phones have been found in a number of Indiana school districts to have contained evidence of "sexual conduct" as defined above, it is important for parents and students to be aware of the legal consequences should this occur in our school system.

## **EXTRA-CURRICULAR ACTIVITIES**

Extra-curricular activities in the intermediate school are encouraged. Academic Teams, Student Council, PEARLS, STAND, STEM Club and ART Club, etc., comprise some of the types of activities for student involvement. School newspaper and yearbook staff work is also available for those interested in this type of activity. 6<sup>th</sup> graders can participate in Pierce athletics which include wrestling, tennis, track and cross country.

## **FIELD TRIPS**

Field trips are an essential part of a student's learning experience. All students are encouraged to participate in the opportunities that field trips provide. For this reason, rarely will a student be restricted from attending a field trip. However, there may be circumstances involving behavioral guidelines, unpaid fees, and attendance that may lead to restrictions.

## **HEALTH SERVICES**

Merrillville Community Schools have a full or part-time Registered Nurse on duty during the school day. Students should report to the main office when a nurse is not present in the health office. The nurse should not be used as a personal physician and should be utilized for injury or illness occurring at school. As a rule the Nurse's Office is open from 7:15 am – 2:45 pm.

Students should report to the Student Service Office when the nurse is not available. **NO STUDENT IS TO REPORT TO THE NURSE'S OFFICE WITHOUT THE PROPER PASS, EXCEPT IN THE CASE OF AN EMERGENCY.** The principals, nurse and office personnel are the only people who have the authority to send students home for



apparent sickness or injury. THE NURSE SHOULD NOT BE USED AS A PERSONAL PHYSICIAN; SHE SHOULD BE SEEN ONLY FOR INJURY OR ILLNESS OCCURRING AT SCHOOL.

Students may be excluded from school for the following conditions and diseases. A physician's release is required to return to school for those marked with an asterisk\*:

1. Conjunctivitis-bacterial and viral\*  
Students with conjunctivitis or "pinkeye" may not return to school until the eyes are clear and without drainage or on antibiotics for 24 hours and a doctor's release to return to school is presented in the nurse's office.
2. Diarrhea (exclude until diarrhea is gone)
3. Fifth Disease (may exclude if fever present)
4. Hand, Foot and Mouth Disease\*
5. Herpes Zoster (Shingles)\*
6. Hepatitis A \*
7. Impetigo
8. Infectious Mononucleosis
9. Measles (Rubeola)\*
10. Meningitis-bacterial and viral\*
11. Mumps (Infectious Parotitis)\*
12. Pediculosis Capitis (Lice) students with Pediculosis (head lice) may return to school when the hair is free from active lice
13. Pertussis (whooping cough)
14. Pinworms (Enterobiasis) return after 24 hours of treatment
15. Roseola (Exanthem Subitum)\*
16. Rubella (German Measles)\*
17. Scabies\*
18. Scarlet Fever (may return after 24-48 hours of antibiotic treatment and fever free for 24 hours)
19. Staphylococcal Infections \*
20. Streptococcal Infections (may return after 24-48 hours of antibiotic treatment and fever free for 24 hours)
21. Temperature of 100° or above (Student must be fever free for 24 hours before returning to school. A temperature of 100° Fahrenheit or above is considered a fever. Temperature should be taken without the use of a fever reducing medication).
22. Tinea Capitis (Ringworm of the scalp)\*
23. Undiagnosed skin condition\*
24. Varicella-Zoster Virus (Chicken Pox) exclude until all vesicles have scabbed
25. Bed Bugs (school nurse assessment required to return to school; severe cases require physician's release)
26. Any other condition in which the school feels a physician's note for readmission is necessary to protect the student population

In addition, a release from the physician will be required for absences due to any extended reason. A physician's release is needed regarding hospitalization for any reason, and any newly diagnosed condition including, but not limited to: cardiac or heart conditions, orthopedic problems, (including conditions involving a splint, cast, crutches, or use of wheelchair or elevator), diabetes and the use of glucometers, asthma, and seizures. If you are in doubt about the length of time to keep children home after the occurrence of other common childhood diseases, please contact the school nurse. If a child cannot participate in gym class due to physical restrictions per the physician, then he/she may not participate in recess until medically released.

### **Food Allergies:**

Any student with a food allergy must have a Doctor's note on file with the nurse to support the food allergy. Any changes in food allergies will require a subsequent note from the child's physician to initiate the change. Due to students with food allergies, NO homemade snacks will be distributed to Merrillville students. Store bought snacks/treats are allowed and MUST have ingredients clearly listed on the label in order to be served to students in the Merrillville Community School Corporation. The snacks/treats MUST meet USDA Smart Snack criteria. Information on snacks are available through the school office or cafeteria. **Visitors and students cannot bring in restaurant food to school.**

### **Health Screening Procedures:**

All screening will be completed in accordance with Indiana state requirements. Vision screening will be completed in 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, and 8<sup>th</sup> grades, on all students new to the Corporation, and any students suspected of having vision problems. Modified Clinical Technique vision screening will be completed on all 1<sup>st</sup> grade students. Hearing screening will be completed in 1<sup>st</sup>, 4<sup>th</sup>, 7<sup>th</sup>, and 10<sup>th</sup> grades, on all students new to the Corporation, and any students suspected of having a hearing problem. Parents will be notified of any problem identified during the above screenings by a written referral. Please return completed referrals to the child's school nurse as promptly as possible.

