



**ELKHART**  
**COMMUNITY SCHOOLS**

2023-2024  
STUDENT-PARENT  
GUIDE

Elkhart Community Schools  
Educational Service Center  
2720 California Road  
Elkhart, Indiana 46514  
Phone: 574-262-5500

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Dear Students and Parents:

Elkhart Community Schools is committed to the Elkhart Promise of knowing every student by name, challenging them with high quality staff, and working in partnership with the community to make students career, college, and life ready. Nowhere is this relationship more critical than with parents and guardians as our primary partners. To keep our promise to the community, we must establish rules, regulations, and guidelines to allow for the safe, efficient operation of the school corporation. This Student-Parent Guide is our best effort to summarize the things we are required to tell you as well as those things which we believe will allow your student(s) to be highly successful in school. As we work together to provide outstanding experiences for all students and to encourage good, productive communications, I urge you to contact your student's teachers and building principal; we welcome your questions and comments.

Thank you for helping to make Elkhart Community Schools a wonderful place for all students to learn and grow!

Mr. Mark Mow  
Superintendent

## School Calendar for 2023-2024

School begins for students August 17, 2023  
School ends for students May 31, 2024

### No School for Students:

Labor Day	September 4
eLearning Day ( <i>for all students</i> )	September 26
Elementary/Secondary Parent Teacher Conferences in evening hours only ( <i>full day for all students</i> )	October – 23 & 24
Elementary/Secondary Parent Teacher Conferences in morning hours only ( <i>eLearning day for all students</i> )	October 25
Fall Recess	October –26-30
Thanksgiving Recess	November –22-24
eLearning Day ( <i>for all students</i> )	December 7
Winter Recess	December 22 - January 5
Martin Luther King Jr. Day	January 15
eLearning Day ( <i>for all students</i> )	February 1
Presidents Day Recess	February 16-19
eLearning Day ( <i>for all students</i> )	March 6
Spring Recess	April 1-5
Memorial Day	May 27



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## School Admissions

A record of immunizations and a legal birth document are required of all students for entry and must be provided by the parent or legal guardian within 20 days of entry. Failure to provide a record of immunizations will be cause for removal from school. Failure to provide a legal birth document will result in notification to the Indiana clearinghouse for information on missing children. All students must have documentation of required immunizations. A list of required immunizations is available from your school nurse, Student Services, or the Elkhart Community Schools website. Only when a doctor certifies that a required immunization may be detrimental to the child's health, or when the parent indicates in writing a religious objection to such immunization, will the requirement be waived. If a parent is unable to secure immunizations, local service providers are available to provide the immunizations. For this service, the parent needs to contact the school nurse.

Each child of legal settlement shall be eligible for kindergarten providing s/he has attained the age of five (5) on or before August 1<sup>st</sup>; however, students who have been identified by Elkhart Community Schools as high ability may be enrolled prior to their 5<sup>th</sup> birthday. Children who transfer into the School Corporation who have attended private or public kindergarten in another locality shall be eligible for Kindergarten. See Board Policy 5112 for additional information.

## School Attendance Areas

The boundaries for each school district are detailed in Administrative Regulation JC and are available for view in any administrative office in the school district.

Although realtors may know the school district in which a piece of property is located, it is best to call the Educational Services Center at (574) 262-5540 to confirm the information.

Any student interested in a transfer from one school to another within the Elkhart Community Schools must file a transfer request with the Student Services Department. Questions may be directed to (574) 262-5540.

All children are required to attend the school in the attendance area of their legal residence unless they have been approved for a transfer by the Student Services Department or are otherwise entitled to transfer.

## Rights

### *The right to attend any public meeting of the school district*

Parents are invited to attend any public meeting of the school district or the school in which their child is enrolled. School Board meetings are held regularly on the second and fourth Tuesday of each month at 7 p.m. in the J.C. Rice Educational Services Center or in designated school buildings.

### *The right to make suggestions or to ask questions about the school's curriculum*

Parents may make suggestions and inquiries concerning curriculum. They may review any instructional materials being used by their children by setting up an appointment with the building principal or the child's teacher. In addition, citizens who find materials being used which are objectionable may use the process provided in Administrative Regulation INB to question the use of certain materials. Questions may be directed to (574) 262-5559.

### *The right to request consideration for special services*

Parents suspecting their child may have a disability which would qualify him/her for special education services under the Individuals with Disabilities Education Act (IDEA) or Indiana's Article Seven should contact the building principal regarding their concern. If special education is to be considered, parents must provide written consent for individual evaluation. Decisions regarding identification of a student as a child with a disability and eligibility for special education services are made by a case conference committee, which includes the parents.

A student who does not qualify as a student with a disability under IDEA/Article Seven may be eligible for services under Section 504 of the Vocational Rehabilitation Act of 1973 if he/she has a disability which substantially limits one or more of life's major activities. Parents suspecting that their child may have a disability which would qualify him/her for services under Section 504 should contact the building principal or the coordinator of Section 504 services (262-5861) regarding their concern. Elkhart Community Schools does not discriminate in admission or access to its programs and activities on the basis of disability.

Parents may also request consideration for High Ability, Limited English Proficiency, and or Behavior Support services.

### *The right to request exemption from immunizations or attendance in health classes*

When the parent indicates a religious objection, a school child shall not be required to be immunized or to receive medical instruction or instruction in hygiene. Such request for exemption must be in writing and filed with the building principal.

### *The right to review their child's record*

Parents have a right to review the school record of their child. A request needs to be made to the building principal who will schedule an appropriate time and place to meet.

### *The right to approve their child's participation in field trips*

Parents will be asked to provide written consent for their child's participation in educational field trips which may be scheduled away from the school or its nearby surroundings.

### *The right to contest an expulsion*

Parents will be notified by mail of a student's pending expulsion. The parent and student have a right to an expulsion conference, if requested, and to appeal in accordance with Student Due Process procedures. Those procedures are thoroughly outlined in the Rules for a Safe Learning Community and Good School Order, copies of which are provided to all students.

## **Responsibilities**

### *Parental Responsibilities*

It is critical parents require their child to attend school each day. It is very important for parents to attend parent-teacher conferences to discuss concerns and, at any time, speak with teachers, counselors, administrators, and other school personnel about their child's progress in school. The parent is to report to the school office upon entering the school.

To the greatest extent possible, parents should access their child's progress on Power School and attend to concerns related to lack of progress.

Indiana Code 20-33-8-26 indicates that a person having care of a dependent student may be required to participate in any action taken in connection with that student's behavior.

It is very important for parents, at all times, to keep the school informed as to how they can be reached in case of an emergency. Please promptly notify the school office of any change in address, phone number, emergency phone number, child custody, or legal residence.

Parents should talk with their children about school and homework every day. Providing a quiet space for children to study (limit distractions like television, computers, phones, videogames, etc.), reading with children, and encouraging children to do their best helps to promote educational success.

A child's welfare and custodial care are the parent's responsibility. In addition to school services provided for a child's academic and emotional needs, there are agencies in the community prepared to assist families who are having financial difficulties or problems with the emotional well-being of their child. For information and help, contact the Student Services Department, phone (574) 262-5540.

### *Financial Responsibility*

Parents are legally and financially responsible for their children's deliberate destruction or damage of school property and property of others. This includes, but is not limited to, all books, materials, and technology used by their child.

### *Compulsory Attendance*

Indiana's compulsory attendance law requires children from the age of 7 to 18 to attend school. If a parent chooses to enroll their child in school when he or she is younger than 7 years of age, the student is then included in the compulsory attendance requirement.

Certain absences may be excused in accordance with Board Policy 5200. Parents or guardians are responsible for reporting absences within 48 hours of the onset of the student's absence. Family vacations need to be scheduled when school is not in session.

