

**Merrillville Community School Corporation
Elementary Handbook
2021 – 2022
TABLE OF CONTENTS**

Board of School Trustees.....	3
Administration of Elementary Education.....	3
Mission Statement.....	4
Vision Statement.....	4
Goals for Students, Parents, Community.....	4

SECTION I. ACADEMIC INFORMATION

General Education.....	5
Special Education.....	5
English as a Second Language.....	5
Title 1/Remedial Reading.....	5
Media Centers.....	5
Classwork.....	5
Grading.....	5-6
Report Cards/Progress Reports.....	6
Honor Roll.....	6
Promotion, Retention and Assignment.....	6
Testing Programs.....	6-7
Attendance.....	7
Absences/Tardies/Truancy.....	8
Perfect Attendance.....	8

SECTION II: CONDUCT and DISCIPLINE POLICIES

PBIS (Positive Behavior Interventions and Support).....	9
5600 Student Discipline.....	9-10
5605 Suspension and Expulsion of Students with Disabilities.....	10-11
Delegation of Authority.....	11
5610 Suspension and Expulsion of Students.....	11-14
Consequences for Severely Disruptive Behaviors.....	14
8.96 Criminal Gangs and Criminal Gang Activity in School.....	14-15
Short-Term Suspension.....	16
Other Remedies.....	16
Protocol for Addressing Students who Exhibit Suicidal/Homicidal Ideations.....	16
Expulsion Procedures.....	17
Law Enforcement Notification Procedures.....	17
5517.01 Bullying	17-20

SECTION III: NON-ACADEMIC INFORMATION

School Day.....	20
Change in Start or End of School Day.....	20
Recess.....	20
Dress Code.....	20-21
Cell Phone/Device.....	21

Transportation.....	21-22
Food Services.....	22-23
Birthday Treats.....	23
Health Services.....	23-24
Merrillville Community School Corporation Medication Policy.....	24
Food Allergies.....	25
Health Screening Procedures.....	25
Lice Screening Procedures.....	25
Immunizations.....	25-26
Emergency Drills.....	26
Field Trips/Chaperones.....	26
School and Family Support Services.....	27
School/Classroom Visitation.....	27
Lunch Visitation Classroom.....	27
School Safety/Security.....	27-28
Student Enrollment.....	28
Homeowners.....	28
Pending Homeowners.....	28
Renters/Leases.....	28
Book Rental.....	29
Student Withdrawal.....	29
Updating Student Information.....	29

SECTION IV: PARENT INVOLVEMENT

Parents Right To Know – Professional Qualifications of Teachers.....	29
School Involvement.....	29
Home-School Involvement.....	29-30
Homework Policy.....	30

SECTION V: POLICIES

Release of Student Information.....	31
2260 Non-Discrimination and Access to Equal Education Opportunity.....	31-39
2260.01 Section 504/ADA Prohibition Against Discrimination Based on Disability.....	40-42
2266 Non-Discrimination on the Basis of Sex in Education Programs or Activities.....	42-51
Family Education Rights and Privacy Act of 1974.....	51-52
Merrillville Community School Corporation Civility Policy.....	52
Criminal History Information (School Board Policy 3.24).....	52
5517 Anti-Harassment.....	52-64
School Corporation Smoking Prohibitions.....	65
Notice to Students and Parents: Cell Phone Content and Display.....	65
Legal Residency.....	65
Transfer Students.....	66
7540.03 Student Technology Acceptable Use and Safety.....	68
7540.06 Corporation Student E-mail Account.....	68-69

Merrillville Community School Corporation

BOARD OF SCHOOL TRUSTEES

President: Linda C. Jonaitis Vice-President: Judy C. Dunlap
Secretary: Mark S. Lucas
Member: James Donohue Member: DeLena Thomas

ADMINISTRATION OF ELEMENTARY EDUCATION

Superintendent Mr. Nick Brown, Ed.S.	650-5300
Assistant Superintendent, Curriculum/Instruction Dr. Dexter Suggs, Ph. D.	650-5300
Executive Director of Personnel Dr. Reid Amones, Ed.D.	650-5300
Executive Director of Curriculum/Instruction Ms. Marnita Taylor, Ed.S.	650-5300
Chief Financial Officer Ms. Meghan Damron	650-5300
Henry P. Fieler School Mr. Mike Megyesi, Principal	650-5301
Homer Iddings School Ms. Michelle Coughlin, Principal	650-5302
Edgar Miller School Ms. Jennifer Griffin, Principal	650-5303
Jonas E. Salk School Mr. Nicholas Petralia, Principal	650-5304
John Wood School Ms. Alison Petralia, Principal	650-5305

MERRILLVILLE COMMUNITY SCHOOL CORPORATION MISSION STATEMENT

Merrillville Community School Corporation:

- 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.

GOALS FOR STUDENTS, PARENTS and COMMUNITY

Students:

1. Communicate effectively utilizing the skills of listening, speaking, reading and writing.
2. Understand and apply both practical and analytical concepts and skills in mathematics and science.
3. Demonstrate higher-order thinking, goal-setting and problem-solving skills through analysis, synthesis, conceptual application and evaluation.
4. Demonstrate honesty, respect for others, respect for property and respect for our environment.
5. Demonstrate work habits such as punctuality, reliability, perseverance and good conduct essential for academic and employment success.
6. Develop a positive attitude toward self.
7. Engage in independent and cooperative learning activities.
8. Understand and apply the rights and responsibilities associated with citizenship in a democracy.
9. Understand and appreciate the importance of fine and practical arts.
10. Exhibit a positive attitude toward lifetime fitness and wellness.
11. Understand other cultures, both past and present and the growing interdependence of all nations.
12. Explore basic career processes involving aptitude/ability assessments' demonstrate skills necessary in utilization of career information services.
13. Know and comprehend significant people, places, events and concepts associated with the development of the American political and economic system.
14. Demonstrate proficiency in the use of research technology.
15. Develop the ability to structure and to utilize leisure time.