### **Lice Screening Procedures:**

**Due to the CDC recommendations, Merrillville Community School Corporation will no longer follow a NO nit policy. If a student is found by the school nurse with an active case of live head lice, the parent will be notified to pick the student up from school. Parents will then be instructed on how to treat the Lice, and housekeeping details (according to CDC guidelines). Students will be rechecked by the school nurse one week after treatment. Parents will be informed if live lice have been found upon exam and the process will repeat.**

## 2021-2022 School Year Immunization Requirements

	<b>Required</b>		<b>Recommended</b>
Pre-K	3 Hepatitis B	1 MMR	
	4 DTaP	1 Varicella	Annual Influenza
	3 Polio	2 Hepatitis A	
K-5 <sup>th</sup> Grade	3 Hepatitis B	2 MMR	
	5 DTaP	2 Varicella	Annual Influenza
	4 Polio	2 Hepatitis A	
6 <sup>th</sup> -11 <sup>th</sup> Grade	3 Hepatitis B	2 MMR	2/3 HPV
	5 DTaP	2 Varicella	Annual Influenza
	4 Polio	1 Tdap	
	1 MCV4	2 Hepatitis A	
12 <sup>th</sup> Grade	3 Hepatitis B	2 MMR	2/3 HPV
	5 DTaP	2 Varicella	Annual Influenza
	4 Polio	1 Tdap	2 MenB (Meningococcal)
	2 Hepatitis A	2 MCV4	

Indiana Law IC 20-8.1-7-10.1 that a school corporation shall require parents of a child who has enrolled in a school corporation to furnish no later than the first day of school a documented statement of the child's immunization record. The parent/guardian must assume responsibility for obtaining the records. A waiver may be granted in certain circumstances and additional documentation will be required (Please see the school Nurse). Children can and will be excluded from school if proper immunization documentation is not received.

1. **Indiana Code 20-34-4-5 states:** Parents must provide documented evidence of all immunizations no later than the first day of school. No child will be permitted to attend school unless he/she is fully immunized or has begun his/her immunization schedule. The only exception to these requirements are children whose parents file each year a written

objection based upon religious reasons or a medical exemption signed by a physician.

2. **Indiana Code 20-34-4-1 states:** Students transferring from another school may be granted a waiver to attend school for no more than twenty (20) days. If immunization records or a scheduled appointment for these immunizations established by a physician or the Board of Health is not received at the end of twenty (20) days, the student will be excluded from school. It is the responsibility of the parent/guardian to see that a documented record of immunizations is provided to the school.
3. TB skin testing will be requested for any student Pre K-12 who demonstrates one or more of the reasons for TB testing recommended by the Centers of Disease Control.

### **Medication:**

#### MERRILLVILLE COMMUNITY SCHOOL CORPORATION - MEDICATION POLICY

1. No medication (prescription medications and over-the-counter medications such as Tylenol cannot be administered to a student without the written and dated consent of the student's parent and physician.
2. The consent of the parent and physician shall be valid only for the current school (please see the school nurse for the form).
3. Prescription medication must be in a prescription bottle labeled with the child's name, doctor's name, name of medication, dosage, and the time to be given. Over-the-counter medication must be in the original bottle labeled with the child's name, dosage, and time to be given.
4. If the medication is to be terminated prior to the date on the prescription, the written and dated consent of the withdrawal of consent of the parent is required.
5. The School Nurse, Principal or his/her designee shall cooperate in giving any medication so prescribed. The school cannot be responsible for the effects of the medication administered as directed or ordered.
6. If students are receiving medication at home, parents are encouraged to contact the school principal or school nurse with such information.
7. No student shall be allowed to keep medication at school. Any medication to be administered to a student shall be brought to either the school nurse's office or principal's office where it will be kept in a secure location. Unused medication by students in Kindergarten through Grade 8 must be sent home

only through the student's parents or an individual who is at least 18 years old and is designated in writing by the student's parent to receive the medication. For grades 9 through 12, unused medication may be sent home with the student only with written permission of the student's parents.

8. Exception to rule: A student with a chronic disease or medical condition may possess and self-administer prescribed medication for the disease or condition if the student's physician and parent have filed a written authorization with the school nurse or building principal (please see the school nurse for the form). The written authorization must be filed annually and must include the following information:
  - a. Physician's statement that the student has an acute or chronic disease or medical condition for which the medication has been prescribed
  - b. The nature of the disease or medical condition requires emergency administration of the prescribed medication.
  - c. The student has been instructed in how to self-administer the prescribed medication.

The student is authorized to possess and self-administer the prescribed medication.

## **LEGAL RESIDENCY**

Students who attend Merrillville schools must be legal residents of the school corporation. Legal residency for students requires that parents of students reside in Ross Township. The rare exceptions to this rule involve home construction and incapacitated parents. All exception requests must be submitted to and approved by building principals or designee.

Fraudulent enrollments will be treated as follows:

1. Recommend for expulsion.
2. Tuition will be charged for the entire period the student has attended Merrillville Schools (approximately \$3,000 per school year).
3. If tuition payment is not received within thirty days of billing, the bill will be turned over to a professional collection agency for not only payment of tuition, but also for all legal fees and collection agency charges associated with collection of tuition charges. All citizens of Ross Township are requested to assist the school corporation in identifying fraudulent enrollments. If you have reason to believe that a student is not a legal resident of the school corporation, please notify the principal of the school the student is attending or call the Administrative Service Center at 650-5300.

## **LOCKER REGULATIONS**

1. Lockers should contain coats, book bags, lunches, and books only. Students should bring no more money to school than they intend to use on any given day.
2. The school is not responsible for loss to, or damage of a student's personal property.
3. All books and personal belongings are to be kept in a neat orderly fashion.
4. Locker combinations are strictly private information and must not be given out to anyone.
5. When a student's locker does not function properly, he/she should report this immediately to the office.
6. Students are forbidden to share lockers. Students are responsible for all contents in their issued locker.
7. All students are held accountable for school equipment assigned to them, such as lockers.
8. Any person caught tampering, opening, or removing items from any locker other than his/her own without proper authorization, will face strong disciplinary action.
9. A student should never leave his/her locker without making sure it is locked.
10. Electronic equipment is not to be brought to school. Examples: cell phones, Bluetooth headphones or electronic games.

Control of lockers according to Indiana State Law is that school lockers remain the property of the school, and the school authorities have a responsibility and a right to examine the contents of those lockers for reasons of health, safety, and security. Acceptance of a locker by the student is acknowledging this right.