Elkhart Community Schools participates in the Countywide Attendance Program which includes five levels of sanctions which may end in reporting the student to the Department of Child Services and Juvenile Probation, and the prosecution of either the parent(s)/guardians(s) or student by the Elkhart County Prosecutor's office. It is the intent of the school corporation to allow students to improve their attendance at the initial levels so more serious sanctions are unnecessary. "Absences of Concern" include all truanancies, non-verified absences, unexcused absences, and absences which continue to concern the principal/designee.

#### Driver's License and Learner's Permit Ineligibility

A student who accumulates more than ten unexcused absences during the school year shall be considered a habitual truant. The Elkhart Community Schools is required to report the names of habitual truants to the Bureau of Motor Vehicles. The Bureau of Motor Vehicles may not issue a driver's license or learner's permit a habitual truant, and may invalidate a student's driving privileges.

### *Use of District Computers and Networks*

A child's use of school computers, networks, and the Internet is governed by Board Policy 7540. Parents will be asked to provide a written consent form for this use each time their child enters a new school. The school will continue to honor that consent while their child attends that school, unless the parent chooses to withdraw it or it is revoked by the school.

## **Problem Solving**

We want a student's and parent's experience with the school to be positive; however, teachers and administrators recognize the fact sometimes things go wrong. Should there be a concern or problem, please contact the child's teacher or principal at the earliest possible moment.

The free flow of information between the school and home, teacher and parent, is vitally important to a cooperative relationship which can aid in providing the best possible school experience for students.

### *Steps toward the solution of school problems*

The Board of School Trustees has established various due process procedures to deal

with problems, concerns related to textbooks and instructional materials, student discipline, and concerns related to a classroom or school incident. School personnel attempt to solve a problem within the school. Provisions are made for the parent or student to carry the concern all the way to the Board of School Trustees, if no satisfactory resolution is reached with the teacher, principal, director, or superintendent.

Parents are encouraged to solve problems as they arise and keep working to resolve them until satisfied everything possible has been done. Be sure of the facts. Although it may be difficult not to take sides, try to see the whole picture. In the event a problem appears to be at impasse, parents are encouraged to contact the District Counsel/Chief of Staff (262-5517), who will assist in bringing the concern to the attention of the right person.

#### *Encourage children to solve their problems*

Parents need to talk with their student and make suggestions, but let the student work out a solution if possible. Suggest alternatives which the child can do without parental assistance in an effort to resolve the problem. Any action a child takes needs to be in compliance with the Rules for a Safe Learning Community and Good School Order. Parents need to encourage their child to talk with their teacher when other children are not present.

### **Drug Free/Smoke Free Schools**

In accordance with the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs, alcohol or other controlled substances, or any substance that is represented to be an illicit substance, in the workplace, on school premises, or as part of any school sponsored activities is strictly prohibited. Smoking, including tobacco products as well as electronic, “vapor,” or other substitute forms of cigarettes, is prohibited in any Elkhart Community Schools’ building, vehicle, or on school property.

### **Asbestos Hazard Emergency Response Act (AHERA)**

Elkhart Community Schools complies with the provisions of AHERA. The Asbestos Management Plan may be reviewed by the public and school patrons. A copy the plan and the asbestos abatement documentation are located in the office of the Manager of Building Services at the Plant Planning 1135 Kent Street in Elkhart, Indiana. Additional information may be obtained by contacting the Manager of Building Services for Elkhart Community Schools at (574) 262-5690.

### **Cellular Phones and Other Electronic Devices**

Students may use personal communication devices (PCDs) before and after school, during their lunch break, in between classes as long as they do not create a distraction, disruption or otherwise interfere with the educational environment, during after school activities (e.g., extra-curricular activities) at school-related functions. Technology including, but not limited to, PCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) will be permitted, as approved by the classroom teacher or the building principal.

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

- The Child Abuse/Neglect Law requires school personnel to report to law enforcement or child protective services whenever there is reason to believe that any person/student is involved with “child exploitation” or “child

- pornography” as defined by Indiana Criminal Statutes.
- It is “child exploitation,” a Level 5 felony under I.C. 35-42-4-4(b), for any person/student (1) to exhibit, photograph or create a digitalized image of any incident that includes “sexual conduct” by a child under the age of 18; or (2) to disseminate, exhibit to another person, or offer to so disseminate or exhibit, matter that depicts or describes “sexual conduct” by a child under the age of 18.
  - It is “child pornography,” a Level 6 felony under I.C. 35-42-4-4(c), for any person/student to possess a photograph, motion picture, digitalized image, or any pictorial representation that depicts or describes “sexual conduct” by a child who the person knows is less than 16 years of age or who appears less than age 16.
  - “Sexual conduct” is a Level 5 felony as defined by I.C. 35-42-4-5 to include sexual intercourse, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of the child or other person.
  - The Indiana Sex Offender Registration Statute at I.C. 11-8-8-7 and the Sex Offender Registry Offense Statute at I.C. 35-42-4-11, as of May 2009, require persons convicted of or adjudicated as a juvenile delinquent for violating the Child Exploitation Statute at I.C. 35-42-4-4(b) to register as a sex offender.
  - Because student cell phones have been found in a number of Indiana school districts to have contained evidence of “sexual conduct” as defined above, it is important for parents and students to be aware of the legal consequences should this occur in our school system.

**Board Policy 7540.03 – Network and Internet Acceptable Use and Safety**

The Superintendent’s implementation of guidelines and procedures describing responsible and acceptable use of technology, networks, and information shall include, but not be limited to the following notifications to Users. It is the School Board’s expectation that the Superintendent will tailor the format of the information to be appropriate to its intended audience, such as: Employees, Students, or Families.

- A. Philosophy and Purpose
- B. A description of *Scope* from Policy 7540
- C. A statement regarding the *Limited Educational Purpose* of the corporation’s technology systems from Policy 7540
- D. Notification that the *Use of System is a Privilege* from Policy 7540
- E. A description of expectations and limitations regarding *Technology Privacy* from Policy 7540.01
- F. The following notice regarding technology protection measures

The Corporation has implemented the use of technology protection measures which are specific technologies that will protect against (e.g. filter or block) access to visual displays/depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children’s Internet Protection Act. At the discretion of the

Corporation or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measures may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Corporation utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. Nevertheless, parents/guardians are advised that a determined user may be able to gain access to services on the Internet that the Corporation has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents/guardians may find inappropriate, offensive, objectionable or controversial. Parents/Guardians assume risks by consenting to allow their child to participate in the use of the Internet. Parents/Guardians of minors are responsible for setting and conveying the standards that their children should follow when using the Internet. The Board supports and respects each family's right to decide whether to apply for independent student access to the Internet.

- G. The following notice regarding instruction to be provided students regarding technology safety:

Pursuant to Federal law, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified below. Furthermore, staff members will monitor the online activities of students while in school. This monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

1. safety and security while using email, chat rooms, social media, and other forms of direct electronic communications;
2. the dangers inherent with the online disclosure of personally identifiable information;
3. the consequences of unauthorized access (e.g., 'hacking'), cyberbullying and other unlawful or inappropriate activities by students online; and
4. unauthorized disclosure, use, and dissemination of personal information regarding minors.

Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Internet.

Students (and their parents if they are minors) are required to sign an agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

H. Guidance for Responsible Use of Technology, including the following:

The Board believes that technology users have the same responsibilities while using Board technology that are expected in any other school activity. Responsible use of technology is legal, ethical, academically honest, respectful of the rights of others, and consistent with the Board's mission.

While online, students should not reveal personal information such as name, age, gender, home address or telephone number, and are encouraged not to respond to unsolicited online contacts and to report to a teacher or supervisor any online contacts which are frightening, threatening, or otherwise inappropriate. Students shall not be required to divulge personal information for access to a non-corporation managed technology.

The Board prohibits the sending, receiving, viewing, or downloading of materials that are harmful to minors on computers and other technology related devices owned or leased by the Corporation or connected to the Corporation's computer network.

