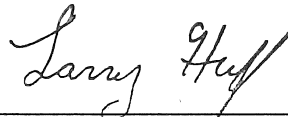


PUBLIC WORK SESSION
OF THE
BOARD OF SCHOOL TRUSTEES
Elkhart Community Schools
Elkhart, Indiana

NOTICE OF MEETING CANCELLATION

Date: Tuesday, August 12, 2025
Time: 6:00 p.m.
Location: J.C. Rice Educational Services Center
2720 California Road
Elkhart, Indiana 46514



Superintendent of Schools

Posted and electronically delivered
to News Media on Thursday,
August 7, 2025 and electronically
delivered to Board Members and School
Attorney on Friday, August 8, 2025.

NOTICE OF EXECUTIVE SESSION
OF THE
BOARD OF SCHOOL TRUSTEES

Elkhart Community Schools
Elkhart, Indiana

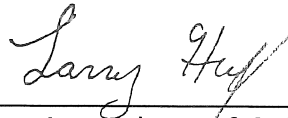
Date: Tuesday, August 12, 2025

Time: 6:00 p.m.

Purpose: Reference Indiana Code Section 5-14-1.5-6.1-(b)-

(6) With respect to any individual over whom the governing body has jurisdiction.

Location: J.C. Rice Educational Services Center
2720 California Road
Elkhart, Indiana 46514



Superintendent of Schools

Posted and electronically delivered to News Media on Thursday, August 7, 2025, and electronically delivered to Board Members and School Attorney on Friday, August 8, 2025.

AGENDA FOR
BOARD OF SCHOOL TRUSTEES
REGULAR MEETING

Elkhart Community Schools
Elkhart, Indiana

August 12, 2025

CALENDAR

Aug	12	6:00 p.m.	Executive Session, J.C. Rice Educational Services Center
Aug	12	7:00 p.m.	Regular Board Meeting, J.C. Rice Educational Services Center
Aug	26	6:00 p.m.	Public Work Session, J.C. Rice Educational Services Center
Aug	26	7:00 p.m.	Regular Board Meeting, J.C. Rice Educational Services Center

- A. CALL TO ORDER
- B. THE ELKHART PROMISE
- C. INVITATION TO SPEAK PROTOCOL
- D. PUBLIC COMMENT
- E. EXCELLENCE OF ELKHART
- F. HUMAN RESOURCES REPORT
- G. LEGAL REPORT
- H. CONSENT ITEMS:

- Minutes – July 22, 2025 – Public Work Session
- Minutes – July 22, 2025 – Regular Board Meeting
- Claims
- Fundraisers
- Extra-Curricular Purchases
- Gift Acceptances
- Conference Leaves
- Overnight Trip Requests
- Grants
- Personnel Report

- I. OLD BUSINESS

Contracts – The administration presents contracts for final consideration.

- J. NEW BUSINESS

Contracts – The administration presents contracts for initial consideration.

Updates to Board Policies – The administration presents recommended updates to Board Policies to ensure compliance with legislation recently enacted by the Indiana General Assembly and signed into law by the Governor. The administration requests waiver of second reading to ensure timely implementation before the start of the school year.

- Board Policy 2221 – Mandatory Curriculum
- Board Policy 2410 – Audio, Video, and Digital Recording of Meetings
- Board Policy 2414 – Reproductive Health and Family Planning and Human Sexuality Instruction
- Board Policy 2416 – Student Privacy and Parental Access to Information
- Board Policy 2461.18 – Recording of IEP Team Meetings/Case Conferences
- Board Policy 2623 – Student Assessment
- Board Policy 3220.02 – Supplemental Payments for Teachers
- Board Policy 5111 – Determination of Legal Settlement and Eligibility for Enrollment of Students Without Legal Settlement in the Corporation; Proof of Indiana Residency
- Board Policy 5200 – Attendance
- Board Policy 5223 – Absences for Religious Instruction
- Board Policy 5517 – Anti-harassment
- Board Policy 5517.01 – Bullying
- Board Policy 5600.01 – Student Discipline
- Board Policy 5605 – Suspension and Expulsion of Students with Disabilities
- Board Policy 5610 – Suspension and Expulsion of Students
- Board Policy 5611 – Due Process Rights
- Board Policy 5771 – Search and Seizure

Updates to Administrative Guidelines – The administration presents recommended updates to Administrative Guidelines to ensure compliance with legislation recently enacted by the Indiana General Assembly and signed into law by the Governor. The administration requests waiver of second review to ensure timely implementation before the start of the school year.

- Administrative Guideline 2221 – Mandatory Curriculum
- Administrative Guideline 2414 – Reproductive Health and Family Planning and Human Sexuality Instruction
- Administrative Guideline 2416 – Procedures for Distribution of Written Consent Forms and Inspection of Materials Used in Connection with Certain Surveys, Analyses, or Evaluations
- Administrative Guideline 2623 – Testing Program
- Administrative Guideline 5600.01 – Student Discipline
- Administrative Guideline 5605.01 – Disciplining Special Education Students
- Administrative Guideline 5605.02 – Disciplining a Section 504 Student
- Administrative Guideline 5610 – Suspension and Expulsion of Students
- Administrative Guideline 5610.02 – In-School Discipline
- Administrative Guideline 5611 – Due Process
- Administrative Guideline 5771 – Search and Seizure

Board Policy 6320 – Purchasing – The administration presents proposed revisions to Board Policy 6320 – Purchasing for initial consideration.

Board Policy 7440.01 – Electronic Monitoring and Recording – The administration presents proposed revisions to Board Policy 7440.01 – Electronic Monitoring and Recording for initial consideration.

Agreements for Residential and/or Non-Residential Services – The administration recommends Board approval of five (5) Agreements for Residential and/or Non-Residential Services for Elkhart Community Schools' students.

2025 – 2026 School Calendar – The administration presents proposed revisions to the 2025 – 2026 School Calendar.

K. INFORMATION AND PROPOSALS

From Superintendent and Staff

From Board

L. ADJOURNMENT

Excellence of Elkhart

August 12, 2025



Excellence of Elkhart

ACADEMICS • ARTS • ATHLETICS



ACADEMICS

Professional Development





ACADEMICS

Kindergarten Readiness





ARTS

First Band & Orchestra Recital





ATHLETICS

Girls Volleyball





ATHLETICS

Elkhart Lions Football Night





FUTURE HAPPENINGS

- **August 12:** Open Houses
- **August 14:** First Day of School
- **August 14:** First Girls Flag-Football Game
- **September 26:** Homecoming

**As always, you can
stay-up-to-date by
following us on social
media**



ElkhartCommunitySchools



Elkhartschools



Elkhart Community Schools



ParentSquare



Human Resources

August 12, 2025



Excellence of Elkhart

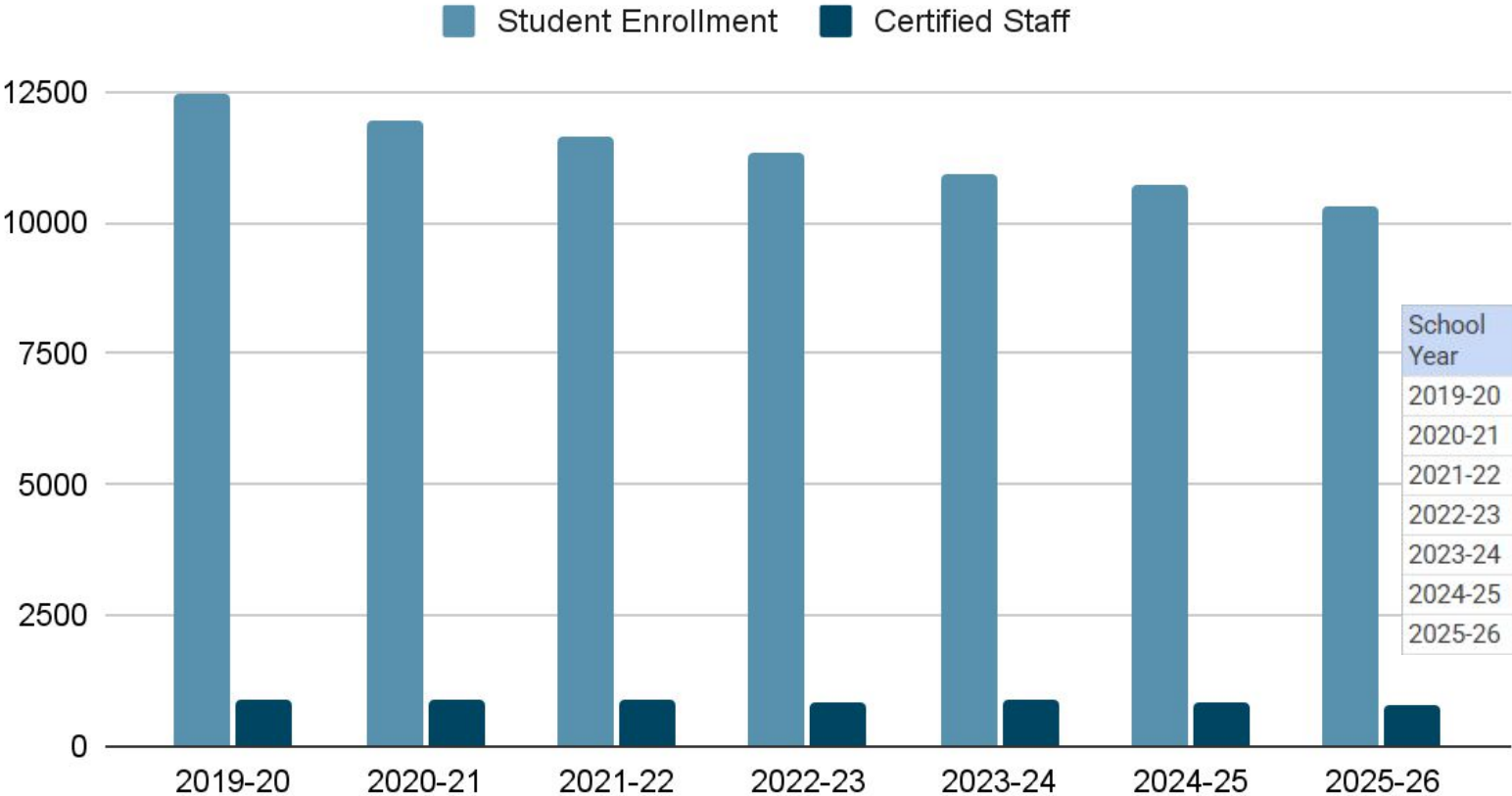
ACADEMICS • ARTS • ATHLETICS



Staffing Overview



Student Enrollment Compared to Teacher FTE



School Year	Student Enrollment	Certified Staff
2019-20	12458	912
2020-21	11940	905
2021-22	11659	869
2022-23	11319	839
2023-24	10932	870
2024-25	10714	835
2025-26	* 10300	786

*Staffing levels based on enrollment projections

Contributing Factors to Hiring Trends

- ❖ ESSER-funded positions
 - EL Family and Community Specialist
 - Social Workers
 - Translator/Interpreter (middle schools only)
- ❖ Increased needs in special education
- ❖ Reclassification of social worker positions (classified to certified)
- ❖ Addition of Literacy Cadre Coach positions (elementary (11))
- ❖ Staffing for 6th-grade transition
 - Counselor (one additional at each middle school)
 - Assistant Principal (one additional at two of the middle schools)
 - Computer Science (three positions at each middle school)

Staffing Considerations

- ❖ Aligning staffing to actual student enrollment vs projections
- ❖ Implementing FTE system controls
 - Provides transparency and minimizes overstaffing
 - Enables accurate reporting aligned with enrollment shifts
 - Will integrate with personnel management system
- ❖ Licensing and certification alignment
- ❖ Adjusting substitute teacher compensation

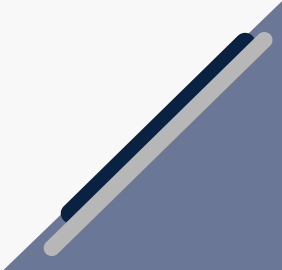


Staffing Review Process

- ❖ Assessment of staffing needs for the 2025-2026 school year began in the spring of 2025.
- ❖ Comprehensive review of all employee groups
 - Administrative
 - Certified
 - Elimination of dean positions
 - Support Staff
- ❖ Collaborated with building principals
- ❖ Data driven decisions aligned with student enrollment

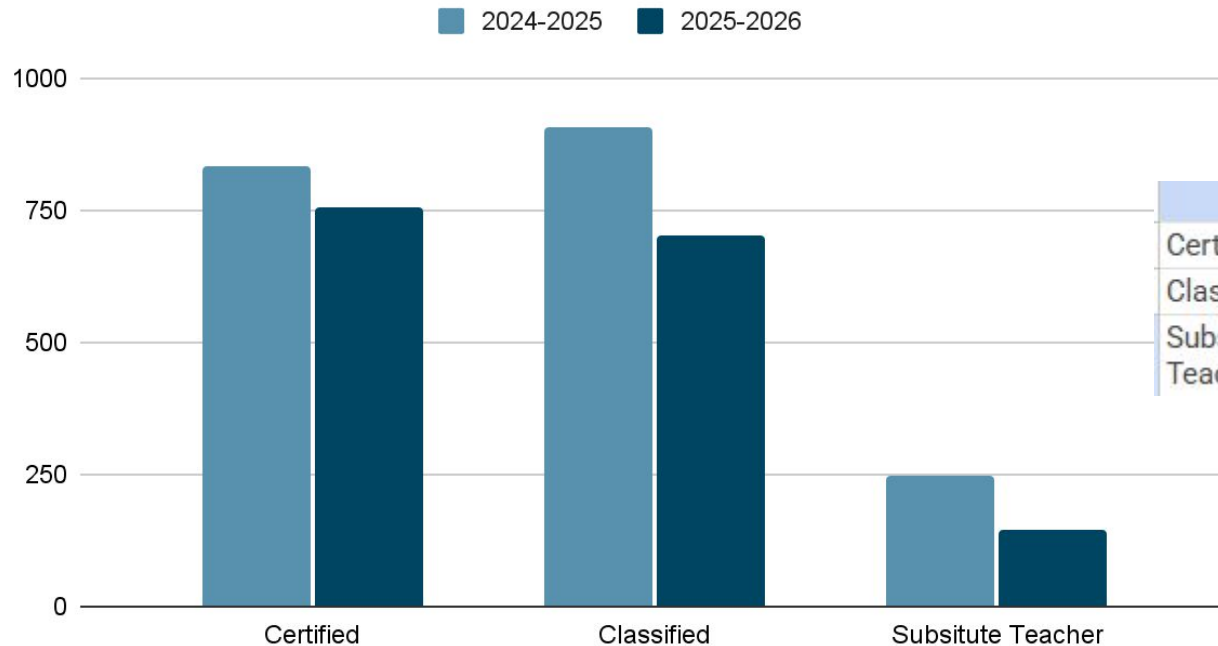


District Staffing Composition



Staffing Comparison

Staffing by Category



	2024-2025	2025-2026
Certified	835	756
Classified	908	703
Substitute Teacher	247	144

*As of 8/8/25

Key Staffing Focus Areas

❖ Certified staff hired

- 2024: 110
- 2025: 41 *

❖ Ongoing needs:

- Math: 7
- Science: 9
- ENL (English as a New Language): 5

❖ Strategies:

- Open Interviews with a focus on math, science, and language arts
- Long-term assignments
- Continuous review of staff placement to align with student need



Thank you



Recently Enacted Indiana Laws

ECS Board of School Trustees
Meeting August 12, 2025



Excellence of Elkhart

ACADEMICS • ARTS • ATHLETICS


State Law Changes

Policy Implications



Human Sexuality Instruction

Senate Enrolled Act 442

- School Board must approve the following:
 - Curricular materials used for instruction on human sexuality
 - Publish on district website: any instructional materials, teachers' manuals, curricular materials, video materials, tapes, etc, used in connection with instruction on human sexuality.
 - Prior to delivery of instruction, provide parents with a written consent form, which includes: An accurate summary of the contents and nature of the instruction, whether the instruction will be provided in a single sex or coed setting, and the gender of the instructor.
 - Instruction must include an ultrasound video of early fetal development and computer generated video of the process of fertilization and fetal development.
- 

Parental Rights

House Enrolled Act 1285

- A school corporation cannot prohibit a parent from recording a meeting related to a child's Individualized Education Program plan.
- Prohibits removal of a student's personal belongings without providing the student's parents with the opportunity to collect the property after the student has died, transferred, withdrawn or dropped out.

Senate Enrolled Act 143

- Affirms parent's fundamental right to direct the upbringing, religious instruction, education or health care of their children.
- Prohibits a governmental entity from advising children to withhold information from parents, or denying access to information in control of the governmental entity
- Instruction must include an ultrasound video of early fetal development and computer generated video of the process of fertilization and fetal development.

Senate Enrolled Act 255

- Timelines for parental notice of bullying investigations have been revised

Absenteeism & Discipline

Senate Enrolled Act 482

- Establishes a definition of “Chronically Absent” which means: missing ten percent (10%) or more of a school year for any reason.
- Expands provisions of state law relating to attendance to cover students in secondary schools
- Lengthens the timeframe within which a school corporation must hold an attendance conference from five (5) instructional days to ten (10) instructional days.
- Prohibits suspension or expulsion for solely on the basis of chronic absences or habitual truancy.

Protection of Children

House Enrolled Act 1412

- Provides that an individual's duty to report suspected child abuse or neglect may only be delegated to another person if certain conditions are met.
- Requires an investigation by law enforcement if the alleged abuser is a staff member, youth coach or volunteer of a institution, school, agency or organization in order to determine whether the entity knew the abuse was happening and failed to report the alleged abuse.
- Factors which law enforcement may consider include:
 - Whether there have been prior allegations against the individual
 - Whether there are disciplinary records related to the individual
 - Whether the entity reported prior allegations

House Enrolled Act 1515

- Legislation requires notice to parents when an allegation of abuse by a school employee is unsubstantiated

MINUTES OF THE
PUBLIC WORK SESSION
OF THE
BOARD OF SCHOOL TRUSTEES

Elkhart Community Schools
Elkhart, Indiana

July 22, 2025

Elkhart High School Little Theatre, 2608 California Road, Elkhart, Indiana
46514 – at 6:00 p.m.

Place/Time

Board Members	Troy E. Scott	Mike Burnett
Present:	Douglas K. Weaver	Dacey S. Davis
	Kellie L. Mullins	Eric Ivory
		Anne M. VonDerVellen

Roll Call

Presenters: Barry Gardner with Policy Analytics LLC

Barry Gardner, with Policy Analytics LLC, presented a financial overview of the district.

Topics
Discussed

The meeting adjourned at approximately 6:42 p.m.

Adjournment

APPROVED:

Signatures

Troy E. Scott, President

Mike Burnett, Member

Douglas K. Weaver, Vice President

Dacey S. Davis, Member

Kellie L. Mullins, Secretary

Eric Ivory, Member

Anne M. VonDerVellen, Member

MINUTES
OF THE REGULAR MEETING
OF THE BOARD OF SCHOOL TRUSTEES

Elkhart Community Schools
Elkhart, Indiana

July 22, 2025

J.C. Rice Educational Services Center, 2720 California Road, Elkhart, Indiana 46514 – at 7:02 p.m.	Place/Time
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Board Members Present:	Troy E. Scott Douglas K. Weaver	Mike Burnett Dacey S. Davis Eric Ivory Anne M. VonDerVellen	Roll Call
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Board Members Absent:	Kellie L. Mullins
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Board President Troy Scott called the regular meeting of the Board of School Trustees to order.	Call to Order
Board Member Mike Burnett recited the Elkhart Promise.	The Elkhart Promise
Coach Todd Sheely recognized the Elkhart High School (EHS) Unified Track team for their back-to-back State Championships, thanking the school administration, athletic directors, booster club, transportation staff, team parents, fellow staff, and coaches for their continued support. He also acknowledged the efforts of the Elkhart Communications Department and Superintendent Larry Huff.	Moment of Pride
Coach Sheely shared that the team has raised \$4,300 toward their goal of \$6,500 to purchase state championship rings and welcomed any additional support. He noted the significance of the team's back-to-back state championships, emphasizing the dedication and unity of this year's athletes. He encouraged all not to take such achievements for granted and offered a perspective on the competitiveness of unified track compared to other high school sports.	
Team captains, Mia Reinholtz and Brennen Crouch, presented Dr. Huff with a state championship medal, baton, and shirt as a gesture of appreciation.	
Student-athlete Hayden Dinehart read "Our Deepest Fear" by Marianne Williamson, a poem featured in the film Coach Carter,	

which Coach Sheely referenced as a meaningful connection to the team's journey. He spoke about the broader impact of the program in fostering inclusion across the school community, highlighting friendships, mentorships, and positive changes in student relationships across ability levels.

Coach Sheely concluded by praising the athletes for their contributions to a culture of inclusion and unity, reinforcing the message that "we are all better together and we are better together this season," and ended with the team's motto, "Light up, Lions."

Wendy Wood, Digital Communications Specialist, shared some of the wonderful things happening in Elkhart Community Schools (ECS) during the Excellence of Elkhart, highlighting Academics, Arts, and Athletics.

Excellence
of Elkhart

In the area of Academics, Mrs. Wood shared that fourteen (14) outstanding students from eight (8) different Elkhart Area Career Center (EACC) programs recently represented Elkhart Community Schools (ECS) at the 2025 SkillsUSA National Leadership and Skills Conference in Atlanta, Georgia. Four (4) students placed in the top ten (10) nationally, with one (1) earning a third-place finish.

Additionally, ECS partnered with the Tolson Center to host "Summer Explorers: Adventures in Health Sciences," a hands-on summer learning experience for rising middle school students. The program, held at the EACC, included CPR training and introduced participants to health science pathways.

In the area of Arts, Mrs. Wood reported that several EHS students were selected through a competitive audition process to perform as members of the Indiana All-State Jazz Choir. These students represented ECS with distinction and highlighted the strength of the district's music program.

Additionally, preparations for the upcoming marching band season are underway, with percussion practice and student drills taking place throughout the high school campus. Beginning band and orchestra students have also started developing their foundational skills for the year ahead.

In the area of Athletics, Mrs. Wood reported the EHS football team recently participated in a scrimmage against two of Indiana's top programs, Hamilton Southeastern and Zionsville, at Indiana Wesleyan University. The athletes performed well and garnered positive attention from IWU coaches. In addition to the competition, students had the opportunity to tour the campus and enjoy time at the pool.

EHS Athletics also marked a historic milestone with the launch of girls' flag football. The team recently held its first-ever practice, reflecting the district's continued commitment to growth, opportunity, and expanding athletic offerings for students.

Some upcoming events across Elkhart Schools include:

- July 25: 1st Annual Elkhart Football Night, 7:00 p.m. at Rice Field
- August 14: First Day of School

For more information about Elkhart Schools, follow us on social media and the ECS website.

Barry Gardner, representing Policy Analytics of Indianapolis, provided the Board with a financial overview of the district. Mr. Gardner, who leads the school's division and brings over twenty-three (23) years of experience in education and school finance, explained that Policy Analytics supports more than eighty (80) school districts across Indiana in understanding and communicating their financial data.

Policy Analytics
Presentation

ECS engaged Policy Analytics to conduct a detailed financial analysis, focusing on trends in expenditures and revenues. Mr. Gardner presented a high-level review, highlighting several concerns about the district's fiscal trajectory.

A key issue identified was the district's declining enrollment, which directly affects funding due to Indiana's per-pupil funding model. As student numbers decrease, so does revenue, while operational and educational costs have continued to rise. Gardner noted that between the 2021–22 and 2023–24 school years, total expenditures increased by eighteen percent (18%), while revenues grew by only five percent (5%).

He emphasized that while modest annual increases in expenditures (3–5%) are typical due to inflation and labor market pressures, Elkhart's increases far exceed those norms. One of the most significant drivers has been special education costs, which have risen substantially, mirroring a statewide trend.

Mr. Gardner detailed that salary and benefit costs have increased by nearly twenty percent (20%) and fourteen percent (14%), respectively, despite a multi-year enrollment decline of approximately one thousand (1,000) students, equating to an estimated \$8–9 million annual loss in revenue. He expressed concern that staffing levels have not been adjusted in proportion to the declining student population, resulting in a structural imbalance.

Additional areas of concern included sharp increases in non-certified salaries, such as those for paraprofessionals, transportation staff, and maintenance workers, especially in the Operations Fund. Mr. Gardner acknowledged that competition with the private sector has made it necessary to raise wages in these areas. He also pointed out significant increases in stipends and additional compensation, with over \$3 million in combined growth in those categories over two years.

The analysis revealed the district is now experiencing a growing and compounding deficit, which may soon impact cash balances if not addressed. He noted federal ESSER funds during the pandemic may have masked the early signs of financial imbalance, creating a temporary buffer that has since disappeared.

In conclusion, Gardner warned that the district's current financial path is unsustainable. He strongly recommended that the district conduct a comprehensive staffing analysis, examining both certified and non-certified staff levels and aligning them with enrollment trends. He emphasized the need for immediate attention to contain expenses, as public-school districts lack the flexibility to increase revenue independently.

Mr. Gardner concluded by offering to support further analysis, including benchmarking Elkhart's expenditures against peer districts. He welcomed any questions from the Board.

Dr. Huff expressed his appreciation to Mr. Gardner and Policy Analytics for their work in analyzing the district's financial picture and helping communicate it to the broader community. He emphasized that such transparency is vital as the district prepares to make important financial decisions moving forward.

Dr. Huff acknowledged the unfortunate timing of the presentation, noting the contrast between celebrating student achievements and discussing financial challenges, and suggested avoiding such scheduling conflicts in the future.

He also pointed out that the district's financial issues are not limited to declining state revenue but also include losses at the federal level, which were not included in the Policy Analytics presentation. Specifically, Dr. Huff shared that on June 30, the district was informed, only six hours before funds were expected, it would lose approximately \$1.2 million in federal funding. These funds had already been earmarked for staffing, services, and professional development, and there is no indication this funding will be restored. He added Title IV funding will also be ending after this year, further compounding financial pressures.

Dr. Huff reflected on the challenges of managing district finances, stating the situation has evolved significantly from what he anticipated when he became superintendent a year and a half ago. While his initial focus was on academic progress, he acknowledged that financial stability is now equally urgent. He pointed to the district's academic, arts, and athletics achievements, which are highlighted in the Impact Report available on the district's redesigned website, and affirmed ECS continues to deliver strong returns on investment for the community.

Nonetheless, he stressed the seriousness of the current financial outlook and reiterated that no solution is off the table. He called on all stakeholders, including teachers, custodians, and community members, to collaborate and help develop strategies for addressing the district's fiscal challenges. Dr. Huff noted the current situation is the result of years of overspending, citing data from the past ten (10) years.

Dr. Huff underscored the urgency of taking corrective action, warning that continued deficit spending could lead to severe consequences, including potential state intervention, where outside organizations could assume control of district operations. He asked Mr. Gardner to speak further on the risks of ongoing financial imbalance and the possibility of state-mandated oversight if the district fails to make necessary changes.

In response to Dr. Huff's inquiry, Mr. Gardner explained the Distressed Unit Appeals Board (DUAB), the state agency responsible for monitoring school district finances, routinely reviews financial data submitted through the Form 9 reporting process. He emphasized that the Board closely monitors trending data such as cash balances and financial sustainability indicators.

Mr. Gardner stated, if DUAB identifies signs of fiscal distress, such as declining cash balances or structural deficits, it will reach out to the district to confirm whether leadership is aware of the situation and whether a corrective action plan is in place. If no plan exists, DUAB will require one and may demand the district begin submitting additional financial documentation, including cash flow projections and detailed expenditure reports.

He acknowledged ECS has already begun preparing this type of documentation, which positions the district proactively; however, he stressed that the district's ability to implement corrective measures independently is essential. Failure to do so could lead to state intervention, in which DUAB may assume control over the district's financial operations to impose necessary corrections.

Mr. Gardner concluded by noting the seriousness of the situation and the importance of timely and decisive action to avoid escalation to state oversight.

Dr. Huff acknowledged the difficult decisions ahead will not be easy but emphasized that true leadership requires the willingness to engage in hard conversations and make necessary changes, even when they are uncomfortable. He reiterated that addressing the district's financial challenges would be a gradual process, requiring ongoing collaboration with the Board, staff, and the broader community. Dr. Huff stressed that his top priority remains ensuring students have outstanding classroom experiences; that mission remains achievable, but it cannot be realized if the district continues its current fiscal path.

Reflecting on his eighteen (18) months as superintendent, Dr. Huff noted internal changes and protocol improvements to strengthen financial oversight have already been implemented. He assured the community that the district is taking the situation seriously and is committed to maintaining transparency by providing regular updates on the corrective measures being implemented.

Dr. Huff concluded by thanking the Board for their support and reaffirmed his belief in the district's ability to recover. He expressed confidence that, with the help of strong leadership and community involvement, ECS will become a destination district in Indiana. He acknowledged that while he was not fully aware of the extent of the district's financial issues when he began his tenure, he is now fully committed to addressing them.

Mr. Scott extended sincere appreciation to Mr. Gardner and Policy Analytics for their work, reiterating that the Board's eyes are wide open, and this is a situation they have been actively discussing for some time.

Reflecting on the resilience of the Elkhart community, Mr. Scott recalled how Elkhart County once held the highest unemployment rate in the nation during the recession but rebounded more quickly than most. This speaks to the determination and strength of the people in the community and those working within the school district.

Mr. Scott expressed confidence in the district's ability to make the appropriate course corrections, recognizing that doing so will take time and require a collaborative effort. He emphasized that with access to accurate and comprehensive historical data, and with strong leadership and a committed team in place, ECS is positioned to turn the situation around.