## **SPORTS EQUIPMENT**

Outside sports equipment (ex. basketballs, footballs) is not allowed in the building unless approved by staff and/or administration.

## **RELEASE OF STUDENT INFORMATION**

The school corporation may release certain "student information" including the student's name, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, date of attendance, awards received, and other similar information without parental consent to newspapers, magazines, radio and television, colleges, civic organizations or similar groups, or publish such information in its own publications, programs, yearbooks. Student information/picture may be displayed on school website, PNN, cable, video

production, or by other means unless the parent notifies the school corporation by the third Monday in September of each school year that he/she does not waive any or certain designated student information released to such parties without his/her expressed prior written consent. According to state law, "student information", will be provided to the military.

## 5517 - ANTI-HARASSMENT

### **General Policy Statement**

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

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

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

The Corporation will investigate all allegations of unlawful harassment (see definition in first paragraph) and, in those cases where unlawful harassment is substantiated,

will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition in first paragraph) will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment (see definition in first paragraph) that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

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

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

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

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

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



## Definitions

### Bullying

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

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

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

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

## **Sexual Harassment**

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

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

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

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

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

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. threats or insinuations that a person's academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-

curricular programs or events, or other conditions of education may be adversely affected by not submitting to sexual advances;

- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature;
- K. in the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

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

**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the School Corporation community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of

"sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student may be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.

### **Race/Color Harassment**

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

### **Religious (Creed) Harassment**

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

### **National Origin Harassment**

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

## **Disability Harassment**

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

## **Reports and Complaints of Harassing Conduct**

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

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

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

## **Anti-Harassment Compliance Officers**

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

Reid Amones, Ed.D.  
Executive Director of Personnel  
6701 Delaware Street  
Merrillville, IN 46410  
(219) 650-5300 ext 5315  
ramones@mvsc.k12.in.us

Hilda Damianick  
Assistant Superintendent of Business  
6701 Delaware Street  
Merrillville, IN 46410  
  
(219) 650-5300 ext 6033  
hdamianick@mvsc.k12.in.us

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

- A. in the student, parent, and staff handbooks
- B. on the School Corporation's web site
- C. on each individual school's web site

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

Any Corporation employee who directly observes unlawful harassment (see definition in first paragraph) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy

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

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

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

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

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

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

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

## **Informal Complaint Procedure**

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

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

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

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



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

All informal complaints must be reported to one (1) of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

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

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

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

One of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the

Board's records retention policy (see Policy 8310, Policy 8320 and Policy 8330).

## **Formal Complaint Procedure**

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

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

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

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

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

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an

oral interview. Hereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

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

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

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

Although certain cases may require additional time, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

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

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

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

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

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

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

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

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

the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

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

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

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

### **Privacy/Confidentiality**

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

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

All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s). During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

## **Remediation**

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

## **Sanctions and Monitoring**

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

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

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

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

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

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information (“ESI”), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence,

audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

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

## **Retaliation**

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

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

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

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

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

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

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

## **Education and Training**

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

## **Notice**

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

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

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

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

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

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

42 U.S.C. 1983

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



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

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

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

29 C.F.R. Part 1635

National School Boards Association Inquiry and Analysis -  
May 2008

## **STUDENT SERVICES**

The Social Work services are available to students and parents throughout the day. It is advisable to make an appointment in advance to assure ample conference time. Periodic contacts with students may be made, both on a group and an individual basis.

Students who wish to see any person in the office must first go to their next period teacher, secure a written pass, and then come to the office. If a student is in the office beyond the tardy bell without a pass, he/she will be counted tardy (unexcused). The only exception would be before and after school.

## **SUBSTANCE ABUSE AMNESTY PROGRAM**

### *STUDENT SELF-REFERRAL:*

1. If a student discloses to a teacher, counselor, administrator that he/she uses drugs/alcohol: no expulsion.
2. If a student voluntarily reveals that he/she is in possession or under the influence of drugs/alcohol: expulsion proceedings are suspended on condition that student immediately begins, within 24 hours, substance abuse therapy.
3. A required police report would be held by the police without processing, as long as the student is faithful to a therapy program and no further substance abuse incident occurs.
4. If student and family refuse treatment, or discontinue treatment prematurely, then expulsion procedures continue and police report is processed.

## **Protocol for addressing students who exhibit Suicidal/Homicidal Ideations**

In accordance with the established school district protocol for addressing students who exhibit suicidal/homicidal ideations, statements made with the intent to do serious bodily harm to self or others will be assessed for the need for disciplinary action(s) and/or mental health/medical assistance. Parents will be immediately notified to pick up the student if it is determined that the student presents a danger to self or others. Parents must provide a written document indicating that the student has been evaluated by a mental health/medical professional and cleared for return to school.

## **Discipline Guidelines:**

### **TOBACCO POLICY**

Tobacco products have been medically diagnosed as cancer causing agents that are life threatening. State law has determined that "A person less than 18 years old commits a Class C Infraction if they purchase, accept or possess tobacco. The fine is up to \$500. Selling or distributing tobacco to a person less than 18 years old is a Class C Infraction. The person who sells or distributes the tobacco can be fined up to \$500. Any student under the age of 18 caught in possession of a tobacco product on school grounds will be subject to already existing school disciplinary procedures as well as being subject to being reported to the police as being in violation of the State Tobacco Laws. The police will issue that student a ticket, which will require an appearance with their parent(s) before the Merrillville Town Court and carry with it a possible monetary fine and/or a requirement to attend a smoking cessation clinic. In addition, dissolvable spitless tobacco products which contain lethal toxicity are also included in this policy.

Note: A student found to be in possession of a lighter or matches will be assigned a minimum of two Friday School Detentions.

### **TRESPASS AND VANDALISM**

To help eliminate vandalism on school property, the Board of School Trustees has passed a resolution, which states:

"The buildings and their grounds are dedicated to the use and enjoyment of the young people of our community. They are for their use during daylight hours only. And they are closed to all persons from dusk to dawn unless attending an approved program."