Parents:

1. Participate in programs designed to help parents support the intellectual, emotional and physical development of their children.
2. Provide a home environment which encourages student academic effort and achievement.

Community:

1. Utilize school system resources for educational, vocational and recreational needs.
2. Support school activities and provide assistance where needed in both academic and extracurricular areas.

**SECTION I
ACADEMIC INFORMATION**

General Education

The curriculum is aligned with academic standards and provides meaningful instruction in the areas of reading, spelling, handwriting, language, mathematics, social studies, science, health, music, art and physical education. Through technology, students are given opportunities to expand their skills using Word Processing, Database, Spreadsheet, keyboarding, Internet and Multimedia.

Special Education

Through our affiliation with support agencies including the Northwest Indiana Special Education Cooperative, special education and other related services are provided to school age children who have special needs. Serious academic problems will first be addressed by a Response to Intervention Plan. This individualized plan will be implemented and monitored closely for a period of time before a referral for special education services is initiated. Parents, teachers, other school personnel, or the student can initiate a referral by consulting with the building principal.

English Learners (EL)

These services are offered to qualifying students in grades K-12 to improve proficiency in the listening, speaking, reading and writing of English. Certified teachers supervise these services.

Title I/Remedial Reading

The Title I/Remedial Reading program supports the regular classroom program in each building. Teachers identify students with reading problems and provide intensive instruction to correct the problems as early as possible.

Media Centers

The elementary media centers provide an opportunity to expand the child's world through reading, computers and audio-visual materials. These centers are striving to provide instruction in information retrieval and study skills that benefit the students throughout their school experience and life. It is important that students have a specific time at home to read for at least 20 minutes every day.

Classwork

Students who are absent or suspended are required to make up all classwork. If the absence is excused, full credit will be given. It is the student's responsibility to go to the teacher to get assignments. If the student is absent for a number of consecutive days, parents should contact the school office and make arrangements to pick up the assignments.

If a student is found being dishonest in any way, immediate action will be taken. Cheating on any test or other assignment will result in an "F" for that test or assignment.

Grading

Ongoing evaluation of student work and activities provides information to the student and parent about progress and growth toward course objectives. It identifies student strengths, weaknesses and direction for improvement.

The grading scale for grades 3 and 4 is:

A - Excellent	90% - 100%
B - Good	80%-89%
C - Average	70% - 79%
D - Below Average	60% - 69%
F - Failing	59% and below
P - Passing	
NP - Not Passing	

The grading scale for grades 1 and 2 is:

A - Excellent	90% - 100%
B - Good	80% - 89%
C - Average	70% - 79%
NP - Not Passing	69% and below

For Social Studies and Science/Health, the grading scale is:

P - Passing 70% and above

NP - Not Passing 69% and below

Plus and minus may be used to indicate minor variations. Report card grades issued by teachers may include evaluation of the quality of written assignments, class participation, project work and similar academic activities as well as test results.

Report Cards/Progress Reports

Report cards are available electronically following the end of each trimester. There are six grading periods for grades K-4. Progress reports will be available at the end of each 1st, 3rd and 5th grading periods. Parents can also use Skyward to monitor their child's progress.

Kindergarten students receive a report card which uses a checklist format instead of grades. The report card lists the required academic standards and personal development skills necessary for success in kindergarten. Students progress is noted on the card each grading period.

Parent-Teacher conferences for all students in grades K-4 are scheduled once each year. Parents or teachers may request additional conferences as necessary.

Honor Roll

Students in grades 3 and 4 may be placed on the Honor Roll at the close of each grading period. The Honor Roll is divided into two segments: the A Honor Roll for all A's and the A/B Honor Roll for students with A's & B's or all B's. Plus (+) and minus (-) designations count the same as the letter grade for Honor Roll purposes. Honor Roll students must have "P" in Science/Health and Social Studies as well as "S" or "E" in the areas of Art, Music, Physical Education and Personal Development. Honor Roll Students must have completed their Read to Succeed requirements for each grading period.

Promotion, Retention and Assignment

Most students are promoted to the next grade level at the end of the school year. However, there are a few students who need additional time and experience to be successful at the next level. The parents of these students will meet with the classroom teacher and/or the principal to discuss the retention decision. This decision may be appealed to the Exec. Dir. of Elementary Curriculum and Instruction. If desired, the Superintendent and the Board of School Trustees may review the decision. "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.

Testing Programs

Assessment of student achievement is an important part of the teaching and learning process. Given at the beginning of the year, assessments help teachers know where to begin and/or identify areas of remediation that must be addressed. Frequent assessments during the year help teachers and students see the progress of learning and help identify problematic areas that need more help or time. Given at the completion of instruction, assessments tell how much has been learned by the end of a unit, by mid-trimester, or by the end of the year. They provide the basis for making judgments on the grades to assign each student.

In addition to the regular classroom assessments, the following assessments are given at specific grade levels to evaluate system wide instructional programs.

ILEARN

Indiana has mandated a statewide testing program entitled ILEARN. ILEARN is given statewide to all students in Grades 3 and 4 in the spring. This test measures student achievement and growth according to Indiana Academic Standards.

I-READ (Indiana Reading Evaluation and Determination)

Public Law 109 requires the evaluation of reading skills for students in Grade 3 beginning in the Spring of 2012. This legislation was created to ensure that all students can read proficiently before moving on to Grade 4. Based on the Indiana Academic Standards, IREAD-3 is a summative assessment that measures foundational reading skills. It is comprised of 3 sessions (40 questions) which may be administered in one/two days. Under normal circumstances, students not passing this assessment are required to be retained in Grade 3.