Users will become familiar with and follow all laws, including copyright laws and fair use guidelines.

Users accessing information or communicating using Board technology shall be responsible for knowing what information is confidential under law or Board policy, and that the transmission of confidential information in error may result in discipline to the user transmitting the confidential information.

I. A list of Unacceptable Uses, including, but not limited to the following:

1. Users will not use the school corporation system to access, review, upload, download, store, print, post, or distribute;
  - a. pornographic, obscene or sexually explicit material or other visual depictions that are harmful to minors;
  - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
  - c. materials that use language or images that are inappropriate to the educational setting or disruptive to the educational process or information or materials that could cause damage or danger of disruption;
  - d. materials that use language or images that advocate

violence or discrimination toward other people (hate literature) or that may constitute bullying, harassment, or discrimination, unless used as primary source material for the study of a subject under the direct supervision of a teacher;

2. Users will not use external proxy servers or other means of bypassing the corporation's Internet content filter to gain access to these materials.
- J. Users will not use the school corporation system to knowingly or recklessly post false or defamatory information about a person or organization, nor to bully or harass another person, nor to engage in personal attacks, including prejudicial or discriminatory attacks.
- K. Users will not use the school corporation system to engage in any illegal act or violate any local, state or federal statute or law.
- L. Users will not use the school corporation system to vandalize, damage or disable the property of another person or organization; will not make deliberate attempts to degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means; will not tamper with, modify or change the school corporation system software, hardware or wiring or take any action to violate the school corporation system's security; and will not use the school corporation system in such a way as to disrupt the use of the system by other users.
- M. Users will not use the school corporation system to gain unauthorized access to information resources nor to access another person's materials, information or files without the implied or direct permission of that person.
- N. Users will not use the school corporation system to post private information about another person or to post personal contact information about themselves or other persons including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords.
- O. Users will not attempt to gain unauthorized access to the school corporation system or any other system through the school corporation system, nor attempt to log in through another person's account, nor use computer accounts, access codes or network identification other than those assigned to the user.
- P. Users will not use the school corporation system to violate copyright laws, or usage licensing agreements, nor otherwise to use another person's property without the person's prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any school computer, and will not plagiarize works they find on the Internet.
- Q. Users will not use the school corporation system for the conduct of a business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the school

corporation. Users will not use the school corporation system to offer or provide goods or services or for product advertisement. Users will not use the school corporation system to purchase goods or services for personal use without authorization from the appropriate school corporation official.

- R. Users will not use the school corporation system to access any material or resource which results in the school corporation receiving an unauthorized billing. Any financial obligation incurred by a User through the Internet is the sole responsibility of the staff member, the student, or the student's parents.
- S. Users will not use excessive data storage or network bandwidth for non-school related purposes. This includes unauthorized file downloads, Internet radio or video, peer-to-peer file sharing, chat rooms, games, instant messenger services, or the transfer of unusually large or numerous files or e-mail messages.
- T. Users may access the school corporation's wireless network using personal property if such access is approved by the appropriate Corporation official subject to the terms and provisions of that network. However, Users may not use personal property to gain access to the school corporation's wired network without proper authorization from a corporation official.

The aforementioned principles and guidelines are extended to networks and information technology resources outside of the school corporation which are accessed through the corporation network via the Internet. Networks or information technology resource providers outside of the corporation may, in turn, impose additional conditions of appropriate use which the user is responsible to observe when using those resources.

A student or employee engaging in the foregoing unacceptable uses of the Internet when off school corporation premises also may be in violation of this policy as well as other school corporation policies. Examples of such violations include, but are not limited to, situations where the school corporation system is compromised, if a school corporation employee or student is negatively impacted, or if the educational setting or educational process is disrupted. (First Amendment Rights do apply in these situations, however.) If the school corporation receives a report of an unacceptable use originating from a non-school computer or resource, the school corporation may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct including, but not limited to, suspension or cancellation of the use or access to the school corporation computer system and the Internet and discipline under other appropriate school corporation policies, including suspension, expulsion, exclusion, or termination of employment.

If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate school corporation official. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. A student may also in certain rare instances access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher.

- A. Information regarding the consequences associated with *Violation of this Policy* from Policy 7540

- B. Disclosure regarding *Limitations on School Corporation Liability* from Policy 7540
- C. A “*Responsible and Acceptable Use of Technology*” signature form for students and parents, including, but not limited to the following:

As a condition of using the Elkhart Community Schools' computer system and network, I understand and agree to the following:

- A. I [My child] will comply with Board Policy 7540.03 which governs responsible and acceptable use of the technology, networks, and information of the Elkhart Community Schools.
- B. I hereby knowingly and voluntarily agree that Elkhart Community Schools shall have the right to review any material stored on any system provided by the school corporation to edit or remove any material.
- C. In consideration for [my child] using the Internet and having access to public networks, I hereby release Elkhart Community Schools, its officers, employees, and agents from any and all claims and damages arising from misuse, or inability to use Internet, loss of personal information or data, or information retrieved through the use of the corporation's technical resources.
- D. I understand that any violation of Board Policy 7540.03 is unethical and may constitute a violation of law. Should any violation of the policy and/or criminal code be committed, I understand and agree that my [child's] access privileges are subject to revocation, school disciplinary action up to and including expulsion may be taken, and/or appropriate legal action may be taken.

[Student Name] / [Student Signature] / [Date]

I understand that any violation of Board Policy 7540.03 is unethical and may constitute a violation of law. Should any violation of the policy and/or criminal code be committed, I understand and agree that my [child's] access privileges are subject to revocation, school disciplinary action up to and including expulsion may be taken, and/or appropriate legal action may be taken.

As the parent or guardian of this student, I agree that my child will abide by Board Policy 7540.03 relating to acceptable use of the school corporation computer system and the Internet. I understand that this access is designed for educational purposes. However, I also recognize it is impossible for the school corporation to restrict access to all controversial materials and I will not hold the school corporation or its employees or agents responsible for materials acquired on the Internet.

I further agree that I will assume full responsibility for any and all costs, financial and otherwise, that may be incurred by the student while using Elkhart Community Schools-provided access to the Internet when such costs have not been authorized or approved by the school corporation.

I hereby give permission to issue an account for my child and certify that the information contained on this form is correct.

[Parent Name] / [Parent Signature] / [Date]  
March 8, 2022

## Board Policy 5517.01 – Bullying Prevention

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.
3. The term bullying may not be interpreted to impose any burden or sanction on, or include in the definition of the term, the following:
  - 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; or
- f. 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 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 time line 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 regulation, 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 completion of the investigation.
- I. Any school employee who observes bullying behavior or receives a report of behavior which 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 15<sup>th</sup> 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 corporation and school employees, volunteers, and contracted service providers who have direct and on-going contact with students.
- 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.

August 22, 2023

## **Student Insurance**

There is no provision for the Elkhart Community Schools to carry general medical insurance on its students at taxpayers' expense.

Student accident insurance may be purchased by parents through a private company. Information about specific coverage and benefits can be found on the District website at <https://www.elkhart.k12.in.us/families/forms>.

The Elkhart High School Athletic Departments do not provide insurance for student athletes; however, there is inexpensive insurance through Student Athletic Protection, Inc. which is available through an outside carrier for those families who may be interested. Hoosier Healthwise is another option for families interested in less expensive insurance coverage for their student athlete. Information about these programs can be obtained in the Athletic Director's office at Elkhart High School and Freshman Division.

## **Health Related Information**

### *Doctor or Dentist Visits*

Parents are encouraged to schedule doctor and dentist appointments which do not conflict with school hours. However, if it is absolutely necessary to schedule such a visit during school hours, students will be excused. Parents should follow school procedures when making such appointments.