By unanimous action, the Board approved the following consent items:	Consent Items
Minutes – July 8, 2025 – Regular Board Meeting	Minutes
Payment of claims totaling \$10,313,088.22 as shown on the July 22, 2025, claims listing. (Codified File 2526-007)	Payment of Claims
Proposed school fundraisers in accordance with Board policy. (Codified File 2526-008)	Fundraisers
Extra-curricular purchase requests: West Side/Orchestra Extra-Curricular Fund to purchase violas, cellos, and violins from Quinlan & Fabish Music Company in the amount of \$9,484. These instruments will be loaned to students who are participating in the West Side Orchestra classes.	Extra-Curricular Purchases
The following donations were made to ECS: \$1,000 from Brinkley RV LLC to EHS Football Team to be used to assist with the growth and development of the team; \$1,000 from Welch Packaging Group, Inc. to EHS Football Team to be used to assist with the growth and development of the team; donation of two (2) laparoscopic instrument sets, various laparoscopic bariatric instruments, catheters, chest tubes, mesh, orthopedic implants and suture with an estimated value of \$5,000 from Elkhart General Healthcare Systems, care of Stephanie Jacobs, to EACC to be used by the Surgical Services program for training purposes; and \$4,000 from Elkhart Athletic Club to EHS Athletics to be used to purchase a recruiting platform, The Athletic Academy, to be used by all EHS sports programs.	Gift Acceptances
Conference leave requests in accordance with Board policy for staff members as recommended by the administration on the July 22, 2025, listing. (Codified File 2526-009)	Conference Leaves
Confirmed overnight trip request for EHS Boys Tennis to travel to Silver Creek, Indiana, to participate in a tennis tournament on August 22 – 24, 2025.	Overnight Trip Requests
	Personnel Report
Transfer of the following three (3) certified staff effective August 11, 2025: Jessica Ramirez – Special Education at North Side to Science at North Side Laura Reverman – Special Education at Osolo to Diagnostician at Exceptional Learners	Certified Transfers

Laura Stauffer – ASL at Elkhart High B&IR to Science at West Side	
Administrative resignation of the following one (1) certified staff effective on date indicated: Mindy King – Assistant Principal at Elkhart Academy, 6/30/25	Certified Administrative Resignations
Resignation of the following two (2) certified staff effective on date indicated: Michaela McMillan – Psychologist at Exceptional Learners, 6/3/25 Shayla Yoder – Kindergarten at Bristol, 5/29/25	Certified Resignations
Revision to the retirement date for the following one (1) certified staff effective on the date indicated: Beth Williams – Supervisor of Federal Programs, 10/15/25	Certified Administrative Retirement Revision
Retirement of the following two (2) certified staff effective on date indicated: Laura Corwin – Special Education at Daly, 5/29/25 with 16 Years of Service Gina Piraccini – Psychologist at Exceptional Learners with 8 Years of Service	Certified Retirements
Approval of the following one (1) revision to a certified administrator position description and title change: Dr. Amy Rauch – Assistant Superintendent of Instruction to Assistant Superintendent of Secondary Schools	Certified Position Description
Approval of the following one (1) classified administrative appointment effective on date indicated: Dwight Rhoades – Director of Technology, 7/23/25	Classified Administrative Appointment
Employment of the following three (3) classified employees effective with the 2025-26 school year: Isabell Cantrell – Speech Language Pathology Assistant at PACE, 10/6/25 Michael Gallenberger – Reporter/Editor at WVPE, 9/2/25 Bridget Vogel – Speech Language Pathology Assistant, 10/6/25	Classified Employment
Transfer of the following five (5) classified employees for the 2025-26 school year:	Classified Transfers

<p>Shykila Lawson – Paraprofessional at Freshman Division to Paraprofessional (YAP) at Freshman Division</p> <p>Cory Metcalfe – Data Systems Analyst at Technology to Software Development Instructor at EACC</p> <p>Courtney Pierce – Paraprofessional at Exceptional Learners to Paraprofessional at West Side</p> <p>Anna Prawat – Alternative Paraprofessional at Elkhart Academy to Paraprofessional at West Side</p> <p>Charrell Stevens – Secretary to the Director of Exceptional Learners at Exceptional Learners to Manager of Federal Compliance at Exceptional Learners</p>	
<p>Resignation of the following three (3) classified employees effective on date indicated:</p> <p>Candice Bufkin – Bus Helper at Transportation, 5/29/25</p> <p>Christian Donovan – Security at North Side, 7/16/25</p> <p>Lili Eash – Board Certified Behavior Analyst at Exceptional Learners, 5/29/25</p>	Classified Resignations
<p>Retirement of the following one (1) classified employees effective on date indicated:</p> <p>April Hunt – Food Service at Elkhart High, 5/30/25 with 11 Years of Service</p>	Classified Retirements
<p>Conclusion of employment for one hundred twenty-five (125) classified employees due to the partnership with Chartwell, effective June 30, 2025. (Codified File 2526-010)</p>	Classified Conclusion of Employment
<p>By unanimous action, the Board approved the following contracts, which include changes recommended during the July 8, 2025, Board meeting: Agreement for Services with Emily Lewandowski and Discovery Education. (Codified File 2526-011)</p>	Contracts for Final Consideration
<p>Doug Thorne, District Counsel/Chief of Staff, presented the following contracts for initial consideration: Five Star Life Innovation Learning Grant; NoRedInk Corp; Amergis Healthcare Staffing, Inc.; Instructure, Inc.; Northern Indiana Workforce Board, Inc.; Pristine Rehab Care, LLC; Seesaw Learning, Inc.; Soliant Health, LLC; and Certiport, a Business of NCS Person, Inc.</p>	Contracts for Initial Consideration
<p>By unanimous action, the Board authorized the bulk sale of iPads having reached the end of their lifecycle as presented. (Codified File 2526-012)</p>	Sale of iPads
<p>Mr. Thorne presented proposed revisions to Board Policy 3410.04CS - Substitute Compensation and requested to waive second reading.</p>	Board Policy 3410.04CS

The revisions aim to enhance clarity and transparency for both current and prospective substitute teachers regarding the compensation levels they may be eligible to receive when working for ECS.

By unanimous action, the Board waived second reading and approved Board Policy 3410.04CS – Substitute Compensation.

Ronda Ross, Chief Financial Officer, provided an overview of the district's expenditures from January through June, focusing on the Operations Fund and Education Fund. She reported the district is currently on track with its spending in both funds. The Operations Fund has averaged \$3.3 million in monthly expenditures, with June expenditures at \$3.2 million. The Education Fund has averaged just over \$7.5 million per month, and expenditures for June were approximately \$7.4 million, consistent with the year-to-date trend.

Financial
Report

While acknowledging current spending levels are consistent with prior months, Ms. Ross noted this does not necessarily reflect the ideal long-term financial target. She highlighted a key metric: 97% of expenditures from the Education Fund are allocated to salaries and benefits, which remains higher than desired.

Ms. Ross also presented an update on cash flow sharing that the district received property tax revenue in June, which positively impacted cash flow; however, the district still lacks the desired financial cushion. She stated ongoing collaboration with financial partners, including Policy Analytics, will help the district continue to improve its financial position.

In response to a Board inquiry regarding the 97% salary and benefit expenditure, Ms. Ross explained, based on conversations with long-time professionals in public and school finance, a more desirable range is 92% to 95%, depending on the overall fiscal health of the district and related financial indicators.

Ms. Ross provided an insurance update to the Board, beginning with an overview of ongoing collaboration with the district's partners, Summus and Marathon, to enhance communication processes related to employee benefits. New informational materials are being developed, including QR codes to help staff more easily access and understand their benefits. These materials will be distributed at back-to-school events and posted in staff areas, such as teacher lounges, to increase employee engagement and benefit utilization.

Insurance
Report

Ms. Ross also reported the district's current loss ratio stands at 79%, a metric that reflects the percentage of premiums earned that are paid out in claims and related expenses. She noted that a lower loss ratio is more favorable, and the current year-to-date figure

indicates the district is performing well and trending within expectations.

Superintendent Dr. Huff recognized Jennifer Lee, a member of the Business Office team, who was recently selected by her peers to serve as the District 2 representative. He commended her on this significant accomplishment, describing her as exceptionally friendly, calm, and professional. While acknowledging she may not prefer public recognition, Dr. Huff emphasized how proud he was of her achievement and what it reflects about the strength and effectiveness of the business office team.

From the
Superintendent

He then extended his appreciation to building principals and staff who have worked diligently throughout the week to contact families regarding student registration. He encouraged any families who have not yet registered their children to do so promptly and noted that school staff are available to assist. Dr. Huff thanked Mrs. Brander, administrators, principals, and secretaries for their persistent outreach efforts, which resulted in an increase of approximately 400 student registrations over the course of the past week.

Dr. Huff welcomed all new staff members joining ECS. He gave special recognition to Mr. Rhoades, newly appointed Director of Technology, and congratulated him on presenting during his first board meeting. Dr. Huff affirmed that new employees are joining a caring, committed, and student-focused team, and expressed his excitement for the work ahead in the new school year.

Dr. Huff offered a special thank you to Coach Sheeley and his team, commending them for their exceptional leadership and dedication. He praised the Unified Track program, noting the diverse involvement of students who also participate in programs such as ROTC and orchestra, and highlighting their strong leadership skills and well-rounded development.

He emphasized that such student engagement does not occur without strong adult role models and acknowledged the essential role coaches play in shaping students' experiences. While coaches often avoid the spotlight in favor of recognizing their athletes, Dr. Huff stressed that coaches are often the key to keeping students connected to and invested in school.

Dr. Huff also recognized Ben DeVito, a freshman golfer, for his outstanding accomplishments. Ben competed at the state level and qualified for the USGA Junior Amateur Championships in Dallas, Texas, a prestigious national tournament featuring top junior golfers from across the United States and internationally.

Mr. Scott added that Ben had an impressive performance and noted that participation in such a highly competitive and selective tournament is a remarkable achievement, particularly for a freshman. He congratulated Ben on behalf of the district for representing ECS on a national stage and for his potential future in the sport.

In closing, Dr. Huff expressed his appreciation to all staff and leaders who contributed to the district's athletic programs and noted an exceptional year in athletics overall.

The meeting adjourned at approximately 8:08 p.m.

Adjournment

APPROVED:

Signatures

Troy E. Scott, President

Douglas K. Weaver, Vice President

Kellie L. Mullins, Secretary

Mike Burnett, Member

Dacey S. Davis, Member

Eric Ivory, Member

Anne M. VonDerVellen, Member


[illegible]



WEST SIDE MIDDLE SCHOOL
101 SOUTH NAPPANEE STREET • ELKHART, IN 46514
PHONE: 574-295-4815

ELKHART COMMUNITY SCHOOLS
J.C. RICE EDUCATIONAL SERVICES CENTER
2720 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5500

To: Dr. Huff, ECS Superintendent and Board of Trustees

From: Kathy Enfield/Kerry Leader 

Date: July 29, 2025

Re: Approval for purchase

I am requesting approval for the purchase of 1000 lanyards, safety breakaways, set-up and shipping in the amount of \$1,743.03 from It's Tops. The lanyards will be distributed to students along with their ID's for the school year. The funds are coming from West Side Middle Schools extra-curricular activities account for student IDs. The current balance in this account is \$3788.65.

WHERE LEARNING HAS NO LIMITS

It's Tops

315 S. Union Street
Mishawaka, IN 46544
Mishawaka, IN 46544
574-259-8822

Invoice

Date	Invoice #
7/29/2025	41301

Bill To
West Side Middle School 101 S. Nappanee Street Elkhart, IN 46517

Ship To

S.O. No.	P.O. No.	Terms	Due Date	Rep	Ship Via
34860	Kathie Enfield	Net due in 10 days	8/8/2025	MG	Hand Deliver

[illegible]

By signing for the merchandise, you agree to pay the total balance due within the terms stated on this invoice. In the event payment is not made and It's Tops employs an attorney, signee will be liable for all attorney fees.

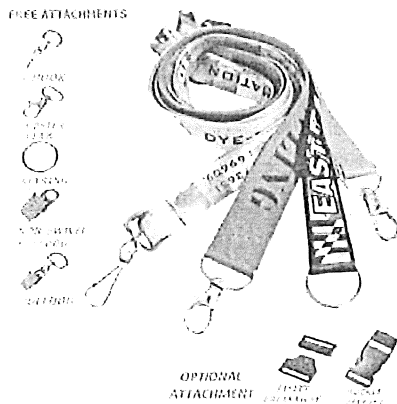
Sales Tax (0.0%)	\$0.00
Total	\$1,743.03
Payments/Credits	\$0.00
Balance Due	\$1,743.03



Its Tops
It's Tops
315 S Union St
Mishawaka, IN 46544
574.259.8822
itstopssales@gmail.com

June 05, 2025

Thank you very much for your interest in our products. I am pleased to provide you with the following promotional products for your consideration.



Item number: VCHIJ-IWRBU

Take your brand on the move with our full color 3/4" dye sublimation lanyards! Your logo or design will be digitally transferred to a micro weaved polyester material - giving them a professional look and style. You can choose from 4 attachments for your next custom printed full color edge to edge printed lanyards including a j-hook, keyring, bulldog clip or lobster claw. Choose any PMS color for the body color and printing color. Hand out these lanyards during your upcoming trade show! 36" L x 3/4" W

Colors: Pms Match, Sublimation, Black, Royal Blue, Navy Blue, Light Blue, Gray Silver, White, Red, Maroon Red, Hot Pink, Pink, Green, Dark Forest Green, Purple, Yellow, Orange, Gold, Lime Green, Kelly Green, Teal Green, Dark Gray, Process Blue, Burgundy Red, Tan, Cardinal Red, Vegas Gold, Brown, Violet Purple

Decoration Information: Sublimation. 36" L x 3/4" W; Front imprint area. Back second imprint area.

Qty	100	300	500	1000	3000
Price	\$2.06	\$1.86	\$1.67	\$1.42	\$1.27

Price Includes: Full color; 2 sides; Wrap-around

Additional Charge Details: Setup: \$45.00; Attachments: J-hook, Lobster Claw, Key Ring, Bulldog Clip, Non-swivel Bulldog, Oval Hook (+0.23), Carabiner Hook (+0.23), Thumb Hook (+0.23), Bulldog w/ Vinyl Snap (+0.23), Dual Attachments: Bulldog w/ Keyring (+0.20), Dual Attachments: Jhook w/ Keyring (+0.20), Dual Attachments: Lobster w/ Keyring (+0.20), Dual Attachments: Bulldog Snap w/ Keyring (+0.20), Plastic Bulldog (+0.20), Plastic J-hook (+0.20), Plastic Keyring (+0.20), Rubber Keyring (+0.20), Black Metal Jhook (+0.20), Black Metal Bulldog clip (+0.20), Black Metal Lobster Claw (+0.20), Black Metal Keyring (+0.20) (V) Optional Features: Safety Breakaway (+0.25), Velcro Safety Breakaway (+0.2), Buckle Release (+0.30), Metal Buckle Release (+1.25), Swivel Buckle Release (+0.25), Cell Phone Loop (+0.25) (V)

Packaging and Delivery: Bulk. 250 units per carton. 7.5 lbs. per carton. Carton dimensions 12"x8"x6". Normal production time is 8 working days. Rush service production time (additional charge) is 5 working days.

ELKHART HIGH SCHOOL
2608 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5600

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

ELKHART COMMUNITY SCHOOLS
J.C. RICE EDUCATIONAL SERVICES CENTER
2720 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5500

DATE: July 25, 2025



TO: Dr. Larry Huff
Board of School Trustees

FROM: Brian Buckley, Athletic Director

RE: Donation Approval

We are in receipt of an extracurricular donation in the amount of \$3,500.00 for the Elkhart Volleyball program. This donation will go towards the purchase of training equipment for all three middle school programs.

I am requesting approval from the Board of School Trustees to accept this donation and that an appropriate letter of acknowledgement and appreciation is sent to:

Bailey's Butterflies
29988 Hickory Lane
Elkhart, IN 46514

Sincerely,

B. Barry

Brian Buckley
Elkhart High School, Athletic Director

ELKHART HIGH SCHOOL
2608 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5600

★ ★

ELKHART COMMUNITY SCHOOLS
J.C. RICE EDUCATIONAL SERVICES CENTER
2720 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5500

DATE: July 25, 2025

TO: Dr. Larry Huff
Board of School Trustees

CS

FROM: Phil Shults (Executive Principal)
Nick Seidl (Teacher/Sponsor)

RE: Donation Approval

Elkhart High School received a donation of \$1,500.00 from CTS Corporation. The donation will be used to purchase supplies, equipment and expenses related to robot construction and attending competitions. I am requesting approval from the Board of School Trustees to accept this donation and that an appropriate letter of acknowledgement and appreciation is sent to:

CTS Corporation
Charity Johnson
905 N West Blvd.
Elkhart, IN 46514



ELKHART AREA CAREER CENTER

ELKHART
COMMUNITY SCHOOLS

INTERNAL MEMO

TO: DR. HUFF
BOARD OF SCHOOL TRUSTEES

FROM: BRANDON EAKINS BE

DATE: JULY 21, 2025

RE: DONATION APPROVAL - EACC

The Elkhart Area Career Center has received a \$300.00 scholarship from International Union of Operating Engineers, Local NO. 150 to cover all expenses related to the SkillsUSA National event for our Diesel Service Technology student participating in the Heavy Equipment Operation contest. The SkillsUSA National competition was held in Atlanta, GA, June 23 through June 27, 2025.

I am requesting approval from the Board of School Trustees to accept this donation and that the appropriate letter of acknowledgement and appreciation is sent to:

International Union of Operating Engineers
Attn: David Fagan
2193 West 84th Place
Merrillville, IN 46410



ELKHART HIGH SCHOOL

2608 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5600

★ ★

ELKHART COMMUNITY SCHOOLS

J.C. RICE EDUCATIONAL SERVICES CENTER
2720 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5500

DATE: 07/23/2025

TO: Dr. Larry Huff
Board of School Trustees

FROM: Brian Buckley & Jacquie Rost
Elkhart High School Athletic Department

Re: Donation Approval - EHS - Athletics


A donation in the amount of \$1,000 has been given to the Elkhart High School Swim & Dive Team, from an anonymous donor. These funds will be used to assist with the growth and development of our Swim & Dive Team.

We are requesting approval from the Board of School Trustees to accept this donation and that an appropriate letter of acknowledgement and appreciation is sent to:

Anonymous

Grant Approvals to Board of School Trustees - 8/12/2025

What is the title of the grant?	What is the name of the granting agency/ entity?	Please list school/entity applying.	Individual/ contact applying for the grant?	What is the amount applied for?	How will the grant funds be used and who will oversee the management of the grant?	Please explain how the grant funds will be used to support the district vision, focus, and goals.	Please outline the grant budget for the funds requested.	What is the grant submission deadline?
STEM Integration Grant: 2025-2026	IDOE	Elkhart Community Schools	Dr. Amy Rauch	\$50,000	Grant funds will be used to increase access to STEM courses, programs, and resources. Dr. Rauch will oversee the management of the grant.	Grant funds will be used to support the district vision, focus, and goals to expand access to high-quality instruction across K-12 schools in order to enhance student participation and achievement in STEM disciplines.	Stipends for professional development. STEM programming or items to enhance student participation and achievement and awareness in STEM disciplines.	8/15/2025
2025-2026 HA Grant	IDOE	Elkhart Community Schools	Lisa Ernsberger	\$95,595	To support high ability staff, training, curriculum, and materials. Lisa Ernsberger will manage the grant.	Every student is known by name, challenged and supported by highly effective staff, and in partnership with the community, will graduate career/college ready and life ready. The HA grant helps to support all HA students, grades K-12, and train the staff to be more highly effective with the HA students.	Salaries/Benefits - HA Coordinators, subs for PD: \$45,000, Teacher Tuition for HA Coursework: \$10,000 Professional Development: \$12,000 Curriculum: \$8,595 Cogat Testing: \$20,000	8/15/2025

 8/6/2025

What is the title of the grant?	What is the name of the granting agency/entity?	Please list school/entity applying.	Individual/contact applying for the grant?	What is the amount applied for?	How will the grant funds be used and who will oversee the management of the grant?	Please explain how the grant funds will be used to support the district vision, focus, and goals.	Please outline the grant budget for the funds requested.	What is the grant submission deadline?
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For Confirmation Only

Putting Learning in Their Hands	Donors Choose	Eastwood Elementary	Brandon Cavanaugh/ Kim Haas	\$440.58	Donors Choose will purchase items on my list for me. All of the items are to improve literacy and language instruction in my classroom.	<p>My DonorsChoose project directly supports Elkhart Community Schools' commitment to academic excellence, equity, and student engagement by providing developmentally appropriate, hands-on learning tools to help all students thrive.</p> <p>Resources that give students personalized, meaningful ways to access reading skills and vocabulary.</p> <p>Materials support a variety of learners, including English learners, emerging readers, and students who benefit from multisensory approaches.</p> <p>Tools like STEM kits and literacy centers enhance instruction aligned with the Core Knowledge Language Arts (CKLA) curriculum, supporting strong foundational reading and comprehension.</p> <p>Fine motor tools and differentiated literacy games allow students to build essential skills early—preventing gaps before they grow.</p>	<p>Early Language Activity Boxes - \$69.99</p> <p>Fairy Tales Problem Solving STEM Kits - \$189.00</p> <p>Aizweb Alphabet Learning Dinosaur Game - \$26.99</p> <p>Learning Resources All About Me Mirrors - \$35.96</p> <p>The Ring Grip - \$23.68</p> <p>Kids Dress-up Vests - \$ 14.99</p> <p>Torlam Elkonin Boxes - Phonemic Awareness Kit - \$19.99</p> <p>It's a Snap! Counting Center (2 sets) - \$59.98</p>	7/31/2025
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HUMAN RESOURCES

ELKHART
COMMUNITY SCHOOLS

TO: DR. LARRY HUFF
FROM: MS. MAGGIE LOZANO
DATE: AUGUST 12, 2025

PERSONNEL RECOMMENDATIONS

CERTIFIED

- a. **Administrative Appointment** – We recommend the approval of one (1) administrative appointment effective August 1, 2025.
- b. **New Certified Staff** – We recommend the approval of nine (9) new certified staff for the 2025-26 school year.
- c. **Certified Staff Transfer** – We recommend the approval of forty (40) certified staff transfers for the 2025-26 school year.
- d. **Separation** - We report the separation of twenty-one (21) employees.
- e. **Retirement** – We report the retirement of four (4) employees who provided a total of seventy-five (75) years of service.

CLASSIFIED

- a. **Administrative Appointment** – We recommend the approval of one (1) administrative appointment effective August 13, 2025.
- b. **New Classified Staff** – We recommend four (4) new classified staff for employment in the 2025-26 school year.
- c. **Classified Staff Transfers** – We recommend the transfer of nine (9) classified staff for the 2025-26 school year.
- d. **Reassignment** – We recommend the reassignment of two (2) classified employees.
- e. **Substitute Teachers** – We recommend the employment of six (6) substitute teachers for the 2025-26 school year.
- f. **Administrative Separation** – We report the separation of one (1) administrator effective August 1, 2025.
- g. **Separation** – We report the separation of fourteen (14) employees.



DISTRICT COUNSEL/
CHIEF OF STAFF

ELKHART
COMMUNITY SCHOOLS

For Final Consideration

TO: BOARD OF SCHOOL TRUSTEES

FROM: W. DOUGLAS THORNE *WDT*
DISTRICT COUNSEL/CHIEF OF STAFF *B*

DATE: AUGUST 8, 2025

RE: CONTRACTS RECOMMENDED FOR BOARD APPROVAL – FINAL CONSIDERATION

The Administration recommends approval of the following contracts. These contracts have been reviewed by the Chief Financial Officer and District Counsel prior to submission to the Board.

Contractor	Requesting Administrator	Description	Funding Source	Amount
Five Star Life Innovative Learning Grant	Lindsey Brander	Recommendation to approve Five Star Innovative Learning Agreement. Fifth grade students at six (6) elementary schools will participate in Innovative at the Summit, Five Star Life's 350-acre campus for six (6) weeks in the fall of 2025 and six (6) weeks in the spring of 2026. This agreement outlines the Innovative Learning opportunity for 5 th grade students at Bristol, Cleveland, Woodland, Beck, Roosevelt, and Pinewood at the Summit in Michigan.	Title I, Title IV, and Full Service Community Schools Grant Also partially funded (\$135,000) through a grant from Community Foundation of Elkhart County	\$110,000

Contractor	Requesting Administrator	Description	Funding Source	Amount
NoRedInk Corp	Lisa Ernsberger	Recommendation to approve renewal of NoRedInk Subscription. No Red Ink has been a valuable resource for our high ability students and educators. Its personalized learning paths, interactive writing activities, and comprehensive grammar exercises have significantly improved our H/A students' writing and language skills, as indicated in ILEARN summative results.	Education Fund	\$5,486.25
Amergis Healthcare Staffing, Inc.	Lindsey Brander	Recommendation to approve agreement with Amergis Healthcare Staffing, Inc. Amergis provides school health services as required by Indiana State law including medical management, health plan management, and immunization services. Students require on-site medical support to ensure a safe and healthy learning environment.	Operations Fund	RN - \$65/per hour LPN - \$47/per hours



Contractor	Requesting Administrator	Description	Funding Source	Amount
Instructure, Inc.	Technology	Recommendation to approve renewal of our Canvas software subscription. Canvas is a Learning Management System (LMS) platform used daily across the district to support teaching and learning. Canvas provides a consistent, organized space for teachers to manage assignments, share instructional materials, and communicate with students and parents.	Education Fund	\$65,939.36
Northern Indiana Workforce Board, Inc.	Brandon Eakins	Recommendation to approve contract between ECS Adult Education program and Northern Indiana Workforce Board (NIWB). The Memorandum of Understanding (MOU) outlines blended services that include dual referrals for adults that access WorkOne offices in effort to make them aware of additional services offered through adult education programs. The partnership could benefit the adult education program by increasing enrollment.		Execution of this agreement does not obligate ECS to any financial commitment



Contractor	Requesting Administrator	Description	Funding Source	Amount
Pristine Rehab Care LLC	Lindsey Brander	Recommendation to approve agreement with Pristine Rehab Care LLC. Pristine Rehab will provide contracted speech and language services for one SLP. Students identified with speech and language impairments are entitled to services through IDEA (2004). Providing this access to services ensures students can fully participate in the general education setting and access general education curriculum.	Education Fund which counts towards the district's obligation for Maintenance of Effort	\$90/per hour
Seesaw Learning, Inc.	Technology	Recommendation to approve renewal of Seesaw software subscription. Seesaw is a Learning Management System (LMS) platform used daily across the district to support teaching and learning by providing a consistent, organized space for teachers to manage assignments, share instructional materials, and communicate with students and parents.	Education Fund	\$30,000



Contractor	Requesting Administrator	Description	Funding Source	Amount
Soliant Health, LLC	Lindsey Brander	Recommendation to approve agreements for contracted speech and language services for SLPs. Students identified with speech and language impairments are entitled to services through IDEA (2004). Providing this access to services ensures students can fully participate in the general education setting and access general education curriculum.	Education Fund which counts towards the district's obligation for Maintenance of Effort	<p>\$104.32 per hour – SLP 1</p> <p>\$100.98 per hour – SLP 2</p> <p>\$104.82 per hour – SLP 3</p>
Certiport, a business of NCS Person, Inc.	Cary Anderson	Recommendation of approval for three (3) contracts for new certification courses at Elkhart High School. Microsoft Office Specialist, QuickBooks, and Autodesk Fusion 360 will be embedded in current EHS Business and Engineering Technology classes to enhance student learning, boost career readiness, and meet current and redesigned Indiana diploma requirements. They also offer Department of Education reimbursement opportunities.	Curricular Technology	\$13,848.80

WDT/crr

Cc: Dr. Larry Huff, Superintendent





DISTRICT COUNSEL/
CHIEF OF STAFF

ELKHART
COMMUNITY SCHOOLS

For First Consideration

TO: BOARD OF SCHOOL TRUSTEES

FROM: W. DOUGLAS THORNE
DISTRICT COUNSEL/CHIEF OF STAFF

DATE: AUGUST 8, 2025

RE: CONTRACTS RECOMMENDED FOR BOARD APPROVAL – FIRST READ

The Administration recommends approval of the following contracts. These contracts have been reviewed by the Chief Financial Officer and District Counsel prior to submission to the Board.

Contractor	Requesting Administrator	Description	Funding Source	Amount
<u>Michiana Public Broadcasting Corporation</u>	Doug Thorne	Recommendation to approve agreement with Michiana Public Broadcasting. The agreement authorizes WVPE to continue broadcasting from Michiana's facility as well as having access to the facility.	WVPE – through revenue generated by WVPE through membership fees and underwriting.	\$32,400
<u>Edmentum</u>	Dr. Amy Rauch	Recommendation to approve Edmentum License for APEX Learning. APEX curricula support high-quality educational programs, promote on-time graduation through credit recovery, and address the diverse learning needs of individualized students.	Curriculum	\$128,220

Contractor	Requesting Administrator	Description	Funding Source	Amount
<u>FrankFilms</u>	Brandon Eakins	Recommendation to approve proposal by FrankFilms. The proposal is for two video campaigns highlighting the success attained by former students of the Elkhart Area Career Center. These videos can be utilized by both EACC and ECS to promote the positive impact district programming has on students.	EACC's READI Grant	\$26,650
<u>ADEC, Inc.</u>	Lindsey Brander	Recommendation to approve Memorandum of Understanding with ADEC related to the delivery of Pre-Employment Transition Services to students with a disability. Pre-employment services are required by the Workforce Innovation and Opportunity Act (WIOA), is monitored by through the state educational agency, and is fully funded by the state.	Paid directly from the State of Indiana to ADEC, Inc.	
<u>SecureW2</u>	DJ Rhoades	Recommendation to approve renewal of SecureW2 Service subscription. SecureW2 provides end users with a streamlined and secure way of connecting their devices to the ECS Wireless network.	Technology	\$23,472.92



Contractor	Requesting Administrator	Description	Funding Source	Amount
<u>IXL Learning</u>	Dr. Amy Rauch	Recommendation to approve renewal purchase of IXL site licenses for grades K-12 in Math and English Language Arts. IXL offers comprehensive, standards-aligned practice that supports our students' individual learning needs while also providing valuable data to inform instruction.	Education Fund	\$155,625
<u>Sprigeo, Inc.</u>	Lindsey Brander	Recommendation to approve Memo of Understanding with Sprigeo, Inc. The agreement grants ECS a license to use the Sprigeo online reporting system. The platform allows students, staff, and community members to anonymously report bullying or safety concerns. Sprigeo is part of our Bullying Prevention and Investigation Plan.	ProjectAware	\$10,150
<u>Amergis Healthcare Staffing, Inc.</u>	Lindsey Brander	Recommendation to approve contract buyout for one Amergis nurse. The district will realize significant savings by employing the nurse rather than continuing to pay Amergis for services.	Education Fund – Nursing Services	\$7,041.45



Contractor	Requesting Administrator	Description	Funding Source	Amount
<u>Education Advanced</u>	DJ Rhoades	Recommendation for renewal of subscription to the evaluation software provided by Education Advanced. This platform offers administrators a comprehensive and efficient system for evaluating staff, helping ensure the district retains and supports highly effective personnel. In addition to streamlining the evaluation process, the software enables administrators to deliver real-time feedback, allowing for timely support, early identification of potential issues, and opportunities for continuous improvement.	Operations	\$24,382
<u>Relayhub, LLC</u>	Lindsey Brander	Recommendation to approve service agreement with Relayhub. Relayhub is a Medicaid billing provider offering a more targeted support and compliance monitoring than our current provider.	Medicaid reimbursement	7.5% of ECS monthly Medicaid Reimbursement



Contractor	Requesting Administrator	Description	Funding Source	Amount
<u>SweetHawk</u>	DJ Rhoades	Recommendation for approval to renew SweetHawk Super Suite plugin for Zendesk ticketing system. The system allows tech services to create parent tickets, scheduled tickets, follow-up tickets, and an approval workflow system. The functions help to simplify work flows and increase department efficiency freeing up technical resources to better support staff and students.	Operations	\$6,240
<u>LoveWay, Inc.</u>	Lindsey Brander	Recommendation to approve Memorandum of Understanding with LoveWay, Inc. LoveWay will provide equine-assisted services to students with IEPs and 504 plans offering expanded skills and access to curricular resources that meet their needs and help them access the educational setting.	Transportation	Cost of transportation to and from Loveway

WDT/crr

Cc: Dr. Larry Huff, Superintendent





DISTRICT COUNSEL/
CHIEF OF STAFF

ELKHART
COMMUNITY SCHOOLS

INTERNAL MEMO

TO: BOARD OF SCHOOL TRUSTEES

FROM: W. DOUGLAS THORNE
DISTRICT COUNSEL/CHIEF OF STAFF

DATE: AUGUST 8, 2025

RE: POLICIES RECOMMENDED FOR APPROVAL ON AUGUST 12, 2025

At the August 12, 2025 meeting of the Board of School Trustees, the administration will present a substantial number of proposed revisions to existing policies for your consideration and approval.

The Administration will be recommending that the Board waive second reading to ensure these revised policies are adopted and in place before the first student attendance day. Each proposed revision reflects recent changes to Indiana state law or updates to federal regulations affecting educational institutions.

A summary of the proposed policy revisions is provided below:

- Policy 2221 – Mandatory Curriculum
Revised to align with changes made by SEA 442 (Instruction on Human Sexuality).
- Policy 2410 – Audio, Video, and Digital Recordings of Meetings
Updated to reflect the addition of I.C. 20-26-5-45 by HEA 1285, which prohibits school corporations from restricting parents from recording IEP meetings.
- Policy 2414 – Reproductive Health and Family Planning and Human Sexuality Instruction
Revised to incorporate amendments to I.C. 20-30-5-13 made by SEA 442.
- Policy 2416 – Student Privacy and Parental Access to Information
Updated to reflect changes to I.C. 20-30-5-17 under SEA 442.
- Policy 2461.18 – Recording of IEP Team Meetings/Case Conferences
Updated to reflect the addition of I.C. 20-26-5-45 by HEA 1285, which prohibits school corporations from restricting parents from recording IEP meetings.
- Policy 2623 – Student Assessment
Amended to reflect changes to I.C. 20-32-8.5-2 introduced by HEA 1499.
- Policy 3220.02 – Supplemental Payments for Teachers
Proposed new to incorporate amendments to I.C. 20-28-9-1.5, I.C. 20-29-2-6, and I.C. 20-29-6-3 enacted through SEA 249.