Attendance

Student's attendance throughout the year is extremely important to student achievement. Missed classroom instruction can never totally be recaptured. Research shows that students who attend 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 nonpublic school up to the age of sixteen. Parents are asked to notify the office to report their child's absence prior to the start of the school day. Notes written upon their return should include student name, teacher, grade, exact nature of illness or other reason for absence, date of absence and parent/guardian signature. Without a parent phone call or note, the student will be considered truant. The following shall be considered valid reasons for student absences with appropriate documentation:

- A. Personal illness (followed by a doctor's note after 5 absences)
- B. Death in the immediate family
- C. Court attendance required by legal authorities
- D. Dental and medical appointments (must be arranged in advance)
- E. Religious holiday
- F. Other emergency or unusual circumstances as approved by a building administrator.

After the 5th absence in a school year, appropriate documentation (parent not included) must be provided for an excused absence.

The Merrillville Community School Corporation, however, does recognize that vacations and out-of-town trips do not always coincide with school vacations. However, we strongly recommend that you make every effort to coincide your vacations around the school calendar. In order to be fair to both the school and the pupils involved, parents desiring to have their children absent from school for family visitations or 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 assessed for the absence. If work is not made-up, penalties will be assessed and these penalties could include failing marks.
5. Parents are urged not to remove their child/children for a planned absence 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.

When picking up a child early from school for an appointment, parents must send a note indicating the time they will be picking up their child. When the adult arrives at school, and shows their ID, we will call the child down to the office. This allows for maximum learning to take place. Please plan accordingly.

Absences

1. A notification will be sent to parents after 5 unexcused days of absences with a copy of the Indiana Compulsory Law and information concerning the truancy diversion program, the C.A.P.S. (Consistent Attendance Promotes Success) program, collaboration between the Merrillville Town Court and Merrillville Schools.
2. After 9 unexcused absences a thorough review of your child's attendance, along with a review of previous attempts to rectify this problem will be considered. A notification to you will be sent stating that a citation may be sent to you on the 10th unexcused absence to Merrillville Town Court.
3. Students who have 10 or more unexcused absences are in violation of the Indiana Compulsory Attendance Law and may be referred to the Merrillville Truancy Town Court. 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 Protective Services.

Tardies

It is extremely important for students to arrive at school on time. The tardy bell rings daily at 7:55am. Late arrival or early departure hinders the child's ability to receive instruction at the beginning of the day and the end of the day with the rest of the classmates. Students who arrive after the school day begins or leaves just prior to the end of the day will be considered tardy. The following should be done upon the student's arrival to school:

1. Students must first report to the office.
2. A tardy slip will be issued before being admitted to class.
3. After 3 tardies in a month, an automated "wake up" call will be made to the child's home for 5 consecutive school days as a reminder to arrive at school on time.
4. After the 5th tardy, a notice will be sent home citing the record of tardies to remind parents of the importance of students arriving at school on time.
5. After 9 tardies, a notice will be sent home stating that the child has been excessively tardy and the parent will be contacted by the school social worker to address this issue.
6. If the above interventions are not effective in remedying the problem and chronic tardiness persists, at 10 tardies a referral may be made to Merrillville Town Truancy Court.

Truancy

A student is considered truant if:

- A. He/she is absent from school without the permission of his/her parents.
- B. He/she leaves school during the day without permission.
- C. 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)

Perfect Attendance

Perfect attendance is perfect attendance. If a student receives any late to school tardies/early releases (picking students up early) or absences, they will not be eligible for perfect attendance.

SECTION II
CONDUCT and DISCIPLINE POLICIES

PBIS (Positive Behavior Interventions and Supports)

All the Merrillville elementary schools use a framework called the PBIS Program. PBIS is a research-based program dedicated to implementing positive behavior interventions that support children in the school setting. The PBIS framework positively impacts children in the areas of behavior, social-emotional relations and academic achievement. By designing and implementing positive interventions in these areas, teachers and children maximize instructional opportunities and achieve academic success. There are three expectations or rules everyone in the elementary schools follow:

1. Be Respectful
2. Be Responsible
3. Be Safe

Another important component of the program is the use of consistent, positive reinforcements to celebrate students' successes. Each school has a rewards system in place to acknowledge students when they meet expectations. There are also school-wide rewards and celebrations that are built into the program to celebrate everyone's good behavior. When students do not meet expectations, there are consequences and interventions which may include recess, lunch, or after school detentions, conferences with parents and students, community service and other logical consequences. Some students may also be placed into a mentoring program or a social worker group to provide additional support. Additionally, some students may benefit from their own individualized behavior plan to support positive behavior at school.

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;
- D. respect the rights of others;
- E. obey constituted authority and respond to those who hold that authority.

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

- A. are not arbitrary but bear a reasonable relationship to the need to maintain a school environment conducive to learning;
- B. do not discriminate among students;
- C. do not demean students;
- D. do not violate any individual rights constitutionally guaranteed to students.

The Superintendent will designate sanctions for the infractions of rules, 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 interferes 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.

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

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 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 I.C. 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.

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

Consequences for Severely Disruptive Behaviors

Students exhibiting severely disruptive behaviors will be issued consequences in compliance with the progressive discipline plan that corresponds to the degree of severity as well as the number of occurrences for the infraction(s) committed.