Damaged or unauthorized tampering with computers, telephones, or any other technology will be considered vandalism with appropriate disciplinary action applied.

"The use of motorized vehicles on school property is forbidden."

Any person or persons found on school property during these restricted hours without approval of school officials will be arrested by the Merrillville Police and will be charged with violation of the trespass laws of the State of Indiana.

With respect to those individuals caught engaging in acts of vandalism, school officials will prosecute to the full extent of the law. In addition, parents are responsible for the intentional or willful or malicious act or acts of a minor in their custody. Indiana Code 31-5-10-1 provides the following:

"Respecting any minor under the age of eighteen (18) years, the parent or parents with whom such minor is living and having custody of such minor, shall be liable for the actual damages sustained but not exceeding the sum of seven hundred fifty dollars (\$750) plus the court costs of the action, to any person, firm, associations, corporation and the State of Indiana and its political subdivisions, including but not limited to cities

and towns, for any and all damages purposely caused by the injury to or destruction of any property, real, personal, or mixed by the intentional or willful or malicious act or acts of such minor.” (Note: This does not include the liability of a parent or parents as exists under other laws of the State of Indiana.)

In addition, it is a misdemeanor for any person who enters or returns to school property to cause a disturbance or to interfere with school purposes. Law enforcement officials may remove a person who refuses to leave school property upon order of the principal, assistant principal, or teacher. It is also a misdemeanor to counsel or encourage or incite another person or persons to remain on the property for the purpose of interfering with the lawful use of such property. Citizens of Ross Township are asked to notify the police of any violation or suspected violation of the trespass or vandalism laws. Such information will be kept confidential by the Merrillville Police Department.

## **8.96 CRIMINAL GANGS AND CRIMINAL GANG ACTIVITY IN SCHOOLS**

The Board of School Trustees of the Merrillville Community School Corporation prohibits gang activity and similar destructive or illegal group behavior on school property, on school buses, and/or at school-sponsored functions. The Board prohibits reprisal or retaliation against individuals who report gang activity and similar destructive or illegal group behavior. The Board further prohibits reprisal or retaliation of victims, witnesses, bystanders, or other people with reliable information about an act of gang activity and similar destructive or illegal group behavior. The following definitions apply to this policy: Criminal Gang means a group with at least three (3) members that specifically: 1. Either a. Promotes, sponsors, or assists in; or b. Participates in; or 2. Requires as condition of membership or continued membership the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery. Gang activity means a student who knowingly or intentionally actively participates in a criminal gang, or a student who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang. Per state law, a school employee shall report any incidence of suspected criminal gang activity, criminal gang intimidation, or criminal gang recruitment to the principal and the director of security. The principal and the director of security may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services. Appropriate consequences and remedial actions are those that take into consideration the severity of the offenses and consider both the developmental ages of the student offenders and the students' histories of inappropriate behaviors per the code of conduct. Any corporation and school employee who promptly reports an incident of suspected gang activity and who makes this report in compliance with the school corporation procedures is immune from a cause of action for damages arising from any failure to remedy the reported incident. The principal or designee shall conduct a thorough and complete investigation for each report of suspected gang activity. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident. The principal may appoint additional personnel and request the assistance of law enforcement to assist in the investigation. The

investigation shall be completed and the written findings submitted to the principal as soon as possible, but not later than five school days from the date of the report of the alleged incident of criminal gang activity. The principal shall take any appropriate disciplinary actions based upon the findings of the investigation, in accordance with the code of conduct. The superintendent of the school corporation is authorized to define the range of ways in which school staff and the principal or the principal's designee shall respond once an incident of criminal gang activity is confirmed, according to the code of conduct. Consequences for a student who engages in gang activity may range from positive behavioral interventions up to and including suspension or expulsion. The principal shall provide the parents of the students who were investigated with information about the investigation. The information to be provided to parents includes the nature of the investigation, whether the corporation found evidence of criminal gang activity, and whether consequences were imposed or services provided to address the activity. This information is to be provided in an expedited manner. As appropriate to the investigation findings, the principal also shall provide intervention and/or relevant support services. The principal shall inform the parents of all students involved in alleged incidents and discuss the availability of counseling and other intervention services. Support services may include one or more of the following: 1. Gang awareness education that shows promise of effectiveness based on research. The gang awareness education information should be revised and updated regularly to reflect current trends in gang and gang-like activity. 2. Culturally and/or linguistically appropriate services/supports for parents and families. 3. Counseling coupled with mentoring for students and their families. 4. Community and faith-based organizations and civic groups. 5. Viable, sustainable after-school programs developed in collaboration with other stakeholders. 6. Job training and employment opportunities as both a deterrent to gang involvement and an incentive to leave gang involvement. 7. School sanctioned/facilitated extra-curricular activities. The principal shall submit the report to the superintendent of the school corporation within ten (10) school days of the completion of the investigation. The superintendent or his/her designee shall report the results of each investigation to the School Board on a quarterly basis during regularly scheduled board meetings. Each school within the school corporation shall record the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender. Each school shall report this information to the school corporation superintendent who shall submit a written report to the Indiana Department of Education by June 2 of each year. This policy shall be annually disseminated to all parents who have children enrolled in a school within the school corporation. Notice of this policy must be published in student handbooks and all other publications of the school corporation that set forth the rules and procedures for schools within the school corporation. School officials are encouraged to collaborate with stakeholders to provide gang prevention and intervention services and programs, including but not limited to: 1. Provide training for staff and teachers on gang prevention and intervention resources within a jurisdiction on a periodic basis. The gang awareness information should be revised and updated regularly to reflect current trends in gang activity. 2. Create formalized collaboration plans between local school administration and community based prevention and

intervention providers (possibly using the existing County Safe School Commissions as points of contact). The formalized collaborations should make effective, coordinated, and maximized use of federal funding a priority. 3. Coordinate resources and funding opportunities to support gang prevention and intervention activities. 4. Consider integrating the Gang Resistance Education and Training (G.R.E.A.T.) Program into curricula. LEGAL REFERENCE: IC 20-26-18 IC 20-33-9-10.5 IC 35-45-9-1

Presented: June 7, 2016

Adopted: June 21, 2016

## **5.512 USE OF METAL DETECTORS**

### **Use of Metal Detectors - Reasonable Suspicion**

When the school administration has reasonable suspicion to believe that weapons are in the possession of an identified student, students, or group of students, the administration is authorized to use a mobile metal detector to search the student or students. Any search of a student's person as a result of the activation of the detector will be conducted in private and in accordance with the policy on personal searches. Only school personnel who have been trained in the usage of metal detectors, law enforcement officers assigned to the school corporation, or school resource officers shall operate the metal detectors under the direction of the administration.