- Policy 5111 – Determination of Legal Settlement and Eligibility for Enrollment
Revised in response to HEA 1064, which removed the prohibition on student transfers based solely on athletic reasons (I.C. 20-26-11-32).
- Policy 5200 – Attendance
Revised to reflect changes enacted by HEA 482 (Absenteeism and Student Discipline).
- Policy 5223 – Released Time for Religious Instruction
Updated in accordance with revisions to I.C. 20-33-2-19 under SEA 255.
- Policy 5517 – Anti-Harassment
Modified to remove the parenthetical “(including gender status, sexual orientation, and/or gender identity)” in light of the U.S. Department of Education’s current interpretation of Title IX.
- Policy 5517.01 – Bullying
Revised to reflect changes to I.C. 20-33-8-13.5(a) under SEA 255.
- Policy 5600.01 – Student Discipline
Proposed new to incorporate I.C. 20-33-8-16.5, added by SEA 482, which prohibits suspension or expulsion solely on the basis of chronic absenteeism or truancy.
- Policy 5605 - Suspensions and Expulsion of Students with Disabilities
This policy has been revised to incorporate the new Indiana Code provision added by SEA 482, prohibiting suspension or expulsion solely on the basis of chronic absenteeism or truancy.
- Policy 5610 – Suspension and Expulsion of Students
Updated to reflect provisions added by SEA 482, noted above.
- Policy 5611 – Due Process Rights
Revised to include a technical correction referencing I.C. 20-33-8-18 and to align policy language with current district standards.
- Policy 5771 – Search and Seizure
Amended to include I.C. 20-33-7-5, added by HEA 1285, requiring that parents be given the opportunity to collect a student’s belongings following death, transfer, dropout, or withdrawal.

Please contact me with any questions regarding these proposed revisions.

In addition to changes to the policies listed above, the administration has also developed several administrative guidelines that provide direction and guidance related to the implementation of these policies. Listed below are those administrative guidelines:

- AG 2221 – Mandatory Curriculum
- AG 2414 – Reproductive Health and Family Planning and Instruction on Human Sexuality
- AG 2416 – Procedures for Distribution of Written Consent Forms and Inspection of Materials Used in Connection with Certain Surveys, Analyses, or Evaluations
- AG 2623 – Testing Program
- AG 5600.01 – Student Discipline
- AG 5605.01 – Disciplining Special Education Students



- AG 5605.02 – Disciplining a Section 504 Student
- AG 5610 – Suspension and Expulsion of Students
- AG 5610.02 – In-School Discipline
- AG 5611 – Due Process
- AG 5771 – Search and Seizure

WDT/crr

Cc: Dr. Larry Huff



Book	Policy Manual
Section	2000 Program
Title	Proposed Revised - MANDATORY CURRICULUM
Code	po2221
Status	First Reading
Adopted	November 22, 2016
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2221 - MANDATORY CURRICULUM

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

- A. The Constitution of the United States and of Indiana in grades 6 through 12
- B. the system of government in Indiana and the United States, methods of voting, party structures, election laws, and the responsibilities of citizen participation in government and in elections in grades 6 through 12
- C. American History in high school
- D. safety education in grade 8
- E. the principles of hygiene and sanitary science in grade 5, at a minimum
- F. the spread of disease by rats, flies, and mosquitoes, and its effects, and of disease prevention by the proper selection and consumption of food
- G. the nature of alcoholic beverages, tobacco, prescription drugs, ~~narcotics~~ **controlled substances**, and their effects on the human system and society at large in grades K through 12
- H. ~~Acquired Immune Deficiency Syndrome (AIDS)~~ **Human Immunodeficiency Virus (HIV)**, and to the extent possible, instruction on other ~~dangerous~~ **serious** communicable diseases
- I. ~~instruction on human sexuality or sexually transmitted diseases including instruction that abstinence from sexual activity outside of marriage as the expected standard for all school-age children, abstinence is the only certain way to avoid sexually transmitted diseases, pregnancy, and other associated health problems. The best way to avoid sexually transmitted diseases and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage~~ **instruction on human sexuality or sexually transmitted infections in grades 4 through 12, including: 1) abstinence from sexual activity outside of marriage as the expected standard for all school-age children, 2) abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted infections, pregnancy, and other associated health problems, 3) the best way to avoid sexually-transmitted infections and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage, 4) age appropriate instruction concerning the importance of consent to sexual activity between two (2) individuals, and 5) an in-person presentation on human growth and development during pregnancy that is medically accurate and age appropriate and includes the ultrasound video and computer generated rendering or animation outlined in I.C. 20-30-5-13; however, if the course is 100% virtual, a virtual presentation that meets these requirements may be provided instead.**

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

or discussion regarding human sexuality, the teacher shall direct the student to address such matters with their parent or guardian and shall provide a timely notification to the parent or guardian of the student regarding the nature of the discussion.

- J. instruction regarding breast and testicular cancer, including the significance of early detection through self-examination, and in the case of breast cancer, regularly-scheduled mammograms in high school health curriculum
- K. career awareness and career development, employment matters, and work values in grades 1 through 12
- L. human donor program and blood donor program as part of the high school health education curriculum
- M. good citizenship instruction
- N. ~~personal financial responsibility and financial literacy in grades 6 through 12~~ bullying prevention instruction not later than October 15 of each school year in grades 1 through 12 (see also Policy 5517.01 - Bullying)
- O. ~~bullying prevention instruction not later than October 15 of each school year in grades 1 through 12 (see also Policy 5517.01)~~
- P. daily physical activity, which may include recess for students in full day kindergarten programs and other students in elementary school
- Q. dating violence instruction including warning signs, basic principles of prevention, and methods of parent education and outreach for grades 6 through 12 (see also Policy 5517.01 - Bullying)
- R. child abuse and child sexual abuse education for grades 2 through 5 (see also Policy 5517.01)
- S. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications (see Policy 7540.03 - Student Technology Acceptable Use and Safety)
- T. the dangers inherent with the online disclosure of personally identifiable information (see Policy 7540.03 - Student Technology Acceptable Use and Safety)
- U. the consequences of unauthorized access (e.g. "hacking"), cyberbullying and other unlawful or inappropriate activities by students online (see Policy 7540.03 - Student Technology Acceptable Use and Safety)
- V. morals instruction as defined by Indiana Code
- W. instruction in cardiopulmonary resuscitation and use of an automated external defibrillator as part of the high school health education curriculum
- X. instruction in Language Arts, Mathematics, Social Studies and Citizenship, Sciences, Fine Arts, and Health Education and Physical Fitness, and Computer Science
- Y. a course in personal financial responsibility in high school for all students expected to graduate in 2028 or after
- Z. a course in personal financial responsibility in high school for students expected to graduate in 2026 or 2027 from schools that opt into the New Indiana Diploma, if the student elects to pursue the New Indiana Diploma requirements
- AA. Indiana studies as an elective course in high school
- AB. ethnic studies as an elective course in high school
- AC. civics in grade 6, 7, or 8

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

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

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

Before a school may provide a student with instruction on human sexuality, the school shall provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent to instruction pursuant to I.C. 20-30-5-17(d) and (e). The consent form must include the following information: 1) an accurate summary of the contents and nature of the instruction on human sexuality that will be provided, 2) whether the instruction on human sexuality will be taught to male and female students in a unified setting or in separate settings, 3) whether the instruction on human sexuality will be provided by a female or male instructor, and 4) a statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. If the consent form is sent in an electronic format, the form must include a link to the list of instructional materials published on the Corporation's website. Before a student can be administered a personal analysis, evaluation or survey by a third party vendor under I.C. 20-26-21, the school shall provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent for administration that complies with I.C. 20-26-21-4(b) and (c). Before a student can be administered a personal analysis, evaluation or survey by a school that meets the criteria listed in I.C. 20-30-5-17(c), the school shall provide the parent of the student or the student, if the student is an adult or emancipated minor, with a written request for consent for administration that complies with I.C. 20-30-5-17(c).

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

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

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

The Board shall publish on the Corporation's website a list of all instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes and other materials, used in the instruction on human sexuality. No Corporation school shall use curricular materials to provide instruction on human sexuality that have not been approved by the Board under I.C. 20-26-12-24.

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

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

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

See also Policy 2414 - Reproductive Health and Family Planning and Human Sexuality Instruction and Policy 2416 - Student Privacy and Access to Parental Information.

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

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I.C. 20-30-5

511 IAC Article 6

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

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

18 U.S.C. 2246

18 U.S.C. 2256

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

20 U.S.C. 6777

20 U.S.C. 9134 (2003)

47 C.F.R. Part 54

Book	Policy Manual
Section	2000 Program
Title	Proposed Revised - AUDIO, VIDEO, AND DIGITAL RECORDING OF MEETINGS
Code	po2410
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2410 - ~~AUDIO-AND-~~ VIDEO, AND DIGITAL RECORDING OF MEETINGS

The School Board believes that the education of children is a joint responsibility, one it shares with the parents of the school community. The Board realizes it has the responsibility of protecting the rights of students in keeping and sharing student records.

Pursuant to State law, the Board shall not adopt a policy or otherwise prevent the parent of a student from recording a meeting concerning the student's individualized education program (IEP). Parents may record an IEP Team meeting or case conference. See Policy 2461 - Recording of IEP Team Meetings/Case Conferences for the procedure for such recordings.

The recording of meetings, such as parent-teacher conferences, meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like is prohibited unless it is necessary in order for a parent, authorized representative of a parent, or other meeting participant to meaningfully participate in the educational process, or otherwise necessary to implement other parental rights under Section 504 of the Rehabilitation Act of 1973, as amended, and/or the Americans with Disabilities Act, as amended.

- A. If a parent believes that recording such a meeting is necessary, they shall notify the Superintendent, Principal, or Director of Student Services in writing, preferably at least two (2) school days before the meeting, of their desire to record the meeting and the reason the recording is required. The Superintendent shall notify the parent at least one (1) school day before the meeting whether they intend to grant or deny the parent's request to record the meeting.
- B. If the Corporation representative denies the request, they shall state in writing the reasons for the denial. Authorized exceptions to the general prohibition against the recording of meetings typically shall involve situations when a parent, authorized representative of a parent, or other meeting participant has a disability recognized under Section 504/ADA or a language barrier that would preclude the individual's ability to understand and/or meaningfully participate in the educational process. The Corporation representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to record the meeting, they must use their own recording device and tapes or disks, and the Corporation similarly shall record the meeting.

The requirements of this policy shall not be interpreted to be in conflict with the provisions of Policy 5136 - Use of Personal Communication Devices as it pertains to recordings. Nor shall the requirements of this policy be interpreted to extend to school-sponsored public events, where there can be no expectation of privacy. A school-sponsored public event is any school-related activity, whether free or at which an admission fee is charged, that members of the public may attend. These include but are not limited to athletic competitions, plays, musical performances, awards ceremonies, and graduation ceremonies. See Policy 9160 - Public Attendance at School Events for additional information about restrictions on recording at such events.

If the School Corporation audio or video records or otherwise digitally records meetings, such as parent-teacher conferences, meetings under Section 504 of the Rehabilitation Act, discipline-related conferences and the like, the resulting recording shall become a part of the student's educational record and shall be maintained in accordance with State and Federal law.

I.C.20-26-5-4

I.C. 20-26-5-45

po2461 - RECORDING OF IEP TEAM MEETINGS/CASE CONFERENCES

po5136 - PERSONAL COMMUNICATION DEVICES

po9160 - PUBLIC ATTENDANCE AT SCHOOL EVENTS

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Meetings such as parent teacher conferences, case conferences, meetings under Section 504 of the Rehabilitation Act, discipline related conferences and the like, may be audiotaped with the permission of the building administrator but may also be recorded by the School Corporation. Any tape made by the Corporation will become a part of the student's file and is governed by the requirements of the Family Educational Rights and Privacy Act. Such meetings will not be video recorded under any circumstances.

In making a decision whether a meeting is to be audiotaped, the building administrator will consider the following:

- A. the importance, to both parents and the Corporation, of having a verbatim record of the hearing
- B. the ability or inability of all necessary parties to be present in person or by phone at the meeting
- C. the length and the complexity of the meeting
- D. past dissatisfaction with written notes from former meetings
- E. any other circumstances which have a direct bearing on the quality/success of the meeting

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Book	Policy Manual
Section	2000 Program
Title	Proposed Revised - REPRODUCTIVE HEALTH AND FAMILY PLANNING AND HUMAN SEXUALITY INSTRUCTION
Code	po2414
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Last Reviewed	August 12, 2025

2414 - REPRODUCTIVE HEALTH AND FAMILY PLANNING AND HUMAN SEXUALITY INSTRUCTION

The School Corporation Board believes that provision should be made for the teaching of reproductive health, family planning, and the recognition, prevention, and treatment of sexually-transmitted diseases/infections, as essential ingredients in a comprehensive school health education curriculum in grades 4 through 12. Instruction on human sexuality shall be provided only to students in grades 4 through 12. However, a School Corporation employee is not prohibited from responding to a question from a student in prekindergarten through grade 3 regarding human sexuality. As required by State law, the curriculum shall also include the teaching of abstinence. Teachers who provide instruction on human sexuality or sexually transmitted infections shall:-

- A. teach abstinence from sexual activity outside of marriage as the expected standard for all school age children;
- B. include in the instruction that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted infections, and other associated health problems;
- C. include in the instruction that the best way to avoid sexually transmitted infections and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage;
- D. include age appropriate instruction concerning the importance of consent to sexual activity between two (2) individuals; and
- E. include in the instruction an in-person presentation on human growth and development during pregnancy that is medically accurate and age appropriate and includes a high definition ultrasound video at least three (3) minutes in duration showing the development of the brain, heart, sex organs and other vital organs in early fetal development and a high quality computer generated rendering or animation showing the process of fertilization and each stage of fetal development inside the uterus noting significant markers in cell growth and organ development for every week of pregnancy from fertilization to birth; however, if the course is 100% virtual, a virtual presentation that meets these requirements may be provided instead.

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

- A. An accurate summary of the contents and nature of the instruction on human sexuality that will be provided to the student.
- B. Whether the instruction on human sexuality will be taught to male and female students in a unified setting or in separate settings.
- C. Whether the instruction on human sexuality will be provided by a female or male instructor.
- D. A statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality.

The written consent form may be sent in an electronic format. If the written consent form is sent in an electronic format, the form must include a link to the list of instructional materials published on the Corporation's website.

The Board shall approve all curricular materials used in the instruction of human sexuality, pursuant to I.C. 20-30-5-13(c).

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

I.C. 20-30-5-12

I.C. 20-30-5-13

I.C. 20-30-5-17

I.C. 20-34-3-17

Cross References

po2221 - MANDATORY CURRICULUM

po2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

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

Book	Policy Manual
Section	2000 Program
Title	Proposed Revised STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION
Code	po2416
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2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

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

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

The written consent form for a personal analysis, an evaluation, or a survey described above shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey. The Board directs the Superintendent to develop a procedure for distribution of the written consent form.

Additionally, no student shall be required, without prior written consent of the student, if an adult or emancipated minor, or the student's parent if an unemancipated minor, to submit to or participate in any personal analysis, evaluation, or survey administered by a third party vendor that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings. A request for written consent shall include an explanation of the reasons for a personal analysis, evaluation, or survey administered by a third party vendor. The Corporation or school shall post a copy of a personal analysis, evaluation, or survey administered by a third party vendor on the Corporation or school website.

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

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

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

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

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

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

See also Policy 2221 - Mandatory Curriculum.

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

The Superintendent is directed to provide notice to parents of students enrolled in the Corporation of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the Corporation, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

Parental Notification Regarding Identification

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

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

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

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

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

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

The Superintendent is directed to provide notice directly to parents of students enrolled in the Corporation of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the Corporation, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

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<https://go.boarddocs.com/in/elkh/Board.nsf/Public#>

Book	Policy Manual
Section	2000 Program
Title	Proposed New - RECORDING OF IEP TEAM MEETINGS/CASE CONFERENCES
Code	po2461.18
Status	First Reading
Last Reviewed	August 12, 2025

2461.18 - RECORDING OF IEP TEAM MEETINGS/CASE CONFERENCES

Pursuant to State law, the School Board shall not adopt a policy or otherwise prevent the parent of a student from recording a meeting concerning the student's individualized education program (IEP).

In order to facilitate the parent's ability to fully participate in the IEP process, parents of students with disabilities are permitted to record IEP Team meetings or case conferences in accordance with the procedures set forth below.

- A. Parent(s) wishing to record an IEP Team meeting or case conference shall utilize their own recording device and tapes or disks and are requested to provide notice to the School Corporation that they will record the meeting prior to the date of the scheduled IEP Team meeting or case conference.
- B. If the parent(s) elect(s) to record an IEP Team meeting or case conference, the Corporation also shall record the meeting/case conference.

For purposes of this policy, a recording is defined as the capture of a person's or a group of persons' voice(s) and/or image(s) through audio and/or video tape, digital, or other electronic means.

The requirements of this policy shall not be interpreted to be in conflict with the provisions of Policy 5136 - Use of Personal Communication Devices as it pertains to recordings. Nor shall the requirements of this policy be interpreted to extend to school-sponsored public events, where there can be no expectation of privacy. A school-sponsored public event is any school-related activity, whether free or at which an admission fee is charged, that members of the public may attend. These include but are not limited to athletic competitions, plays, musical performances, awards ceremonies, and graduation ceremonies. See Policy 9160 - Public Attendance at School Events for additional information about restrictions on recording at such events.

If the Corporation audio or video records or otherwise digitally records an IEP Team meeting or case conference, the resulting recording shall become a part of the student's educational record and shall be maintained in accordance with State and Federal law.

I.C. 20-26-5-45

Cross References

po2410 - AUDIO, VIDEO, AND DIGITAL RECORDING OF MEETINGS
 po5136 - PERSONAL COMMUNICATION DEVICES
 po9160 - PUBLIC ATTENDANCE AT SCHOOL EVENTS

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Book	Policy Manual
Section	2000 Program
Title	Proposed Revised - STUDENT ASSESSMENT
Code	po2623
Status	First Reading
Adopted	November 22, 2016
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Last Reviewed	August 12, 2025

2623 - STUDENT ASSESSMENT

The School Board, in compliance with law and rules of the State Board of Education, shall implement the State Board-approved statewide achievement test to assess student achievement and needs in English/language arts, mathematics, social studies, science, and other designated subjects in order to determine the progress of students and to assist them in attaining School Corporation and Indiana Department of Education (IDOE) goals.

Student test scores on statewide assessments may be utilized in making placement decisions; provided, however, a student's score on the state assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.

Additionally, the Board shall administer any end of course exams as may be required by the State Board in grades 9 through 12.

IREAD-3 Assessment

The Board shall comply with the requirements of the State Board of Education in administering the Indiana Reading Evaluation and Determination (IREAD-3) Assessment to students enrolled in grade 2 and grade 3.

A student in grade 2 who is at risk of not being reading proficient as indicated on the IREAD-3 Assessment shall be offered summer school participation in reading remediation. In grade 3, the student will be administered the IREAD-3 Assessment again. A student in grade 3 who is not reading proficient as indicated on the IREAD-3 Assessment shall be offered summer school participation in reading remediation. All grade 3 students failing the IREAD-3 Assessment will have an opportunity to retake the IREAD-3 Assessment at least two (2) times in the summer before the grade 3 retention requirements listed below apply.

The student will be retained in grade 3 if the student has not achieved a passing score on the IREAD-3 Assessment after the student has had an opportunity to retake it at least two (2) times in the summer unless:

- A. the student was subject to retention and has been retained in grade 3 for one (1) school year;
- B. the student has an intellectual disability or the student's individualized education program specifies that retention is not appropriate, and the student's case conference committee has determined that promotion to another grade is appropriate;
- C. the student is an English learner who has received services for fewer than two (2) years, and a committee consisting of the student's parent, a building level administrator or designee, a classroom teacher of service, an English learner teacher of record, if one exists, and an English learner Corporation administrator, if one exists, determines that promotion is appropriate based on the implementation of research based instructional practices outlined in the student's individual learning plan;
- D. the student received a score of proficient or above proficient in grade 3 math on Indiana's Learning Evaluation and Assessment Readiness Network (ILEARN);

- E. the student has received intensive intervention as determined by the IDOE in reading for two (2) or more years and was retained more than one (1) time throughout kindergarten, grade 1, or grade 2.

Appeal Process

The parent of a student who has been retained in grade 3 pursuant to I.C. 20-32-8.5-2(a)(2)(A) because the student has not achieved a passing score on the IREAD-3 and who would not have been retained for other reasons may appeal the student's retention if the parent believes that one of the following exceptions applies:

- A. the student was subject to retention and has been retained in grade 3 for one (1) school year;
- B. the student has an intellectual disability or the student's individualized education program specifies that retention is not appropriate, and the student's case conference committee has determined that promotion to another grade is appropriate;
- C. the student is an English learner who has received services for fewer than two (2) years and a committee consisting of the parent, a building level administrator or designee, a classroom teacher of service, an English learner teacher of record (if one exists), and an English learner Corporation administrator (if one exists) determines that promotion is appropriate based on the implementation of research based instructional practices outlined in the student's individual learning plan;
- D. the student received a score of proficient or above proficient in grade 3 math on the statewide summative assessment; or
- E. the student has received intensive intervention as determined by the IDOE in reading for two (2) or more years and was retained more than one (1) time throughout kindergarten, grade 1, or grade 2.

The parent must submit the appeal in writing, along with supporting documentation, to the Principal and Superintendent prior to the beginning of the school year in which the student is to be retained. Once received, the Principal will consider the documentation submitted by the parent and issue a determination, in writing, within five (5) business days from receipt of the appeal about whether the student meets one of the criteria in A-E above that exempts the student from retention, which will be provided to the parent via electronic mail (if authorized by the parent), U.S. First Class mail, or hand delivery. This determination is final and the Board will not hear appeals from this determination.

Exemption for English Language Learner Students

The Corporation may apply for an exemption from compliance with the retention requirements for grade 3 students who do not pass the IREAD-3 Assessment for an English language learner who:

1. does not achieve a passing score on the IREAD-3 Assessment; and
2. attends a school that has a student population comprised of at least fifty percent (50%) of English learners in grade 3, as determined by the Indiana Department of Education

until the beginning of the 2027-2028 school year.

Participation in the Indiana Literacy Cadre

Subject to available funding, a Corporation school in which fewer than seventy percent (70%) of students of the school achieved a valid passing score on the IREAD-3 Assessment shall participate in the Indiana literacy cadre.

The Superintendent shall develop and implement a plan that complies with guidelines established by the IDOE.

Mathematics Proficiency Screener

The Board shall comply with the requirements of I.C. 20-32-6.5 in administering the mathematics proficiency screener approved by the IDOE to identify students at risk of not achieving grade level proficiency in mathematics to students in kindergarten, grade 1 and grade 2 beginning with the 2026-2027 school year.

Mathematics Interventions

Beginning with the 2026-2027 school year, if a Corporation school determines that a student in kindergarten through grade 8 is at risk of not achieving grade level proficiency in mathematics as determined by an analysis of the student's data from: 1) a grade level screener approved by the IDOE; or 2) a through-year statewide assessment; the school must provide intervention that meets the following requirements:

- A. The intervention includes a multitiered system of support that progresses from less to more intensive support based on the student's individual needs.
- B. The intervention is aligned to daily Tier I instruction and standard level learning progressions.
- C. The intervention is:
 - 1. targeted;
 - 2. differentiated; and
 - 3. supplemental to Tier I instruction.
- D. The intervention:
 - 1. is aligned with evidence based instructional strategies to promote conceptual understanding, procedural fluency, and real world problem solving; and
 - 2. allows a student opportunities to interact, show progress, and demonstrate understanding through rigorous grade level content.
- E. The intervention includes continual assessment and in depth analysis of each student's data to inform the flexible movement in and out of Tiers II and III.

The Superintendent shall establish administrative guidelines to implement this policy.

I.C. 20-32-2

I.C. 20-32-6.5

I.C. 20-32-8

I.C. 20-32-8.5

511 IAC 5511

IAC 6.2-3.1

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~~The Board, in compliance with the law and rules of the State Board of Education, shall implement the statewide achievement tests as required by the State Board of Education to assess student achievement and needs in English/language arts, mathematics, social studies, science, and other designated subjects in order to determine the achievement of students and to assist them in attaining Corporation and State Department goals. All graduation examination requirements by the State Board of Education will be honored by the Corporation.~~

~~Additionally, the Board shall administer any end of course exams as may be required by the State Board of Education.~~

~~The Board shall comply with all assessments required to be administered by the State Board of Education.~~

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I.C. 20-32-2

I.C. 20-32-8

I.C. 20-32-8.5

511 IAC 5

511 IAC 6.2-3.1

Book	Policy Manual
Section	3000 Personnel
Title	Proposed New - SUPPLEMENTAL PAYMENTS FOR TEACHERS
Code	po3220.02
Status	First Reading
Last Reviewed	August 12, 2025

3220.02 - SUPPLEMENTAL PAYMENTS FOR TEACHERS

The School Board authorizes the Superintendent to issue a supplemental payment in excess of the salary specified in the School Corporation's compensation plan to any teacher at the discretion of the Superintendent when doing so is in the best interest of the Corporation's students.

A supplemental payment under this policy is not subject to collective bargaining. Under I.C. 20-29-6-3(d), the Corporation may exclude, for this purpose, a portion of the revenue available for bargaining from education fund revenues included in I.C. 20-29-2-6. To utilize this exclusion, the Board must pass before September 15 of any year a one (1) or two (2) year resolution indicating that a portion or percentage of education fund revenue allocated for supplemental fund payments under I.C. 20-28-9-1.5(a) is not considered education fund revenue for the purposes of I.C. 20-29-6-3(a). The resolution shall not extend beyond the end of the corresponding State budget biennium.

Definitions:

For purposes of this policy, the following definitions apply:

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

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

Discussion of Supplemental Payments:

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

I.C. 20-18-2-22

I.C. 20-28-1-7

I.C. 20-28-9-1.5

I.C. 20-29-2-6

I.C. 20-29-3-15(b)(27)

I.C. 20-20-29-6-3

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Book	Policy Manual
Section	5000 Students
Title	Proposed Revised - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY
Code	po5111
Status	First Reading
Adopted	November 22, 2016
Last Revised	April 24, 2018
Last Reviewed	August 12, 2025

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

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

- A. The Board will educate, tuition-free, students who have legal settlement in the Corporation, and students enrolled according to the requirements of I.C. 20-26-11.
- B. Where the legal settlement of a student cannot reasonably be determined by reference to the residence of the student's parent or legal guardian and the student is being supported by and living with a person whose residence is within the Corporation, the student may be enrolled without payment of tuition.

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

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

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

- G. The School Corporation shall maintain proof of Indiana residency for each student enrolled in the Corporation whom the Corporation counts for membership in the ADM count. This documentation of Indiana residency shall be placed in the student's electronic or hard copy file.

Transportation from and to the site of the new legal settlement will not be provided by the Corporation for a student whose effective date of withdrawal is extended beyond the date of the change of legal settlement unless the student has an Individualized Education Program (IEP) in which transportation is required to be provided as a related service.

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

I. **Children of Divorced Parents**

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

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

- J. Nonresident students may be accepted into the Summer School Program provided by this Corporation.

Transfer Students

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

- A. By May 15th, the Board will establish the number of transfer students that can be accepted in each building and grade level.
- B. The Board will establish a date by which requests to enroll a transfer student must be submitted to the Superintendent. This date shall be submitted to the Indiana Department of Education and published on the Corporation Internet website.
- C. Requests to enroll a student without legal settlement in the Corporation shall not be denied if the student to be transferred:
 1. has been enrolled in the Corporation in the prior school year;
 2. is a member of a household in which any other member of the household is a student in the transferee school; or
 3. has a parent who is an employee of the Corporation who currently resides in Indiana and has a salary of at least \$8,000 or \$3,000 earned due to being included an employee in the extracurricular portion of the Corporation's collective bargaining agreement and the Corporation has the capacity to accept the student.
- D. If the number of requests to enroll in each building and grade level exceeds the number established by the Board reduced by the number of transfers that may not be denied as described in paragraph (C) above, the students to be enrolled in each building and grade level shall be determined by random selection in which each application submitted on or before the date established by the Board pursuant to paragraph (A) above has an equal chance of being selected.

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

- A. during the preceding twelve (12) months, the student has been suspended or expelled for:
 1. ten (10) or more school days;
 2. possession of a firearm, deadly weapon, or a destructive device;
 3. causing physical injury to a student, school employee, or visitor to the school; or

4. a violation of the Corporation's drug or alcohol rules.

- B. the student has had a history of unexcused absences, and the Board believes that, based upon the location of the student's residence, attendance would be a problem for the student if the student is enrolled in the Corporation.

All due process procedures applicable to Corporation students who are subject to discipline, including the expulsion procedure in I.C. 20-33-8-19, apply to transfer students during the school year. (See Board Policy 5610 - Suspension and Expulsion of Students)

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

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

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

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

- A. The Board will educate, tuition free, students who have legal settlement in the Corporation, and students enrolled according to the requirements of I.C. 20-26-11.
- B. Where the legal settlement of a student cannot reasonably be determined by reference to the residence of the student's parent or legal guardian and the student is being supported by and living with a person whose residence is within the Corporation, the student may be enrolled without payment of tuition. If the parents are not able to support the student and have placed the student in the home of another person primarily for the purpose of attending school in this Corporation without establishing legal guardianship as required by Indiana law, tuition will not be charged unless otherwise required by law.
- C. Tuition shall be charged to those students who are approved for a transfer and whose legal settlement is outside the State of Indiana, unless the student's parent(s) is a full-time employee of Elkhart Community Schools. Transfer tuition fee, payable at the Business Office, is due in advance of the student's enrollment unless an approved transfer has been issued by another school district.
- D. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition free, without regard to residency, to a school within the Corporation, as selected by the State Department of Human Services or the child placing agency responsible for placement of that child.
- E. Foreign students participating in a foreign exchange program approved by the Indiana State Board of Education and living with a resident host family will be admitted tuition free.
- F. The Corporation will provide a free education to those students who are considered by Federal law to be illegal aliens, if the student's parent or legal guardian has legal settlement within the Corporation, or considered to be homeless by criteria established by the State (see Policy 5111.01 Homeless Students).
- G. Students who have completed the eleventh grade and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.
- H. A married student living with a spouse or a married or unmarried emancipated minor is eligible to attend school without payment of tuition if the student resides in the Corporation.
- I. Children of Divorced Parents

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

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

- J. A student who has been expelled from another school corporation or who is expelled from a nonpublic school or withdraws from a public or a nonpublic school to avoid expulsion and seeking enrollment in the Elkhart Community Schools must meet with the Assistant Superintendent of Student Services or designee. Such student may be enrolled in the Corporation in compliance with I.C. 20-33-8-20 during the actual or proposed expulsion provided:

1. the student's parent informs the Corporation of the student's expulsion or withdrawal to avoid expulsion;
2. the Corporation consents to the student's enrollment;
3. the student agrees to the terms and conditions of enrollment established by the Corporation;
4. the student accepts the placement proposed by the Assistant Superintendent of Student Services or designee.

Such students will not be charged tuition if they do not have legal settlement in the Corporation, unless otherwise required by law.

If a student's parent fails to inform the Corporation of the expulsion or withdrawal to avoid expulsion or the student fails to follow the terms and conditions established for enrollment, the Corporation may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion. Before consent is withdrawn, the student must be given an opportunity for an informal meeting with the Assistant Superintendent of Student Services or designee. At the informal meeting, the student is entitled to:

1. a written or verbal statement of the reasons for the withdrawal of consent;
2. a summary of the evidence against him/her;
3. an opportunity to explain his/her conduct.

- K. Students whose parents do not have legal settlement within the Corporation but who present evidence they will move into the Corporation within a short period of time may enroll in the schools.
- L. Nonresident students may be accepted into the Summer School Program provided by this Corporation but may be required to pay a different tuition.

Transfer Students

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

- A. Annually, the Board will establish the number of transfer students that can be accepted in each grade level.
- B. The Board will establish a date by which requests to enroll a transfer student must be submitted to the Superintendent. This date shall be submitted to the Indiana Department of Education and published on the Corporation Internet website.
- C. Requests to enroll a student without legal settlement in the Corporation shall not be denied if the student to be transferred:
 1. has been enrolled in the Corporation in the prior school year;
 2. is a member of a household in which any other member of the household is a student in good standing, as defined by Board policy, in the transferee school; or
 3. has a parent who is an employee of the Corporation.