<u>1st time</u>	<u>2nd time</u>	<u>3rd time</u>
1 - 2 in school suspensions	1 - 2 in school suspensions	1 - 2 in school suspensions
or	or	or
1-3 out of school suspensions	1 - 5 out of school suspensions	3 - 5 out of school suspensions

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 or school busses 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) *Participate in;* or
2. Requires as a 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 incidents 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 private 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 for 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 the alleged incidents and discuss the availability of counseling and other intention 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 of 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 with 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 the 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. Providing 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

Presented: June 7, 2016

Adopter: June 21, 2016

Short-Term Suspension

Any principal (or designee) may suspend for a period of no more than ten (10) school days. This suspension may deny a student the right to attend school or to take part in any school function until midnight of the last day of suspension. Suspended students are required to make-up their work. Classroom assignments/tests will be provided by the teacher. A student may be suspended on the following grounds:

1. Conduct constituting grounds for expulsion as set out above.
2. Other violation of rules and standards of behavior, the Board approves or receives. Such suspensions shall be made only after the principal (or designee) has made an investigation thereof and has determined that such suspension is necessary to help any student, to further school purposes or to prevent an interference therewith. No suspension may be made without affording the student an opportunity for an informal meeting. At the informal meeting the student is entitled to: *(A) A written or oral statement of the charge(s); (B) If the charges are denied, a summary of the evidence; and (C) The student will be provided an opportunity to explain the conduct.*
3. The meeting shall precede suspension of the student except where the nature of the misconduct requires immediate removal. In such situations, the meeting will follow the suspension as soon as reasonably possible following the date of the suspension.
4. Following the suspension, the parent or guardian of a suspended student will be notified in writing. The notification will include the dates of the suspension, describe the student's misconduct and the action taken by the principal (or designee).

Other Remedies

The Superintendent, Principal, any administrative personnel or any teacher of the school corporation shall be authorized to take any action in connection with student behavior, in addition to the actions specifically provided in this policy, reasonably desirable or necessary to help any student, to further school purposes, or to prevent an interference therewith, such action may include the following:

1. Counseling with a student or group of students;
2. Conferences with a parent or group of parents;
3. Assigning students additional work
4. Rearranging class schedules;
5. Requiring a student to remain in school after regular school hours to do additional school work or for counseling;
6. Restriction of extracurricular activity;
7. Assignment by the Principal of: *(a) a special course of study; (b) an alternative educational program; or (c) an alternative school.*
8. Removal of a student from school sponsored transportation;
9. Referral to the juvenile court having jurisdiction over the student.

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.

Expulsion Procedures

When a principal (or designee) recommends to the superintendent (or designee) that a student be expelled from school, the following procedures will be followed:

1. The Superintendent (or designee) may conduct an expulsion meeting, or may appoint one of the following persons to conduct the expulsion meeting: *(a) legal counsel, and/or (b) A member of the administrative staff who did not expel the student during the current school year and was not involved in the events giving rise to the expulsion.*
2. An expulsion will not take place until the student and the student's parent are given notice of their right to appear at an expulsion meeting.
3. The notice of the right to appear at an expulsion meeting will contain the reasons for the expulsion and the procedure for requesting an expulsion meeting.
4. At the expulsion meeting, the Principal (or designee), will present evidence to support the charges against the student. The student or parent will have the opportunity to answer the charges against the student and to present evidence to support the student's position.
5. If an expulsion meeting is held, the person conducting the expulsion meeting will make a written summary of the evidence heard at the meeting, take any action found to be appropriate and give notice of the action taken to the student and the student's parent(s).

The student or parent has the right to appeal the decision of the person conducting the expulsion meeting to the School Board within ten (10) days of the receipt of notice of the action taken. The student or parent appeal to the School Board must be in writing. If an appeal is properly made, the Board must consider the appeal unless the Board votes not to hear the appeal. If the Board hears the appeal, it will consider the written summary of the expulsion meeting and the arguments of both the school administration and the student and/or student's parent. The Board will then take any action deemed appropriate.

Any expulsion taking effect more than three (3) weeks prior to the beginning of the second semester of any school year must be reviewed prior to the beginning of the second semester. Any expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year.

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.

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

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

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

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

Any student who believes s/he has been or is currently the victim of bullying should immediately report the situation to the building principal or assistant principal or the Superintendent. The student also may report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. This report may be made anonymously. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President. A parent may file a complaint on behalf of a student in the same manner.

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

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

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

If the investigator finds an instance of bullying behavior has occurred, prompt and appropriate action or responses shall be taken to address the 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

SECTION III NON-ACADEMIC INFORMATION

School Day

The school day for students in kindergarten and grades 1 - 4 begins at 7:55 A.M. and ends at 2:15 P.M. Students should not arrive before 7:40 A.M. or later than 7:55 A.M. Students getting a ride home after school must be picked up at 2:15 P.M. Elementary students will be dismissed at 1:15 P.M. on Thursday's for professional development.

Change in Start or End of School Day

Should some unusual situation force a late start or early dismissal of school, please instruct your child where to go if you will not be at home. An Emergency School Closing form is provided at the start of the school year. This should be completed and returned to the school office as soon as possible. In the event of an emergency or severe weather, early dismissals or school closings will be reported on local radio stations, Chicago radio stations, TV stations and posted at www.cancellations.com and emergencyclosings.com. Families may also receive an automated phone message.

Recess

Fresh air and outdoor exercise are important to strong, healthy children. Therefore, we urge parents to see that children are suitably dressed with necessary boots, hats, gloves, etc., so that they may play outside during the winter months. Students will remain indoors when the "real feel" temperature is 15 degrees or less. Children who are ill should be kept at home. Requests to stay inside during recess for more than 3 days must be accompanied by a note from the doctor.

Dress Code

The learning environment must focus 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:

1. Clothes must be of a length and size that is safe for movement in all settings. Pants that drag on the floor may not be worn. Skirts and shorts above the finger length may not be worn. Skirts may not have slits that extend beyond finger length.
2. Clothes may not be worn that are sheer, see-through, expose the midriff or expose underwear.
3. Pants must fit at the waist or a belt **must** be worn to avoid them from falling.
4. Any clothing with words or pictures that promotes violence, alcohol, drugs, tobacco, vulgarities or is destructive to other students in the classroom is prohibited.
5. All students are required to wear or bring tie or Velcro gym shoes (full shoes - not backless or open-toed) and slacks, shorts or sweats on those school days which include physical education.
6. Any clothing or accessories such as makeup, nails, colored hair or hats, etc., that causes distraction or interferes with the educational process are inappropriate for school.
7. Sleeveless tops must have at least a 2 inch wide strap at the shoulder. Spaghetti straps are not appropriate.