### **Use of Metal Detectors - Administrative Search**

In view of the escalating school violence, the potential presence of weapons in our schools, and the school corporation's duty to maintain a safe learning environment, the Merrillville Board of School Trustees authorizes the use of metal detectors to check a student's person or personal effects. Only school personnel who have been trained in the usage of metal detectors, law enforcement officers assigned to the school corporation, or school resource officers shall operate the metal detectors under the direction of the administration.

School officials or law enforcement officers may conduct metal detector checks of groups of individuals if the checks are done in a minimally-intrusive, nondiscriminatory manner. Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.

If a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, he or she may conduct a metal detector check of the student's person and personal effects.

Notice of the Board policy and procedures on the use of metal detectors will be sent to parents and students and posted on the websites of the school corporation and of each school.

The Superintendent shall develop procedures for implementing this policy. The metal detector checks will be done only in accordance with the provisions of the Board policy and procedures by school personnel or law enforcement officers under the supervision of the school administrator.

### **Procedures for the Use of Metal Detectors**

The following procedures for the use of metal detectors in the schools are developed pursuant to Board policy on the Use of Metal Detectors. The Superintendent may modify or expand these procedures in any manner consistent with the Board's policy.

A notice will be posted in a central location at each school stating that weapons are not permitted at school and that students may be required to submit to a metal detector check. In addition, the metal detector policy and these procedures will be included in the student handbooks for each school. Notice of the Board policy and procedures on the use of metal detectors will be sent to parents and students of each school. A notice must be sent out before the beginning of each school year. The superintendent will determine the specific dates when the notice will be sent out.

- A. Before conducting the metal detector checks, the participating administrator or law enforcement officer ("officer") will explain the scanning process to students, emphasizing that the checks are intended to maintain safe schools.
- B. An administrator or officer will escort each student with his or her personal effects into a designated area to proceed with the metal detector check. An adult will closely observe students to make sure no objects are removed from pockets or personal effects.

- C. The administrator or officer will ask the student to remove all metal-containing objects from his or her clothing and personal effects. The administrator or officer will then scan the student without touching his or her body and scan the outside of the student's personal effects. The metal detector scan of the student's person will be done by an adult who is the same sex as the student. If the student refuses to cooperate, the administrator or officer may proceed with the check in the presence of another adult.
- D. If the metal detector is activated during the scanning of the student's effects, the administrator or officer will ask the student to open the bag, purse, etc., and the officer will proceed to look for weapons. If the metal detector is activated during the scanning of the student's person, the student will be given a second opportunity to remove any metal-containing object from his person. A second scan will be conducted and if the metal detector is activated again, an administrator or officer of the same sex will conduct a pat-down search of the student's outer clothing in the area where the metal detector was activated. The pat-down search will be done in a private room or area and in the presence of an adult witness, when feasible. If the administrator or officer feels an object on the student's person, the student will be given an opportunity to remove the object. If he or she refuses, the administrator or officer will remove the object from the student in the presence of an adult witness of the same sex.

### **Metal Detector Checks of Individual Students**

Before conducting a metal detector check of an individual student, the administrator or officer must have individualized reasonable suspicion that the student is in possession of an illegal or unauthorized metal-containing object or weapon. The provisions of the Board Policy regarding personal searches and the use of metal detectors shall be followed under these circumstances.

If a properly conducted search yields a weapon or any other illegal material, it shall be turned over to the proper legal authorities for disposition.

## **RIGHTS**

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974**

On August 21, 1974, the United States Congress adopted an amendment to the General Education Provision Act called "Family Educational Rights and Privacy Act of 1974" to deal with student records. In a broad outline, this Act provides for the following:

1. The Act concerns the student records of both elementary and secondary schools.
2. The parent's rights under this Act extend until the student is 18 years of age, or is enrolled in a post-high school institution; thereafter, only the student himself may exercise the rights.
3. Parents have a right to examine their children's records at reasonable times.
4. The parent has a right to have a record corrected if it "is inaccurate, misleading, or is otherwise in violation of the privacy or other rights of students."
5. A record must be kept with each student record showing who examined it, the date on which it was examined, and the purpose of the examination.
6. Certain persons may examine student records without a parent's consent. These include school officials, including teachers who have "legitimate educational interests," officials of other schools or school systems where a transfer is made, and certain representatives of the state and federal government with various limitations.
7. Any person may receive the records if the parents execute a written consent specifying the records to be released, the reasons for such release, and the person to whom they are to be released. A copy will be sent to the parents in such case, if requested. The parents may also request and receive a copy of any student record forwarded to another school or school system with a transfer.
8. A copy may also be furnished pursuant to a court order or subpoena, but only if the parents are given advance notice. The Board of School Trustees has adopted a policy implementing the provisions of this Act. A copy of this policy and the Act are on file and available for inspection at the office of the Superintendent of Schools and the principal's office of all school corporation schools.
9. This federal law requires strict confidentiality of students' privacy which will not allow us to share video images from our school video cameras with parents/or guardians.