### *Medication in School*

Administration of medication prescribed by a licensed physician and supplied by a parent must be arranged with the school by filling out the required form. Nonprescription medication will be administered only if there is written permission of the student's parent or legal guardian and if it is sent in the original container. Additional information regarding medication can be found in Board Policy 5330.

### *Emergency Medical Care*

Nurses are on duty in all schools on a regularly scheduled basis. Parents need to be sure that phone numbers where they can be reached in case of emergency are on file in the school office.

### *Health Screening*

Public Schools in Indiana are required to conduct health screenings (e.g. vision, hearing, etc.). Parents who have questions or objections regarding this should contact the school nurse.

## **Homelessness/Domestic Violence Assistance**

Elkhart Community Schools is committed to all students, including students who are homeless by the standards set forth by McKinney-Vento Homeless Children and Youth. It is important to understand that parents and their children have rights when a child qualifies as a homeless student. Additional information can be found in the following links: [ECS McKinney-Vento District Plan](#), [IDOE McKinney-Vento Law](#), and [United States Department of Education Homeless Education Law](#).

McKinney-Vento Liaison for Elkhart Community Schools:  
Lindsey Brander  
Assistant Superintendent of Student Services  
email: [lbrander@elkhart.k12.in.us](mailto:lbrander@elkhart.k12.in.us)  
phone: 574-262-5540

The following organizations can assist parents/children facing homelessness or domestic violence:

- YWCA Safe Haven: 574-294-1811
- Bashor Emergency Shelter for youth: 574-875-5117
- Faith Mission: 574-293-3406
- Interfaith–Goshen: 574-534-2300
- Victim Assistance: 574-523-2237
- Hannah’s House, for pregnant females: 574-254-5309

## School Food and Beverage Guidelines

As of July 1, 2014, all food items sold during a school day (midnight before to 30 minutes after the end of the official school day) are required to meet particular Smart Snack compliant standards. This includes a la carte items in the cafeteria, school store, snack cart, vending machines, culinary education programs, and all other programs selling food during the school day.

The Board of School Trustees of Elkhart Community Schools has adopted a Student Wellness policy regarding food and beverages at school as developed by the Elkhart Community Schools Wellness Committee. The guidelines do not apply to school breakfasts and school lunches, but do apply to all other food and beverages at school. Copies of the guidelines are available at the Food Services Department at Kent Street and in school offices.

## 1:1 Initiative (Student iPads)

As a part of the 1:1 initiative, Elkhart Community Schools purchases an iPad for each student to use; the district retains ownership of these devices. Students/Parents can review the [iPad Agreement](#) which provides a list of basic responsibilities and requirements to use and care for student iPads.

## Summer School

Fees for summer school are established annually by the School Board.

## Assessments

### *ILEARN (Grades 3-8)*

Beginning in 2018-19, the State of Indiana transitioned from ISTEP+ to ILEARN, the summative accountability assessment to measure student achievement and growth according to Indiana Academic Standards. ILEARN assesses English/Language Arts and Mathematics in grades 3-8, Social Studies in grade 5, Science in grades 4, 6 and High School Biology. ILEARN is an online, computer adaptive test for English/Language Arts and Mathematics which adapts to each student’s mastery of the content throughout the assessment(s). Every time a student answers a question, his or her response helps determine the next question presented. The difficulty of the test adjusts to each student’s skills, providing a better measure of what each student knows and can do. This adaptation allows each student to receive an individualized assessment providing more precise data about student achievement. Students will participate in ILEARN during a single test window in late Spring of each year.

### *IREAD-3 (Grade 3)*

All state-accredited and voucher schools in Indiana are required to administer the Indiana Reading Evaluation and Determination (IREAD-3) assessment to all third-grade students in March of each school year. The purpose of the IREAD-3 assessment is to measure foundational reading skills and standards through grade three. Students who do not pass the assessment will have remediation opportunities and will be able to take a retest. In accordance with HEA 1367, students who do not pass the IREAD-3 assessment will continue to receive instruction in Grade 3 Reading and must retest the following year. Special education students as well as English Language Learners, are eligible for what Indiana calls “Good Cause Exemptions.” Decisions about whether those exemptions are appropriate for specific students are made by each student’s case conference committee, or individual learning plan committee. Students who receive a Good Cause Exemption will also continue to receive additional reading interventions.

I DOE offers an opt-in opportunity for students in grade two to participate in the IREAD-3 administration. This allows schools to receive valuable information regarding students’ ability to read before their third-grade year. Beginning in the 2023-2024 school year, all ECS elementary schools will administer IREAD-3 to grade 2 students.

### *SAT School Day*

Beginning in the 2021/2022 school year, the SAT became Indiana’s statewide accountability test to all Grade 11 students in the spring. SAT results can be used to fulfill Requirement Three in a student’s chosen Graduation Pathway. Other options to fulfill this requirement remain valid for students who do not fulfill it with their SAT result. No specific score on the SAT is required to graduate high school with an Indiana diploma unless the student elects to pursue the SAT for graduation pathways.

### *I AM (Alternate Assessment)*

I AM is the summative accountability assessment for students in grades 3-8 with significant cognitive disabilities. A Case Conference Committee may determine Indiana’s Alternate Measure (I AM) is the most appropriate assessment utilizing the criteria for determining eligibility to participate. I AM measures student achievement and growth according to Indiana’s Alternate Academic Standards or Content Connectors; it assesses English/Language Arts and Mathematics (grades 3-8 and 10), Social Studies (grade 5), and Science (grades 4, 6, and High School Biology). Students will participate in I AM during a single test window in late Spring of each year.

### *WIDA (Grades K-12)*

Assessing students’ English proficiency in the four language domains (listening, speaking, reading, and writing) is a critical, required component of EL programming. Per ESSA, states are required to adopt standardized entrance criteria to determine EL status, which entails the administration of a placement assessment. Additionally, all identified EL students are required to be assessed annually for their English proficiency - which, in turn, determines a student’s current level of English and EL status.

As a member of the WIDA consortium, Indiana has adopted the WIDA Screener to be utilized as its placement assessment to determine English learner status, and WIDA ACCESS and Alternate ACCESS (for ELs with significant disabilities) as its annual assessment. These assessments are required to be utilized by the following K-12 schools in Indiana: traditional public schools, public charter schools, accredited non-public schools participating in the Choice Scholarship Program, and accredited non-public schools participating in Title III.

Comprehensive guidance on WIDA placement and annual assessments is issued by the IDOE Office of Student Assessment and can be found on IDOE's WIDA webpage.

### *Dyslexia Screening*

Beginning the 2019/2020 school year, public and charter schools must screen all students in grades K-2, and struggling readers in grades 3-12, for characteristics of dyslexia. Six areas of reading will be assessed: phonemic/phonological awareness, alphabet knowledge, sound symbol relationships (phonics), decoding, rapid naming, and encoding (spelling).

### *NWEA (Grades K-8)*

In addition to assessments required by the state, Elkhart Community Schools also administers formative assessments to students in order to better inform teachers about student academic needs. Students in Grades K-8 take the NWEA Measures of Academic Progress (MAP) assessments three times each year (Fall, Winter, and Spring) to inform instruction and measure student growth.

### *High Ability*

Students can qualify for high ability in two ways:

- those with exceptional cognitive potential
- those with outstanding achievement in mathematics/reading

Normative data from the winter NWEA test is used to identify high academic achievement. Students who score at or above the 95th percentile on NWEA will be identified as eligible for service in the areas of mathematics, reading, or both depending on the results of the test. Students in grades K, 2, and 5 who have not already fully qualified in both reading and math through NWEA will then participate in a cognitive potential screener. This second round of testing is intended to find any students with cognitive potential and might have been missed through achievement testing. In measuring cognitive potential, we use the *Cognitive Abilities Test (CogAT)*, a nationally normed test of aptitude. Students in grades K and 2 will take a CogAT screener. Scores at or above the 77th percentile on the CogAT screener will qualify for the full CogAT. In grade 5 scores at or above the 77th percentile on the NWEA will qualify for participation in the full CogAT. A score at or above the 95th percentile on quantitative, verbal, or the full CogAT at grades K, 2, and 5 indicates that the student qualifies to receive high ability services in math, English language arts, or general intellectual. Students with results that miss the cut-off score by two points, or the standard error of measure (SEM), on either test are eligible for a third qualifier. The Scales for Identifying Gifted Students Inventory (SIGS) will be used to collect data from parents and teachers. A score above the 95<sup>th</sup> percentile on the SIGS indicates that the student qualifies to receive high ability services.