- D. If the number of requests to enroll in each grade level exceeds the number established by the Board reduced by the number of transfers that may not be denied as described in paragraph (C) above, the students to be enrolled in each grade level shall be determined by random selection in which each application submitted on or before the date established by the Board pursuant to paragraph (A) above has an equal chance of being selected.

Pursuant to State law, a student's application to transfer to the Corporation may be revoked or denied if the student has been suspended for ten (10) or more school days, or suspended or expelled for possession of a firearm, deadly weapon, or a destructive device, causing physical injury to a person, or a violation of the Corporation's drug or alcohol rules during the twelve (12) months preceding the student's request to transfer.

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

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

Revised 9/12/17

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Legal

I.C. 20-18-2-11 (legal settlement defined)

I.C. 20-33-2-12 (transfer to another accredited or non-accredited school)

I.C. 20-33-8-17 (expulsion for lack of legal settlement)

I.C. 20-26-11-1 (residence defined)

I.C. 20-26-11-2.5 (divorced parent election)

I.C. 20-26-11-6(e) (option to not charge transfer tuition)

I.C. 20-26-11-32 (lottery selection of student transfer requests, HEA 1381 – 2013)

Plyer v. Doe, 457 U.S. 202 (1982) (State Statute denying free public education to illegal immigrants violated the Equal Protection Clause of the Fourteenth Amendment)

Divorced Parents Agreement:

<http://www.doe.in.gov/sites/default/files/legal/formiii.pdf>

Third Party Agreement:

<http://www.doe.in.gov/sites/default/files/legal/custodialstatementinstructions.pdf>

Book	Policy Manual
Section	5000 Students
Title	Proposed Revised - ATTENDANCE
Code	po5200
Status	First Reading
Adopted	November 22, 2016
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Last Reviewed	August 12, 2025

5200 - **ATTENDANCE**

The School Board, as an agency of the State, is required to enforce regular attendance of students. The Board recognizes that being present in the classroom enables students to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for students to excel.

Attendance shall mean being physically present in a school or at another location where the school's educational program is being conducted during regular school hours on a day on which the educational program in which the student is enrolled is being offered.

Attendance shall be required of all School Corporation students, except those exempted under other provisions of Federal or State law, during the days and hours that school is in session or during the sessions to which the student has been assigned.

Attendance need not always be within Corporation facilities, and a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.

The Board shall consider each student assigned to a program of other guided learning experiences, authorized under Policy 2370, to be in regular attendance for the program provided that the student reports daily to an assigned staff member at the program location or to an assigned staff member where the student is participating in correspondence courses or military service and regularly demonstrates progress toward the objectives of the course of study.

Exceptions to Compulsory Attendance/Excused Absences

Exceptions to compulsory attendance that shall be recognized by the Corporation as provided by State statute are:

- A. service as a page or honoree of the general assembly (I.C. 20-33-2-14);
- B. service on a precinct election board or helper to a political candidate or a political party on the date of an election (I.C. 20-33-2-15);
- C. subpoena to appear in court as a witness in a judicial proceeding (I.C. 20-33-2-16);
- D. service in active duty with the Armed Forces of the United States, including their reserve components, or the Indiana National Guard for not more than ten (10) days (I.C. 20-33-2-16);
- E. participating as a member of the Indiana wing of the Civil Air Patrol for not more than five (5) days (I.C. 20-33-2-17.2);
- F. exhibiting or participating in the Indiana State Fair for educational purposes by a student or member of the student's household for not more than five (5) school days provided that the student is in good academic standing as determined by the Corporation, the student's parent has requested the absence in writing, and the school principal has provided written approval for the absence (I.C. 20-33-2-17.7);

- G. participating in an educationally related non-classroom activity that is consistent with and promotes the educational philosophy and goals of the Corporation and the State Board of Education, facilitates the attainment of specific educational objectives, is part of the goals and objectives of an approved course or curriculum, represents a unique educational opportunity, cannot reasonably occur without interrupting the school day, and is approved in writing by the school principal (I.C. 20-33-2-17.5);
- H. participating in a scheduled competition, exhibition, or event offered by: 1) the National FFA Organization, 2) the Indiana FFA Association, or 3) a 4-H club for not more than six (6) school days provided that the student is in good academic standing as determined by the Corporation, the student's parent has requested the absence in writing, and the school principal has provided written approval for the absence (I.C. 20-33-2-17.8).

For any of these exceptions a student shall not be recorded as absent from school.

Additionally, the Board shall allow a student to attend a school for religious instruction that is conducted by a church, an association of churches, or an association that is organized for religious instruction and incorporated under Indiana law for not more than 120 minutes per week if an elementary school student and for not more than the amount of time that is equivalent to attending one (1) elective course at the public secondary school during the week if a secondary school student for the student to receive religious instruction if the student's parent makes a written request for such absence to the school principal and the school principal approves that request, as provided in Board Policy 5223 - Released Time for Religious Instruction. A student who is receiving religious instruction as indicated herein shall not be recorded as absent from school.

The Superintendent shall require, from the parent of each student or from an adult or emancipated student who has been absent for any reason, a verbal statement of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each:

- A. single absence;
- B. absence of more than 3 days duration;
- C. repeated unexplained absence and tardiness.

The Board considers the following as reasons for excused absences:

- A. illness verified by a note from the parent
- B. illness verified by a note from a physician
- C. recovery from accident verified by a note from a physician or documented by medical records
- D. required court attendance by subpoena or court order
- E. professional appointments – Parents are encouraged to schedule medical, dental, legal, and other necessary appointments other than during school hours. When appointments are necessary during the school day, the student shall report back to school immediately after the appointment with a signed statement from the doctor, dentist, lawyer, counselor, etc., as applicable
- F. death in the immediate family or of a relative
- G. observation or celebration of a bona fide religious holiday verified by a note from the parent
- H. maternity leave for 6 weeks following the birth of the student's child or pregnancy complications verified by a note from a physician or documented by medical records
- I. military-connected families' absences related to deployment and return
- J. vacation during the school year requested by the student's parent and approved by the Principal
- K. such other good cause as may be acceptable to the Superintendent or permitted by law

The Corporation shall categorize excused absences based on the reason for the absence in accordance with the categorization framework established by the Indiana Department of Education pursuant to I.C. 20-19-3-12.4.

Unexcused Absences

Unexcused Absence shall mean any absence not covered under the definition of excused absence or an exception to compulsory attendance as stated above. An out-of-school suspension shall not be considered an unexcused absence.

Repeated instances of unexcused absences may result in disciplinary action. However, no student shall be suspended or expelled solely because the student is chronically absent or a habitual truant, as defined below.

Chronically Absent

Chronically absent shall mean missing ten percent (10%) or more of a school year for any reason.

Truancy and Habitual Truants

Truancy shall mean an absence from school that is not an excused absence as stated above or that is not an absence under a parent request that has been filed with the school.

Habitual Truant shall mean a student who has been absent from school for ten (10) days or more within a school year without being excused or without being absent under a parental request that has been filed with the school.

The Superintendent, Corporation attendance officer, a security police officer appointed under I.C. 36-8-3-7, or a Corporation police officer appointed under I.C. 20-26-16 shall report a child who is a habitual truant to the prosecuting attorney in the county in which the student resides by filing an affidavit as provided in I.C. 20-33-2-26. Each of the aforementioned individuals has an independent duty to file such an affidavit under State law. The Superintendent or Corporation attendance officer also shall report a student who is habitually absent from school in violation of the compulsory school attendance law to an intake officer of the juvenile court of the Indiana Department of Child Services (DCS).

Truancy Prevention

Truancy Prevention Measures shall mean actions designed to address truancy before a student becomes a habitual truant and to minimize the need for referrals to a voluntary truancy prevention program or reports to a juvenile court.

For purposes of the Corporation's truancy prevention measures, **absent student** shall mean a student in Kindergarten through Grade 6 who is absent from school five (5) days within a ten (10) week period without being excused or absent in conformity with a note on file from the student's doctor, therapist, or other authorized professional requesting frequent absences be excused under the student's individualized education program (IEP), service plan developed under 511 IAC 7-34, choice scholarship education plan developed under 51 IAC 7-49, or Section 504 plan. When a student is identified as an absent student under this policy, the school that the student attends shall:

- A. Immediately provide written notification to the student's parent that:
 1. The student has been identified as an absent student based on the student's school attendance.
 2. The parent is responsible for monitoring the student's school attendance and ensuring the student attends school, in accordance with compulsory attendance laws.
 3. The school will be initiating truancy prevention measures for the student.
 4. The parent is required to attend an attendance conference regarding the truancy prevention measures that the school will be implementing for the student.
 5. If the student meets the definition of a habitual truant:
 - a. the Superintendent or Corporation attendance officer is required to report the student to an intake officer of the juvenile court or DCS in accordance with I.C. 20-33-2-25
 - b. the juvenile court may determine that the student is committing a delinquent act as provided under I.C. 31-37-2-3; and
 - c. the student's parent may be subject to prosecution under I.C. 35-46-1-4.
- B. Hold an attendance conference with at least the following individuals to discuss the student's absences and establish a plan for the student to prevent future absences:

1. A representative of the school.
2. A teacher of the student.
3. The student's parent.
4. A representative chosen by the student's parent who may provide insight into the student's absenteeism if the student's parent makes a request to the school that the representative attend and provides notice to the school regarding the identification of the representative at least forty-eight (48) hours before the attendance conference.

The attendance conference shall be held not more than ten (10) instructional days after the student's fifth absence in a ten (10) week period regardless of whether the parent or the parent's chosen representative is able to attend the conference. The school shall make all reasonable efforts to hold the attendance conference on a date and at a time that works with the schedule of the student's parent.

C. At the attendance conference, establish a plan for the student to prevent future absences that may include the following:

1. Any wraparound services that are able to be provided to the absent student to ensure the absent student attends school.
2. A specific description of the behavior that is required or prohibited for the absent student.
3. The period for which the plan will be effective, not to exceed forty-five (45) instructional days after the date it is established.
4. Any additional disciplinary action the school will take if the absent student does not comply with the plan.
5. If applicable, a referral to counseling, mentoring, or other services for the student.
6. If applicable, whether a parent is expected to attend the counseling, mentoring, or other services with the student.

The school representative shall ask the absent student's parent to sign the plan indicating the parent's agreement to comply with its terms.

D. Offer additional counseling services to an absent student if the school determines that the student's absences are related to any of the following:

1. The student's pregnancy.
2. The student is in foster care (as defined in I.C. 31-9-2-46.7).
3. The student is homeless.
4. The student has a severe or life-threatening illness or related treatment.

The Superintendent shall develop administrative guidelines for the attendance of students which:

- A. provide a school session that is in conformity with the requirements of the law;
- B. permit students absent for any excusable reason to have an opportunity to make up work they missed;
- C. govern the maintenance of attendance records in accordance with the rules of the State Board;
- D. provide that any student who, due to a physical or mental impairment, exceeds or may exceed the Corporation's limit on excused absences is to be referred for an evaluation to determine eligibility under either the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504).

Such guidelines shall provide that a student's grade in any course is based on performance in the instructional setting and is not reduced for misconduct. If a student violates the Corporation's attendance policy or other school rules, the student shall be disciplined appropriately for the misconduct, but grades shall be based upon what the student can demonstrate has

been learned.

Such guidelines also shall provide for reporting to the Bureau of Motor Vehicles those students who have been suspended for the second time during a school year, are expelled, or are considered dropouts under I.C. 20-33-2-28.5.

The Superintendent shall develop administrative guidelines on attendance that properly address the matter of truancy by including a process which:

- A. identifies the habitual truant, that is, a student who has been absent from school ten (10) days or more within a school year without being excused or without being absent under a parental request that has been filed with the school;
- B. investigates the cause(s) of the student's truant behavior;
- C. considers, when appropriate, modification of the student's educational program to meet particular needs that may be causing the truancy;
- D. provides for the discipline of truant students in accordance with the Corporation's policies and administrative guidelines on student discipline;
- E. provides for reporting to the Bureau of Motor Vehicles those students who are habitual truants as provided in I.C. 20-33-2-11. **[DRAFTING NOTE: The Board must choose whether it will require a report to the Bureau of Motor Vehicles when a student is a habitual truant. See I.C. 20-33-2-11]**

No student shall be suspended or expelled solely because the student is chronically absent or a habitual truant. However, a student who attends a virtual education program operated by the Corporation who is a habitual truant shall be withdrawn from enrollment in the virtual education program.

The Superintendent shall make available to all parents and adult or emancipated students the Board's policy and the Corporation's administration guidelines on attendance.

I.C. 9-24-2-1
 I.C. 9-24-2-4
 I.C. 20-18-2-2.4
 I.C. 20-18-2-6.5
 I.C. 20-19-3-12.4
 I.C. 20-19-9-5
 I.C. 20-26-16
 I.C. 20-33-2-11
 I.C. 20-33-2-14
 I.C. 20-33-2-15
 I.C. 20-33-2-16
 I.C. 20-33-2-17
 I.C. 20-33-2-17.2
 I.C. 20-33-2-17.5
 I.C. 20-33-2-17.7
 I.C. 20-33-2-17.9
 I.C. 20-33-2-25
 I.C. 20-33-2-26
 I.C. 20-33-2-28.5
 I.C. 20-33-8-16.5
 I.C. 31-9-2-46.7
 I.C. 31-37-2-3
 I.C. 35-46-1-4
 I.C. 36-8-3-7
 511 IAC 1-3-1
 511 IAC 6-7.1-8
 511 IAC 6-7.1-9

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The School Board, as an agency of the State, is required to enforce regular attendance of students. The Board recognizes that being present in the classroom enables students to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for students to excel.

Attendance shall mean being physically present in a school or at another location where the school's educational program is being conducted during regular school hours on a day on which the educational program in which the student is enrolled is being offered.

Attendance shall be required of all School Corporation students, except those exempted under other provisions of Federal or State law, during the days and hours that school is in session.

Attendance need not always be within Corporation facilities, and a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.

The Board shall consider each student assigned to a program of other guided learning experiences, authorized under Policy 2370, to be in regular attendance for the program provided that s/he reports, pursuant to program requirement, to an assigned staff member at the program location and regularly demonstrates progress toward the objectives of the course of study.

Exceptions to Compulsory Attendance/Excused Absences

Exceptions to compulsory attendance that shall be recognized by the Corporation as provided by State statute are:

- A. service as a page or honoree of the general assembly (I.C. 20-33-2-14);
- B. service on a precinct election board or helper to a political candidate or a political party on the date of an election (I.C. 20-33-2-15);
- C. subpoena to appear in court as a witness in a judicial proceeding (I.C. 20-33-2-16);
- D. service in active duty with the National Guard for not more than ten (10) days (I.C. 20-33-2-16);
- E. participating as a member of the Indiana wing of the Civil Air Patrol for not more than five (5) days (I.C. 20-33-2-17.2);
- F. exhibiting or participating in the Indiana State Fair for educational purposes by a student or member of the student's household for not more than five (5) school days provided that the student is in good academic standing as determined by the Corporation, the student's parent has requested the absence in writing, and the school principal has provided written approval for the absence (I.C. 20-33-2-17.7);
- G. participating in an educationally related non-classroom activity that is consistent with and promotes the educational philosophy and goals of the Corporation and the State Board of Education, facilitates the attainment of specific educational objectives, is part of the goals and objectives of an approved course or curriculum, represents a unique educational opportunity, cannot reasonably occur without interrupting the school day, and is approved in writing by the school principal (I.C. 20-33-2-17.5).

For any of these exceptions a student shall not be recorded as absent from school.

Additionally, the Board shall allow a student to attend a school for religious instruction that is conducted by a church, an association of churches, or an association that is organized for religious instruction and incorporation under Indiana law for not more than 120 minutes per week for the student to receive religious instruction if the student's parent makes a written request for such absence to the school principal and the school principal approves that request, as provided in Board Policy 5223—Released Time for Religious Instruction. A student who is receiving religious instruction as indicated herein shall not be recorded as absent from school.

The Superintendent shall require, from the parent of each student or from an adult or emancipated student who has been absent for any reason, a verbal statement or written statement of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each:

- A. single absence; and
- B. repeated unexplained absence and tardiness.

The Board considers the following as reasons for excused absences:

- A. illness verified by a phone call or note from the parent

- B. illness verified by a note from a physician
- C. recovery from accident verified by a note from a physician or documented by medical records
- D. required court attendance by subpoena or court order
- E. professional appointments—Parents are encouraged to schedule medical, dental, legal, and other necessary appointments other than during school hours. When appointments are necessary during the school day, the student shall report back to school immediately after the appointment with a signed statement from the doctor, dentist, lawyer, counselor, etc., as applicable
- F. death in the immediate family or of a relative
- G. observation or celebration of a bona fide religious holiday verified by a note from the parent
- H. maternity leave for a number of weeks following the birth of the student's child or pregnancy complications, as determined by the student's treating physician, verified by a note from a physician or documented by medical records
- I. military connected families' absences related to deployment and return
- J. vacation during the school year requested by the student's parent and approved by the Principal
- K. such other good cause as may be acceptable to the Superintendent or permitted by law

Unexcused Absences

Unexcused Absence shall mean any absence not covered under the definition of excused absence or an exception to compulsory attendance as stated above. An out of school suspension shall not be considered an unexcused absence.

Repeated instances of unexcused absences may result in disciplinary action up to suspension or expulsion of a student.

Truancy and Habitual Truants

Truancy shall mean an absence from school that is not an excused absence as stated above or that is not an absence under a parent request that has been filed with the school.

Habitual Truant shall mean a student who has been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

The Superintendent, Corporation attendance officer, a security police officer appointed under I.C. 36-8-3-7, or a Corporation police officer appointed under I.C. 20-26-16 shall report a child who is a habitual truant to the prosecuting attorney in the county in which the student resides by filing an affidavit as provided in I.C. 20-33-2-26. Each of the aforementioned individuals has an independent duty to file such an affidavit under State law. The Superintendent or Corporation attendance officer also shall report a student who is habitually absent from school in violation of the compulsory school attendance law to an intake officer of the juvenile court of the Indiana Department of Child Services (DCS).

A student who is a habitual truant shall not be permitted to participate in extracurricular activities, unless extenuating circumstances exist, as determined by the Superintendent.

Truancy Prevention

Truancy Prevention Measures shall mean actions designed to address truancy before a student becomes a habitual truant and to minimize the need for referrals to a voluntary truancy prevention program or reports to a juvenile court.

For purposes of the Corporation's truancy prevention measures, **absent student** shall mean a student in Kindergarten through Grade 6 who is absent from school five (5) days within a ten (10) week period without being excused or absent in conformity with a note on file from the student's doctor, therapist, or other authorized professional requesting frequent absences be excused under the student's individualized education program (IEP), service plan developed under 511 IAC 7-34, choice scholarship education plan developed under 51 IAC 7-49, or Section 504 plan. When a student is identified as an absent student under this policy, the school that the student attends shall:

A. Immediately provide written notification to the student's parent that:

1. The student has been identified as an absent student based on the student's school attendance.
2. The parent is responsible for monitoring the student's school attendance and ensuring the student attends school, in accordance with compulsory attendance laws.
3. The school will be initiating truancy prevention measures for the student.
4. The parent is required to attend an attendance conference regarding the truancy prevention measures that the school will be implementing for the student.
5. If the student meets the definition of a habitual truant:
 - a. the Superintendent or Corporation attendance officer is required to report the student to an intake officer of the juvenile court or DCS in accordance with I.C. 20-33-2-25
 - b. the juvenile court may determine that the student is committing a delinquent act as provided under I.C. 31-37-2-3; and
 - c. the student's parent may be subject to prosecution under I.C. 35-46-1-4.

B. Hold an attendance conference with at least the following individuals to discuss the student's absences and establish a plan for the student to prevent future absences:

1. A representative of the school.
2. A teacher of the student.
3. The student's parent.
4. A representative chosen by the student's parent who may provide insight into the student's absenteeism if the student's parent makes a request to the school that the representative attend and provides notice to the school regarding the identification of the representative at least forty-eight (48) hours before the attendance conference.

The attendance conference shall be held not more than five (5) instructional days after the student's fifth absence in a ten (10) week period regardless of whether the parent or the parent's chosen representative is able to attend the conference. The school shall make all reasonable efforts to hold the attendance conference on a date and at a time that works with the schedule of the student's parent.

C. At the attendance conference, establish a plan for the student to prevent future absences that may include the following:

1. Any wraparound services that are able to be provided to the absent student to ensure the absent student attends school.
2. A specific description of the behavior that is required or prohibited for the absent student.
3. The period for which the plan will be effective, not to exceed forty-five (45) instructional days after the date it is established.
4. Any additional disciplinary action the school will take if the absent student does not comply with the plan.
5. If applicable, a referral to counseling, mentoring, or other services for the student.
6. If applicable, whether a parent is expected to attend the counseling, mentoring, or other services with the student.

The school representative shall ask the absent student's parent to sign the plan indicating the parent's agreement to comply with its terms.

D. Offer additional counseling services to an absent student if the school determines that the student's absences are related to any of the following:

1. The student's pregnancy.
2. The student is in foster care (as defined in I.C. 31-9-2-46.7).
3. The student is homeless.
4. The student has a severe or life-threatening illness or related treatment.

The Superintendent shall develop administrative guidelines for the attendance of students which:

- A. provide a school session that is in conformity with the requirements of the law;
- B. permit students absent for any excusable reason to have an opportunity to make up work they missed;
- C. govern the maintenance of attendance records in accordance with the rules of the State Board;
- D. provide that any student who, due to a physical or mental impairment, exceeds or may exceed the Corporation's limit on excused absences is to be referred for an evaluation to determine eligibility under either the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504).

Such guidelines shall provide that a student's grade in any course is based on performance in the instructional setting and is not reduced for misconduct. If a student violates the Corporation's attendance policy or other school rules, the student shall be disciplined appropriately for the misconduct, but grades shall be based upon what the student can demonstrate has been learned.

Such guidelines also shall provide for reporting to the Bureau of Motor Vehicles those students who have been suspended for the second time during a school year, are expelled, or are considered dropouts under I.C. 20-33-2-28.5.

The Superintendent shall develop administrative guidelines on attendance that properly address the matter of truancy by including a process which:

- A. identifies the habitual truant, that is, a student who has been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school;
- B. investigates the cause(s) of the student's truant behavior;
- C. considers, when appropriate, modification of the student's educational program to meet particular needs that may be causing the truancy;
- D. provides for the discipline of truant students in accordance with the Corporation's policies and administrative guidelines on student discipline;
- E. provides for reporting to the Bureau of Motor Vehicles those students who are habitual truants as provided in I.C. 20-33-2-11.

The Superintendent shall make available to all parents and adult or emancipated students the Board's policy and the Corporation's administration guidelines on attendance.

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Legal	I.C. 9-24-2-1
	I.C. 9-24-2-4
	I.C. 20-18-2-6.5
	I.C. 20-26-16
	I.C. 20-33-2-11
	I.C. 20-33-2-14
	I.C. 20-33-2-15

I.C. 20-33-2-17
I.C. 20-33-2-17.2
I.C. 20-33-2-17.5
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I.C. 20-33-2-25
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I.C. 20-33-2-28.5
I.C. 31-9-2-46.7
I.C. 31-37-2-3
I.C. 35-46-1-4
I.C. 36-8-3-7
511 IAC 1-3-1
511 IAC 6-7.1-8
511 IAC 6-7.1-9

Cross References

po2370 - EDUCATIONAL OPTIONS
po5111.01 - HOMELESS STUDENTS
po5111.03 - CHILDREN AND YOUTH IN FOSTER CARE
po5223 - RELEASED TIME FOR RELIGIOUS INSTRUCTION

Book	Policy Manual
Section	5000 Students
Title	Proposed Revised - ABSENCES FOR RELIGIOUS INSTRUCTION
Code	po5223
Status	First Reading
Adopted	November 22, 2016
Last Reviewed	August 12, 2025

5223 - ABSENCES FOR RELIGIOUS INSTRUCTION

The Board desires to cooperate with those parents who wish to provide for religious instruction for their children but also recognizes its responsibility to enforce the attendance requirements of the State.

Upon the signed request of a student's parent, the Board will allow exceptions to the student's continuous attendance at school for religious instruction outside the school building by an authorized church or religious organization for no more than 120 minutes per week: **if an elementary school student, and for not more than the amount of time that is equivalent to attending one (1) elective course at the public secondary school during the week if a secondary school student. The religious instruction must be conducted by a church, association of churches, or an association that is organized for religious instruction and incorporated under Indiana law.**

A student must be properly registered and a copy of such registration must be filed with the **Principal**~~principal~~.

A student who attends a school for religious instruction under the provisions of this policy shall receive the same attendance credit that the student would receive for attendance in the public school for the same length of time

The time for release for religious instruction or education shall be arranged by the **Principal**~~principal~~. **S/He**~~He~~**The Principal** will also assure the appropriate continuance of the instructional program in the public school during such release times.

No solicitation for attendance at religious instruction shall be permitted on Corporation premises. No staff member shall encourage or discourage participation in any religious instructional program.

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Legal I.C. 20-33-2-19

Book	Policy Manual
Section	5000 Students
Title	Proposed Revised - ANTI-HARASSMENT
Code	po5517
Status	First Reading
Adopted	November 22, 2016
Last Revised	June 9, 2020
Last Reviewed	August 12, 2025

5517 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the School Board of the Elkhart School Corporation to maintain an education and work environment that is free from all forms of unlawful harassment occurring in the Corporation's educational opportunities, programs, 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 other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's educational opportunities, programs, 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 shall vigorously enforce its prohibition against unlawful harassment that is based on race, color, national origin, sex, 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 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 that the employee observes or which is reported to the employee.

The Corporation shall investigate all allegations of unlawful harassment and, in those cases where unlawful harassment is substantiated, take steps immediately to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment shall 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 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.

Other Violations of the Anti-Harassment Policy

The Corporation also shall 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 or who has participated as a witness in a harassment investigation.

- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's duties.

Sexual Harassment covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Notice

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

Definitions

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

Complainant is the individual who alleges or is alleged to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who is alleged to have engaged in unlawful harassment, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged harassment.

Corporation community means students, Corporation employees (i.e., administrators and professional and classified staff), and Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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).

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

Bullying

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

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;

- H. sexual violence;
- I. theft;
- J. sexual, religious, or racial harassment;
- K. public humiliation; or
- L. destruction of property.

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

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

Bullying that rises to the level of Sexual Harassment is covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, and is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. Bullying that does not rise to the level of unlawful harassment shall be investigated under Policy 5517.01 - Bullying.

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; creating an intimidating, hostile, or offensive learning environment; or 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 regarding 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; creating an intimidating, hostile, or offensive learning environment; or 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; creating an intimidating, hostile, or offensive learning environment; or 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; creating an intimidating, hostile, or offensive learning environment; or 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 disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

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The names, titles, and contact information for the COs shall be published annually on the Corporation's website and:

- A. in the student or parent and staff handbooks.

The Compliance Officer(s) 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 harassment on the basis of a protected class.

The COs shall oversee the investigation of any complaints of harassment based on a protected class that may be filed pursuant to the Board's adopted internal complaint procedure (see below) and shall attempt to resolve such complaints. The Board shall provide for the prompt and equitable resolution of complaints alleging harassment based on a protected class.

Reports and Complaints of Unlawful Harassment and Retaliation

Students and Corporation employees are required, and all other members of the Corporation community and Third Parties are encouraged, to promptly report incidents of harassment based on a protected class to an administrator, supervisor, or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other Corporation employee or official who receives such a complaint shall file it with the CO within two (2) business days. **[NOTE: while students are advised to report discrimination/retaliation to administrators, supervisors, or other Corporation officials, the Board recognizes that some students may report discrimination/retaliation to a teacher. When a teacher receives such a report, the teacher must file it with the CO as indicated above.]**

Members of the Corporation community, which includes students, who believe they have been unlawfully harassed 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, shall not adversely affect the Complainant's participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals shall 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.

If during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile educational environment and may have constituted unlawful harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to one of the COs, who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, the matter shall be handled in accordance with the grievance process and procedures outlined in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. While the CO investigates the allegation or the matter is being addressed pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, the Principal shall suspend the Policy 5517.01- Bullying investigation to await the CO's written report or the determination of responsibility pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. The CO shall keep the Principal informed of the status of the Policy 5517 - Anti-Harassment investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator shall provide the Principal with the determination of responsibility that results from the Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities grievance process.

The COs shall be available during regular school/work hours to discuss concerns related to 'unlawful harassment' on the basis of a protected class, to assist students who seek support or advice when informing another individual about 'unwelcome' conduct, or to intercede informally on behalf of the student. COs shall accept complaints of unlawful harassment directly from any member of the Corporation community or a Third Party and reports that initially are made to another Corporation employee. Upon receipt of a report of alleged harassment, the CO will contact the Complainant and begin either an informal or formal process (depending on the Complainant's request and the nature of the alleged harassment) or designate a specific individual to conduct such a process.

The CO shall provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the CO shall prepare recommendations for the Superintendent or shall oversee the preparation of such recommendations by a designee. All members of the Corporation community shall report incidents of harassment based on a Protected Class that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to a CO within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful harassment is expected to intervene to stop the harassment unless circumstances make such an intervention dangerous, in which case the staff member shall immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the CO or designee shall contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the Complainant is under the age of eighteen (18) within two (2) days to advise of the Board's intent to investigate the alleged harassment. Additionally, if the alleged harasser is a student, the CO or designee shall contact the Respondent if age eighteen (18) or older, or the Respondent's parents/guardians if the Respondent is under the age of eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged harassment.

Investigation and Complaint Procedure (see Form 5517 F1)

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Program or Activities, any student who alleges to have been subjected to unlawful harassment based on a Protected Class may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged 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 shall be completed in a timely manner (ordinarily within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights ('OCR') or the Indiana Civil Rights Commission ('ICRC'). The Denver Office of the OCR can be reached at Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582; Telephone: 303-844-5695; FAX: 303-844-4303; TDD: 800-877-8339; Email: OCR.Denver@ed.gov; Web: <http://www.ed.gov/ocr>.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant 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, any other adult member of the Corporation community, or a Third Party and a student shall be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual shall tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant shall address the allegedly harassing conduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to approach the Respondent directly about the allegedly inappropriate conduct may file an informal or a formal complaint.

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

A Complainant who alleges harassment based on a protected class or retaliation may make an informal complaint, either orally or in writing to: 1) a building administrator; 2) one of the COs; or 3) the Superintendent or other Corporation-level employee.

All informal complaints shall be reported to one of the COs who either shall 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 the Complainant with a range of options designed to bring about a resolution of the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve but is not limited to one or more of the following:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of Policy 5517 - Anti-Harassment as a reminder to the individuals in the school building or office where the Respondent works or attends school.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint shall be resolved, the CO or a designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

If the Complainant is dissatisfied with the results of the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

A Complainant may file a formal complaint either orally or in writing with a Principal, the CO, the Superintendent, or other Corporation official.

Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a formal 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 official, either orally or in writing, about any complaint of harassment or retaliation, that employee shall report such information to the CO within two (2) business days.

Throughout the course of the process, the CO shall keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints of unlawful harassment or retaliation shall include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); 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 CO shall ask for such details in an oral interview. Thereafter, the CO shall prepare a written summary of the oral interview and the Complainant shall be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the CO shall consider whether any action shall be taken in the investigatory phase to prioritize the safety of and 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 Respondent. In making such a determination, the CO shall consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer still may take whatever actions are deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee shall initiate a formal investigation to determine whether the Complainant has been subjected to unlawful harassment or retaliation.

The principal shall not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO shall inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 5517 - Anti-Harassment. The Respondent also shall be informed of the opportunity to submit a written response to the formal complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee shall attempt to complete an investigation into the allegations of harassment based on a Protected Class or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation shall 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 CO/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 Respondent engaged in unlawful harassment of or retaliation against the Complainant. The CO's recommendations shall be based upon the totality of the circumstances, including the age and maturity level of any student involved. In determining if unlawful harassment or retaliation occurred, a preponderance of the evidence standard shall be used.

The CO 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 CO/designee, the Superintendent shall either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision shall be delivered to both the Complainant and the Respondent.

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

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent shall identify what corrective action shall be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action shall be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment or retaliation regardless of whether the Complainant 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 parties may be represented, at their own cost, at any of the above-described interviews/meetings.

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 OCR or the ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation shall employ all reasonable efforts to protect the rights of the Complainant, the Respondent, 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. Additionally, the Respondent shall be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee shall 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 is learned or provided during the course of the investigation.