## **2260.01 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The School Board does not discriminate in admission or access

to, or participation in, or treatment, or employment in, its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, will provide equal opportunity for employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the Corporation.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

with respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

A. who is of an age during which nondisabled persons are provided educational services;

B. who is of any age during which it is mandatory under Indiana law to provide educational services to disabled persons; or

C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a disabled person who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

### **Corporation Compliance Officer(s)**

The following person(s) is/are designated as the Corporation Section 504 Compliance Officer(s)/ADA Coordinator(s) ("Corporation Compliance Officer(s)"):

Dr. Danny Lackey  
Executive Director of Student Support Services  
6701 Delaware Street  
Merrillville, IN 46410  
219-650-5300  
dlackey@mvs.c.k12.in.us

The Corporation Compliance Officer(s) is responsible for coordinating the Corporation's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Corporation Compliance Officer.

The Corporation Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

## **Training**

The Corporation Compliance Officer(s) will also oversee the training of employees in the Corporation so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

## **Facilities**

No qualified person with a disability will, because the Corporation's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

## **Education**

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities, the Board will provide the student with a free appropriate public education. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For disabled students who are not eligible for specially designed instruction under the IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13).

Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the Corporation with persons who are not disabled to the maximum extent appropriate. Generally, the Corporation will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Corporation places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

The Corporation will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the Corporation, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the Corporation will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

## **Notice**

Notice of the Board's policy on nondiscrimination in education practices and the identity of the Corporation's Compliance Officer(s) will be posted throughout the Corporation, and published in the Corporation's recruitment statements or general information publications.

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Legal 29 C.F.R. Part 1630

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

34 C.F.R. Part 104

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

## EDUCATION PROGRAMS OR ACTIVITIES

### Introduction

The School Board of the Merrillville Community School Corporation (hereinafter referred to as “the Board” or “the Corporation”) does not discriminate on the basis of sex (including sexual orientation or gender identity) in its education programs or activities and is required by Title IX of the Education Amendments of 1972 and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the Corporation has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the Corporation Community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third Parties who engage in Sexual Harassment also are subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Corporation’s education programs and activities.

### Coverage

This policy applies to Sexual Harassment that occurs within the Corporation’s education programs and activities and that is committed by a member of the Corporation Community or Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the Corporation’s education programs and activities; such Sexual Misconduct / Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee / Administrator Handbook(s) if committed by a Corporation employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the Corporation's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by a Corporation employee.

Complaints alleging sexual harassment and/or discrimination on the basis of sex also are covered by and subject to the investigation procedures in Board Policy 5517 - Anti-Harassment. Complaints not covered by this policy still may be governed by and subject to the procedures in Policy 5517 - Anti-Harassment.

### **Definitions**

Terms used in this policy shall have those meanings defined herein; terms not defined herein shall be construed according to their plain and ordinary meanings.

**Sexual Harassment:** "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A Corporation employee conditioning the provision of an aid, benefit, or service of the Corporation on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Corporation's education program or activity;  
or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

1. Rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is

incapable or giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included.

Rape is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

2. Sodomy is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. Sexual Assault with an Object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
5. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
6. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
7. Consent refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
8. Incapacitated refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

**“Domestic violence”** includes felony or misdemeanor crimes of violence committed by:

- A. A current or former spouse or intimate partner of the victim;
- B. A person with whom the victim shares a child in common;
- C. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- D. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
- E. Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

**“Dating violence”** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**“Stalking”** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.

**Complainant:** “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**Respondent:** “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Formal Complaint:** “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Corporation investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the Corporation, a Complainant must be participating in or attempting to participate in the Corporation’s education program or activity. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and



must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge:** “Actual knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to the Corporation’s Title IX Coordinator, or any Corporation official who has authority to institute corrective measures on behalf of the Board, or any Corporation employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Corporation. “Notice” includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only Corporation official with actual knowledge is the Respondent.

**Supportive Measures:** “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Corporation’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Corporation’s educational environment or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), referral to Employee Assistance Program, and other similar measures.

**Education Program or Activity:** “Education program or activity” refers to all operations of the Corporation, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement, and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Corporation. It also includes locations, events, and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

**Corporation Community:** “Corporation Community” refers to students and Corporation employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, and other persons subject to the control and supervision of the Board.

**Third Parties:** “Third Parties” include, but are not limited to, guests and/or visitors on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and

other individuals who come in contact with members of the Corporation Community at school-related events/activities (whether on or off Corporation property).

**Inculpatory Evidence:** “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

**Exculpatory Evidence:** “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

**Day(s):** Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

**Eligible Student:** “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

### **Title IX Coordinator(s)**

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Executive Director of Personnel  
6701 Delaware Street  
Merrillville, IN 46410  
(219) 650-5300  
ramones@mvsc.k12.in.us

Assistant Superintendent of Business  
6701 Delaware Street  
Merrillville, IN 46410  
(219) 650-5300  
hdamianick@mvsc.k12.in.us

The Title IX Coordinator shall report directly to the Superintendent except when the Superintendent is a Respondent. In such matters, the Title IX Coordinator shall report directly to the Board Attorney. Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Corporation employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of the Merrillville Community School Corporation does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Corporation's Title IX Coordinator(s) is/are:

Executive Director of Personnel  
6701 Delaware Street  
Merrillville, IN 46410  
(219) 650-5300  
ramones@mvsc.k12.in.us

Assistant Superintendent of Business  
6701 Delaware Street  
Merrillville, IN 46410  
(219) 650-5300  
hdamianick@mvsc.k12.in.us

Any inquiries about the application of Title IX and its implementing regulations to the Corporation may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: [www.mvsc.k12.in.us](http://www.mvsc.k12.in.us). The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the Corporation will respond.

The Superintendent also shall prominently display the Title IX Coordinator's(s') contact information – including Name(s) and/or Title(s), Phone Number(s), Office Address(es), and Email Address(es) – and this Policy on the Corporation's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Corporation employees, and all unions or professional organizations holding collective bargaining or professional agreements.

## **Grievance Process**

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The Corporation's response to allegations of

Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the Corporation's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies also may be disciplinary or punitive in nature and may burden the Respondent.