## **Transportation**

Free bus transportation is provided to 1) elementary students (grades K-6) who reside outside a one-mile radius from the school to which they are assigned, 2) middle school and high school students who reside outside a two-mile radius from the school to which they are assigned, and 3) students assigned to special programs not available in their attendance area of legal residence. When rivers or other natural barriers cause students to travel well beyond the normal radius distance, or when extremely hazardous conditions exist, transportation may be provided.

Riding a bus is a privilege and must be regarded as such. Rules of school bus conduct and safety have been established for the protection of the student, other students, and the school system.

Copies of school bus rules are provided to students who ride school buses. Parents and students should familiarize themselves with these rules. Students who do not follow these rules, or who refuse to follow the directions of the bus driver, may lose their riding privileges.

The bus driver is in charge of the school bus at all times. In cases requiring serious disciplinary action (removal from the bus for an extended period of time), a review is held which includes the student and/or parent(s), the bus driver, the building administrator, and/or a supervisor from the transportation department. When a student loses his or her riding privileges, a letter indicating such is given to the student to be given to the parents.

Students are required to attend school. It is the responsibility of the student and/or parent to assure the student gets to school.

## **Student Meals Application for Assistance**

The Elkhart Community Schools serves nutritious meals throughout the school year. This includes breakfast and lunch in all schools.

Children from households whose income is at or below levels established by the federal government are eligible for free/reduced price meals and/or textbook assistance.

Applications for assistance will be mailed to all households prior to the start of school. Applications are also available to be completed online at [Linqconnect.com](http://Linqconnect.com) in the Food Services Department located at 1135 Kent Street, Elkhart, IN 46514; or, during the school year, in the office of each school. When applying for free or reduced price meals assistance for your child, be sure to fully complete the application, list each child for whom you are requesting benefits, and then return it to the school. Within ten days of receiving an application, the parent will be notified in writing whether or not their children are eligible. If the parent does not agree with the decision and wishes to review the decision further, he/she has a right to a fair hearing. This can be done by writing to the Chief Operating Officer, 2720 California Road, Elkhart, IN 46514.

Students who attend Beardsley, Mary Beck, Bristol, Mary Daly, Monger, Riverview, Roosevelt, Woodland, and Pierre Moran will receive breakfast and lunch at no charge without the submission of a lunch application.

We WILL use information provided by the parent to see if children are eligible for free or reduced-price meals, to run the program, and to enforce the rules of the program. We MAY share eligibility information with education, health, and nutrition programs to help them evaluate, fund, or determine benefits for their programs, auditors for program reviews, and law enforcement officials to help them look into misuse of program rules.

The institution is an equal opportunity provider.

If there is a question or concern regarding the Food Service Program, call 262-5551 for assistance.

## **Board Policy 5771 – Search and Seizure**

The Board recognizes its obligation to balance the privacy rights of its students with

its responsibility to provide student, 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 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.

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**

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 constitutes evidence of a violation of a law or a school rule or which 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 that may not lawfully be possessed by the owner shall be turned over to law enforcement.

The building administrator shall promptly record in writing the following information for each search 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 search of the person of a student

The Superintendent shall prepare administrative guidelines to implement this policy.

I.C. 20-33-8-32

U.S. Constitution, 4th Amendment

September 11, 2018

## **Patron Involvement**

There are many ways parents and students may become involved in the Elkhart Community Schools.

### *School Board*

Public control of education is one of the cornerstones of American free society; the people exercise their control through the Board of School Trustees. The Elkhart Community Schools school board is composed of seven members with overlapping terms of four years each.

The Board encourages and welcomes citizen involvement and participation in the governance of the school system. Patrons may speak to the Board at any public meeting. Public participation may take place following the Board's initial announcement of any agenda item which does not require a vote; and if a vote is required, participation takes place following a motion but prior to the Boards vote on the agenda item. Following the conclusion of all scheduled agenda items, any member of the public may bring up a concern or discuss any other topic not on the formal Board agenda.

### *Instructional Cycle Committee*

In lieu of the traditional textbook adoption committee, the district will annually establish a standing Instructional Cycle Committee for each discipline. The committees will address six ongoing phases on behalf of all schools in the district: (1) Organize the standards and the big ideas by quarter, (2) Define assessments that will be used to measure progress, (3) Identify the resources for district-wide procurement (including equipment, supplies, and digital/print curriculum), (4) Assure implementation district wide, (5) Verify the fidelity of implementation, and (6) Evaluate the effectiveness of the plan. This cycle will advance iteratively and continuously repeat the six phases.

Each committee will meet each quarter. The composition of the committee will include one representative from each school K-12, administrators, and parents appointed to the Committee by a variety of methods. Any parent interested in serving on an instructional cycle committee should contact the Instructional Leadership Department.

### *Literacy Committee*

The district will annually establish a standing Literacy Committee that includes

representatives from every school and every discipline. This committee will meet every quarter to (1) Establish a leadership team for this priority, (2) Foster a culture of readers, pre-K through adulthood, (3) Promulgate strategies for literacy across curriculum, and (4) Create a platform from which interdisciplinary unit can be created.

This committee will meet each quarter. The composition of the committee will include at least one representative from each school K-12 and one representative from each subject areas. Administrators and parents are welcomed to serve. Any parent interested in serving on the Literacy Committee should contact the Instructional Leadership Department.

### *Superintendent's Student Advisory Council*

The purpose of the council shall be: 1) to provide young citizens an opportunity to experience first-hand the governmental operation of the community educational process, 2) to afford the Board of School Trustees the opportunity to gain first-hand reactions from students regarding the decisions that affect students in their educational development, and 3) to keep the Superintendent in closer contact with the students, to communicate what the school system is doing to meet the educational needs of the students, and to seek student concerns about the educational process of the Elkhart Community Schools.

### *Volunteers*

Parents and citizens with expertise or skills in any area may offer to help the schools as resource people. They are very much needed to supplement the classroom activities offered by each school. Anyone interested in helping is encouraged to contact his or her child's school. All volunteers must pass a criminal history background check. More information can be found on the Districts website at <https://www.elkhart.k12.in.us/community/header-volunteer>.

### *Other Committees*

Other committees which involve patrons include: Music Parents Associations, Career Center Advisory Councils, High Ability Broad Based Planning Committee, Title I Parent Advisory Councils, and Principals Parent Advisory Councils.

### *Parent, Student, Patron Opinion*

Any parent, student or other member of the community may call or write to any principal, teacher or administrator to express an opinion about any school program or problem.

### *Parent-Teacher Conferences*

Parent-Teacher conferences are scheduled at all schools so parents can discuss the progress of their child with their child's classroom teacher(s). The times of the parent conferences are announced by the individual schools. Throughout the school year, parents are encouraged to call their child's school to arrange for a meeting with their child's teacher to review their child's school work. Continuous communication between the teacher and parents is vital.

## **Weather Delays and Closings**

Elkhart Community Schools takes the decision to close school very seriously. When facing the possibility of a weather-related closure, our administrators not only rely on the expertise of local meteorologists and government officials, but also go out into the weather ourselves and consult with other area school administrators. ECS administrators and transportation staff drive around Elkhart and Bristol very early in the morning when weather conditions are questionable, evaluating road

conditions for students who ride buses and monitoring weather conditions with consideration for our students who walk. We strive to make a final determination on school delays and closings by 5:30 a.m., but we continuously monitor weather conditions and may make a determination to close later if needed.