8. For the safety of students, flip-flops or other similar footwear are not allowed on the playground equipment.

Violations of the dress code will result in being required to change clothing. Repeated offenses for dress code violations may result in a parent conference, detention or suspension. Additionally, any attire may be considered inappropriate at an administrator's discretion.

Cell Phone/Device

Cameras, cellular communication devices, laser pointers, smart watches and/or similar electronic devices (any personal electronic device) are to be put away once a student enters the building and are not to be used during the school day. MERRILLVILLE COMMUNITY SCHOOL CORPORATION IS **NOT RESPONSIBLE FOR LOST AND/OR STOLEN PROPERTY**. All non-school issued devices are to be kept in the student's backpack during the school day and are not permitted in the desk. Students are not permitted to communicate with their own personal devices during the school day. Phones are available at school at staff's discretion. If a device is visible, it will be confiscated by a staff member and a parent will be contacted to pick up the device. Consequences may be issued if personal devices are used.

Transportation

All students in grades K-4 are provided with free transportation to and from school. Students are expected to ride the school bus to which they have been assigned. Phone calls to the school to make transportation changes must be received before 1:00 p.m. or 12:00 p.m. on early release days.

Transporting children is of much concern to us. Doing so safely is of primary importance, for your child is precious both to you and to us. It must be remembered that the bus driver's job is one of great responsibility and he/she needs the complete cooperation of the passengers for safety's sake. The school bus driver has control over the children on the bus just as the teacher has in the classroom.

It is important for the parents and guardians of a school child to be aware of the general rules for all children. The rules are as follows:

1. Students must follow all school rules and behave appropriately while waiting for the school bus. The student shall be waiting at his/her boarding station 5 minutes before the bus is expected to arrive. The bus will not be able to return for a child if he/she misses the bus.
2. Students must remain sitting in their assigned seat the entire ride.
3. Students must keep their hands, feet and other objects to themselves. Students must use appropriate language and speak softly and kindly.
4. Students shall not tease, scuffle or make loud noises while on the bus.
5. Students are not allowed to open windows or doors unless directed by the driver.
6. No student shall enter or leave the bus until it has come to a full stop.

Consequences for bus rules violations are as follows and will be based on a leveled system as described below:

Level 1: Behaviors include, but are not limited to: out of seat, shouting or yelling, bothering others, eating on the bus, etc.

Level 2: Behaviors include, but are not limited to: non-compliance to adult direction after repeated warnings (disrespect), inappropriate language or gestures, verbal harassment, name calling/teasing, physical confrontation-no injury, theft (minor), etc.

Level 3: Behaviors include, but are not limited to: aggressive behaviors/fighting, sexual harassment, severe defiance of authority, possession/use of alcohol, tobacco, drugs, weapons, continual/extreme harassment (bullying), theft (major) or vandalism, etc.

Consequences for Level 1 Referrals:

Level 1 (1st and 2nd referrals): The driver will call the parent, discuss the issue and give the child a warning. It is hoped that this will correct the problem.

Level 1 (3rd referral): The driver will call the parent and the student will receive 1 day of bus suspension.

Level 1 (4th referral): The driver will call the parent and the student will receive 2 days of bus suspension.
Level 1 (5th referral): The principal will call the parent and the student will receive 3 days of bus suspension.
Level 1 (6th referral): The driver and the principal will meet with the parent and the student. The number of days of bus suspension will be determined by the principal at this meeting.

Consequences for Level 2 Referrals:

Level 2 (1st referral): The driver will call the parent, discuss the issue and give the child a warning.
Level 2 (2nd referral): The driver will call the parent and the child will receive 1 day of bus suspension.
Level 2 (3rd referral): The driver will call the parent and the child will receive 2 days of bus suspension.
Level 2 (4th referral): The principal will call the parent and the child will receive 3 days of bus suspension.
Level 2 (5th referral): The driver and the principal will meet with the parent and the student. The number of days of bus suspension will be determined by the principal at this meeting.

Consequences for Level 3 Referrals:

Level 3 referrals will automatically be referred to the principal. The principal will determine the number of days of bus suspension.

Automatic Suspension or Serious Clause:

In cases that are unusual, deviation from this plan will be determined by the administration. Such examples may include, but would not be limited to, a child exiting the bus through the emergency door, physically interfering with the driver's ability to control the bus, throwing objects out of the windows, etc. Missing the bus or being denied the privilege of riding the bus is not a legitimate reason for being absent from school. In these cases, it is the responsibility of the parent to see that his/her child gets to school by some other means.

Food Services

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 \$7.50 and above. Parents of secondary students will receive emails 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 close and the funds will no longer be available.

Presented: 07/18/2017

Adopted: 08/01/2017

Birthday Treats

To limit the loss of instructional time, student birthday treats will be distributed to students during the lunch period in the cafeteria. No homemade snacks will be distributed to Merrillville students. All snacks must meet the USDA smart snacks requirements. Information on smart snack treats are available in the school office. Individual, prepackaged treats are required. Flowers, balloons, party hats, etc., will not be permitted.

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. **Principals, nurses and office personnel are the only people who have the authority to send students home for apparent sickness and/or injury. Students who call/text home from their phones and it results in a parent pick-up will be considered unexcused. All ill students must see the nurse first for determination if they need to be picked-up.** The nurse should not be used as a personal physician and should be utilized for injury or illness occurring at school.

Students may be excluded from school for the following conditions and diseases:

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.

Merrillville Community School Corporation Medication Policy

1. No medication (prescription medications and over-the-counter medications such as Tylenol) can not 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 year. (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 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 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 medicine 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 students in 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 the 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 has filed a written authorization with the school nurse or building principal. 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; (d) The student is authorized to possess and self-administer the prescribed medication. (Please see the school nurse for the form).*

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 are allowed and must have ingredients clearly listed on the label in order to be served to students in the Merrillville Community School Corporation. In addition, breakfast eaten in the classroom must be prepared by the school. No outside breakfast may be brought into the building.