The Process described herein relates exclusively to complaints brought under this Policy. The Corporation will continue to handle complaints subject to the Corporation's other nondiscrimination and anti-harassment policies, including Policy 5517 - Anti Harassment; Policy 5517.01 - Bullying; Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity; Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability; 1422/3122/4122 - Nondiscrimination and Equal Employment Opportunity; and 1662/3362/4362 - Anti-Harassment.

### **Report of Sexual Discrimination/Harassment**

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). Anonymous reports may be submitted using the hotline reporting number (219-650-5499).

Students, Board members, and Corporation employees are required, and other Corporation Community members and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Corporation employee, who will, in turn, notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the

alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with Third Parties who are not students or employees of the Board. Notwithstanding any rights that a given Third-Party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or Third Party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any Third Party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies and/or administrative guidelines, the applicable Student Code of Conduct, or Employee/Administrator Handbook(s).

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Corporation employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Corporation employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Corporation employee must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment or neglect of a child pursuant to I.C. 31-33-5-1 and Policy 8462– Student Abuse and Neglect, if applicable. If the Corporation employee's knowledge is based on another individual bringing the information to the Corporation employee's attention and the reporting individual submitted a written complaint to the Corporation employee, the Corporation employee must provide the written complaint to the Title IX Coordinator.

If a Corporation employee fails to report an incident of Sexual Harassment of which the Corporation employee is aware, the Corporation employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Corporation to provide the supportive measures.

**Emergency Removal:** Subject to limitations and/or procedures imposed by State and/or Federal law, the Corporation may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the Corporation determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5605 – Suspension and Expulsion of Students with Disabilities 5610 – Suspension and Expulsion of Students, Policy 5611 – Due Process Rights, and 5620 – Court Assisted Resolution of Suspension and Expulsion.

If the Respondent is a non-student employee, the Corporation may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the Corporation Community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### **Formal Complaint of Sexual Harassment**

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the Corporation will follow its Grievance Process, as set forth herein. Specifically, the Corporation will undertake an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and will not make credibility determinations based solely on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

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

## **Timeline**

The Corporation will seek to conclude the grievance process, including resolving any appeals, within ninety (90) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as: the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitute Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment,

and the date and location of the alleged incident, if known. The written notice must:

1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator, and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

### **Dismissal of a Formal Complaint**

The Corporation shall investigate the allegations in a Formal Complaint, unless the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the Corporation's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator shall dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the Corporation may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee / Administrator Handbook.



The Title IX Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the Corporation or employed by the Board; or
- C. specific circumstances prevent the Corporation from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator promptly must send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

### **Informal Resolution Process**

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that otherwise would occur are stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Corporation employee or another adult member of the Corporation Community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations regarding a sexual assault involving a student Complainant and a student Respondent.

### **Investigation of a Formal Complaint of Sexual Harassment**

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the Corporation, not the parties.

In making the determination of responsibility, the decision-maker(s) is/are directed to use the clear and convincing evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The Corporation is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the Corporation with voluntary, written consent to do so; if a student party is

not an Eligible Student, the Corporation must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The Corporation may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The Corporation will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Corporation does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

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

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10)

calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

## **Determination of Responsibility**

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

**Determination regarding responsibility:** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the clear and convincing evidence standard.

The written determination will include the following content:

- A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence ;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-

maker(s) is recommending that the Corporation impose on the Respondent(s) and whether remedies designed to restore or preserve equal access to the Corporation's education program or activity should be provided by the Corporation to the Complainant(s); and

F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

Informal or formal disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

#### A. Informal Discipline

1. writing assignments;
2. changing of seating or location;
3. before-school, lunchtime, and after-school detention;
4. in-school discipline;
5. Saturday school.

#### B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to one (1) year; and
6. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an

appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion of Students, Policy 5610.02 – In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Act (IDEA), as amended, and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

Disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy including but not limited to (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination;
- J. any other sanction authorized by any applicable Employee/Administrator Handbook and/or applicable collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual. If the Superintendent is the Respondent, the Title IX Coordinator will notify the Board Attorney

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the Corporation Community or a Third Party who is determined responsible for violating this policy

(i.e., engaging in Sexual Harassment), including but not limited to:

- A. oral or written warning;
- B. suspension or termination/ cancellation of the Board's contract with the third-party vendor or contractor;
- C. mandatory monitoring of the third party while on school property and/or while working/interacting with students;
- D. restriction/prohibition on the third party's ability to be on school property; and
- E. any combination of the same.

If the decision-maker(s) determines the third party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately imposing a disciplinary sanction/consequence, the Superintendent (or the Board when the Superintendent is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is a Member of the Board, s/he shall be excluded from any determination regarding the imposition of a disciplinary sanction/consequence by the remaining School Board members.

The Corporation's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process and procedures, the Superintendent (or the Title IX Coordinator if the Superintendent is the Respondent) may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

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

## Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
  - B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
  - C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.
  - D. The recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Sexual Harassment).
- The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent (or the Board when the Superintendent is the Respondent) from imposing any remedy, including disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants



or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies / disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision maker(s) for the appeal's decision is delivered to the Complainant and the Respondent.

## **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitute(s) retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **Confidentiality**

The Corporation will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA's regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Corporation's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

## **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

## **Training**

The Corporation's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the Corporation's education program or activity;
- C. how to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Corporation employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

## **Recordkeeping**

As part of its response to alleged violations of this policy, the Corporation shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the Corporation shall document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the Corporation's education program or activity. If the Corporation does not provide a Complainant with supportive measures, then the Corporation will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Corporation in the future from providing additional explanations or detailing additional measures taken.

The Corporation shall maintain for a period of seven (7) calendar years the following records:

- A. Each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the Corporation's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The Corporation will make its training materials publicly available on its website.