## **If You Have a Question**

Where a citizen or school patron has a question including the operation or programs of the schools, he or she should contact the office or person most directly responsible for the area in which the problem exists. Where the question involves an individual student or class, the classroom teacher and/or the principal are the proper people to contact.

In instances where the person feels that after contacting the proper and responsible office or individual, his or her question has not been fully answered or given proper consideration, the problem may be directed to the Office of Superintendent of Schools, phone 262-5516.

## **Summary of Policies on Education Records**

The Family Educational Rights and Privacy Act of 1974 as amended provides certain safeguards to the privacy of parents and students. During a student's school career, the school system collects and records data concerning each student. The school system recognizes the collection, maintenance, and limited dissemination of such data is essential in school operations, but also preserving the rights of privacy of the student and parents, providing access to the data by the student and parents, and the student's or parent's right to correct data is equally essential.

### ***Who may see a student's record?***

The parent, guardian, or student of age 18 or older, has the right to examine the student's record and to have it explained. An appointment must be made to see the student's record.

The administrators, secretaries, counselors, teachers, and other school officials who have responsibility for supervising, instructing, or helping a student shall have access to that student's permanent and personal records.

A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; or a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist).

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Any record which is the property of the individual teacher, administrator, or counselor, and has not been shared, is an unofficial record and is open to anyone only as that individual permits.

### ***Recourse in Case of Error***

If a parent, guardian, or student age 18 or older has reason to believe that some portion of the record is in error or violates the student's rights in any way, he or she should discuss the matter with the principal of the school in which the record resides. If the matter is not resolved, a request for modification or deletion may be made in writing. Forms for such a request will be provided. A ruling will be made and returned in writing with instruction on how to further appeal for correction, if

desired.

### ***Directory Information***

“Directory Information” means a student’s name, address, telephone listing, if published, date and place of birth, gender, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, photographs and images obtained by the district for other than safety and security purposes, team photographs, video of student activities or programs, and the most recent previous educational agency or institution attended by the student.

### ***Release of Student Records***

Directory Information may be released without prior consent of the parents. A parent or eligible student who does not want directory information to be released may restrict the release of such information by providing the principal a written statement requesting such restriction. A parent or eligible student must make this request, in writing, within two (2) weeks of the student’s first day of school attendance during each school year. (See form on page 34)

From time to time schools in the district may release to news media the names of students involved in current school activities. Cast members in plays, team members in sports, and other teams and students achieving academic and other honors, are examples of the information that could be released.

A student’s official record will be transferred from one school to another within the Elkhart Community Schools. The parent, guardian, and/or student may review the record transferred at that time or at any time, for that matter.

A student’s record will be transferred to a school outside the Elkhart Community Schools, to a college, a prospective employer, or anyone only upon the written request of the parent, guardian, or student, if age 18 or older. That written request needs to specify which records are to be sent and whether the requesting party desires to review the record before it is sent. These records will be forwarded following receipt of the request without further notice to the requesting party.

If a student’s record is subpoenaed by a court, the parent, guardian or student, if age 18 or older, will be informed of the subpoena before the record is provided in compliance with the order.

The foregoing is a brief summary of the significant details on education records adopted by the Board of School Trustees. The Indiana Legislature adopted a law, Access to Public Records, which went into effect on January 1, 1984. A Board resolution to affect the law was adopted in December of 1983. Copies of the complete policy 8330 and regulation (JO) and the resolution are available in each school and the J.C. Rice Educational Services Center.

### ***Military Recruiters***

Federal law authorizes military recruiters to access student directory information unless the student or the parent requests that such information not be released. In order to comply with the requirements of this Indiana statute, a high school student and/or the student’s parent must submit a signed, written request to their high school no later than the end of the student’s sophomore year requesting that the student’s directory information not be provided to military recruiters. (See form on

*How long will a record be kept?*

Student Permanent Records are a lasting collection of key school performance measures. All other records will be destroyed not less than five years after a student leaves a school.

*Can you have copies?*

Graduates or students may have copies of their transcript or education records. There is a charge for these copies, except for the first two transcripts requested at the high school.

## **Statement of Non-Discrimination**

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

## **Equal Opportunity and Diversity**

Elkhart Community Schools is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, transgender status, national origin, sexual orientation, gender identity, age, military status, ancestry, genetic information, disability or any other characteristic protected by law. Inquiries regarding students with disabilities (related to Section 504 and ADA) may be made by contacting the Assistant Superintendent of Exceptional Learners, whose office address is Elkhart Community Schools, 2720 California Road, Elkhart, Indiana, 46514, and whose telephone number is 262-5861. The best qualified persons who are available at the salary levels established for school employment are employed. Academic and athletic programs are available to all students without discrimination. A Diversity in Employment Policy has been adopted by the School Board which is designed to achieve the goal of equal employment opportunity for all individuals. Inquiries regarding equal opportunity or diversity may be directed to the Equal Opportunity Officer by calling 262-5517.

The following person(s) have been designated to handle inquiries regarding the non-discrimination policies:

**Title IX—Sex**  
**District Counsel/Chief of Staff**  
2720 California Rd.  
Elkhart, IN 46514  
(574) 262-5517

**Title IX—Sex**  
**Assistant Superintendent of Exceptional Learners**  
2720 California Road  
Elkhart, IN 46514  
(574) 262-5861

**Title VI—Race, Color, National Origin and Limited English Proficiency**  
District Counsel/Chief of Staff  
2720 California Rd.  
Elkhart, IN 46514  
(574) 262-5517

**Title VII—Civil Rights Act**  
District Counsel/Chief of Staff  
2720 California Rd.  
Elkhart, IN 46514  
(574) 262-5517

**Section 504 and Americans with Disabilities Act—Handicap/Disability**  
Assistant Superintendent of Exceptional Learners  
2720 California Rd.  
Elkhart, IN 46514  
(574) 262-5861

## **Title IX of the Education Amendments of 1972**

It is the policy of the Elkhart Community Schools not to discriminate on the basis of sex in educational programs or activities which it operates, and the Elkhart Community Schools is required by Title IX not to discriminate in such a manner. The District Counsel/Chief of Staff has been designated as the official responsible for Title IX compliance. Inquiries concerning the application of said Title IX and the implementing of regulations may be made by contacting the District Counsel/Chief of Staff

### **2266 - NON-DISCRIMINATION AND ANTI-HARASSMENT ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

#### **TITLE IX**

#### **A. RESTATEMENT OF POLICY PROHIBITING DISCRIMINATION AND HARASSMENT ON THE BASIS OF SEX**

The Board of School Trustees of Elkhart Community Schools noting the adverse effects discrimination and harassment can have on student academic progress, social relationship, and/or personal sense of self-worth; along with workplace satisfaction and effective performance of defined employment responsibilities does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationships, and/or personal sense of self-worth.

All forms of discrimination, including sexual harassment, are prohibited pursuant to Board Policies 2260 and 3122ACS. This policy addresses only sexual harassment as defined by Title IX of the Education Amendments of 1972 ("Title IX") which prohibits sex (including pregnancy, sexual orientation, and gender identity) discrimination in an education program or activity receiving federal financial assistance.

#### **B. TITLE IX SEXUAL HARASSMENT POLICY.**

##### **1. Application of This Policy.**

While all forms of sex-based discrimination or harassment are prohibited by the Elkhart Community Schools ("ECS" or "District"), the purpose of this policy is to address, and only to address, *sexual harassment as defined in Title IX and this policy*, occurring within the educational programs and activities of ECS, and to provide a grievance

process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The “Title IX Grievance Process” is set out in section C below. While the District must respond to all “reports” it receives of sexual harassment, the Title IX Grievance Process is initiated only with the filing of a formal complaint.