Remedial Action and Monitoring

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

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

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment 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 or the suspension/expulsion of a student. All disciplinary action shall be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct. Any discipline of students with disabilities shall 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 age and maturity level of any student 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 any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Allegations Constituting Child Abuse/Criminal Conduct

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

If the CO or designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, a report shall be made to local law enforcement.

Any reports made to DCS or local law enforcement shall not terminate the CO's or designee's obligation and responsibility to continue to investigate a complaint of harassment. While the CO or 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 Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy and shall provide training for Corporation students and staff where appropriate. All training and information provided regarding the Board's policy and harassment in general shall be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing the retention of all records that shall be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ('ESI'), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and procedures/guidelines used by the Corporation to conduct the investigation and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records. The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Files, and Policy 8330 - Student Records for not less than three (3) years and longer if required by the Corporation's records retention schedule.

I.C. 20-33-1-1

I.C. 20-33-8-13.5

I.C. 35-42-4

511 IAC 7-32-1 et seq. (Article 7)

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

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. 12101 et seq., Americans with Disabilities Act of 1990, as amended

34 C.F.R. Part 104, Section 504 Regulations

34 C.F.R. Part 300, IDEA Regulations

A.C. by M.C. v. Metropolitan Sch. Dist. of Martinsville, 75 F.4th 760 (7th Cir. 2023)

Whitaker v. Kenosha Unified School District, 858 F.3d 1034 (7th Cir. 2017)

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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. This commitment applies to all School Corporation operations, 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. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on sex (including sexual orientation and/or transgender identity), race, color, national origin, religion, disability, or genetic information that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment) and encourages those within the School Corporation community as well as third parties who feel aggrieved to seek assistance to rectify such problems. All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged harassment that the employee observes or which is reported to the employee. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school. Corporation employees who fail to report any incident of alleged harassment 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, "School 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 School 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 School Corporation community at school-related events/activities (whether on or off School Corporation property).

Other Violations of the Anti-Harassment Policy

The Board will also 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, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

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. 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. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex stereotyping that does not involve conduct of a sexual nature;
- J. inappropriate boundary invasions by a Corporation employee or other adult member of the School Corporation community into a student's personal space and personal life;
- K. in the context of employees, sexual relationships with a student or other such harassing behavior which creates a hostile environment for a student.

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 education, or such that it creates a hostile 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 or other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and may also be guilty of the criminal charge of "sexual battery" as set forth in Indiana Code 35-42-4-8. In the case of a child under fourteen (14) years of age, the person may also be guilty of "child molesting" under Indiana Code 35-42-4-3. In the case of a child between the ages of fourteen (14) and

~~sixteen (16), the person may also be guilty of "sexual misconduct with a minor" under Indiana Code 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 occur where conduct is 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 occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves 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 occur where conduct is 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 occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Reports and Complaints of Harassing Conduct

Students, members of the School Corporation community and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged harassment that the employee observes or which is reported to the employee. Any administrator, supervisor, or other School Corporation 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 School Corporation community or third parties who believe they have been unlawfully harassed by another member of the School 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 as soon as possible 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 educational environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to the Compliance Officer who shall investigate the allegation in accordance with this policy.

Anti-Harassment Compliance Officer

The following individual serves as "Anti Harassment Compliance Officer" for the Corporation. They are hereinafter referred to as the "Compliance Officer".

W. Douglas Thorne
District Counsel/Chief of Staff
Elkhart Community Schools
2720 California Road
Elkhart, IN 46514
574-262-5515

The name, title, and contact information for the Compliance Officer will be published annually in the parent and staff handbooks, on the School Corporation's web site, and annually in the local newspaper of record.

The Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, 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 of a student is obligated, in accordance with this policy, to report such observations to the Compliance Officer within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, who is the alleged victim of the harassment, 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 Board'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 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 Board'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 School Corporation community against a student will be formally investigated.

The Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the School Corporation community or a visitor to the Corporation, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School Corporation community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School Corporation community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Investigation and Complaint Procedure

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

Due to the sensitivity surrounding complaints of unlawful harassment, 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), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC).

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior 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. This informal procedure is not required as a precursor

to the filing of a formal complaint and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Corporation community, or third parties who believe that they have been unlawfully harassed 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 harassment involving a Corporation employee, any adult member of the School 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 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 may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to the Compliance Officer; and/or 3) to the Superintendent or other Corporation level employee.

All informal complaints must be reported to the Compliance Officers who will either facilitate an information 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 School Corporation community or third parties who believe they are being unlawfully harassed 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 (1) or more of the following:

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

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer 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. 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 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 School Corporation community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR).

An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Corporation employee. Due to the sensitivity surrounding complaints of unlawful harassment 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 employee, either orally or in writing, about any complaint of harassment or retaliation, that employee 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 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 charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent to 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/harassment/retaliation.

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

Although certain cases may require additional time, the Compliance Officer 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. interviews with the Complainant;
- B. interviews 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 subject to unlawful harassment or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. 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 final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final 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 final written decision as described above.

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

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of the meeting where the Board took action on the appeal. The decision of the Board will be final.

If either the Complainant or the Respondent is not satisfied with the Board's decision, either party will have an additional sixty (60) days to appeal the decision to the United States Department of Education Office of Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC).

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School 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.

Privacy/Confidentiality

The School Corporation will respect the privacy of the Complainant, the Respondent (that is the individual(s) against whom the complaint is filed), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. 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.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School 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.

The Compliance Officer shall maintain all public records created as a part of an investigation of a complaint of harassment in accordance with the Board's records retention policy. Any records that are considered student records in accordance with the Family Educational Rights and Privacy Act will be maintained in a manner consistent with the provisions of Federal law.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment 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). 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).

Where the Board becomes aware that a prior sanction has been imposed against a member of the Corporation community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Remediation

In cases where the complaint investigation results in a finding that the allegation of harassment is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such harassment. This may include but is not limited to providing a contact person to monitor the harassed student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling. Counseling shall be offered to all students who have been subjected to harassment.

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. 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 a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report their knowledge or suspicion to the Department of Children and Family services or law enforcement. Subsequent to making such a report, the teacher/employee making the report shall notify their immediate supervisor. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Any reports made to the local child protection service 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 without good cause after consultation with the Superintendent.

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 Superintendent or designee shall provide appropriate training to all members of the School Corporation community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

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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 (IDEIA)

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, Rehabilitation Act of 1973, as amended

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

42 U.S.C. 1983

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

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

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

Book	Policy Manual
Section	5000 Students
Title	Proposed Revised - BULLYING
Code	po5517.01
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Last Reviewed	August 12, 2025

5517.01 - **BULLYING-~~PREVENTION~~**

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 shall not be tolerated. At all times, the safety of the victim of bullying shall be a priority. This prohibition includes physical, verbal, and psychological abuse as provided herein. The Board shall not tolerate any gestures, comments, threats, or actions that 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 they have been or are currently the victim of bullying shall immediately report the situation to the building principal, assistant principal, or the Superintendent. The student also may report concerns to a teacher or counselor who shall be responsible for notifying the appropriate administrator or Board official. This report may be made anonymously. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent shall 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 investigated promptly and documented according to the timeline established by the Superintendent's administrative guidelines. At all times, the safety of the victim of bullying shall be a priority. Bullying incidents shall be reported to the parents of both the targeted student and the alleged perpetrator in an expedited manner, that is before the end of the next instructional day after the incident is reported, by the Principal, Assistant Principal or Superintendent to whom the bullying incident initially was reported or by their designee.

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 shall 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 or Policy 2266 - Discrimination on the Basis of Sex in Education Programs or Activities, as applicable.

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 alleged perpetrator shall be notified of the alleged bullying incident at the beginning of the investigation (before the end of the next instructional day after the incident is reported), the findings of the investigation at the conclusion of the investigation (before the end of the next instructional day after the conclusion of the investigation), and, as appropriate, any remedial action that has been or shall 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 alleged perpetrator, 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 shall not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint is substantiated. Suspected retaliation shall be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble similarly is prohibited and shall 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 - Student Hazing.

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

Remedial Action

Follow-up services shall be provided during or after the investigation which include support services for the victim and bullying education for the alleged perpetrator.

The severity of an incident of bullying may be considered, including whether the victim suffered a physical injury, in determining the appropriate remedial action, including whether an incident of bullying may warrant the transfer of the victim or the alleged perpetrator to another school in the Corporation.

Confidentiality

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

Discipline Rules

As required by State law, the Superintendent shall require that any discipline rules adopted by the Corporation's schools shall prohibit bullying and include:

- A. provisions concerning education, parental involvement, and intervention;
- B. a detailed procedure for the expedited investigation of incidents of bullying that includes:
 - 1. appropriate responses to bullying behaviors, wherever the behaviors occur;
 - 2. provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
 - 3. provisions that require a school to prioritize the safety of the victim;
 - 4. timetables for reporting the conclusion of a bullying investigation to the parents of both the targeted student and the alleged perpetrator in an expedited manner that is before the end of the next instructional day after the conclusion of the investigation;
 - 5. timetables for reporting of bullying incidents to school counselors, school administrators, the Superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
 - 6. discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident;
 - 7. discipline provisions for false reporting of bullying; and
 - 8. provisions to make a reasonable attempt to notify both the parent of a targeted student and the parent of an alleged perpetrator that the school is investigating a possible incident of bullying or similar misconduct before the end of the next instructional day after the school becomes aware of the possible incident; and
- C. a detailed procedure outlining the use of follow-up services that includes:
 - 1. support services for the victim; and
 - 2. bullying education for the alleged perpetrator.

The discipline rules may be applied regardless of the physical location in which the bullying behavior 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 the 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.

The discipline rules shall prohibit bullying through the use of data or computer software that is accessed through a:

- A. computer;
- B. computer system;
- C. computer network; or
- D. cellular telephone or other wireless or cellular communications device.

The discipline rules shall include policies to allow a parent of a child in the Corporation to review any materials used in any bullying prevention or suicide prevention program.

The discipline rules may include provisions to determine:

- A. the severity of an incident of bullying; and
- B. whether an incident of bullying may warrant the transfer of the victim or the alleged perpetrator to another school in the Corporation.

Pursuant to I.C. 20-33-8-13.5, this section may not be construed to give rise to a cause of action against a person or the Corporation based on an allegation of noncompliance with this section. Likewise, noncompliance with this section may not be used as evidence against the Corporation in a cause of action.

Each school in the Corporation shall document acts of bullying and abusive behaviors:

- A. against a victim; and
- B. committed by a verified perpetrator.

Pursuant to I.C. 20-33-8-13.5, a record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under I.C. 5-14-3.

Documentation

The Corporation shall document acts of bullying and abusive behaviors against a victim that are committed by a verified perpetrator.

Parent Access to Materials

The parent of a child attending a school in the corporation shall be allowed to review any materials used in any bullying prevention or suicide prevention program.

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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~~The Bully Prevention Policy of the Elkhart Community Schools establishes its efforts to create a safe environment in the school District.~~

~~The Board prohibits acts of bullying of a student. The Board has determined a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Bullying, like other disruptive or violent behaviors, disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should be expected and commended for demonstrating appropriate behavior; treating others with civility and respect; and refusing to tolerate harassment, intimidation, or similar bullying behaviors.~~

Definition

A. Bullying

1. As defined by the Board, bullying means intentional behaviors involving unwanted and unwelcomed actions which are severe, persistent, or pervasive;
 2. Bullying includes unwanted 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 which are committed by a student or group of students against another student which have an effect of harassing, ridiculing, humiliating, intimidating or harming the targeted student and creating for the targeted student, an objectively hostile school environment which:
 - 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.
- B.** The term bullying may not be interpreted to impose any burden or sanction on, or include in the definition of the term, the following:
1. participating in a religious event;
 2. acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger;
 3. 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;
 4. 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;
 5. participating in an activity undertaken at the prior written direction of the student's parent; or
 6. engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

Procedures

- A.** Elkhart Community Schools has adopted rules which address bullying behavior and includes provisions concerning education, parental involvement, and intervention. These discipline rules shall apply regardless of the location in which the bullying occurred (i.e., the bully and the targeted student are students at a school within the school corporation); the bullying has created, for the targeted student, an objectively hostile school environment; and disciplinary action is reasonably necessary to avoid substantial interferences with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.
- B.** The principal at each school shall implement procedures which are consistent with the Rules for a Safe Learning Community and Good School Order and ensure both appropriate consequences and remedial measures be provided for students who commit one (1) or more acts of bullying. Appropriate consequences and remedial measures are those which vary according to the severity of the offenses, and consider both the developmental ages of the student offenders as well as the students' histories of inappropriate behaviors, per the code of student conduct.
- C.** The principal at each school shall be responsible for designating a member of his/her staff to receive all complaints alleging violations of this policy.
- D.** All school employees who have contact with students are required to verbally report alleged violations of this policy to the principal or the principal's designee in an expedited manner after an incident was witnessed or reliable information regarding the occurrence of an incident was received. A written report (e.g., anonymous report, email,

memo, etc.) of the incident shall also be prepared by the school within one (1) school day of receiving the verbal report.

- E. Students, parents, and visitors of a school are encouraged to report alleged policy violations to the principal (or principal's designee) in an expedited manner. A written report shall be prepared by the school following receipt of this information. Such a report may be made using Sprigeo.

Students, parents, and visitors may also make anonymous reports through an anonymous reporting system. Formal action for violations of the code of student conduct may not be taken solely on the basis of an anonymous report.

- F. The principal or designee shall conduct a thorough and complete investigation for each report of an alleged incident of bullying behavior received using the Bullying Investigation guidelines. The investigation shall be initiated by the principal or the principal's designee within one (1) school day of the submission of the written incident report. The parents of the alleged perpetrator and the targeted student(s) shall be notified of the reported bullying incidents within five (5) business days of the report of such incidents and on a regular, periodic basis of the progress and findings of the investigation and of any remedial action that has been taken. The principal may appoint additional personnel 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 (5) school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying behavior. During the investigation, the school's priority will be the safety of the victim. The investigation may include a determination of the severity of the bullying incident(s) and whether the transfer of the alleged perpetrator or victim to another school within the school corporation is warranted. The principal shall submit a report of confirmed incidents of bullying behavior to the Superintendent or designee within ten (10) school days of the completion of the investigation. This timeline may be extended for reasonable cause as determined by the School District. The Superintendent or his/her designee shall report the results of each investigation confirming incidents of bullying behavior to the Board on a quarterly basis during regularly scheduled board meetings.

- G. Each school shall record the frequency of confirmed incidents of bullying behavior in the following categories: verbal bullying, physical bullying, social/relational bullying, and electronic or written communication bullying. Each school shall report this information to the Superintendent, who will report it to the Board and Indiana Department of Education. Information shall be submitted to the Indiana Department of Education by July 1 of each year.

- H. The principal shall provide information about the investigation, in accordance with Federal and State law and regulations, to the parents of the student(s) who was bullied as well as the parents of the student(s) with the bullying behavior. The information provided to parents includes the nature of the investigation, whether the corporation found evidence of bullying behavior, and whether consequences were imposed or services provided to address the bullying incident if the evidence of bullying behavior was substantiated. This information is to be provided in an expedited manner following the completion of the investigation.

- I. Any school employee who observes bullying behavior or receives a report of behavior that violates the terms of this policy and fails to report this information may be subjected to disciplinary action.

Any school employee responsible for conducting an investigation under this policy and fails to investigate the reported behavior which violates this policy may be subject to disciplinary action.

- J. Elkhart Community Schools has defined a range of ways in which school staff and the principal or the principal's designee shall respond once an incident of bullying behavior is confirmed. Some acts, which violate the terms of this policy, may be isolated incidents requiring the school officials to respond appropriately to the individuals committing the acts. Other acts may be so serious they require a response either at the school corporation level or by local law enforcement officials.

- K. The principal shall proceed in accordance with the Rules for a Safe Learning Community and Good School Order, as appropriate, based on the investigation findings. As appropriate to the investigation findings, the principal shall ensure the Rules for a Safe Learning Community and Good School Order have been implemented, and provide intervention and/or relevant support services (i.e., refer to counseling, establish training programs to reduce bullying behavior, and enhance school climate, enlist parent cooperation, and involvement or take other appropriate action). Intervention and support implemented by the principal or his/her designee should include follow-up services to both the targeted student and the student with bullying behavior.

- L. Elkhart Community Schools may take disciplinary action for the false reporting of alleged bullying incidents.

- M. The Superintendent shall annually disseminate this policy to all parents who have children enrolled in a school within the School Corporation. The Superintendent shall post a link to the policy which is prominently displayed on the home page of the School Corporation's website. The Superintendent shall ensure notice of the corporation's policy

appears in the student handbooks and all other publications of the School Corporation which set forth the comprehensive rules, procedures, and standards for schools within the School Corporation.

- N. Each school shall provide researched-based bullying prevention instruction to all students in grades 1-12 within the school no later than October 15th of each school year. It is expected this instruction will be part of a more comprehensive bully prevention effort communicated to the students throughout the school year, and the age-appropriate, research-based instruction for all students in grades 1-12.
- O. Each school shall provide annual training on this policy and bullying prevention and intervention instruction to corporations and school employees, volunteers, and contracted service providers who have direct and ongoing contact with students. Parents will be allowed to review any and all materials used in the school corporation's bullying and/or suicide prevention programs. Such a request can be made to the Student Services Department.
- P. The Board understands the characteristics and resultant needs of each school will continue to evolve, and the existing base of knowledge regarding bullying prevention and intervention will continue to grow. Research on bullying prevention practices will continue to emerge, and the data on the nature of bullying behaviors will continuously change. It is essential for school administrators and officials to regularly review available bullying prevention and intervention data. Additionally, school administrators are expected to collect and analyze in-house data regarding bullying incident investigations, incident frequency, and the effects of the corporation's efforts to address bullying behaviors. Through data-driven practice, administrators will be best qualified to determine the need for changes to policies and procedures and to institute improvements to prevention and intervention programs and approaches.

Revised 8/9/22

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Book	Policy Manual
Section	5000 Students
Title	Proposed New - STUDENT DISCIPLINE
Code	po5600.01
Status	First Reading
Last Reviewed	August 12, 2025

5600.01 - 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 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.

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. Parents, and students who are eighteen (18) years or older, will be provided a form which is to be signed and returned to the school principal confirming that the Code of Conduct has been read and is understood. Failure to return the form shall have no effect on the utilization of the disciplinary actions contained in the Code with that student.

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. When such conduct interferes with the educational program of the schools or threatens the health and safety of others.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained or other suitable transportation arrangements have been made.

No student shall be suspended or expelled solely because the student is chronically absent or a habitual truant, as defined in Policy 5200 - Attendance.

Cross Reference:

po5200 - ATTENDANCE

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Book	Policy Manual
Section	5000 Students
Title	Proposed Revised - SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES
Code	po5605
Status	First Reading
Adopted	November 22, 2016
Last Reviewed	August 12, 2025

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.

No student shall be suspended or expelled solely because the student is chronically absent or a habitual truant, as defined in Policy 5200 - Attendance.

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

I.C. 20-33-8-16.5
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

Cross Reference:

po5200 - ATTENDANCE

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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
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Book	Policy Manual
Section	5000 Students
Title	Proposed Revised - SUSPENSION AND EXPULSION OF STUDENTS
Code	po5610
Status	First Reading
Adopted	November 22, 2016
Last Reviewed	August 12, 2025

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 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 the student's 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. This includes but is not limited to bringing to or possessing at school a firearm, deadly weapon, or destructive device.

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 reasonably may 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 also may be expelled when the student's legal settlement is not within the Corporation's attendance area.

No student shall be suspended or expelled solely because the student is chronically absent or a habitual truant, as defined in Policy 5200 - Attendance.

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 Board Policy 5605 - Suspension and Expulsion of Students with Disabilities shall apply to students identified as having a disability under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. 1400 et seq., or Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. 794.

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 schoolwork 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 schoolwork 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 schoolwork 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, the student 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 prepare annually 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 the 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 the student 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 has voted not to hear any expulsion appeals. Instead, appeals of expulsion must be filed with the County Circuit or Superior Court.

The Superintendent shall develop administrative guidelines that provide appropriate procedures for implementing this policy and comply with applicable statutes.

The Principal shall report all expulsions and second suspensions to the Bureau of Motor Vehicles in accordance with law and the Bureau's guidelines. If a student has withdrawn or seeks to withdraw from school in an effort to circumvent the second suspension or expulsion in order to avoid the loss of the student's driver's license or learner's permit, the Principal shall notify the Bureau of Motor Vehicles.

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 Board Policy 8315 - Information Management) 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 Board Policy 8315 - Information Management) 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 Board Policy 8315 - Information Management) created or received as part of an investigation of student misconduct or disciplinary action taken shall be retained in accordance with Board Policy 8310 - Public Records, Board Policy 8315 - Information Management, and Board Policy 8330 - Student Records and the Corporation's records retention schedule.

I.C. 20-8-33-33

I.C. 20-18-2-6.5

I.C. 20-33-2

I.C. 20-33-2-25

I.C. 20-33-8-3

I.C. 20-33-8-7

I.C. 20-33-8-13.5

I.C. 20-33-8-14

I.C. 20-33-8-15

I.C. 20-33-8-16

I.C. 20-33-8-16.5

I.C. 20-33-8-17

I.C. 20-33-8-18

I.C. 20-33-8-19

I.C. 20-33-8-20

I.C. 20-33-8-21

I.C. 20-33-8-22

I.C. 20-33-8-23

I.C. 20-33-8-24

I.C. 20-33-8-25

I.C. 20-33-8-26

I.C. 20-33-8-28

I.C. 20-33-8-31

I.C. 20-33-8-34

I.C. 20-34-3-9

I.C. 20-34-4-5

I.C. 35-31.5-2-86

I.C. 35-47-1-5

I.C. 35-47.5-2-4

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

20 U.S.C. 7151

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973) (Section 504)

Cross References

po5111 - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY

po5200 - ATTENDANCE

po5600 - STUDENT DISCIPLINE

po5605 - SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

po8310 - PUBLIC RECORDS

po8315 - INFORMATION MANAGEMENT

po8330 - STUDENT RECORDS

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The Board recognizes that removal from the educational programs of the Corporation, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this Corporation and one 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.

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" shall be the temporary removal of a student by the school principal from the Corporation's program for a period not to exceed five (5) 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.
- B. "Expulsion" shall be the removal of a student from the schools of this Corporation for a period not to exceed the number of school days remaining in the school year in which the incident took effect, if the incident occurs during the first semester. If the incident occurs in the second semester, the Superintendent may expel the student for the remainder of the current school year, summer school, and the first semester of the next school year in accordance with the provisions of I.C. 20-33-8-26.
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. 35-41-1-8 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. (20 U.S.C. 3351)

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 Board must be in writing. If an appeal is properly made, the Board must consider 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, the student and/or the student's parent. The Board will then take any action deemed appropriate.

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

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I.C. 20-33-8-14 et seq., 35-41-1-4.3, 35-47-1-5, 35-47.5-2-4

20 U.S.C. 3551, 20 U.S.C. 8922, 20 U.S.C. 7151

Book	Policy Manual
Section	5000 Students
Title	Proposed Revised - DUE PROCESS RIGHTS
Code	po5611
Status	First Reading
Adopted	November 22, 2016
Last Reviewed	August 12, 2025

5611 - **DUE PROCESS RIGHTS**

The Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the **School** Corporation's disciplinary procedures.

The Superintendent shall establish administrative guidelines to ensure that all members of the staff follow due process procedures when dealing with students. In addition, a statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

I.C. 20-33-8-18

I.C. 20-33-8-19

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Legal I.C. 20-33-8-19

Book	Policy Manual
Section	5000 Students
Title	Proposed Revised - SEARCH AND SEIZURE
Code	po5771
Status	First Reading
Adopted	November 22, 2016
Last Revised	September 11, 2018
Last Reviewed	August 12, 2025

5771 - SEARCH AND SEIZURE

The Board recognizes its obligation to balance the privacy rights of its students with ~~its~~ the School Corporation's responsibility to provide students, faculty, and authorized visitors with a safe, hygienic, and alcohol/drug-free learning environment.

In balancing these competing interests, the Board directs the Superintendent to utilize the following principles:

A. School Property

School facilities such as lockers and desks are school property provided for student use subject to the right of the Superintendent and his/her designee to enter the facility as needed and inspect all items in the facility searched. Students shall not have an expectation of privacy in any facility provided by the school and shall not be permitted to deny entry to a Corporation administrator by the use of a lock or other device.

B. Student Person and Possession

Prior to a search of a student's person and personal items in the student's immediate possession, consent of the student shall be sought by an administrator. If the student does not consent, such a search shall be permitted based only upon the administrator's own reasonable suspicion to believe the search will produce evidence of a violation of a law, school rule, or a condition that endangers the safety or health of the student or others. Searches of the person of a student shall be conducted and witnessed by a person of the same gender as the student and shall be conducted in a private place. The administrator responsible for conducting a search of a student's person shall, as soon as reasonably possible, attempt to notify the student's parent or guardian of the search by telephone, on the same day as the search. A parent or guardian of a student who has been subjected to a search shall be mailed written notification of the search within twenty-four (24) hours.

Searches, pursuant to this policy, shall also be permitted in all situations in which the student is under the jurisdiction of the Board as defined by I.C. 20-33-8-14.

Permission for a student to bring a vehicle on school property shall be conditioned upon consent ~~of~~for the search of the vehicle and all containers inside the vehicle by a school administrator with reasonable suspicion to believe the search will produce evidence of a violation of law, a school rule, or a condition that endangers the safety or health of the student driver or others. The student shall have no expectation of privacy in any vehicle or in the contents of any vehicle operated or parked on school property.

If a Corporation student has died, transferred, dropped out, or otherwise withdrawn from enrollment in the Corporation, the Corporation shall not remove the student's property without first providing the parents an opportunity to collect the property. The term "student property" refers to property belonging to a student that the student has stored in a locker, desk, or personal cubby that is located on school property and has been assigned to the student for the student's use. Provided, however, that this requirement does not restrict or otherwise limit the authority of a law enforcement agency to search an area containing student property or seize student property pursuant to a law enforcement investigation.

The Superintendent may request the assistance of a law enforcement agency in implementing any aspect of this policy. Whenever law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the Superintendent, the search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to law enforcement officers and law enforcement agency policies.

C. Breath Test Instruments

Administrators are authorized to arrange for the use of breath-test instruments for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood- alcohol level, since the Board has established a zero tolerance for alcohol use.

D. Use of Dogs

The Board authorizes the use of specially-trained dogs to detect the presence of drugs or devices such as bombs on school property under the conditions established in the Superintendent's administrative guidelines.

E. ~~Use of Metal Detectors for a Reasonable Suspicion Search~~ Metal and Weapon Detectors

To address the Corporation's duty to maintain a safe learning environment free of the potential presence of weapons, school officials, school resource officers, and other school personnel trained in the usage of metal and weapon detectors are authorized to use metal and weapon detectors, either hand-held wands or walk through devices, for the purpose of determining if a person is in possession of weapons or other dangerous objects and/or other unauthorized objects (e.g., vape pens and other prohibited equipment/devices). When the school administration has a reasonable suspicion to believe weapons or other dangerous metal objects and/or other unauthorized objects (e.g., vape pens and other prohibited equipment/devices) are in the possession of an identified person, a search of the identified person and/or of possessions shall be conducted in accordance with the requirements of this policy's provisions for searching a Student's Person or Possessions (B. above) and AG7440A - Metal Detector Search Procedures. When the school administration has reasonable suspicion to believe weapons are in the possession of an identified student, the administration is authorized to use a mobile metal detector to search the student. Any search of a student's person as a result of the activation of the detector will be conducted in private and in accordance with the policy on personal searches. Only school personnel who have been trained in the usage of metal detectors, law enforcement officers assigned to the school corporation, or school resource officers shall operate the metal detectors under the direction of the administration.

F. ~~Use of Metal Detectors for Random Checks~~

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

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

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

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

Anything found in the course of a search or check pursuant to this policy which that constitutes evidence of a violation of a law or a school rule or which that endangers the safety or health of any person shall be seized and utilized as evidence if appropriate. Seized items of value shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items of no value and seized items that may not lawfully be possessed by the owner shall be destroyed or turned over to law enforcement.

The Superintendent or Principal, as appropriate, building administrator shall promptly record in writing the following information for each search conducted pursuant to this policy:

- A. the information upon which the search was based
- B. the time, date, location, students, or places searched, and persons present

C. a description of any item seized and its disposition

D. the time and date of notice to the parent or guardian in the case of ~~the~~ a search of the ~~student's~~ person ~~of a student~~

The Superintendent shall prepare administrative guidelines to implement this policy.

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I.C. 20-33-8-32

U.S. Constitution, 4th Amendment

Book	Administrative Guideline Manual - First Draft Clean
Section	2000 Program
Title	Proposed New Guideline - MANDATORY CURRICULUM
Code	ag2221
Status	First Reading
Last Reviewed	August 12, 2025

2221 - MANDATORY CURRICULUM

The following administrative guidelines should be followed to prepare, implement, and supervise courses of instruction in the following areas as mandated by the Indiana Code and the regulations of the State Department of Education.

A. Display of United States Flag; Pledge of Allegiance

The Principal will make sure that the United States flag is displayed in each classroom in their building. The Principal will provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance and to participate in a moment of silence in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

1. the student chooses not to participate; or
2. the student's parent chooses not to have the student participate.

B. Constitutions; Interdisciplinary Course

The Principal will make sure that instruction is provided to students in grades 6 through 12 on the constitutions of:

1. Indiana; and
2. the United States.

Elementary School Principals will make sure that instruction on the Constitutions is included as a part of American history.

Failure of Principals and teachers to comply with the requirement to provide instruction on the Constitutions of the United States and Indiana constitutes misconduct in office under I.C. 20-28-5-7.

High School Principals will make certain that instruction on the Constitutions is included as part of civics or another course, consistent with any rules issued by the State Board of Education. High school principals will include in the curriculum a required course that is not less than one (1) year of school work in the following aspects of the Constitutions of Indiana and the United States:

1. historical;
2. political;
3. civic;
4. sociological;
5. economical; and
6. philosophical

and that uses the appropriate course outlines and necessary curricular materials for uniform instruction as prescribed by the State Board of Education.

High school students may not receive a diploma unless they successfully complete the interdisciplinary course described above.

C. **Protected Writings, Documents, and Records of American History or Heritage**

1. the Constitution of the United States;
2. the national motto;
3. the national anthem;
4. the Pledge of Allegiance;
5. the Constitution of the State of Indiana;
6. the Declaration of Independence;
7. the Mayflower Compact;
8. the Federalist Papers;
9. "Common Sense" by Thomas Paine;
10. the writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States;
11. United States Supreme Court decisions;
12. Executive orders of the presidents of the United States;
13. Frederick Douglass' Speech at Rochester, New York, on July 5, 1852, entitled "What to a Slave is the Fourth of July?";
14. Appeal by David Walker; and
15. Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

A Principal or teacher may read or post any excerpt or part of a protected writing, document, or record in a school building or classroom or at a school event.

Content-based censorship of American history or heritage based on religious references in a protected writing, document or record is prohibited.

Principals will make sure that their building library, media center, or equivalent facility maintained for student use contains in its permanent collection at least one (1) copy of each of the protected writings, documents, and records listed in 1. through 9. above.

Students will be allowed to include a reference to a protected writing, document or record in a report or other work product. Students may not be punished in any way, including a reduction in grade, for using such a reference.

D. **System of Government; American History**

Principals will make sure that all students in grades 6 through 12 are provided within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:

1. the system of government in Indiana and in the United States;
2. methods of voting;

3. party structures;
4. election laws; and
5. the responsibilities of citizen participation in government and in elections.

The completion of a two (2) semester course in American history is a prerequisite to a student receiving a high school diploma.

E. **Moment of Silence**

Principals will make sure that each building participates in a daily observance of a moment of silence in each classroom or on school grounds.

Principals will direct the teacher responsible for a classroom to ensure that during the moment of silence all students remain seated or standing and silent and make no distracting display so that each student may, in the exercise of their individual choice, meditate, pray, or engage in any other silent activity that does not interfere with, distract, or impede another student in the exercise of their individual choice.