## **Outside Appointments, Dual Appointments, and Delegations**

The Board retains discretion to appoint suitably qualified persons who are not Corporation employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Corporation employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

**Discretion in Application**

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board’s interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board’s reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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Legal I.C. 31-33-5-1

I.C. 20-33-8

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

20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Act of 2004 (IDEA), as amended

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

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

34 C.F.R. Part 106

OCR's Revised Sexual Harassment Guidance (2001)

20 U.S.C. 1092(F)(6)(A)(v)

34 U.S.C. 12291(a)(10)

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(30)

## **2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

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

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

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

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

Educational programs shall be designed to meet the varying needs of all students. In order to achieve the aforesaid goal, the Superintendent shall:

### **A. Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon Protected Classes ascertaining whether or not

supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

## **B. Staff Training**

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

## **C. Student Access**

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

## **D. Corporation Support**

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

## **E. Student Evaluation**

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

The Superintendent shall appoint and publicize the name of the Compliance Officer(s) who is/are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding

discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

### **Compliance Officer(s)**

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

Dr. Danny Lackey  
Executive Director of Student Support Services  
6701 Delaware Street  
Merrillville, IN 46410  
219-650-5300  
dlackey@mvs.c.k12.in.us

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

Students are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with a Compliance Officer within two (2) business days.

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

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

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer within two (2) business days of learning of the incident/conduct.

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

## **Complaint Procedures**

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

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



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

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

### **Informal Complaint Procedure**

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

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

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

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

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The

complaining individual should address the alleged misconduct as soon after it occurs as possible.

A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

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

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

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

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

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

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

the individual accused or engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

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

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

### **Formal Complaint Procedure**

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

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

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

If a Complainant informs an administrator, Superintendent, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee to whom the student complains must report such information to the Compliance Officer within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant. If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

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

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

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this policy. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,

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

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

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

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

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

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

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

If the Superintendent is the Respondent, the appeal process will skip the review by the Superintendent and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful

discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

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

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

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

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

### **Privacy/Confidentiality**

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

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

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

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is

expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

## **Remediation**

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

## **Sanctions and Monitoring**

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

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

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

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

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs.

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

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

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

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

### **Retaliation**

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

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

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



## **Training**

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

## **Notice**

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

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

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Legal I.C. 20-33-1-1

Fourteenth Amendment, U.S. Constitution

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

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

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

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

29 C.F.R. Part 1635

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

42 U.S.C. Section 20001 et seq., The Genetic Information  
Nondiscrimination Act

42 U.S.C. 12101 et seq., The Americans  
with Disabilities Act of 1990, as amended  
42 U.S.C. 6101 et seq., Age  
Discrimination Act of 1975  
34 CFR Part 110 (7/27/93)

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

Title III of the No Child Left Behind Act of 2001

## **MERRILLVILLE COMMUNITY SCHOOL CORPORATION CIVILITY POLICY**

(To be considered inclusive for harassment, bullying and use of profane language)

This policy requires mutual respect, civility and orderly conduct among MCSC students, parents, employees and the public. Civility does not deprive any person of his/her right to freedom of expression, but serves only to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for students and staff.

In the interest of presenting adults as positive role models to the children of this school corporation, as well as the community, MCSC encourages positive communication and will not tolerate volatile or hostile actions and/or abusive language by any student, parent, guardian, employee or patron (here after known as "person").

Any person who disrupts or threatens to disrupt normal school and/or office operations; threatens the health and safety of anyone through harassment or bullying; willfully causes property damage; uses offensive language; or who otherwise establishes a continued pattern of unauthorized entry on school property, will be dealt with either according to student disciplinary procedures, or if an adult, will be asked to cease such behavior or be directed to leave school property.

If any person uses obscenities or speaks in an abusive manner, the administrator or employee to whom the remarks are directed will politely request that person to communicate in a courteous manner.

If corrective action is not taken by the person, the employee will verbally notify him/her that the meeting, conference or telephone conversation is terminated and will refer the person to the building principal or designee. For students, appropriate disciplinary action will be taken according to the school handbook<sup>1</sup>. For adults, the Superintendent or designee will inform the person that he/she will not be allowed on school property for an amount of time commensurate with the violation of this policy.

Verbal harassment or disrespect targeting a student or employee on the basis of race, religion or handicap will not be tolerated. Any person claiming to have experienced such harassment shall follow the same reporting procedures set apart for sexual harassment

(School Board Policy 3.42 III).

Bullying of students, either verbal or physical, shall not be tolerated. Any report of bullying shall be reported to a school administrator and investigated. Student disciplinary procedures shall be enforced. Any employee or student who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse or embarrass that individual shall be subject to sanctions for misconduct set forth in paragraph 5 of this policy.

<sup>1</sup> *For employees, appropriate disciplinary action will be taken in accord with negotiated agreements.*

Presented: 8/03/04

Adopted: 8/19/04

## 7540.06 - CORPORATION-ISSUED STUDENT E-MAIL ACCOUNT

Students assigned a School Corporation-issued email account are required to utilize it for all school-related electronic communications, including those to staff members and individuals and/or organizations outside the Corporation with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their assigned Corporation-issued email account when signing up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

This policy and any corresponding guidelines serve to establish a framework for students' proper use of e-mail as an educational tool.

Personal e-mail accounts on providers other than the Corporation's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. Students are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the Corporation's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Students shall not send or forward mass e-mails.

Students are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages and purging e-mails once they are read and no longer needed for school.

## **Unauthorized E-mail**

The School Board does not authorize the use of its Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

## **Authorized Use and Training**

Pursuant to Policy 7540.03, students using the Corporation's e-mail system shall acknowledge their review of, and intent to comply with, the Corporation's policy on acceptable use and safety by signing and submitting Form 7540.03 F1. Furthermore, students using the Corporation's e-mail system shall satisfactorily complete training, pursuant to Policy 7540.03, regarding the proper use of e-mail.

## STUDENT ACKNOWLEDGMENT

I acknowledge receipt of and understand the contents of the Merrillville Intermediate School Student Handbook.

Signature of Student: \_\_\_\_\_

Grade Level: \_\_\_\_\_

Printed Name of Student: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_

Printed Name of Parent/Guardian: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Date: \_\_\_\_\_