The purpose of this Policy, as noted above, is to address, and only to address, sexual harassment as defined in Title IX occurring within the educational programs and activities of the district. For harassing conduct which does not meet the definition of sexual harassment under Title IX and this Policy, the District’s response will be governed under other applicable laws and policies adopted by the Board of School Trustees, including but not limited to the following policies: 2260, 2260.01, 3122ACS, 3122.02ACS, and 3123ACS, along with the provisions of Administrative Regulations and Guidelines implementing the same.

This Policy shall apply to all students, employees, and any third party who contracts with the District to provide services to ECS students or employees, upon District property or during any school program or activity.

Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law. Volunteers and visitors who engage in alleged sexual harassment will be directed to leave school property and/or be reported to law enforcement or the Indiana Department of Child Services as appropriate. A third party, under the supervision and control of the school system, will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

This policy 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 grounds immediately before, during, or immediately after school hours; in any school program or activity taking place in school facilities, on school transportation, or at other off-campus locations, such as school-sponsored field trips or a training program; or using property or equipment provided by the school, including school-owned computers and the school’s computer network.

The Superintendent shall have overall responsibility for implementing this Policy, and shall appoint a District Title IX Coordinator position is described in section B-3, below.

The following person(s) is/are designated as the Corporation’s Title IX Coordinator(s) and, as such, shall handle inquiries regarding the sexual harassment and address any complaint:

District Counsel/Chief of Staff  
2720 California Road  
Elkhart IN 46514  
574-262-5517

Assistant Superintendent of Exceptional Learners  
2720 California Road  
Elkhart IN 46514  
574-262-5861

## 2. Definitions.

As used in this Policy and the Title IX Grievance Process, the terms below shall have the meaning ascribed.

- a. **“Actual knowledge”** occurs when ANY employee of one of the District’s schools (other than a “respondent” or alleged harasser) receives a notice, report, or information or becomes aware of sexual harassment or allegations of sexual harassment.
- b. **“Complainant”** is an individual who is alleged to be the target or victim of conduct which could constitute sexual harassment, whether or not this person files a report or formal complaint.
- c. **“Days”** shall mean instructional days.
- d. **“Decision Maker”** means persons tasked with: the responsibility of making initial determinations of responsibility (at times referred to as “initial decision-maker”) with respect to formal complaints of sexual harassment in accordance with the Title IX Grievance Process.
- e. **“Determination of Responsibility”** is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal Complaint the Respondent did or did not engage in conduct constituting Sexual Harassment Under Title IX.
- f. **“Formal Complaint”** means a document filed by a complainant, the complainant’s parent/guardian, or the Title IX Coordinator, alleging sexual harassment against a respondent, and requesting the district investigate the allegation of sexual harassment.
- g. **“Respondent”** is an individual who is reported to be the individual accused of conduct which could constitute sexual harassment.
- h. **“Sexual harassment”** prohibited under Title IX and by this policy is conduct on the basis of sex (including, without limitation, gender, sexual orientation, and/or gender identity), occurring in a school system education program or activity that satisfies one or more of the following:
  1. A school district employee conditioning the provision of an aid, benefit, or service of an education program or activity on an individual’s participation or refusal to participate in unwelcome sexual conduct;
  2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, AND objectively offensive it effectively denies a person equal access to the education program or activity; OR
  3. Sexual assault, dating violence, domestic violence, or stalking as defined in federal law.

The term “consent” as applicable to this procedure shall mean an individual voluntarily agreeing, by words or actions, to the proposal of another individual. An individual may be incapable of consent due to mental or physical incapacitation. The vast majority of Corporation students are incapable of

giving consent to sexual contact because Indiana law generally establishes the age of consent as 16. Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

The context of behavior can make a difference between conduct falling within the technical definition of Sexual Harassment under Title IX, and conduct of a sexual nature which is offensive or hostile in itself, but does not arise to the level within that definition. District policies prohibit both, but for purposes of its Title IX obligations the District must address reports or complaints of conduct which may constitute sexual harassment as defined above, under this specific, limited scope Policy and Title IX Grievance Process. Except as used in other laws (e.g., Title VII) or policies (e.g., Board policies 2260 and 3122ACS) pertaining to harassment, including of a sexual nature, other than Title IX sexual harassment, all references to “sexual harassment” in this policy mean sexual harassment meeting the above definition.

Conduct satisfying this definition is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser/respondent and the context in which the harassment occurred.

*NOTE Regarding Concurrent Enrollment and Dual Enrollment, Extended Learning Opportunities, 3rd Party Distance Learning, and Other Alternative Instructional Programs* Under federal regulations, in order for the District to have jurisdiction over conduct that would otherwise meet the definition above of sexual harassment, ECS must have substantial control over both the respondent and the context in which the harassment occurred. In general, this will mean that unless such learning program is occurring upon ECS property, conduct otherwise meeting the definition of sexual harassment within that program, may not be subject to this policy.

- i. “Supportive Measures” are free, non-disciplinary, non-punitive, individualized services and shall be offered to the complainant, and may be offered to the respondent, as appropriate. These measures may include, but are not limited to, the following:
  1. Counseling;
  2. Course modifications;
  3. Schedule changes; and
  4. Increased monitoring or supervision.

Such measures shall be designed to restore or preserve equal access to ECS education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the ECS educational environment and/or deter sexual harassment. Supportive measures shall remain confidential with exclusive exceptions stated required in §B-5 below.

3. Title IX Coordinator.

The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of sexual harassment. The Title IX Coordinator shall receive general and specific reports of sexual harassment, and coordinate the District's responses to both reports and formal complaints of sexual harassment so the same are prompt and equitable. In addition to any other specific responsibilities assigned under this Policy, or as assigned by the Superintendent, the Title IX Coordinator will be responsible for:

- a. meeting with a complainant, and informing the parent/guardian once the Title IX Coordinator becomes aware of allegations of conduct which could constitute sexual harassment as defined in this Policy;
- b. identification and implementation of supportive measures;
- c. signing or receiving formal complaints of sexual harassment;
- d. engaging with the parents/guardians of parties to any formal complaint of sexual harassment;
- e. coordinating with district and school-level personnel to facilitate and assure implementation of investigations, and remedies, and helping to assure the District otherwise meets its obligations associated with reports and complaints of sexual harassment;
- f. coordinating with the Superintendent with respect to assignment of persons to fulfill the District's obligations, both general and case specific, relative to this Policy (e.g., investigator, decision-makers, etc.; this may involve the retention of third party personnel.);
- g. coordinating with district and school-level personnel to assure appropriate training and professional development of employees and others in accordance with Section B-4 of this Policy; and
- h. helping to assure appropriate systems are identified and maintained to centralize sexual harassment records and data.

In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason (see Section B-7, below), the Superintendent shall assure another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

The following person(s) is/are designated as the Corporation's Title IX Coordinator(s) and, as such, shall handle inquiries regarding the sexual harassment and address any complaint:

District Counsel/Chief of Staff  
2720 California Road  
Elkhart IN 46514  
574-262-5517

Assistant Superintendent of Exceptional Learners  
2720 California Road  
Elkhart IN 46514  
574-262-5861

#### 4. Training.

All ECS employees shall receive regular training relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the definition of sexual harassment, this Policy, the scope of the District's education program or activity, and how to conduct an investigation (including the requirements of the reporting and the Title IX Grievance Process, including hearings, appeals, and information resolution processes). The training must also include avoiding prejudice of the facts, conflicts of interest, and bias.

Decision-makers must also receive training on issues of relevance of questions and evidence, including when questions about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment, and must be made available to the public as provided in Section B-8 of this Policy.