Health Screening Procedures

All screening will be completed in accordance with Indiana state requirements. Vision screening will be completed in 1st, 3rd 5th and 8th 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 1st grade students. Hearing screening will be completed in 1st, 4th, 7th and 10th grades, on all students new to the Corporation and any student suspected of having a hearing problem.

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, 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.

Immunizations

1. **Indiana Code 20-34-4-2** states that all students, pre K - 12, enrolling in our corporation are required to be immunized against diphtheria, tetanus, pertussis (whooping cough), measles, mumps, rubella, poliomyelitis, hepatitis B and varicella. All students in grades 6 through 12 are required to show proof of immunization against meningitis and a booster against diphtheria, tetanus and pertussis. Below are the current immunization requirements:

2021-2022 School Year Immunization Requirements

	Required	Recommended
Pre-K	3 Hepatitis B 4 DTaP 3 Polio	1 MMR 1 Varicella 2 Hepatitis A Annual Influenza
K-5 th Grade	3 Hepatitis B 5 DTaP 4 Polio	2 MMR 2 Varicella 2 Hepatitis A Annual Influenza
6 th 11 th Grade	3 Hepatitis B 5 DTaP	2 MMR 2 Varicella 2/3 HPV Annual Influenza

	4 Polio 1 MCV4	1 Tdap 2 Hepatitis A	
12 th Grade	3 Hepatitis B 5 DTaP 4 Polio 2 Hepatitis A	2 MMR 2 Varicella 1 Tdap 2 MCV4	2/3 HPV Annual Influenza 2 MenB (Meningococcal)

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.

Emergency Drills

Schools practice emergency drills on a regular basis. Fire drills are conducted once each month. Severe weather drills and lockdown drills are conducted at least twice per school year. The Merrillville Community School Corporation also has a written district-wide Crisis Guide. This guide assists administration and staff in the event that one of our schools should experience an incident requiring emergency guidelines to be followed.

Field Trips/Chaperones

During the course of the school year, parents may be called upon to chaperone class field trips. All adults volunteering to assist with this responsibility should strictly follow the chaperone guidelines below:

1. You are responsible for the children in your group. It is important that you assume responsibility. Do not wait for teachers to correct the students. Assume appropriate parental discipline methods.
2. Control student behavior from the time they leave school until they return, requiring appropriate behavior on the bus to and from the field trip site. Assist in keeping the students seated on the bus.
3. Always stay together, especially in restrooms. Wait outside the door when necessary.
4. Support the goals and decisions of the teachers. If students have been assigned a task, assist them toward its successful completion. When a student misbehaves, encourage the student to understand the problem and correct the behavior.
5. Notify the teacher of anyone in the group who constantly misbehaves or who is injured or too ill to remain with your group.
6. Watch the time and return your group on time for departure.
7. Do not smoke, (this also includes vaping), drink alcoholic beverages or use profanity while on the field trip. Cell phones should not be used during a field trip except in the case of an emergency.
8. Only students in the class for which the field trip is planned can participate in the field trip. Other children, including preschoolers, are not permitted to go on these trips.
9. Parents/Guardians are invited to be chaperones--not cousins, brothers, uncles or other relatives. Requests for an exception should be made directly to the principal with the reasons for such a request.
10. A criminal background check must be completed before any adult can chaperone a school trip.

School and Family Support Services

The School and Family Support Services Program is made up of counseling professionals who are able to provide a variety of services to children, families and school personnel. In cooperation with the home, school and community, the Support Workers provide greater opportunities for children to successfully meet their fullest potential.

School Visitation

The Merrillville Community School Corporation welcomes visits to school by parent/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 be arranged in advance with the building principal when possible.
2. Every visitor to a school must register at the school office and obtain a Visitor's Pass.
3. Sign-in lists showing name, purpose of visit, arrival times and departure time shall be maintained by the school office.
4. Any person who does not register with the school office is on school property illegally and they will be asked to identify themselves properly, get a Visitor's Pass or leave the school's grounds.
5. Use of cell phones is prohibited during the instructional day.

Classroom Visitation

1. Visits to classrooms need to be arranged in advance with the teacher and/or building principal.
2. Visits shall be limited to adult visitors to minimize classroom disruption.
3. Visits shall be limited to one hour per teacher per visit unless the teacher feels a longer visit is warranted.
4. Visitors should arrive between classes or class activities so their entry will be as unobtrusive as possible.
5. It is inappropriate for visitors to speak out, make statements or ask questions of the students or teacher during a visit.
6. Visitors who wish to discuss their visit or any issue with the teacher should make an appointment to meet during non-class time.
7. Visitors other than parents/guardians must have written permission from the parents/guardians before visiting the classroom.
8. Visitors shall sign a confidentiality agreement before an observation.
9. Visitors need to have a limited criminal background check, done by the school.

Lunch Visitation

On occasion, parents may eat lunch with their child in the cafeteria. Procedures for lunch visitation are as follows:

1. No restaurant/fast food may be brought/sent to school.
2. Visitors must register at the school office and obtain a Visitor's Pass.
3. Lunch visitors are asked to visit only the cafeteria.
4. Visitors who wish to discuss their visit or any issue with the teacher or principal, should make an appointment to meet during non-class time.

School Safety/Security

In order to maintain a safe and orderly environment for students and staff, video cameras have been installed throughout the buildings and on all school buses. Periodically administrators or selected personnel shall be required to review various incidents that occur during the school year. To ensure student privacy and confidentiality, only individuals directly involved with the incident are authorized to review these video tapes. In addition, security doors are also in place at the main entrance area of each school. Visitors are required to sign-in at the school office and obtain a Visitor's Pass.