F. **Morals Instruction**

Principals will direct the classroom teachers in their building who instruct in the regular courses of grades 1 through 12 to present their instruction with special emphasis on:

1. honesty;
2. morality;
3. courtesy;
4. obedience to law;
5. respect for the National flag, the Constitution of the State of Indiana, and the Constitution of the United States;
6. respect for parents and the home;
7. the dignity and necessity of honest labor; and
8. other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.

Such instruction will be done pursuant to outlines or materials for the instruction prepared by the State Secretary of Education and incorporated in the classroom instruction in the regular courses of grades 1 through 12.

G. **Bullying Prevention; Student Instruction**

Principals will make sure that not later than October 15 of each year age-appropriate, research-based instruction focusing on bullying prevention within the parameters of I.C. 5-2-10.1-12(d)(1) is provided to all students in grades 1 through 12 in their building.

Instruction on bullying prevention may utilize outlines or materials prepared by the State Department of Education, in consultation with school safety specialists and school counselors. Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention.

H. **Good Citizenship Instruction**

Principals will make sure that good citizenship instruction is provided to students in their building. "Good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

1. being honest and truthful;

2. respecting authority;
3. respecting the property of others;
4. always doing the student's personal best;
5. not stealing;
6. possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes;
7. taking personal responsibility for obligations to family and community;
8. taking personal responsibility for earning a livelihood;
9. treating others the way the student would want to be treated;
10. respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana;
11. respecting the student's parents and home;
12. respecting the student's self;
13. respecting the rights of others to have their own views and religious beliefs.

In providing this instruction, Principals may utilize models of conflict resolution that have been identified and made available by the State Department of Education. The instruction may consist of a teacher education program that applies the techniques to the students in the classroom.

I. School Corporation Studies

The School Corporation's curriculum includes the following studies:

1. Language arts, including:
 - a. English
 - b. Grammar
 - c. composition
 - d. Speech
 - e. second languages

2. Mathematics

Corporation middle schools, which include any school that provides instruction to students in any combination of grades 6, 7 and 8, will automatically enroll in a middle school advanced math course a student who: a) scores "above proficient" on the ILEARN assessment for math in grade 5, 6, or 7; and b) earns a "C" or higher in the student's math course work. The Corporation will provide notice to the parent of a student who is automatically enrolled in a middle school advanced math course that: a) the student has been automatically enrolled; and b) the parent may provide notice to the school to opt the student out of the automatic enrollment. The student's parent may opt the student out of automatic enrollment in the middle school advanced math course by providing notice to the Corporation.

3. Social studies and citizenship, including the:
 - a. Constitutions
 - b. governmental systems
 - c. histories

of Indiana and the United States, including an enhanced study of the Holocaust in each high school United States history course

The high school will offer a one (1) semester course in Indiana studies and a one (1) semester course in ethnic studies at least once every school year.

As a part of the United States government course for which credit is awarded for each of the four (4) designations of the high school diploma, the naturalization examination provided by the United States Citizenship and Immigration Services will be administered to each student.

Each student will complete successfully one (1) semester of a civics education course in grade 6, 7, or 8.

4. **Sciences**

5. **Fine arts, including music and art**

6. **Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body**

7. **Computer science in the curriculum for students in grades K through 12. Each high school must offer at least one (1) computer science course of at least one (1) semester.**

8. **Additional studies selected by the School Board, subject to revision by the State Board of Education.**

Principals will make sure that such courses are provided as part of the curriculum in their buildings.

J. Physical Activities

All Elementary School Principals must provide daily physical activity for students in their building. The physical activity may include the use of recess. On a day when there is inclement weather or unplanned circumstances have shortened the school day, the Elementary School Principals will provide physical activity alternatives for students.

The requirement to participate in daily physical activity does not apply to a student who:

1. is in half-day kindergarten; or
2. has a medical condition that precludes participation in the daily physical activity described above.

K. Safety Education

Principals in buildings that include grade 8 will make sure that a course in safety education which is at least one (1) full semester in length is taught in grade 8 and shall direct grade 8 teachers to utilize the guide for this course that has been prepared by the State Board of Education.

L. Hygiene

Principals in buildings that include grade 5 will make sure that the principles of hygiene and sanitary science are taught in grade 5. This instruction must explain the ways that dangerous communicable diseases are spread and the sanitary methods for disease prevention and restriction. Principals will direct the grade 5 teachers to provide this instruction utilizing leaflets prepared by the State Health Commissioner and the State Secretary of Education that describe the principles of hygiene, sanitary science, and disease prevention.

Persons who violate this requirement may face prosecution upon a report by the State Department of Health or the State Department of Health's agents to the prosecuting attorney.

Any student who objects in writing or any student less than eighteen (18) years of age whose parent or guardian objects in writing to health and hygiene courses because the courses conflict with the student's religious teachings is entitled to be excused from receiving medical instruction or instruction in hygiene or sanitary science without penalties concerning grades or graduation.

M. Diseases

Principals will make sure that students in their building receive illustrative teaching of:

1. the spread of disease by:
 - a. rats;
 - b. flies; and
 - c. mosquitoes;

and the effects of disease; and

2. disease prevention by proper food selection and consumption.

Principals may direct classroom teachers in their building to provide such instruction. It is a Class C infraction for a school official to fail to comply with this requirement.

N. Alcoholic Beverages, Tobacco, Prescription Drugs, and Controlled Substances; Instruction in Kindergarten Through Grade 12

Principals will make sure that instruction is provided to all students in kindergarten through grade 12 in their building concerning the effects that:

1. alcoholic beverages;
2. tobacco;
3. prescription drugs; and
4. controlled substances;

have on the human body and society at large. Teachers providing instruction may utilize instructional materials recommended by the State Board of Education or curriculum guides developed by the State Department of Education. A Corporation teacher who has been trained in drug education may provide instruction or assistance to other teachers providing instruction.

O. HIV

Each Principal will include in the curriculum instruction concerning the human immunodeficiency virus (HIV) and, to the extent possible, integrate this instruction with instruction on other serious communicable diseases.

Literature that is distributed to school children and young adults as part of this instruction must include information required by I.C. 20-34-3-17. Therefore, it must stress the moral aspects of abstinence from sexual activity and state that the best way to avoid HIV is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship. The Board must approve HIV literature before it is distributed.

P. Instruction on Human Sexuality or Sexually Transmitted Infections

Instruction on human sexuality will be provided only to students in grades 4 through 12. Principals will direct teachers who provide instruction on human sexuality or sexually transmitted infections to:

1. teach abstinence from sexual activity outside of marriage as the expected standard for all school-age children;
2. include in the instruction that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted infections, and other associated health problems;
3. include in the instruction that the best way to avoid sexually transmitted infections and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage;
4. include age-appropriate instruction concerning the importance of consent to sexual activity between two (2) individuals; and

5. include in the instruction an in-person presentation on growth and development during pregnancy that is medically accurate and age-appropriate and includes a high definition ultrasound and video at least three (3) minutes in duration showing the development of the brain, heart, sex organs and other vital organs in early fetal development and a high quality computer generated rendering or animation showing the process of fertilization and each stage of fetal development inside the uterus noting significant markers in cell growth and organ development for every week of pregnancy from fertilization to birth; however, if the course is 100% virtual, a presentation that meets these requirements may be provided instead.

A Corporation employee is not prohibited from responding to a question from a student regarding human sexuality. In the event a student in pre-kindergarten through grade 3 initiates a question or discussion regarding human sexuality, the teacher shall direct the student to address such matters with their parent or guardian and shall provide a timely notification to the parent or guardian of the student regarding the nature of the discussion.

Before a school may provide a student instruction on human sexuality, the school will provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent to instruction. A consent form provided to a parent of a student or a student must summarize accurately the contents and nature of the instruction on human sexuality that will be taught. Additionally, the consent form must state whether the human sexuality instruction will be provided to male and female students in a unified setting or in separate settings. The consent form also must indicate if the instruction on human sexuality is to be provided by a female or male instructor. The human sexuality consent form must indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The written consent form may be sent in an electronic format. If the consent form is provided in an electronic format, the form must have a link to the list of instructional materials, including teachers' manuals, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

1. consents to the instruction; or
2. declines instruction.

If a student does not participate in the instruction on human sexuality, the school will provide the student with alternative academic instruction during the same time frame that the instruction on human sexuality is provided.

If the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request for consent provided by the school within twenty-one (21) calendar days after receiving the request, the school will provide the parent of the student or the student, if the student is an adult or an emancipated minor, a written notice requesting that the parent of the student or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the school, whether the parent of the student or the adult or emancipated student:

1. consents to the instruction; or
2. declines instruction.

The notice provided must include the following information:

1. an accurate summary of the contents and nature of the instruction on human sexuality that will be provided to the student;
2. whether the instruction on human sexuality will be taught to male and female students in a unified setting or in separate settings;
3. whether the instruction on human sexuality will be provided by a female or male instructor;
4. a statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality.

The notice may be sent in an electronic format. If the notice is sent in an electronic format, the written consent form must include a link to the list of instructional materials, including teachers' manuals, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality.

A notice provided to a parent of a student or a student under this subsection will accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the

instruction on human sexuality. The notice may be sent in an electronic format. If the school does not receive a response within ten (10) days after the notice, the student will receive the instruction on human sexuality unless the parent or the adult or emancipated student subsequently opts out of the instruction for the student.

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

The Corporation must publish a list of any instructional materials, including teachers' manuals, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality on the Corporation's website.

See also Policy 2414 - Reproductive Health and Family Planning and Human Sexuality Instruction

Q. Career Awareness and Career Development Education; Indiana Career Explorer Program and Standards; Use of Alternative Internet-Based System and Standards

Principals of each building within the Corporation will include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values. Principals will either integrate within the curriculum instruction that is or conduct activities or special events periodically that are designed to foster overall career awareness and career development. Such instruction or activities and special events will:

1. educate students on the importance of their future career choices;
2. prepare students for the realities inherent in the work environment; and
3. instill in students work values that will enable them to succeed in their respective careers;

The school's curriculum will include interdisciplinary employability skills standards established by the Department of Education, in conjunction with the Department of Workforce Development, and approved by the State Board of Education. Principals may utilize career awareness and career development models developed by the State Department of Education that meet the following criteria:

1. For grades 1 through 5, career awareness models that introduce students to work values and basic employment concepts.
2. For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.
3. For grades 9 through 12, career exploration models that offer students insight into future employment options and career preparation models that provide job or further education counseling, including the following:
 - a. Initial job counseling, including the use of job service officers to provide school-based assessment, information, and guidance on employment options and the rights of students as employees.
 - b. Workplace orientation visits.
 - c. On-the-job experience exercises.

Teachers may utilize teacher guides prepared by the State Department of Education and/or attend seminars or other teacher education activities conducted by the State Department of Education. For students in at least Grade 9, innovative career preparation demonstration projects that have been designed and implemented by the State Department of Education may be used.

Principals in each building providing instruction to students in grade 8 will include in the school's curriculum State developed career standards for all students in grade 8 that include instruction in and use of either:

- a. the Indiana career explorer program and standards; or
- b. an alternative Internet-based system and standards that provide students with career and college planning resources that have been approved by the State Board of Education.

Principals in each building will include in the school's curriculum State developed career standards for all students in any grade level that include instruction in and use of the program and standards or system and standards described above for students in grade 8.

If approved by the State Board of Education, Principals in each building may utilize an alternative Internet-based system and standards that provide students with career and college planning resources that:

- a. have an aptitude assessment tool;
- b. contain educational course track information;
- c. have a tool for the preparation and development of the graduation plan, including a parent sign-in component;
- d. allow access to education and career demand information using data prepared by the Department of Workforce Development; and
- e. are aligned to interdisciplinary employability skills standards established by the Department of Education, in conjunction with the Department of Workforce Development, and approved by the State Board of Education.

R. **Breast Cancer and Testicular Cancer Instruction**

Each High School Principal will include in the school's health education curriculum instruction regarding breast cancer and testicular cancer as adopted by the State Board of Education, including the significance of early detection of these diseases through:

1. monthly self-examinations; and
2. regularly scheduled mammograms in the case of breast cancer.

Breast cancer and testicular cancer educational materials will be made available by the State Department of Education to assist teachers assigned to teach this material. Principals will direct teachers providing such instruction to follow the guidelines developed by the State Department of Education and rules adopted by the State Board of Education concerning the instruction required under this section.

S. **Human Organ and Blood Donor Program Instruction**

Each High School Principal will include in the school's health education curriculum instruction regarding the human organ donor program and blood donor program as adopted by the State Board of Education, including

1. the purpose of the human organ donor program and blood donor program;
2. the statewide and nationwide need for human organ and blood donations; and
3. the procedure for participation in the human organ donor program and blood donor program.

Human organ donor program and blood donor program educational materials will be made available by the State Department of Education to assist teachers assigned to teach the material described in this section.

T. **Meningitis Information**

Principals are directed to make sure that information concerning meningococcal disease and its vaccines is provided to students and parents or guardians of students at the beginning of each school year. The information provided must include information concerning the:

1. causes;
2. symptoms; and
3. spread

of meningococcal disease and the places where parents and guardians of students may obtain additional information and vaccinations for their children.

The Superintendent will work with the State Department of Education, in consultation with the State Department of Health or any other appropriate entity, to develop materials to be made available to schools to assist them in providing the information described in this section.

U. **Personal Financial Responsibility**

High School Principals will include in the school's curriculum a course on personal financial responsibility, utilizing the curriculum adopted by the State Board of Education for instruction, as a graduation requirement (I.C. 20-30-5-19) for students graduating in 2028 or after. This must address the following areas: 1) basic principles of: a) money management, such as: i) spending and saving; ii) types of bank accounts; iii) opening and managing a bank account; and iv) assessing the quality of a depository institution's services; b) debt management; c) receiving an inheritance and related implications; d) savings, retirement, and investment accounts; e) federal and state income tax returns; and f) local tax assessments; . 2) personal insurance policies; 3) loan applications; 4) interest rate computations; 5) credit and credit scores; 6) simple contracts. Additionally, if a student will graduate in 2026 or 2027 and the school has opted into the New Indiana Diploma, the student also must complete the curriculum for personal financial responsibility.

V. **Cardiopulmonary Resuscitation and Automated External Defibrillator Training**

Except as permitted by waiver, each High School Principal will include in the school's health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator and must include either of the following:

1. an instructional program developed by the American Heart Association or the American Red Cross;
2. an instructional program that is nationally recognized and is based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

"Psychomotor skills" means skills using hands-on practice to support cognitive learning.

High School Principals may permit teachers to provide this instruction or arrange for the instruction to be provided by available community-based providers. The instruction is not required to be provided by a teacher. If instruction is provided by a teacher, the teacher is not required to be a certified trainer of cardiopulmonary resuscitation.

Students are not required to become certified in cardiopulmonary resuscitation and the use of an automated external defibrillator. However, if the Corporation chooses to offer a course that results in certification being earned, the course must be taught by an instructor authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

High School Principals may waive the requirement that a student receive the instruction required above if the student has a disability or is physically unable to perform the psychomotor skills component of the instruction required above.

W. **Internet Safety**

Principals will include in the school's curriculum for grades 3 and above instruction concerning safe usage of the Internet by children. Teachers may utilize guidelines developed by the State Department of Education and rules adopted by the State Board of Education concerning the instruction required to teach the required material. The instruction must cover:

1. safe online communication;
2. privacy protection;
3. cyberbullying;
4. viewing inappropriate material;
5. file sharing;
6. the importance of open communication with responsible adults; and

7. any other matters that the State Department of Education or the State Board of Education finds will assist children in using the Internet safely.

X. Dating Violence Instruction

Principals in buildings that include grades 6 through 12 will implement dating violence education programs in grades 6 through 12 and enforce dating violence response policies, which may include the following topics:

1. warning signs of dating violence;
2. the basic principles of dating violence prevention; and
3. methods of parental education and outreach.

Y. Child Abuse and Child Sexual Abuse Education

Principals will make sure that not later than December 15 of each year age-appropriate research and evidence-based or research or evidence-based instruction on child abuse and child sexual abuse is provided to all students in grades kindergarten through 12 in their building. Instruction on child abuse and child sexual abuse may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of child abuse and child sexual abuse. Education programs on child abuse and child sexual abuse may include the following topics:

1. Warning signs of a child who is being abused or sexually abused.
2. The basic principles of child abuse and child sexual abuse prevention.
3. Methods of student, teacher, and parental education and outreach.

A school that chooses to use the model educational materials developed by the State will inform the parents of students in the grade levels in which the materials could be used, in writing and by posting on the school's Internet website, that a parent may:

1. examine and review the model educational materials before the materials are taught; and
2. decide if the parent's child will be instructed with the model educational materials.

If a parent decides that their child may be taught using the model educational materials, the parent shall notify the school of the parent's decision in writing or electronically.

Principals in all buildings will enforce child abuse and child sexual abuse response policies and reporting procedures, which may include the following topics:

1. actions that a child who is a victim of abuse or sexual abuse may take to obtain assistance
2. interventions
3. counseling options
4. educational support available for a child who is a victim of abuse or sexual abuse to enable the child to continue to be successful in school
5. reporting procedures

The Corporation will not offer, support, or promote any student program, class, or activity that provides student instruction that is contrary to a curriculum required to be provided to students under I.C. 20-30-5, set forth above.

Access to Materials

Principals will make available for inspection by the parent of the student or the student, if the student is an adult or an emancipated minor, instructional materials, including but not limited to:

- A. teachers' manuals;

- B. curricular materials;
- C. films or other video materials;
- D. tapes; and
- E. other materials

used in connection with a personal analysis, an evaluation, or a survey or used in instruction on human sexuality.

Personal Analyses, Evaluations, or Surveys of Students

A student will not be required to participate in a personal analysis, an evaluation, or a survey that is not directly related to academic instruction and that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

- A. political affiliations;
- B. religious beliefs or practices;
- C. mental or psychological conditions that may embarrass the student or the student's family;
- D. sexual behavior or attitudes;
- E. illegal, antisocial, self-incriminating, or demeaning behavior;
- F. critical appraisals of other individuals with whom the student has a close family relationship;
- G. legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or
- H. income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program)

without the prior consent of the student if the student is an adult or an emancipated minor or the prior written consent of the student's parent, if the student is an unemancipated minor. The consent form will accurately reflect the contents and nature of the personal analysis, evaluation, or survey.

Personal Analyses, Evaluations or Surveys by Third Party Vendors

The following requirements do not apply to:

- A. an academic test or academic assessment, scoring keys, or other tools directly related to measuring a student's academic performance in understanding a particular curricular subject matter, as prescribed by the Indiana Department of Education.
- B. a career aptitude or career interest survey.
- C. an assessment or screening instrument administered by a psychologist licensed under I.C. 25-33 or social worker, clinical social worker, marriage and family therapist, or mental health counselor licensed under I.C. 25-23.6 employed by a third party if the third party provider is referred by school personnel in a crisis situation in which the school personnel and the third party provider reasonably believe that the student is in immediate danger of self harm, harming another person, or experiencing harm resulting from abuse or neglect.
- D. an assessment, screening instrument, or evaluation survey administered by a psychologist licensed under I.C. 25-33 or social worker, clinical social worker, marriage and family therapist, or mental health counselor licensed under I.C. 25-23.6 employed by a third party provider who has received a consent for services from a student, if the student is an adult or emancipated minor, or parent of a student, if the student is an unemancipated minor.
- E. a survey or evaluation administered to a student of a school by a third party vendor that gauges or attempts to gauge student satisfaction with or participation in the school's programming, technology platform, or approved curriculum.

The following requirements also do not apply to a personal analysis, evaluation, or survey for which consent is required under I.C. 20-30-5-17(c), that is an analysis, evaluation or survey that is not directly related to academic instruction and that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

- A. political affiliations;
- B. religious beliefs or practices;
- C. mental or psychological conditions that may embarrass the student or the student's family;
- D. sexual behavior or attitudes;
- E. illegal, antisocial, self-incriminating, or demeaning behavior;
- F. critical appraisals of other individuals with whom the student has a class family relationship;
- G. legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or
- H. income (except as required by law to determine eligibility for participating in a program or for receiving financial assistance under a program).

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

Before the Corporation or school may administer a personal analysis, evaluation, or survey by a third party vendor that reveals, identifies, collects, maintains, or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the Corporation or school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent for administration.

A consent form provided to a parent of a student or a student under this subsection will accurately summarize the contents and nature of the personal analysis, evaluation, or survey that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the personal analysis, evaluation, or survey. The written consent form may be sent in an electronic format. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated minor student:

- A. consents to the personal analysis, evaluation, or survey; or
- B. declines the personal analysis, evaluation, or survey.

If a student does not participate in the personal analysis, evaluation, or survey, the Corporation or school shall provide the student with alternative academic instruction during the same time frame that the personal analysis, evaluation, or survey is administered.

If the parent of the student or the student, if the student is an adult or an emancipated minor, does not return the completed consent form within twenty-one (21) calendar days after receiving the request, the Corporation will provide the parent of the student or the student, if the student is an adult or an emancipated minor, a second written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the Corporation, whether the parent of the student or the adult or emancipated minor student:

- A. consents to the personal analysis, evaluation, or survey; or
- B. declines the personal analysis, evaluation, or survey.

A notice provided to a parent of a student or a student under this subsection will accurately summarize the contents and nature of the personal analysis, evaluation, or survey that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the personal analysis, evaluation, or survey. The notice may be sent in an electronic format. If the Corporation does not receive a response within ten (10) days after the second notice is sent, the student will receive the personal analysis, evaluation, or survey unless the parent or the adult or emancipated minor student subsequently opts out of the personal analysis, evaluation, or survey for the student.

The Corporation will send with each of the above notices an explanation of the reasons that the Corporation is administering the personal analysis, evaluation, or survey.

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

The Corporation will post a copy of the personal analysis, evaluation, or survey on the Corporation or school website.

See also Policy 2416 - Student Privacy and Parental Access to Information.

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

Nothing in this subsection prohibits the Corporation or a school from administering State or Federally-required assessments.

If the Corporation contracts with a third party vendor to provide a personal analysis, survey, or evaluation described above, the contract will include a provision stating that if the third party vendor does not comply with the requirements described above, the third party vendor has committed a breach of contract.

I.C. 5-2-10.1-12(d)(1)

I.C. 20-26-21

I.C. 20-28-5-7

I.C. 20-30-5

I.C. 20-34-3-17

I.C. 25-23.6

I.C. 25-33

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I.C. 20-26-21

I.C. 20-30-5

Book	Administrative Guideline Manual - First Draft Clean
Section	2000 Program
Title	Proposed New Guideline - REPRODUCTIVE HEALTH AND FAMILY PLANNING AND INSTRUCTION ON HUMAN SEXUALITY
Code	ag2414
Status	First Reading
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2414 - REPRODUCTIVE HEALTH AND FAMILY PLANNING AND HUMAN SEXUALITY INSTRUCTION

These guidelines have been developed to assist staff in implementing the School Corporation's program for human sexuality instruction. The term human sexuality instruction will include instruction related to reproductive health and family planning, human sexuality, emotional, physical, psychological, hygienic, economic, and social aspects of family life, sexually transmitted infections, and non-casual contact communicable diseases, such as the human immunodeficiency virus (HIV).

A Confirmation Checklist has been prepared, based on appropriate guidelines, and is designed to ensure that the program is implemented properly and minimizes concern by parents or other interested parties. See Form 2414 F2 - Confirmation Checklist Reproductive Health and Family Planning Program and Human Sexuality Instruction. State law requires that teachers who provide instruction on human sexuality or sexually transmitted infections shall:

- A. teach abstinence from sexual activity outside of marriage as the expected standard for all school-age children;
- B. include in the instruction that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted infections, and other associated health problems;
- C. include in the instruction that the best way to avoid sexually transmitted infections and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage;
- D. include age-appropriate instruction concerning the importance of consent to sexual activity between two (2) individuals; and
- E. include in the instruction an in-person presentation on human growth and development during pregnancy that is medically accurate and age appropriate and includes a high definition ultrasound video at least three (3) minutes in duration showing the development of the brain, heart, sex organs and other vital organs in early fetal development and a high quality computer generated rendering or animation showing the process of fertilization and each stage of fetal development inside the uterus noting significant markers in cell growth and organ development for every week of pregnancy from fertilization to birth; however, if the course is 100% virtual, a virtual presentation that meets these requirements may be provided instead.

Each Principal should use the Checklist in working with the school staff at the beginning of each school year. Once the program has been started, a copy of the completed confirmation should be sent to the Superintendent's office by no later than the last student attendance day, and the original should be maintained in the school office.

The Corporation will make available for inspection by the parent of a student any instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality and will post the list of instructional materials on the Corporation's website. Each Principal should confirm that their school website includes this information.

In the event of a complaint about the program, the person or party should be made aware of the School Board's complaint procedure described in Policy 9130 - Public Complaints and Concerns. This policy is available at both the Superintendent's office and the office of each school. Any such complaint is most likely to concern the program itself or its implementation rather than the particular person teaching the program. Therefore, as the policy indicates, the complaint is to be handled by the Principal and not by a teacher. Be sure the complainant receives a copy of the procedure either through the mail or by coming to the office. Complaints that originate at the central office are to be handled in the same manner.

Before the Corporation may provide a student with instruction on human sexuality, the Principal must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent to instruction. (See Form 2414F1 - Notification on Reproductive Health and Family Planning Program and Consent for Human Sexuality Instruction.) The consent form must include the following information:

- A. an accurate summary of the contents and nature of the instruction on human sexuality that will be provided to the student;
- B. whether the instruction on human sexuality will be taught to male and female students in a unified setting or in separate settings;
- C. whether the instruction on human sexuality will be provided by a female or male instructor; and
- D. a statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality (including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials used in connection with instruction on human sexuality).

The written consent form may be sent in an electronic format. If the written consent form is sent in an electronic format, the written consent form must include a link to the list of instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes and other materials, used in connection with instruction on human sexuality on the Corporation's website. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

- A. consents to the instruction; or
- B. declines instruction.

If a student does not participate in the instruction on human sexuality, the Corporation shall provide the student with alternative academic instruction during the same time frame that the instruction on human sexuality is provided.

If the parent of the student or the student, if the student is an adult or an emancipated minor student, does not respond to the initial written request provided by the Principal within twenty-one (21) calendar days after receiving the request, the Principal shall provide the parent of the student or the student, if the student is an adult or an emancipated minor student, a second written notice requesting that the parent of the student or the student, if the student is an adult or an emancipated minor student, indicate, in a manner prescribed by the school, whether the parent of the student or the adult or emancipated minor student:

- A. consents to the instruction; or
- B. declines instruction.

The second written notice provided to a parent of a student or a student also must include the following information:

- A. an accurate summary of the contents and nature of the instruction on human sexuality that will be provided to the student;
- B. whether the instruction on human sexuality will be taught to male and female students in a unified setting or in separate settings;
- C. whether the instruction on human sexuality will be provided by a female or male instructor; and
- D. A statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality.

The notice may be sent in an electronic format. If the notice is sent in an electronic format, the written consent form must include a link to the list of instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality on the Corporation's website.

If the school does not receive a response within ten (10) days after the notice, the student will receive the instruction on human sexuality unless the parent or the adult or emancipated minor student subsequently opts out of the instruction for the student.

Each Principal will direct teachers providing human sexuality instruction to include in the curriculum instruction concerning HIV and, to the extent possible, integrate this instruction with instruction on other serious communicable diseases.

Literature that is distributed to school children and young adults as part of this instruction must include information required by I.C. 20-34-3-17. Therefore, it must stress the moral aspects of abstinence from sexual activity and state that the best way to avoid HIV is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship. The Board must approve HIV literature before it is distributed.

In the event a student in pre-kindergarten through grade 3 initiates a question or discussion regarding human sexuality, the teacher shall direct the student to address such matters with their parent or guardian and shall provide a timely notification to the parent or guardian of the student regarding the nature of the discussion.

Cross References:

po2221 - MANDATORY CURRICULUM

po2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

po9130 - PUBLIC COMPLAINTS AND CONCERNS

I.C. 20-30-5-12

I.C. 20-30-5-13

I.C. 20-30-5-17

I.C. 20-34-3-17

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Book	Administrative Guideline Manual - First Draft Clean
Section	2000 Program
Title	Proposed New Guideline - PROCEDURES FOR DISTRIBUTION OF WRITTEN CONSENT FORMS AND INSPECTION OF MATERIALS USED IN CONNECTION WITH CERTAIN SURVEYS, ANALYSES, OR EVALUATIONS
Code	ag2416
Status	First Reading
Last Reviewed	August 12, 2025

2416 - PROCEDURES FOR DISTRIBUTION OF WRITTEN CONSENT FORMS AND INSPECTION OF MATERIALS USED IN CONNECTION WITH CERTAIN SURVEYS, ANALYSES, OR EVALUATIONS

The following procedures should be used when the School Corporation proposes to administer a survey, analysis or evaluation of the type described in Policy 2416 – Student Privacy and Parental Access to Information to a student and when a parent or an adult or emancipated minor student makes a request to inspect materials used in connection with such a survey, analysis, or evaluation that the Corporation proposes to administer to a student.

Notification of Proposed Survey, Analysis or Evaluation and Distribution of Written Consent Forms to Parent or Adult or Emancipated Minor Student

When the Corporation proposes to administer a survey, analysis, or evaluation of the type described in Policy 2416 – Student Privacy and Parental Access to Information, the Corporation shall notify the parent of each student or the adult or emancipated minor student to whom it plans to administer such a survey, analysis, or evaluation that it is proposing to administer such survey, analysis, or evaluation and distribute the written consent form (Form 2416 F1 - Written Consent for Student To Submit to or Participate in a Survey, Analysis, or Evaluation) for review and signature by the parent or the adult or emancipated minor student.

The Corporation will not administer a survey, analysis, or evaluation of the type described in Policy 2416 – Student Privacy and Parental Access to Information to a student until it receives the completed and signed written consent form.

Parent or Adult or Emancipated Minor Student Requests to Inspect Materials Used in Connection with a Survey, Analysis, or Evaluation

If a parent or an adult or emancipated minor student requests to inspect materials used in connection with a survey, analysis, or evaluation of the type described in Policy 2416 – Student Privacy and Parental Access to Information, the Principal should request that Form 2416 F2 be completed by the parent or the adult or emancipated minor student and submitted to the Superintendent. Upon receipt of Form 2416 F2, the Superintendent will contact the person making the request within five (5) business days to schedule an appointment for the parent or adult or emancipated minor student to come to the school to review and inspect the materials that will be used in connection with the proposed survey, analysis, or evaluation. Upon inspection and review, the parent or the adult or emancipated minor student, at their sole discretion, can refuse to have their child participate, or if an adult or emancipated minor student can refuse to participate, in the proposed survey, analysis, or evaluation.

If a parent or an adult or emancipated minor student would like to file a complaint about the materials used in connection with any proposed survey, analysis, or evaluation of the type described in Policy 2416 - Student Privacy and Parental Access to Information, the Principal shall follow the complaint procedures outlined in Policy 9130 - Public Complaints and Concerns.

Legal References:

20 U.S.C. 1232g

20 U.S.C. 1232h

34 C.F.R. 98.3

I.C. 20-26-21

I.C. 20-30-5-17

I.C. 20-33-7.5

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20 U.S.C. 1232g

20 U.S.C. 1232h

34 C.F.R. 98.3

I.C. 20-26-21

I.C. 20-30-5-17

I.C. 20-33-7.5

Book	Administrative Guideline Manual - First Draft Clean
Section	2000 Program
Title	Proposed New Guideline - TESTING PROGRAM
Code	ag2623
Status	First Reading
Last Reviewed	August 12, 2025

2623 - TESTING PROGRAM

Purpose of Testing

Testing, like any other element of the School Corporation's program, should have a definite purpose related to Corporation goals. No test should be given without first defining its purpose and determining how the results will be used.