The Merrillville Community School Corporation has a written district-wide School Crisis Guide. This guide assists administration and staff in the event that one of our schools should experience an incident requiring emergency guidelines to be followed.

To create a safer building for all children, we need your cooperation in following a few safety rules:

1. If you would like to go to your child's classroom for any reason, we ask that you make special arrangements in advance with your child's teacher.
2. If you are dropping something off for your child, office personnel will make sure that the item gets to your child.
3. If you have a message for your child, office personnel will make sure that the message gets to your child.
4. If you need to see your child for some reason and it's something with which the office cannot help you, we ask that you wait in the office where we will ask the teacher to send your child.
5. Cell phones should not be used in the school building except in case of an emergency.

Our reason for these rules is twofold. First, we have the safety of all children in mind and we hope that these measures will make our building more secure. We also hope to reduce the loss of instructional time that occurs when there is an unexpected visitor to a classroom.

We appreciate your support and cooperation with these policies in our continued efforts to make our school the best place it can be.

Student Enrollment

It is the policy of the Merrillville Community School Corporation that students who attend Merrillville schools must be legal residents within the district. Every parent/guardian enrolling a student in the Merrillville Community School Corporation must provide a driver's license or other government issued picture identification card along with other proof of residency to be photocopied. Children must be five years old on or before August 1 of the year they start school. Complete registration information follows:

Homeowners

Two (2) of the following three (3) are required:

1. Utility bills (NIPSCO, water, sewer)
2. Deed, contract or mortgage statement
3. Lake County Tax bill

Pending Homeowners

Pending is defined as 30 days prior to occupancy

1. Letter on realtor letterhead of pending purchase and projected date of move-in. It must include the name and address of the purchasing family.
2. Letter on contractor letterhead validating pending construction of home and projected move-in date. It must include the name and address of the purchasing family.
3. Offer to purchase/Purchase Agreement/Contract

Renters/Leases

One (1) of the following two (2) must be provided:

1. Lease Agreement: Must include parent/guardian name on the agreement and the names of all school age children on the agreement as tenants. It must include the name and phone number of the manager/landlord and have a beginning and ending date of agreement.
2. Rent Agreement: Must include parent/guardian name on the agreement and the names of all school age children on the agreement as tenants. It must include the name and phone number of the manager/landlord and have a beginning and ending date of agreement.

In addition, one (1) of the following items is required:

1. Utility bills (NIPSCO, water, sewer)
2. Vehicle Registration
3. TANF (Temporary Assistance for Needy Families) letter for State of Indiana

The school maintains the right to contact the landlord to confirm residency.

Book Rental

All students are required to pay book rental for textbooks, consumable workbooks, testing materials and supplementary materials. Payment should be made at the designated times. Delinquency in book rental payment beyond the final due date established by the Corporation will be handled through a collection agency. Students are responsible for all books issued to them and will be subject to replacement costs if any books are lost or damaged.

Student Withdrawal

Parents or guardians wishing to withdraw a student from school need to stop in at the school office to sign the necessary forms. At that time, a transfer form will be issued to be presented to the new school where the child will enroll. All bills owed the school must be paid and all textbooks must be returned.

Updating Student Information

All parent/guardians of Merrillville School students are required to update student information on Skyward through the Verification of Information process that precedes the beginning of each school year.

SECTION IV PARENT INVOLVEMENT

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 qualifications 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.

SCHOOL INVOLVEMENT

Complete knowledge of:

- Daily schedules and routines of your child's school day
- Special classes such as music, art, physical education, remedial reading
- P.T.O. meetings
- Calendar of events (for the month and the year)
- The teaching staff and their curriculum

HOME-SCHOOL INVOLVEMENT (HOMEWORK)

Planning a Schedule

- Parents and students should design a study schedule on a consistent/regular basis at home
- Create a place to work
- Arrange time to talk with your children
- A master schedule is then drawn up and posted so that anyone may refer to it whenever there is need

Commitment to a Schedule

- Must have quiet study time
- There should be no television during the study time, no radio, no stereo, no friends visiting, etc.
- Parents should be involved in the study time (reading the newspaper and magazines, hobbies, etc.)

Perseverance

- The schedule should not be broken
- A schedule may be modified occasionally

Weaknesses and reluctance to do homework can be overcome when the entire family plans, commits themselves and perseveres in scheduling a quiet time in the daily routine of family life. These points will be very helpful when working with your child and the school.

HOMEWORK POLICY

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 Materials: 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. Amount of Homework:

The amount of homework should be related to student age and type of program being pursued.

1. Elementary: In general, daily minutes of homework should be approximately equal to ten times the grade level. Completion of unfinished daily classroom assignments will be in addition to assigned homework.

C. 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.

D. Conclusion:

Educational research has shown that homework has a definite correlation with student success in school and that increased home study can improve student performance. The ultimate benefit of homework rests in its training of students to become self-reliant, lifelong learners ready to meet life's challenges. However, to effectively achieve these results, three persons must meet specific responsibilities: the teacher, the student and the parent.

SECTION V POLICIES

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, and yearbooks. Student information/picture may be displayed on the 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 their express prior written consent. This written documentation will be added to the student's cumulative file. According to state law "student information" will be provided to the military.

2260- NON-DISCRIMINATION AND ACCESS TO EQUAL EDUCATION 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@mvsc.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 of engaging in the misconduct to work out a mutual resolution.

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

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 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 CFR Part 110 (7/27/93)

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

Title III of the No Child Left Behind Act of 2001

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.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

2266- NON DISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

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@mvsc.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 of engaging in the misconduct to work out a mutual resolution.

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

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 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 CFR Part 110 (7/27/93)

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

Title III of the No Child Left Behind Act of 2001

FAMILY EDUCATION 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 broad outline, this Act provides for the following:

1. The Act concerns the student records of both elementary and secondary schools.
2. The parents' 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 a case, if requested. The parent 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.
9. As an educational institution, we may disclose personally identifiable information from an education record to appropriate persons in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

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 at the principal's office of all schools in the corporation.