SUGGESTED PURPOSES FOR VARIOUS TESTS

A. Achievement Tests (State-mandated testing and assessments and others)

1. to measure a student's progress in achieving Corporation learning outcomes
2. to help determine student learning strengths and weaknesses and/or diagnose their causes
3. to help assess the effectiveness of a school's or the Corporation's program and/or identify/diagnose educational strengths and weaknesses
4. to aid in evaluating curriculum and/or instructional strategies and resources

B. Intelligence Tests

to measure a student's cognitive abilities, as defined by the tests

C. Basic Skills Tests (State-mandated testing and assessments and others)

1. to help determine the extent to which a student can perform tasks associated with functional literacy
2. to aid in diagnosing problems with literacy task-skills and in providing for appropriate remediation
3. to identify students at risk for not meeting grade level proficiency in mathematics

D. Readiness Tests

to help determine the appropriate time for a student to begin a learning program

E. Vocations Interest/Aptitude Tests

1. to help determine a student's interests or aptitudes for comparison with those related to particular vocational fields
2. to assist in the vocational counseling of a student

Uses of Test Results

The purpose for giving a test is to use the results to improve learning and to communicate with those concerned about how well a student or a group of students are learning. A student's score on the statewide assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.

Item Analysis

If test results are to be used effectively, an analysis of the test items should be the first step. Such an analysis makes it easier to determine the student's(s') areas of strengths and weaknesses so that instruction can be geared accordingly. A proper analysis should provide the kind of knowledge that will not only aid in designing appropriate learning activities but in producing a more reliable assessment and more useful communication to both students and their parents.

Curriculum and Instruction

Administrators will be responsible for ensuring that test results are used by the staff to both refine the curriculum and improve instructional strategies and resources. To aid in this process, in-service programs may be necessary to strengthen understanding of how different kinds of tests are designed, how to judge reliability and validity, and how to use test information to diagnose and remediate deficiencies.

Counseling

Administrators should make sure that teachers and counselors are working cooperatively by sharing information derived from the testing program. The counselors should be using test results and analyses to help students (and their parents) develop a realistic and valid view of their current achievement levels and design and follow through on plans related to both their school and vocational careers. Teachers also should be aware of these plans to help support such plans in the classroom.

Communication with Parents

As one of the important partners in the educative process, it is essential that parents be kept properly informed of test results and potential interventions, particularly those that relate directly to academic achievement. In communicating with parents, particularly with regard to standardized tests, the following guidelines should be observed:

- A. Notification of early intervention and screening supports available to a student to help them read by the end of third grade, and the retention requirement if the student does not pass IREAD after multiple testing administration opportunities.

The notice must be provided by October 1st, annually.
- B. Notification of a student's universal screener and IREAD-3 assessment results and any interventions and supports that will be provided to the student.
- C. Notification of a student's results on a screener used identify students at risk of not meeting grade level proficiency in mathematics and any interventions and supports that will be provided to the student.

Use in Remediation and Promotion/Retention

- A. Interventions will be provided for students who do not pass the IREAD-3 assessment in third grade or are at risk of not being reading proficient based on their IREAD-3 scores in second grade. (Students who pass the IREAD-3 assessment in grade 2 are not required to take it again in grade 3.) A re-assessment on IREAD-3 will be provided during a summer assessment window determined by the Indiana Department of Education (IDOE). Students who do not pass the re-assessment of IREAD-3 after at least two (2) administrations of the IREAD-3 Assessment during the summer following their third grade year will continue to receive instruction in grade 3 reading the next school year. Those students will be reported officially as third grade students and will participate fully in the State-mandated assessment program for grade 3, unless they meet the criteria for a Good Cause Exemption.
- B. Students who fail the IREAD-3 assessment in grade 3 shall be given the opportunity to retake the I-READ 3 assessment two (2) times in the summer after grade 3 before the grade 3 retention requirements apply.
- C. Students who are English language learners may be exempt from compliance with the retention requirements for not passing the IREAD-3 assessment until the 2027-2028 school year if a Corporation school that the student attends has been granted an exemption by IDOE because the school has a student population comprised of at least fifty percent (50%) of English language learners in grade 3, as determined by IDOE.

I.C. 20-30-7-13

I.C. 20-32-2

I.C. 20-32-5.1

I.C. 20-32-8

I.C. 20-32-8.5

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I.C. 20-32-5.1-18.4

Book	Administrative Guideline Manual - First Draft Clean
Section	5000 Students
Title	Proposed New Guideline - Student Discipline
Code	ag5600.01
Status	First Reading
Last Reviewed	August 12, 2025

5600.01 - STUDENT DISCIPLINE

Guidelines for Building Administrators

The administration will take a shared role in the establishment and maintenance of appropriate discipline in the school and in the enforcement of the Code of Conduct in accordance with the following guidelines.

Each Principal will review the building Code of Conduct prior to the start of the year, make any changes required by revision of the School Corporation's Code of Conduct by the School Board, establish a plan which will ensure that all members of the staff understand what it says, and develop to a common approach for supervising and disciplining students to be applied by all building personnel.

The Principal will devise and implement a plan whereby students receive a copy of the Student Handbook and confirm that they understand how to use it and what each of the major sections says and means.

Since it is in everyone's best interests to have parental understanding and support for appropriate student behavior, the plan also should ensure that parents are aware of:

- A. the Code of Conduct;
- B. the school's disciplinary procedures;
- C. the process for communicating their concerns to the school;

Each Principal also should:

- A. plan and conduct in-service activities on classroom management, discipline procedures, follow-up, and any other strategies which will help the staff use effective discipline; and
- B. provide for supervision for all school-sponsored activities.

Guidelines for Teachers

Teacher effectiveness and purposeful, well-planned activities are prerequisites to good discipline.

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Book	Administrative Guideline Manual - First Draft Clean
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5605.01 - **DISCIPLINING SPECIAL EDUCATION STUDENTS**

When the behavior of a student eligible under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq. (IDEA) and Title 511, Article 7 of the Indiana Administrative Code, 511 IAC 7-32-1 et seq. (Article 7) is such to justify serious disciplinary action, six (6) possible courses of action may be available depending upon the nature and severity of the behavioral problem.¹ The first is an in-school suspension that does not constitute a change of placement. The second is an out-of-school suspension for less than ten (10) consecutive school days that does not constitute a change of placement. The third is an out-of-school suspension for less than ten (10) consecutive school days that constitutes a change of placement. The fourth is placement in an Interim Alternative Education Setting (IAES) for forty-five (45) school days for carrying or possessing a weapon, possessing, using, selling or soliciting the sale of illegal drugs or a controlled substance, or inflicting of serious bodily injury (SBI) on another person at school, on school premises, or at a school function. The fifth is a forty-five school day IAES imposed by an Administrative Law Judge (ALJ) when a student is substantially likely to injure themselves or others. The sixth is expulsion from school. Each will be dealt with in the following guideline.

General Rules

- A. Short-term removal of a student from their current placement pursuant to the student's individualized education program (IEP) is not a suspension.
- B. Part of a day suspension is considered a full day of suspension.
- C. A suspension is a removal.
- D. No services are required unless the student already has been suspended for ten (10) cumulative days in that school year.

In-School Suspension

The Principal may remove a student from their current placement to an in-school suspension room. The in-school suspension is not counted as a day of removal if the following apply:

- A. Services are provided to allow the student to make progress in the general education curriculum.
- B. The student receives the special education services in their IEP.
- C. The student participates with non-disabled students to the same extent that they would in their current placement.

The third criterion means that if the student's placement ordinarily is in the general education classroom, then the in-school suspension room must be open to both students with disabilities and non-disabled students.

Out-of-School Suspension That is Not a Change of Placement

The Principal may remove a student from their current placement for an out-of-school suspension up to a cumulative total of ten (10) school days during a school year without convening a manifestation determination case conference or providing educational services. Such short-term suspensions from a program are not considered a change of placement, and the procedural safeguards associated with a change of placement are not required.

Once a student has been removed for a total of ten (10) cumulative school days of suspension in any school year, for any subsequent suspensions of ten (10) days or less, the Principal must determine whether a change of placement has occurred. It is required to seek input from the Director of Exceptional Learners or designee, or the student's Teacher of Record in making this determination. The Principal makes this determination on a case-by-case basis. In determining whether a change of placement has occurred, the Principal must determine whether the series of removals constitutes a pattern because:

- A. the series of removals total more than ten (10) school days in a school year;
- B. the student's behavior in this instance is substantially similar to the student's behavior in previous incidents that resulted in removals; and
- C. of such additional factors as the:
 - 1. length of each removal;
 - 2. cumulative amount of time the student has been removed; and
 - 3. proximity of the removals to one another.

If the Principal determines that a change of placement has not occurred, then no manifestation determination case conference is required. However, the student must receive educational services for each day of removal beyond ten (10) cumulative school days in any school year. School personnel, in consultation with at least one of the student's teachers, must determine the extent to which services are needed to allow the student to:

- A. continue to participate in the general curriculum, although in another setting; and
- B. progress toward meeting the goals set forth in the student's IEP.

These services may be provided in an interim alternative educational setting (IAES), which is not the same as a forty-five (45) school day IAES for drugs, weapons or SBI. Services must be provided for each day of removal beyond ten (10) school days in a school year.

Out-of-School Suspension That Is a Change of Placement

An out-of-school suspension that is determined by the Director of Exceptional Learners to result in a change in placement will trigger the need to provide a copy of the Notice of Procedural Safeguards to the student's parents. That notice must be provided on the date of the decision to make a removal that will result in a change of placement, if possible, but no later than by mail the next business day. It also will trigger the need to convene a manifestation determination case conference within ten (10) school days of the decision to remove the student to determine if the student's behavior that led to the removal is a manifestation of the student's disability. At the manifestation determination case conference, the case conference committee (CCC) must review:

- A. all relevant information in the student's file (including educational evaluations and reevaluations);
- B. the student's IEP;
- C. any teacher observations; and
- D. any relevant information provided by parent.

Based on that review, the CCC must determine if the conduct was:

- A. caused by or had a direct and substantial relationship to the student's disability; or
- B. the direct result of the school's failure to implement the IEP.

If the answer to either question is yes, then the conduct is a manifestation of the student's disability. If the student's conduct was the result of the school's failure to implement the IEP, the school must take immediate steps to remedy those deficiencies.

If the conduct is a manifestation of the student's disability, the CCC must:

- A. conduct an FBA, unless an FBA previously was conducted, and develop a BIP for the student or, if a BIP has been developed, review and modify the BIP, as necessary, to address the behavior; and

- B. return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the BIP. The parent must provide written consent for any change of placement.

If the conduct is **not** a manifestation of the student's disability, then school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as non-disabled students. However, during any period of removal, the student must receive services. The CCC must determine the appropriate services to be provided during the period of removal to enable the student to:

- A. continue to participate in the general education curriculum, although in another setting;
- B. progress toward meeting the goals in the student's IEP; and
- C. receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

These services may be provided in an IAES as decided by the CCC.

Interim Alternative Educational Setting for Drugs, Weapons or SBI

The Principal or designee may remove the student to an IAES for not more than forty-five (45) school days without regard to whether the behavior is a manifestation of the student's disability if the student:

- A. carries a weapon to school or possesses a weapon; or
- B. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
- C. has inflicted serious bodily injury upon another person

at school, on school premises, or at a school function under the jurisdiction of the Indiana Department of Education or a school corporation. On the day that the Principal or designee makes the decision to place the student in a forty-five (45) school day IAES, if possible, but no later than the next business day by mail, notice of the 45-school day IAES and a copy of the Notice of Procedural Safeguards must be provided to the student's parents. A CCC must be convened as soon as possible but no later than ten (10) school days after the decision to place the student in an IAES to determine whether the student's behavior is a manifestation of the student's disability. However, regardless of the outcome of the manifestation determination, the student will remain in the forty-five (45) school day IAES. The CCC must determine the IAES and appropriate services to allow the student to:

- A. continue to participate in the general curriculum, although in another setting;
- B. progress toward the goals in the student's IEP; and
- C. receive an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

"Weapon" means:

- A. "dangerous weapon" under 18 U.S.C. 930(g)(2), which means:
 - 1. a weapon;
 - 2. a device;
 - 3. an instrument;
 - 4. a material; or
 - 5. a substance;

animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that the term does not include a pocketknife with a blade of less than two and one-half (2 1/2) inches in length;

- B. "deadly weapon" under I.C. 35-31.5-2-86; and
- C. "firearm" under I.C. 35-47-1-5.

"Illegal drug" means a controlled substance, but does not include a substance that is legally possessed or used under:

- A. the supervision of a licensed health care professional; or
- B. any other authority under the Controlled Substances Act (21 U.S.C. 812(c)) or under any other provision of Federal law.

"Controlled substance" means a drug or other substance identified under Schedule I, II, III, IV, or V in subsection 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) or I.C. 35-48-2.

"Serious bodily injury" (SBI) has the meaning given the term "serious bodily injury" under 18 U.S.C. 1365(h)(3). The term means bodily injury that involves:

- A. a substantial risk of death;
- B. extreme physical pain;
- C. protracted and obvious disfigurement; or
- D. protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

IAES for Students Who Are Substantially Likely To Injure Themselves or Others

A student who is considered to be substantially likely to injure themselves or others may be placed in a forty-five (45) school-day IAES by an Independent Hearing Officer (IHO) pursuant to 511 IAC 7-44-7, but only after an expedited special education due process hearing has been held to determine whether maintaining the current placement of the student is substantially likely to result in injury to the student or to others. If the IHO decides that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, the IHO may order a change of placement to an appropriate forty-five (45) school-day IAES. Such an expedited hearing should be requested by the Director of Exceptional Learners.

Expulsion

If the Principal decides to recommend to the Superintendent that the student should be expelled from school, the decision to recommend expulsion automatically results in a change of placement because an expulsion is a removal for more than ten (10) consecutive school days. Therefore, it will trigger the need to provide a copy of the Notice of Procedural Safeguards to the student's parents. That notice must be provided on the date of the decision to recommend expulsion of the student, if possible, but no later than by mail the next business day. It also will trigger the need to convene a manifestation determination case conference within ten (10) school days of the decision to recommend expulsion of the student to determine if the student's behavior that led to the recommendation for expulsion is a manifestation of the student's disability. At the manifestation determination case conference, the CCC must review:

- A. all relevant information in the student's file (including educational evaluations and reevaluations);
- B. the student's IEP;
- C. any teacher observations; and
- D. any relevant information provided by the parent.

1.

Based on that review, the CCC must determine if the conduct was:

- A. caused by or had a direct and substantial relationship to the student's disability; or
- B. the direct result of the school's failure to implement the IEP.

If the answer to either question is yes, then the conduct is a manifestation of the student's disability. If the student's conduct was the result of the school's failure to implement the IEP, the school must take immediate steps to remedy those deficiencies.

If the conduct is a manifestation of the student's disability, the CCC must:

- A. conduct an FBA, unless an FBA previously was conducted, and develop a BIP for the student or if a BIP has been developed, review and modify the BIP, as necessary, to address the behavior; and
- B. return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the BIP. The parent must provide written consent for any change of placement.

If the conduct is **not** a manifestation of the student's disability, then school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as non-disabled students. However, during any period of removal the student must receive services. The CCC must determine the appropriate services to be provided during the period of removal to enable the student to:

- A. continue to participate in the general education curriculum, although in another setting;
- B. progress toward meeting the goals in the student's IEP; and
- C. receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

These services may be provided in an IAES as decided by the CCC.

The Principal will then submit the recommendation for expulsion to the Superintendent, who will decide whether to appoint an expulsion examiner. (An expulsion examiner will be appointed if the Superintendent decides the student should be expelled unless the Superintendent chooses to conduct the expulsion meeting. The legal counsel or member of the administrative staff appointed as the expulsion examiner must not have expelled the student during the current school year and must not have been involved in the events giving rise to the expulsion.) If an expulsion examiner is appointed, they must be provided copies of the student's special education and discipline records. The expulsion examiner will notify the student and their parents of the right to an expulsion meeting. The normal procedure for an expulsion will then continue. If the parent challenges the manifestation determination, the student does not return to their previous placement. Rather, the student will continue to receive the services that were determined appropriate by the CCC at the manifestation determination case conference in the IAES as decided by the CCC.

¹Other forms of discipline also may be imposed, such as a disciplinary conference, verbal warning, after-school or weekend detention, etc. Furthermore, nothing in the IDEA or Article 7 prohibits the school from seeking injunctive relief from a State court to:

- (1) remove a student with a disability from school; or
- (2) change a student's current educational placement;

if the school believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or others.

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Book	Administrative Guideline Manual - First Draft Clean
Section	5000 Students
Title	Proposed New Guideline - DISCIPLINING A SECTION 504 STUDENT
Code	ag5605.02
Status	First Reading
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5605.02 - **DISCIPLINING A SECTION 504 STUDENT**

If a student with a disability who has a Section 504 Plan violates the Code of Conduct and is subject to suspension that results in a disciplinary change of placement or expulsion, a meeting of the student's Section 504 Team will be convened to determine whether the student's behavior is a manifestation of the student's disability.

Prior to such a meeting, the Director of Exceptional Learners shall ensure that a reevaluation of the student is completed prior to the manifestation determination. The scope of the reevaluation will depend on the length of time since the most recent evaluation and whether there has been a change in the student's academic, behavioral or functional needs since the most recent evaluation. The results of the reevaluation will be considered by the Section 504 Team to help them make a manifestation determination. The reevaluation must be completed and the meeting convened prior to removal of the student for 10 school days or, if that is not feasible, the Team must consider whether the student is entitled to compensatory educational services if it determines that the student's behavior is a manifestation of the student's disability.

If the Section 504 Team determines that the student's behavior is a manifestation of the student's disability, then the student's suspension must end, the student may not be expelled, and the student must be returned to the student's last placement prior to the disciplinary removal.

Emergency removal of a Section 504 student from their current placement may take place through parental agreement to an interim placement or through injunctive relief from a court when maintaining the student in the current placement is substantially likely to result in injury to the student or others.

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Title	Proposed New Guideline - SUSPENSION AND EXPULSION OF STUDENTS
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5610 - SUSPENSION AND EXPULSION OF STUDENTS

The following administrative guidelines should be followed to provide due process for each student charged with an offense leading to suspension or expulsion.

A. Suspension

The Principal may impose a suspension of no more than five (5) school days and must notify the student's parents or guardians of the suspension by a written statement which includes the student's conduct and the action taken by the Principal. A secondary teacher may remove a student from a classroom or activity for no more than five (5) class periods and an elementary teacher may remove a student from class for an entire school day for no more than five (5) school days in order to carry out or prevent interference with an educational function which the teacher supervises. If a teacher removes a student from a class, the teacher must notify the Principal. The Principal may place the student in another appropriate class or an in-school suspension. The Principal may not return the student to the class from which the student was removed until the Principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student (or, in the case of a student with a disability, a case conference has been convened to discuss the need for the development or revision of a behavioral intervention plan). If the student's parents do not meet with the Principal and the student's teacher (or a case conference committee does not convene) within a reasonable amount of time, the student may be moved to another class at the Principal's discretion, provided it does not constitute a change of placement. All such removals of students with disabilities remain subject to the Federal and State laws and regulations governing students with disabilities.

No student may be suspended without a meeting. If a student's misconduct requires immediate removal, the meeting will take place as soon as possible after the suspension. At the meeting, the Principal must provide the student with: 1) a written or oral statement of the charges; 2) a summary of the evidence against the student if the student denies the charges; and 3) an opportunity to explain the student's conduct. Written notice of the suspension must be sent to the parent of the student that describes: 1) the student's misconduct; and 2) the action taken by the Principal.

1. Sending a Student Home

Unless the student is an immediate threat to the safety of the school, the student should remain in school until class is dismissed for the day.

If the situation requires the student to be removed from the premises, the Principal will attempt to reach the student's parents to request that they pick up their child. If they are unable to do so, the student should remain under supervision until school is dismissed. In the case of violent behavior, the Principal may summon local law enforcement to remove the student from the premises.

2. Responsibility for School Work

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 will make sure that the student receives: (a) notice of any assignments or school work due; (b) teacher contact information in the event the student has questions regarding the assignments or school work; and (c) credit, in the same manner that 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 will be allowed to make up missed tests or quizzes when the student returns to school.

3. **Loss of Driving Privileges**

The Principal will not approve an application for a learner's permit or a driver's license or, if the student already has a permit or license, the Principal will notify the Bureau of Motor Vehicles when a student has had at least two (2) suspensions or an expulsion from school.

If a student has withdrawn or seeks to withdraw from school in an effort to circumvent the second suspension or expulsion in order to avoid the loss of the student's driver's license or learner's permit, the Principal will notify the Bureau of Motor Vehicles.

4. **Suspension Pending Expulsion**

The Superintendent or expulsion examiner may continue the suspension of a student for more than the ten (10)-school-day period of the Principal's suspension and until the time of the expulsion decision if the Superintendent or expulsion examiner determines that the student's continued suspension will prevent or substantially reduce the risk of:

- a. interference with an educational function or school purposes;
- b. a physical injury to the student, other students, school employees, or visitors to the school.

B. **Expulsion**

If in the Principal's opinion, the alleged infraction warrants expulsion, the Principal will refer the case to the Superintendent and submit the following documentation:

1. the rule(s) alleged to have been violated
2. the charges against the student
3. approximate date of the violation
4. recommendation(s) for expulsion
5. copy of suspension
6. the Case Conference Committee or Section 504 Committee manifestation determination, if applicable

The Superintendent will review the case and may appoint a designee to serve as the expulsion examiner who is either an attorney or an administrator who did not expel the student during the current school year and was not involved in the circumstances leading to the expulsion.

C. **Firearms, Destructive Devices, and Deadly Weapons**

A student must be expelled from school for not less than one (1) calendar year whenever the student has brought 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 is in possession of a firearm or destructive device on school property, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period. The term of that expulsion may be reduced to less than one (1) year by the Superintendent for reasons justified by the particular circumstances of the incident so long as the modification is made in writing. A student may be expelled from school for not more than one (1) calendar year if the student has brought a deadly weapon, as defined in I.C. 35-31.5-2-86, to school or onto school property or is in possession of a deadly weapon on school property.

D. **Notice of Right to an Expulsion Meeting**

Notice indicating the parents' right to appear at an expulsion meeting must contain:

1. the reason(s) for the expulsion, which should include both:
 - a. the rule(s) alleged to have been violated; and

- b. the charges against the student;
- 2. the length of the proposed expulsion;
- 3. the right to request an expulsion meeting and the procedure for such a request;

For a student who is eligible for special education and related services under the IDEA and Article 7, a copy of the Notice of Procedural Safeguards must be provided to the parent on the day the decision is made to make a disciplinary change of placement or, if that is not possible, mailed to the parent no later than the next business day (see also AG 5605A - Disciplining Special Education Students).

The notice must be sent via:

- 1. certified mail or personal delivery; or
- 2. email if the parent has provided their email address to the school as a means of communication, and in the case of an adult or emancipated minor student, the email communication is sent to the student's school email address, and the school is able to confirm the email was opened and acknowledged by the parent or adult or emancipated minor student within forty-eight (48) hours; provided, however, if the email is not opened or acknowledged within forty-eight (48) hours, the notice must be sent via certified mail or personal delivery.

E. Expulsion Meeting

If the student or the student's parent requests an expulsion meeting, an expulsion meeting must be held prior to expulsion. The Superintendent or person designated as the expulsion examiner must notify the student and the student's parent, in writing, of the date, time, and location of the expulsion meeting unless the initial notice of right to an expulsion meeting provided that information.

The Superintendent or person designated as the expulsion examiner may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

In addition to the Superintendent or person designated as the expulsion examiner, the only individuals who may attend the expulsion meeting are the following:

- 1. The student who is the subject of the expulsion meeting.
- 2. The parent(s) of the student who is the subject of the expulsion meeting.
- 3. The Principal or other school representative.
- 4. Any witnesses who may testify only during the time of the witness' testimony.

If the school does not permit the student's attorney to attend the expulsion meeting, the student's attorney may be present outside the expulsion meeting room, and the student or the student's parent(s) may consult with the student's attorney as needed during the expulsion meeting by requesting that the expulsion examiner provide a break in the expulsion meeting proceedings.

Both the administration and the student/parent(s) will have the opportunity to present oral testimony and submit evidence and the opportunity to cross-examine witnesses called by the other party.

At the expulsion meeting, the Superintendent or person designated as the expulsion examiner must provide the student or the student's parent(s) a list of:

- 1. alternative education programs in the same county in which the School 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 listed and must provide the student and the student's parent(s) 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. If the student or student's parent fails to attend an expulsion meeting, a copy of the list must be mailed to the student's residence.

The Superintendent or person designated as the expulsion examiner must make a written summary of the evidence heard at the expulsion meeting and take action that the Superintendent or person designated as the expulsion examiner finds appropriate. The Superintendent or person designated as the expulsion examiner must provide notice, in writing, of the action taken to the student and the student's parent.

If the School Board has voted to hear all expulsion appeals, the notice must include the student's and parent's right to make a written appeal to the Board. Any such appeal must be made not later than ten (10) days of the student's or parent's receipt of the notice of action taken. If the Board has voted not to hear expulsion appeals, the notice must include the student's and parent's right to appeal the expulsion by filing an action in the circuit or superior court of the county in which the student resides.

A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion.

F. Appeal of an Expulsion

1. If the Board has voted to hear all expulsion appeals:

Upon receipt of a written appeal, the Board must hold a meeting to consider the written summary of evidence presented at the expulsion meeting and the arguments of the Principal and the student or the student's parent(s). The Board may then decide to uphold the expulsion, authorize alternative discipline, or overturn the expulsion, as it finds appropriate.

The student or the student's parent(s) may appeal the Board's decision only to the circuit or superior court of the county in which the student resides.

2. If the Board has voted not to hear any expulsion appeals:

The student or the student's parent(s) may appeal the Superintendent's or expulsion examiner's decision only to the circuit or superior court of the county in which the student resides.

G. Length of Expulsion

Except in the case of firearms, destructive devices, and deadly weapons, a student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester.

An expulsion during the second semester may extend through summer school and/or through the end of the first semester of the next school year unless otherwise modified or terminated by the Board.

An expulsion that takes effect more than three (3) weeks before the beginning of the second semester or that will remain in effect into the first semester of the next school year must be reviewed by the Superintendent or the person designated as the expulsion examiner before the beginning of the second semester or before the beginning of the next school year, as applicable, after notice of the review has been given to the student and the student's parent, to determine if there is newly discovered evidence or evidence of a change in the student's circumstances occurring since the original meeting. If so, the Superintendent or the person designated as the expulsion examiner may recommend that the student be readmitted for the second semester or at the beginning of the next school year, as applicable.

H. Students with Disabilities

In accordance with Board Policy 5605 - Suspension and Expulsion of Students with Disabilities and State and Federal law, before the expulsion, a student who is eligible for special education and related services under the IDEA and Article 7 must be referred to the Case Conference Committee (CCC) and a student with a disability who is eligible under Section 504 must be referred to the Section 504 Committee for a manifestation determination to determine if the behavior for which expulsion has been recommended is related to the student's disability.

I. Waiver

The student and the student's parent(s) may waive any of the rights described in this guideline or the student/parent handbook if the waiver is submitted, in writing, and signed by both the student and the student's parent(s). (**NOTE:** Rights under the IDEA and Article 7 or Section 504 cannot be waived.) The signatures should be witnessed. The waiver must be made with knowledge of the due process procedure described in the student/parent

handbook and the consequences of the waiver. Additionally, the student can constructively waive the right to an expulsion meeting by simply not requesting or attending the expulsion meeting.

J. Permanent Record

A record of the student's suspension or expulsion will be made a part of the student's permanent record.

K. Compulsory Attendance

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 country where or in a county immediately adjacent to the county where the Corporation from which the student was expelled is located; or
2. a virtual charter school

an 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, the student's expulsion is not a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance.

L. Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with imposing discipline under this administrative guideline must retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management) 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 - Information Management) 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 - Information Management) created or received as part of an investigation of student misconduct or disciplinary action taken must be retained in accordance with Policy 8310 - Public Records, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.

20 U.S.C. 1232g
 34 C.F.R. Part 99
 I.C. 20-33-2
 I.C. 20-33-8
 I.C. 20-33-8-3
 I.C. 20-33-8-7
 I.C. 20-33-8-14
 I.C. 20-33-8-15
 I.C. 20-33-8-16
 I.C. 20-33-8-17
 I.C. 20-33-8-18
 I.C. 20-33-8-19
 I.C. 20-33-8-20
 I.C. 20-33-8-21
 I.C. 20-33-8-22
 I.C. 20-33-8-23
 I.C. 20-33-8-24
 I.C. 20-33-8-25
 I.C. 20-33-8-26
 I.C. 20-33-8-28
 I.C. 20-33-8-31
 I.C. 20-33-8-33
 I.C. 20-33-8-34
 I.C. 20-33-9

Book	Administrative Guideline Manual - First Draft Clean
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5610.02 - IN-SCHOOL DISCIPLINE

In-school suspension and detention are progressive discipline options that the Principal may use to improve attendance and/or to modify student behavior and to monitor the student's behavior during the disciplinary process.

Students who have violated any section of the Code of Conduct may be assigned to in-school suspension or detention.

Detention

A. Lunch-Time Detention

The Principal (or faculty member) may designate an area in which the student must remain during the lunch period. Failure to report to or remain in the area may lead to in-school suspension, Saturday school, or out-of-school suspension.

B. After-School Detention

The Principal (or faculty member) may require a student to come to school early or remain after school providing the parents have been given at least one (1) day's notice and have agreed to be responsible for their child's transportation at the end of the detention period. If the student is a bus rider and the Principal cannot verify that the parents agree to be responsible for the student's transportation, after-school detention should not be used. Early arrival and after-school detention should not be used for students who have transportation listed as a related service in their individualized education program (IEP) unless alternative transportation is provided. The Principal also will ensure that there is adequate supervision of the student until such time as transportation arrives and during an early arrival. The student is to be given definite assignments or duties to complete during the detention period. Failure to report for or to complete the detention may result in:

1. an in-school suspension;
2. an out-of-school suspension.

In-School Suspension

Assignment to in-school suspension means that the student is removed from the classroom but not from the educational program. The student will report to the assigned location where the student will work on classroom tasks assigned by the teacher(s), all of which are related to a course of study in which the student currently is enrolled. When completed, the assignments are to be turned in to the teacher(s) for review and grading. Thus, the student continues their academic program, albeit in a different setting, and receives full credit for the completed work.

Attendance is to be taken from the attendance sheet and recorded by the supervising personnel. Any discrepancy noted should be promptly reported to the administrative personnel.

If the student is assigned to in-school suspension, it will not count toward the allowable ten (10) cumulative days of suspension in a school year if the following criteria are met:

- A. Services are provided to allow the student to make progress in the general education curriculum.
- B. The student receives the special education services in their IEP.

- C. The student participates with non-disabled students to the same extent as in their current placement.

See AG 5605A - Disciplining Special Education Students.

The rules and procedures regarding participation are to be published in the student handbooks. Rules should include but not necessarily be limited to the following:

- A. Students are to have sufficient learning activities and materials for the period of their restriction.
- B. Students are not to communicate with each other unless given special permission to do so.
- C. Students are to remain in their designated seats at all times unless permission is granted to do otherwise or such an accommodation is provided in the student's IEP or Section 504 plan.
- D. Students shall not be allowed to use the telephone or to go to their lockers unless permission is given to retrieve other class materials or such an accommodation is provided in the student's IEP or Section 504 plan.
- E. Students shall not be allowed to put their heads down or sleep unless such an accommodation is provided in the student's IEP or Section 504 plan.
- F. No radios, cards, magazines, or other recreational articles shall be allowed in the room.
- G. No food or beverage shall be consumed unless such an accommodation is provided in the student's IEP or Section 504 plan.

Since there has been no denial of the right to an education, due process can be limited to notification of the student's parents (see Form 5610.02 F1 - In-School Suspension, After-School Detention, or Saturday School) with no right of appeal.

If the student fails to obey the rules established for in-school suspension school or to fulfill the assignments properly, they may be assigned to

- 1. out-of-school suspension;
- 2. Elkhart Academy.

Any assignment to out-of-school suspension or an alternative program requires that due process (notification, hearing, suspension or assignment notice, appeal) be followed. All due process rights accorded to students with IEPs and students with Section 504 plans must be provided before out-of-school suspension or an alternative program can be assigned. See AG 5605A - Disciplining Special Education Students and AG 5605B - Disciplining a Section 504 Student.

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5611 - **DUE PROCESS**

The following administrative guidelines should be followed to safeguard a student's constitutional rights:

A. **Procedural Due Process**

In any disciplinary situation, a student must be afforded minimum procedural due process in the disciplinary procedure. This means that a student, at a minimum, has the right to notice of the charge(s) made against them, a summary of the evidence supporting the charge(s), and an opportunity to present their case, including the opportunity to be heard.

Procedural due process shall be provided before any student is suspended or expelled from school. Please refer to AG 5610 - Suspension and Expulsion of Students for specific procedures that are required prior to the suspension or expulsion of students.

B. **Search and Seizure**

Within certain limits, all students have a constitutional right to be free from unreasonable search and seizure, both of their person and property. In order for a search to be reasonable, it must be reasonable both at its inception and in its scope. Generally, schools must have a "reasonable suspicion" that a student may be in possession of illegal contraband, whether drugs, weapons, stolen property, and the like before it can begin a search of a student's property, such as a backpack. This could be based on observations by a teacher or information provided by a student who witnessed the contraband being hidden. School officials cannot initiate a search to find "reasonable suspicion." It must be present before the search begins. For example, it may be reasonable to seize a cell phone if students are not permitted to carry them to class. But it may not be reasonable to look through the text messages sent to the student.

Likewise, the extent of a search must be reasonable in its scope. A search cannot go beyond what is reasonable. For example, conducting a strip search of a student generally is considered to be unreasonable in terms of maintaining order in the schools. It exceeds what is required for school officials to fulfill their responsibility of maintaining order. It may be reasonable to search a student's coat or backpack but not their car.

Because school officials are not expected to be constitutional law scholars, any time a school official is uncertain about the legality of a search or seizure, they should seek the advice of the School Corporation's legal counsel before proceeding.

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5771 - **SEARCH AND SEIZURE**

Pursuant to School Board Policy 5771 - Search and Seizure, the following guidelines shall be used when School Corporation administrators have reason to suspect that an illegal or dangerous substance or object or stolen property may be in the possession of a student:

- A. All requests or suggestions for the search of a student or their possessions shall be directed to the Principal or the person in charge of the students while out of the Corporation.
- B. Wherever possible, before conducting the search, the building administrator shall notify the student, request their consent to the inspection if other than their locker, and inform the student that they may withhold consent. Such consent, if offered, shall be given voluntarily and with the knowledge that it could have been withheld. The Principal shall conduct the search, however, with or without the student's consent.
- C. Wherever possible, an adult third party will be present at any search of a student or their possessions. If there is a search of the student's person, an adult of the same gender as the student should conduct the search, and another adult of the same gender as the student should be present as a witness.
- D. The Principal may conduct a student search upon reasonable suspicion to suspect the presence of an illegal or dangerous substance or object or any contraband under school rules.
- E. The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student, whether during a student search or otherwise.
- F. Wherever possible, the student shall be present at any search of their possessions.
- G. Whenever the search is prompted by the reasonable suspicion that possession of a substance or object immediately threatens the safety and health of the student or others, the Principal shall act with as much speed and dispatch as is required to protect persons and property in the school while keeping clearly in mind the student's rights and the potential consequences of inappropriate or hasty action.

Reasonable Suspicion

As used in this section, "reasonable suspicion for a search" means grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person, place, or thing will lead to the discovery of evidence that the student:

- A. has violated or is violating a rule or behavioral norm contained in the student handbook;
- B. has violated or is violating a particular law;
- C. possesses an item or substance which presents an immediate danger of physical harm or illness to students and staff or Corporation property.

Lockers and Other Storage Areas Provided for Student Use

All lockers and other storage areas provided for student use remain the property of the Corporation. These lockers and storage areas are subject to inspection, access for maintenance, and search pursuant to these guidelines. A student using the locker or storage area has, by statute, no expectation of privacy in that locker or storage area or the contents contained

therein (See Form 5771 F1). No student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the Principal. Unapproved locks will be removed and destroyed.

The Principal may search student lockers and storage areas and the contents contained therein at any time for any justifiable reason.

The Principal may, at any time, request assistance of the law enforcement agency having jurisdiction over the facilities of the Corporation. The law enforcement officer must have probable cause, however, to conduct a search of the lockers and storage areas and the contents contained therein.

Desks and Other Storage Areas

A desk or any other storage area in the school provided for student use as well as its contents may be searched when the Principal has reasonable suspicion for a search.

Vehicles

Any vehicle brought on Corporation premises by a student may be searched when the Principal has reasonable suspicion to justify the search.

One of the conditions for granting permission for a student to bring a student-operated vehicle onto school premises is written consent by the student driver, the owner of the vehicle, and the parent of the student to allow the search of that vehicle. Refusal by any of the parties to provide or allow access to a vehicle at the time of a search request shall be cause for terminating the privilege without further hearing.

Searches of vehicles of staff members or visitors shall be conducted by law enforcement personnel.

Student

- A. The personal search of a student may be conducted by the Principal when there is reasonable suspicion for a search of that student. Authorized searches of the student's person are:
 1. the student's pockets;
 2. purses, briefcases, or any other object in the possession of the student;
 3. a "pat down", by the use of the back of the hand, of the exterior of the student's clothing and the removal of any item identified;
 4. removal of an article of exterior clothing such as a jacket.
- B. Strip searches are not to be conducted by Corporation personnel. Any such search is not authorized by the Corporation, and any Corporation employee who conducts such a search is subject to discipline, up to and including termination of employment.
- C. Personal searches shall be conducted in a private room by a person of the same gender as the student and designated by the Principal. At least one (1) but not more than three (3) additional staff members of the same gender as the student being searched shall witness but not participate in the search.

At the request of the student to be searched, an additional person of the same gender as the student designated by the student, and who is then reasonably available on school premises, shall witness the search. The student's parents shall be notified of the search as soon as practicable.

Disposition of Student Property

If a student has died, transferred, dropped out, or otherwise withdrawn from enrollment in the Corporation, the school will not remove the student's property without first providing the parents an opportunity to collect the property. The term "student property" refers to property belonging to a student that the student has stored in a locker, desk, or personal cubby that is located on school property and has been assigned to the student for the student's use. Provided, however, that this requirement does not restrict or otherwise limit the authority of a law enforcement agency to search an area containing student property or seize student property pursuant to a law enforcement investigation.

Use of Breath-Test Instruments

The Principal may arrange for a breath test for blood-alcohol to be conducted on the student whenever there is individualized reasonable suspicion to believe the student has consumed an alcoholic beverage.

The Principal shall first attempt to contact the appropriate law enforcement agency and arrange for it to conduct the test. If that is not possible, or the agency notified fails to arrive within one (1) hour, the following procedure should be used.

- A. Take the student(s) to a private administrative or instructional area on school property and have at least one other member of the teaching or administrative staff present as a witness to the test. If a student refuses to take the test, they will be advised that such refusal is a violation of school rules and will subject the student to disciplinary action. The student will then be given a second opportunity to take the test.
- B. The purpose of the test is to determine whether or not the student has consumed an alcoholic beverage. The amount of consumption is not relevant, except where the student may need medical attention.
- C. The person who administers the test must be properly trained in the use of the instrument and must determine if the instrument is in proper calibration and working order.
- D. If the instrument provides only a visual indication of the result, make sure the result is confirmed by all the witnesses present and by the student. Make a written record of: the instrument's serial number or identifier; the test result; the date, time, place of the test; the students' names; and the names of the witnesses.
- E. If the instrument provides printed evidence, attach the print-out to the written record.
- F. If the result indicates a violation of school rules as described in the student handbook, follow the disciplinary procedure described in the handbook.
- G. If a staff member accompanying students on a school-related activity off school grounds has individualized reasonable suspicion to believe that a student has consumed an alcoholic beverage and no test instrument is available, they should make a written record of all facts upon which an opinion that the student has consumed an alcoholic beverage is based. Since the staff member is responsible for the welfare of a student who may be intoxicated, they should supervise the student until the student is returned to the custody of their parents or a law enforcement official.

Use of Dogs

The Board has authorized the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

- A. The presence of the dogs on school property must be authorized, in advance, by the Superintendent or be pursuant to a court order or warrant.
- B. The dog must be handled by a law enforcement officer or a contracted person specially trained to safely and competently work with the dog.
- C. The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.
- D. The dog will be allowed to examine a student's possessions, including vehicles.
- E. The dog may be allowed to examine school property, such as lockers, as permitted by the Principal. Any limitation as to areas of school property to be examined by the dog shall be established by the Superintendent at the time the use of dogs is authorized.

Method of Search

The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, correlated items may also exist, the search may be extended. If the initial search produces no evidence of contraband, there should be no extension of the search based on simple curiosity.

Items Found

Anything found in the course of a search which is evidence of a student violation of school rules or Federal/State laws may be seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the Principal until it is presented at the hearing. It also may be turned over to any

law enforcement officer after proper notation and receipt.

I.C. 20-33-7-5

I.C. 20-33-8-32

U.S. Constitution, 4th Amendment

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DISTRICT COUNSEL/
CHIEF OF STAFF

ELKHART
COMMUNITY SCHOOLS

INTERNAL MEMO

TO: BOARD OF SCHOOL TRUSTEES

FROM: W. DOUGLAS THORNE *WDT*
DISTRICT COUNSEL/CHIEF OF STAFF

DATE: AUGUST 8, 2025

RE: POLICIES PRESENTED FOR FIRST READING

In addition to the policies presented to you for approval on Tuesday, August 12, 2025. The administration has prepared two policies presented, for preliminary consideration on that date.

Board Policy 6320 Purchasing—this policy was developed with the assistance of Business Office employees, and addresses concerns raised by members of the policy committee related to purchased services. The policy now incorporates language requiring a regular review of our purchased service vendors, regarding the value those service vendors provide to the school district. The administration believes that this, along with the Board of School Trustee's review of service contracts, will be beneficial to the corporation.

Board Policy 7440.01 Electronic Monitoring and Recording—this policy has been revised to address the school corporation's use of vape detectors (Smart Sensor Technology) in our secondary buildings. The policy has been revised in consultation with Jamie Snyder, Director of Safety, Security and Risk Management.

WDT/crr

Cc: Dr. Larry Huff

Book	Policy Manual
Section	6000 Finances
Title	Proposed Revised - PURCHASING
Code	po6320
Status	First Reading
Adopted	November 22, 2016
Last Revised	April 23, 2024
Last Reviewed	August 12, 2025

6320 - PURCHASING

It is the policy of the School Board that the **Superintendent or Chief Financial Officer/Designee** shall act as the purchasing agent for the Board. This policy applies only to purchases that are not paid from Federal funds or Corporation matching funds. All purchases that are paid from Federal funds or School Corporation matching funds shall be made pursuant to Policy 6325 - Procurements - Federal Grants/Funds.

Purchases of Supplies

For purposes of this policy "supplies" means any personal property. The term includes equipment, goods, and materials. The term does not include an interest in real property. For purposes of this policy "purchase" means buy, procure, rent, lease, or otherwise acquire.

The purchasing agent may make open market purchases of supplies totaling no more than **\$50,000** for a single item or a group of similar items.

The purchasing agent shall seek at least three (3) price quotations on purchases of supplies that are more than **\$50,000** but less than **\$150,000** except in cases of emergency or where materials are of such nature that price quotations would not result in a savings to the Corporation.

The purchasing agent shall send an invitation to quote at least seven (7) days before the time fixed for receiving quotes.

If the purchasing agent receives a satisfactory quote, they shall award a contract to the lowest responsible and responsive quoter for each line or class of supplies required. The purchasing agent may reject all quotes.

If the purchasing agent does not receive a quote from a responsible and responsive quoter, they may purchase the items by following the procedure for items costing under \$50,000.

When the purchase of, and contract for, single items of supplies, amounts to \$150,000 or more, the requestor shall obtain competitive bids.

Purchases of Services

For purposes of this policy "services" means the furnishing of labor, time, or effort by a person not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance.

The purchasing agent may purchase as follows:

A. For purchases of services anticipated to exceed \$50,000 in a single school year:

1. If the purchasing agent has purchased services previously from a vendor, the purchasing agent may continue to purchase services from that vendor as long as the Board is satisfied with the services delivered by the

vendor.

2. The Chief Financial Officer will annually assess all vendors providing services to the School Corporation. This assessment will evaluate overall value of services received. The findings, including any recommendations for improvement or changes in vendor relationships, will be presented to the Superintendent and the School Board.
 3. If a new vendor is sought to provide services, the purchasing agent shall issue a request for proposal asking that interested vendors submit proposals to serve as vendors for those specific services. Notice of the request for proposal may be sent directly to potential vendors and/or posted on the Corporation's website. The purchasing agent shall interview those vendors who respond to the request for proposal that the purchasing agent believes are able to provide the services sought and shall select the vendor from those interviewed. The purchasing agent may seek input from other administrators or Board members in making the selection.
- B. For all other purchases of services, the purchasing agent may select the vendor they believe is the most appropriate vendor who provides the services sought.

The Board shall be advised, for prior approval, of all purchases of services when the purchase was not contemplated during the budgeting process.

The purchasing agent is authorized to make emergency purchases, without prior approval, of those services needed to keep the Corporation's schools in operation.

Such purchases shall be brought to the Board for approval at the next regular meeting.

Public Work Projects - Less than \$300,000

Whenever the cost of a public work project will be at least \$50,000 but less than \$300,000, the following procedure applies:

- A. The Board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by mailing them a notice stating that plans and specifications are on file in a specified office.
- B. The Board shall award the contract for the public work to the lowest responsible and responsive quoter.
- C. The Board may reject all quotes submitted.

Public Work Projects - At Least \$300,000 (Competitive Bidding)

Whenever the cost of a public work project will be at least \$300,000, the following procedure applies:

- A. The Board shall prepare general plans and specifications describing the kind of public work project required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by I.C. 8-14-2-1) of a road, street, or bridge, the specifications shall show how the weight or volume of the materials will be accurately measured and verified.
- B. The Board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by section 3 below.
- C. Upon the filing of the plans and specifications, the Board shall publish notice in accordance with I.C. 5-3-1 calling for sealed proposals for the public work project. If the Board receives electronic bids, the Board also shall provide electronic access to the notice of the bid solicitation through the computer gateway administered under I.C. 4-13.1-2-2(a)(6) by the Office of Technology.
- D. The notice shall specify the place where the plans and specifications are on file and the date fixed for receiving bids.
- E. The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the Board. The period of time between the date of the first publication and receiving bids may not be more than:
 1. six (6) weeks if the estimated cost of the public work project is less than twenty-five million dollars (\$25,000,000); and

2. ten (10) weeks if the estimated cost of the public work project is at least twenty-five million dollars (\$25,000,000).
- F. The Board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work project, and the equipment that the bidder has available for the performance of the public work project. The statement shall be submitted on forms prescribed by the State Board of Accounts.
- G. The Board shall not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids shall be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before. Notwithstanding any other law, bids may be opened after the time designated if both of the following apply:
1. The Board makes a written determination that it is in the best interest of the Board to delay the opening.
 2. The day, time, and place of the rescheduled opening are announced at the day, time, and place of the originally scheduled opening.
- H. The Board shall:
1. award the contract for public work project or improvements to the lowest responsible and responsive bidder; or
 2. reject all bids submitted.
- I. If the Board awards the contract to a bidder other than the lowest bidder, the Board shall state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The Board shall keep a copy of the minutes or memoranda available for public inspection.
- J. In determining whether a bidder is responsive, the Board may consider the following factors:
1. Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.
 2. Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.
 3. Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.
- K. In determining whether a bidder is a responsible bidder, the Board may consider the following factors:
1. The ability and capacity of the bidder to perform the work.
 2. The integrity, character, and reputation of the bidder.
 3. The competence and experience of the bidder.
- L. The Board shall require the bidder to submit an affidavit that, as required by state law, the bidder has not entered into a combination or agreement:
1. relative to the price to be bid by a person;
 2. to prevent a person from bidding; or
 3. to induce a person to refrain from bidding; and
 4. that the bidder's bid is made without reference to any other bid.

Procurement

The Board shall be informed of the terms and conditions of all competitive bids. All bids must be entered upon the records of the Board at its next meeting following the bid opening. The Board shall accept or reject bids in a Board meeting open to the public and award contracts as a consequence of such bids.

The president and secretary of the Board are entitled, on behalf of the Board, to sign any contract. These contracts may include, but are not limited to, employment contracts and contracts for goods and services. However, each contract must be approved by a majority of the full Board. In the absence of the president or secretary, the vice president may sign the contract with the officer who is present.

Exceptions to the foregoing requirements may be permitted when purchasing from vendors who have been awarded State contracts or when purchasing from authorized State institutions.

All specifically identified purchases that are within a program and were originally contemplated in the budgeting process may be made upon authorization of the purchasing agent.

The Board may designate a committee of at least two (2) of the Board members or a committee of not less than two (2) Corporation employees to open and tabulate bids:

- A. in connection with the purchase of supplies, materials, or equipment;
- B. for the construction or alteration of a building or facility; or
- C. for any similar purpose.

Those bids:

- A. may be opened by the committee at the time and place fixed by the advertisement for bids;
- B. shall be read aloud and tabulated publicly, to the extent required by law for governing bodies; and
- C. shall be available for inspection.

Those bids shall be reported to and the tabulation entered upon the records of the Board at its next meeting following the bid opening.

A bid may not be accepted or rejected by the committee but shall be accepted or rejected solely by the Board in a Board meeting open to the public.

The purchasing agent is authorized to make emergency purchases, without prior approval, of supplies needed to keep the Corporation's schools in operation.

Such purchases shall be brought to the Board for approval at the next regular meeting.

The Board may acquire by lease, by installment payments, by lease-purchase agreements, or by lease with an option to purchase provided the contract setting forth the terms of such a purchase shall not extend for a period of more than 5 years.

During the current year provisions may be made in these agreements for renewal for the succeeding year, subject to appropriations being available.

Contracts can be awarded by the Superintendent without Board approval for any single item or group of identical items costing less than \$5,000. All other contracts require Board approval prior to purchase.

Procurement – Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the United States Department of Education (USDOE) requirements (2 C.F.R. 200.317 - .326) for the administration and management of Federal grants and Federally-funded programs. The Corporation shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative guidelines (AG 6320A) and comply with 34 C.F.R. 80.36. Please refer to Policy 6325 - Procurements - Federal Grants/Funds.

I.C. 5-22-2-21

I.C. 5-22-2-30

I.C. 5-22-2-38

I.C. 5-22-3-3
 I.C. 5-22-6-1 and 5-22-6-2
 I.C. 5-22-7-1 et seq.
 I.C. 5-22-7.5 - Online Reverse Auctions
 I.C. 5-22-8-2, 5-22-8-3
 I.C. 5-22-10-1 et seq.
 I.C. 5-22-16-1, 5-22-16-2
 I.C. 20-26-4-6, 20-26-4-8
 I.C. 20-26-5-4
 I.C. 36-1-12-2
 Education Department General Administrative Regulations (EDGAR)
 2 C.F.R. 200.317 - .326

Cross References

po6325 - Procurement - Federal Grants/Funds
 po6330 - Approval of Contracts
 po6440 - Cooperative Purchasing
 po6450 - Local Purchasing
 po6460 - Conflicts of Interest and Vendor Relations

Revised 6/9/20

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The Chief Financial Officer is the designated purchasing agent for Elkhart Community Schools. The Corporation Treasurer or Deputy Treasurer is authorized to act as purchasing agent in the event of the absence of the Chief Financial Officer. The Director of Technology is authorized to serve as the designated purchasing agent for Corporation technology needs.

All expenditures must be approved by the purchasing agent prior to being made.

For purchases of supplies and/or materials under \$50,000, the purchasing agent may purchase such supplies or materials on the open market for the best value and price without soliciting bids, proposals, or quotations.

For purchases of supplies and/or materials of at least \$50,000 and not more than \$150,000, the purchasing agent must invite quotations from at least three (3) suppliers known to deal in the supplies to be purchased. Such invitations shall be made at least seven (7) days before the fixed date for receiving the quotations. If a satisfactory quotation is received, the purchasing agent shall award the contract to the lowest responsible and responsive offeror. The purchasing agent may reject all quotations received if none are responsive and/or responsible. If the purchasing agent does not receive a responsive and/or responsible quotation, the purchase may be made by following the process for purchases under \$50,000.

If the cost of the items purchased is in excess of the legal limit, as set forth in I.C. 5-22-8-1.2 & 3, specifications must be prepared describing the kind, quantity and quality of all materials, equipment, goods and supplies which may be needed for a designated period. The purchasing agent shall give notice of the time and place of receiving bids by publication by two (2) insertions in each of two (2) newspapers, in accordance with I.C. 5-3-1, and said notice shall appear at least ten (10) days prior to receiving of bids. If no valid bid is received therefore, or for any item thereof, the Board may approve the purchase of such item or items on the open market.

The purchasing agent will recommend the lowest responsible and responsive bid. Preference will be given to the school community bidder and then to the state bidder provided there are identical bids, and service and quality are equal. Normally, supplies and materials will be purchased from stores and business houses that regularly have in stock the merchandise under consideration.

Procurement—Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the United States Department of Education (USDOE) requirements (2 C.F.R. 200.317—.326) for the administration and management of Federal grants and Federally funded programs. The Corporation shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative guidelines (AG 6320A) and comply with 34 C.F.R. 80.36. Please refer to Policy 6325—Procurements—Federal Grants/Funds.

Purchase of Services

For purposes of this policy "services" means the furnishing of labor, time, or effort by a person, not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance.

The purchasing agent may purchase as follows:

- A. For purchases of services anticipated to exceed \$50,000.00 in a single school year:
1. If the purchasing agent has purchased services previously from a vendor, the purchasing agent may continue to purchase services from that vendor as long as the Board is satisfied with the services delivered by the vendor.
 2. If a new vendor is sought to provide services, the purchasing agent will issue a request for proposal asking that interested vendors submit proposals to serve as vendors for those specific services. Notice of the request for proposal may be sent directly to potential vendors and/or posted on the Corporation's website. The purchasing agent will interview those vendors who respond to the request for proposal that the purchasing agent believes are able to provide the services sought and will select the vendor from those interviewed. The purchasing agent may seek input from other administrators or Board members in making the selection.
- B. For all other purchases of services, the purchasing agent may select the vendor s/he believes is the most appropriate vendor who provides the services sought.

The Board should be advised, for prior approval, of all purchases of services when the purchase was not contemplated during the budgeting process.

The purchasing agent is authorized to make emergency purchases, without prior approval, of those services needed to keep the schools in operation.

Such purchases shall be brought to the Board for approval at the next regular meeting.

Revised 6/9/20

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Legal I.C. 5-22-8-2
I.C. 5-22-8-3

Book	Policy Manual
Section	7000 Property
Title	Proposed Revised - ELECTRONIC MONITORING AND RECORDING
Code	po7440.01
Status	First Reading
Adopted	November 22, 2016
Last Revised	August 12, 2025

7440.01 - **ELECTRONIC MONITORING AND RECORDING**

~~In order to assist the Corporation in its efforts to protect Board property, promote security and protect the health, welfare and safety of students, staff and visitors, the Board authorizes the use of video and audio monitoring equipment on Board property, and on school buses. Information obtained through video and audio monitoring may be used for purposes including but not limited to identify intruders and persons violating the law, Board policy, or the Student Code of Conduct.~~

The Board authorizes the use of video and audio monitoring equipment on Corporation property and on buses. The monitoring equipment shall be used to protect Corporation property and assets from theft and vandalism, through deterrence and documentation. No representation shall be made that the monitoring system is capable of insuring protection of persons or property.

The monitoring of the conduct of persons on Corporation property is intended to assist students, staff, and visitors in protecting themselves and their property. Video and audio monitoring is to complement other means being employed by the Board and staff to provide a safe and secure working and learning environment for students and staff.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance/electronic monitoring systems serve to complement other means being employed in the Corporation to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus security.

The Superintendent is responsible for approving where and when to deploy and operate **fixed location** monitoring equipment. **The building principals and administrators responsible for other facilities shall be responsible for recommending use of monitoring in those facilities.** Monitoring equipment may be placed in common areas in Board facilities. Common areas include but are not limited to hallways, entryways, offices where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries, parking lots and other outside areas, and in school buses. Except in extraordinary circumstances such as a response to possible bullying, hazing, harassment, personal injury, property damage, or theft, and only with the written authorization of the Superintendent, monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas). In assessing whether extraordinary circumstances exist, the Superintendent shall consult with legal counsel before authorizing placement of monitoring equipment. Access to live monitoring or recordings made in private areas will be based on the need for access to respond to the information obtained. ~~The Superintendent may authorize individuals to carry and use video and audio recording equipment when video and audio documentation would assist in performing the duties of their position.~~

A person who blocks, moves, or alters the location or viewing angle of monitoring equipment, or attempts to do so shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings in which monitoring equipment may be deployed. These signs shall notify people entering through that entrance that their communication and actions may be

monitored and recorded in the facility they are entering. Students and staff shall also be advised of the use of monitoring the recording equipment in Corporation facilities and on Corporation property.

Information obtained from monitoring and recording may be used to support the safe and orderly operation of the School Corporation's schools and facilities. This includes providing access to monitoring or recordings to law enforcement officers when proper authority in support of the requested access is provided. Records obtained through the use of monitoring equipment installed and operated in compliance with this policy may be authenticated and used as evidence in any forum in which its use would assist in the search for the truth concerning the recorded event. Recording that focuses on and follows a specific student or staff member may become a part of the student's education record or the staff member's personnel file.

Monitoring and recording equipment capability shall not be used to intercept or record communication between persons unless at least one of the participants is aware of the possibility of monitoring and recording. The results of monitoring or recording shall not be used for any tortious or criminal purpose and shall never be used in violation of the rights of the persons whose communication is monitored or recorded.

Not all monitoring will result in recording of what is monitored. Where a recording is made, not all recordings will include both audio and video, and the quality of recorded audio or video is not warranted to always be intelligible. Where audio or video records are made, they may be destroyed if a timely request is not made pursuant to this policy.

Monitoring and recording equipment will not be used for the purpose of routine staff appraisal/evaluation. However, prerecorded lessons or observations of online or virtual learning sessions may be included as part of an employee's evaluation.

Further, if an employee is assigned to work remotely (i.e., telework), the administration is authorized to conduct observations that consist of the supervisor reviewing video-recordings of the employee working and/or watching the employee perform his/her job responsibilities through means of a live-stream that includes both video and audio, provided the employee is afforded advanced notice of the observation.

Additionally, nothing herein shall prevent the administration from using information gathered through electronic means (i.e., viewing a video-recording or live-stream of an employee working) for employment purposes, including but not limited to completing components of an evaluation.

Recordings containing personally identifiable information about a student shall not be released except as required or authorized by the Family Educational Rights and Privacy Act ("FERPA"). A parent or guardian of a student, and a student who is eighteen (18) years of age or older shall have access to relevant portions of any video or audio recording related to disciplinary charges against the student. Upon written request to the Superintendent, if the requested access does not violate State and/or Federal law (i.e., the privacy rights of any other student whose images appear on the recording), a recording may be exhibited to a parent/guardian and an eligible student. However, the parent/guardian and student will not be given a copy of the recording.

School personnel with responsibility for the program of a student may have access to relevant portions of a recording related to the services they delivered to the student and any disciplinary charge against the depicted student.

The Board shall maintain monitoring recordings for a limited period. Any request to view a recording under this policy must be made within seven (7) days of the event/incident. Unless an investigation is being conducted, or the School Attorney Corporation legal counsel advises that specific recordings must be preserved pursuant to a "litigation hold" notice, recordings may be destroyed after ten (10) days. If, however, action is taken by the Board/administration based upon recorded events, the recordings shall be kept for a minimum of two (2) years from the date of the action taken. Recordings may also be kept beyond the normal retention period if they are going to be used for training purposes. This policy shall not be interpreted to guarantee the destruction of a recording after any specific length of time.

With the knowledge of the persons depicted, students, staff or a parent/guardian may record a school event open to the public such as a play, music performance, athletic contest, graduation, or Board meeting. Instruction may be recorded for staff evaluation or educational or research purposes.

Smart Sensor Monitoring Technology

To protect students and faculty, promote security, and protect the health, welfare, and safety of students, staff, and visitors, the Board authorizes the use of smart sensor electronic monitoring equipment on school property, including in school buildings and on school vehicles. Smart sensor monitoring technology uses devices that can sense, collect, and process a variety of environmental information. Information obtained through smart sensor devices may be used to identify intruders and persons breaking the law, Board policy, or the Student Code of

Conduct; as such, it may be used as evidence in disciplinary actions and may be provided to law enforcement in appropriate circumstances.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Smart sensor monitoring systems serve to complement other means that the Corporation employs to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a smart sensor monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the smart sensor monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus safety and security.

The Superintendent is responsible for determining where to install and operate fixed-location smart sensor monitoring equipment in the Corporation. The determination of where and when to use smart sensor equipment will be made in a nondiscriminatory manner. Smart sensor monitoring equipment may be placed in designated areas in school buildings (e.g., school hallways, restrooms, classrooms, gymnasiums, libraries, locker rooms, entryways, the front office, and other areas where students, employees, and visitors are permitted to freely come and go). The Superintendent will post notices in areas where smart sensor monitoring equipment is in use.

Any person who takes action to block, move, or alter the location of a smart sensor device shall be subject to disciplinary action.

Any information obtained from smart sensor monitoring systems may only be used to support the orderly operation of the Corporation's schools and facilities and for law enforcement purposes and not for any other purposes. As such, information obtained through the use of smart sensor monitoring equipment may be used as evidence in any disciplinary proceedings or administrative proceedings, or provided to local law enforcement, subject to Board policy and administrative guidelines.

Smart sensor monitoring technology is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of smart sensor monitoring equipment and will take appropriate action in any cases of wrongful use of this policy or such technology.

The Superintendent may develop administrative guidelines consistent with this policy to address the use of monitoring and recording equipment in school buildings, school buses and on property owned and/or operated by the Board.

Monitoring is to be implemented in accordance with this policy and the Superintendent's guidelines. The use of monitoring and recording equipment in violation of this policy will result in disciplinary action.

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Legal

FERPA, 20 U.S.C. 1232g

34 C.F.R. 99.1-99.67

Title I of the Electronic Communication Privacy Act of 1986

18 U.S.C. 2510-2521



SCHOOL CALENDAR

JULY 2025

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

AUGUST 2025

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

SEPTEMBER 2025

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER 2025

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER 2025

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

DECEMBER 2025

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JULY

AUGUST

8/11-13 Teacher Pre-Session Days
NO STUDENTS
8/14 FIRST DAY OF SCHOOL FOR STUDENTS

SEPTEMBER

9/1 Labor Day
ALL BUILDINGS CLOSED
9/15 eLearning / * Asynchronous Day - staff PD

OCTOBER

10/1 ** eLearn Day /Synchronous
10/10 End of 1st Grading Period/ Midterm
10/20-21 Parent/ Teacher Conferences (held in evenings)
10/22 eLearning / * Asynchronous Day - staff PD
10/22 Parent / Teacher Conferences (am only)
10/23-27 Fall Recess
ALL SCHOOLS CLOSED

NOVEMBER

11/4 ** eLearn Day /Synchronous
11/26-28 Thanksgiving Recess
ALL SCHOOLS CLOSED

DECEMBER

12/19 End of 2nd Grading Period / Semester
12/22-1/2/25 Winter Recess
ALL SCHOOLS CLOSED

JANUARY

1/1-1/2 Winter Recess
ALL SCHOOLS CLOSED
1/5 School resumes after Winter Recess

1/19 Martin Luther King, Jr. Day ALL BUILDINGS CLOSED

FEBRUARY

2/13-2/16 Presidents' Recess
ALL SCHOOLS CLOSED

MARCH

3/4 eLearning / * Asynchronous Day - staff PD
3/4 SAT Participants are expected to come to school in-person for testing.
3/13 End of 3rd Grading Period / Midterm

APRIL

4/3-10 Spring Break
ALL SCHOOLS CLOSED
4/16 Kindergarten Kick-off (evening school visits)

MAY

5/25 Memorial Day
ALL BUILDINGS CLOSED
5/29 LAST DAY OF SCHOOL FOR STUDENTS

JUNE

JANUARY 2026

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY 2026

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

MARCH 2026

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL 2026

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY 2026

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE 2026

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

1st Semester 89 days

184 Teacher Days/180 Student Days

2nd Semester 95 days

* Asynchronous – instruction that is provided at different times and the teacher and students are in different physical spaces.

** Synchronous – instruction taking place in real time whether in a classroom or through an on-line platform.

As presented to Board for approval 8/12/2025