MERRILLVILLE COMMUNITY SCHOOL CORPORATION CIVILITY POLICY

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 (hereafter known as "person").

Any person who disrupts or threatens to disrupt normal school and/or office operations (either in person or through electronic means); threatens the health and safety of anyone through harassment or bullying (in person or electronically); 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 (in person or electronically), 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. 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 (in person or electronically) 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 3.42III).

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 filed false charges against an employee or a student in an attempt to demean, harass, abuse or embarrass that individual shall be subjected to sanctions for misconduct set forth in paragraph 5 of this policy.

For employees, appropriate disciplinary action will be taken in accord with negotiated agreements.

CRIMINAL HISTORY INFORMATION (School Board Policy 3.24)

To ensure a safe learning environment for students it is the policy of the Merrillville Community School Corporation to require and collect a criminal history on all individuals having a direct or indirect contact with students or hired for employment. The inquiry into the criminal history must be not more than three (3) months old.

For the complete policy, contact your building principal.

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@mvs.k12.in.us

Hilda Damianick
Assistant Superintendent of Business
6701 Delaware Street
Merrillville, IN 46410

(219) 650-5300 ext 6033
hdamianick@mvs.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. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

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

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

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

SCHOOL CORPORATION SMOKING PROHIBITIONS

Effective August 24, 1994, smoking inside any school corporation building or vehicle and in any outdoor seating area is prohibited, this also includes vaping.

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 creative digital 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 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, digitized 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 any 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.

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 issues and special exemptions granted to some twelfth-grade students under limited circumstances. All exception requests must be submitted to and approved by building principals or assistant principals.

Fraudulent enrollments will be treated as follows:

1. Recommendation 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 not only for payment of tuition, but also for all legal fees and 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.

TRANSFER STUDENTS

- A. The Merrillville Community School Corporation exists for the education of the resident pupils. It is the policy of the Board not to accept transfer students who reside within the boundaries of other school corporations.
- B. Children who enroll in the Merrillville Community School Corporation during the school year shall be in the same grade in which they were previously enrolled unless the principal determines that the child would be inappropriately placed if enrolled at the same grade level.
- C. Students who move from the school corporation may, at the election of the parents or at the election of the student (if eighteen years of age), continue attending school corporation schools without charge until the end of the semester.
- D. In the case of a student who has completed the eleventh grade, the parents of such student or the student (if eighteen years of age) may elect to complete the twelfth year of high school in the Merrillville School system without charge if the school corporation is notified prior to relocation from the school district.
- E. House Bill 1056 provides that a student in good standing may transfer to a Merrillville school if the student's parent is an employee of the Merrillville Community School Corporation and the school corporation has the capacity to accept the student.

7540.03-STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The School Board provides Technology Resources (as defined in Bylaw 0100) to support the educational and professional needs of its students and staff. With respect to students, Corporation Technology Resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The Corporation's computer network and Internet system do not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of Corporation Technology Resources by principles consistent with applicable local, State, and Federal laws, the Corporation's educational mission, and articulated expectations of student conduct as delineated in the Student Code of Conduct. This policy, its related administrative guidelines and the Student Code of Conduct govern students' use of Corporation Technology Resources and students' personal communication devices when they are connected to the Corporation computer network, Internet connection, and/or online educational services/apps, or when used while the student is on Corporation-owned property or at a Corporation-sponsored activity (see Policy 5136).

Users are prohibited from engaging in actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like) when using Corporation Technology Resources. Because its Technology Resources are not unlimited, the Board also has instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using Corporation Technology Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the Corporation's computer network and/or Internet connection).

First, the Corporation may not be able to limit access technologically, through its Technology Resources to only those services and resources that have been authorized for the purpose of instruction, study, and research related to the curriculum. Unlike in the past, when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum

according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the Corporation Technology Resources if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Superintendent or Designee may temporarily or permanently unblock access to websites or online education services/apps containing appropriate material if access to such sites has been blocked inappropriately by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

Parents/Guardians are advised that a determined user may be able to gain access to services and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents may find inappropriate, offensive, objectionable or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications
- B. the dangers inherent with the online disclosure of personally identifiable information
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students online
- D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions or use of specific monitoring tools to review browser history and network, server, and computer logs.

Building principals are responsible for providing training so that Ed-Tech users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of Corporation Technology Resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including

interacting with other individuals on social media and in chat rooms and cyberbullying awareness and response. Users of Corporation Technology Resources (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Students will be assigned a school email account that they are required to utilize for all school-related electronic communications, including those to staff members, peers, and individuals and/or organizations outside the Corporation with whom they are communicating for school-related projects and assignments.

Students are responsible for good behavior when using Corporation Technology Resources - i.e., behavior comparable to that expected of students when they are in classrooms, in school hallways, on other school premises and at school-sponsored events. Communications on Education Technology are often public in nature. General school rules for behavior and communication apply. The Corporation does not approve any use of its Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Students may use Corporation Technology Resources to access or use social media only if it is done for educational purposes in accordance with their teacher's approved plan for such use.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable both civilly and criminally, for uses of Technology Resources that are not authorized by this Policy and its accompanying guidelines.

The Board designates the Superintendent, Assistant Superintendent of Curriculum/Instruction and the Director of Technology as the administrator(s) responsible for initiating, implementing, and enforcing this Policy and its accompanying guidelines as they apply to students' use of Corporation Technology Resources.

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Legal P.L. 106-554 (2000), Children's Internet Protection Act of 2000

47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)

18 U.S.C. 1460

18 U.S.C. 2246

18 U.S.C. 2256

20 U.S.C. 6301 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)

20 U.S.C. 6777, 9134 (2003)

47 C.F.R. 54.500 - 54.523

7540.06-CORPORATION 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.

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