#### 5. Confidentiality.

ECS will respect the confidentiality of the complainant and the respondent as much as possible; however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action. Examples of required disclosure include:

- a. information to either party to the extent necessary to provide the parties due process during the Title IX Grievance Process;
- b. information to individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
- c. mandatory reports of child abuse or neglect pursuant to Indiana Code and Board Policy 8-462;
- d. information to the complainant's and the respondent's parent/guardian as required under this Policy and or the Family Educational Rights and Privacy Act ("FERPA"); and
- e. reports to the Indiana Department of Education as required under Indiana Code.

Additionally, any supportive measures offered to the complainant or the respondent shall remain confidential to the extent maintaining such confidentiality would not impair the ability of the school district to provide the supportive measures.

6. **Retaliation Prohibited.**

Retaliation against any person who makes a report or complaint, or against any person who assists, participates, or refuses to participate in any investigation of an act alleged in this Policy is prohibited. Actions taken in response to **materially** false statements made in bad faith, or to submitting materially false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A finding of responsibility alone is insufficient to conclude a person made a **materially** false statement in bad faith. Complaints of retaliation with respect to reports or formal complaints of sexual harassment shall be filed under the District's general grievance process. The Corporation will make all possible efforts to prevent retaliation against individuals reporting discrimination or harassment or participating in related proceedings. The Corporation will respond promptly and appropriately to address continuing or new problems. Any person may report suspected retaliation to the District's Title IX coordinators.

7. **Conflict of Interest.**

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

8. **Dissemination and Notice.**

The District shall include in all student and employee handbooks, and shall make publicly available on the district's website the following information:

- a. The District's policy of non-discrimination on the basis of sex (included in Board Policies 2260 and 3122ACS);
- b. the title, name, office address, email address, and telephone number of the Title IX Coordinator (to be provided pursuant to Board Policies 3362 and 5517);
- c. the complaint process;
- d. how to file a complaint of sex discrimination or sexual harassment;
- e. how ECS will respond to such a complaint; and
- f. a statement that Title IX inquiries may be referred to the Title IX Coordinator or to the Assistant Secretary for Civil Rights.

The same information shall be provided to all persons seeking employment with the District, or seeking to enroll or participate in the District's educational programs or activities.

Additionally, ECS will make this Policy, as well as any materials used to train personnel as required under Section B-4 publicly available on the district's website.

9. **Records and Record-Keeping.**

- a. For each report or formal complaint of sexual harassment, ECS, through the Title IX Coordinator, must create, and maintain for seven (7) years, record of:

1. Any actions, including any supportive measures;
2. The basis for the District's conclusion that its response was not deliberately indifferent; and
3. Documentation which:
  - a. If supportive measures were provided to the complainant, a description of the supportive measures taken designed to restore or preserve equal access to the ECS education program or activity; or
  - b. If no supportive measures were provided to a complainant, explains the reasons why such a response was not clearly unreasonable in light of the known circumstances.

- b. In addition, ECS shall maintain the following records for a minimum of seven (7) years:

Records for each formal complaint of sexual harassment, including:

1. Any determination regarding responsibility, including dismissals;
2. Any disciplinary sanctions imposed on the respondent;
3. Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
4. Any appeal and the result there from;
5. Any informal resolution process and the result there from;
6. All materials used to train Title IX Coordinators, investigators, and decision-makers.

#### 10. Reports of Sexual Harassment, Formal Complaints and District Responses

##### a. Report of Sexual Harassment.

*NOTE: A report does not initiate the formal Title IX Grievance Process. That process is begun only upon the filing of a formal complaint under the procedures set out in Sections B-10-c, and C-1, below.*

Any person may report sexual harassment, whether relating to her/himself or another person. However, if any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.

A report of sexual harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Additionally, while the

District strongly encourages reports of sexual harassment to be made directly to the Title IX Coordinator, the report may be made to **any** District staff member, including, for instance, a counselor, teacher, or principal.

If the Title IX Coordinator is the alleged respondent, the report or formal complaint may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that report/complaint, or delegate the function to another person.

NOTE: For any allegation of sexual assault on a student under the age of 18, such conduct shall be reported immediately to the Child Protective Services or law enforcement pursuant to Board policy 8462.

**b. District Response to Report of Sexual Harassment.**

The district will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. The district shall treat complainants and respondents equitably by providing supportive measures to the complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

As soon as reasonably possible after receiving a report of alleged sexual harassment from another ECS employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

1. discuss the availability of and offer supportive measures;
2. consider the complainant's wishes with respect to supportive measures;
3. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
4. explain to the complainant the process for filing a formal complaint.

**c. Formal Complaints.**

Pursuant to federal regulations, and this Policy, a formal complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required before ECS may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a person accused of sexual harassment. Once a formal complaint of sexual harassment is received by the Title IX Coordinator, s/he shall commence the Title IX Grievance Process set out in Section C below. The process for filing a formal complaint is set forth in Section C-1. The process for filing a formal complaint is set forth in Section C-1. Even in instances where a Complainant chooses not to file a formal complaint, supportive measures may continue at the discretion of the Title IX Coordinator.

d. **Limitation on Disciplinary Action.**

In no case shall ECS impose disciplinary consequences or sanctions against a respondent who has been accused of conduct which may constitute sexual harassment, until the Title IX Grievance Process has been completed.

e. **Emergency Removal and Administrative Leave.**

At any point after receiving a report or formal complaint of sexual harassment, the Title IX Coordinator (or other ECS official charged with a specific function under this Policy or the Title IX Process: e.g., investigator, decision-maker, etc.) may request the Superintendent to direct an individualized safety and risk analysis be performed to determine whether a respondent student or employee is an immediate threat to the physical health or safety of any person. In the event the safety and risk analysis determines the respondent student does present an immediate threat to the physical health and safety of any person, the District may remove that student, provided such removal is in full compliance with the IDEA, a student's IEP, and or 504 plan if applicable. Such emergency removal shall not be disciplinary. However, the District must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal, and shall continue to offer educational programming until a final determination is made pursuant to the Title IX Grievance Process.

The Title IX Coordinator shall keep the Superintendent informed of any employee respondents so he/she can make any necessary reports to Indiana Department of Education. In appropriate cases, the Superintendent may place an employee respondent on non-disciplinary administrative leave pursuant to established Board Policy.

C. **TITLE IX GRIEVANCE PROCESS.**

The Title IX Grievance Process is used only upon the filing of a formal complaint of sexual harassment as described in §C-1, below. The provisions of Section A of the Policy are incorporated as part of the Title IX Grievance Process. Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to the Title IX Grievance Process.

1. **Process for Filing a Formal Complaint of Sexual Harassment.**

The Title IX Grievance Process is initiated by way of a formal complaint ("complaint" or "formal complaint") filed by the complainant, the complainant's parent/guardian, or the Title IX Coordinator. The complainant may file a complaint or choose not to file a complaint and simply receive the supportive measures. If the Complainant does not file a complaint, the Title IX Coordinator may sign a formal complaint, but only if initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances, and in other cases where, in the exercise of good judgment and in consultation with the outside counsel as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment (e.g., reports of sexual assault, employee on student harassment,

repeat reports, or the conduct in the complainant's report has not been adequately resolved through the provision of supportive measures). If the complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.

If no formal complaint is filed by the complainant or the Title IX Coordinator no disciplinary action may be taken against the respondent based upon conduct that would constitute sexual harassment under this policy.

Although there is no time limit per se to filing a formal complaint, for complaints initiated by the complainant or his/her parent/guardian, the complainant must be employed by ECS or participating in or attempting to participate in the education program or activities of ECS at the time of filing. Additionally, although ECS will initiate the Title IX Grievance Process regardless of when the formal complaint is submitted, delays in reporting may significantly impair the ability of ECS officials to investigate and respond to the allegations. While there is no deadline by which a Complainant must file a formal complaint, the Corporation encourages Complainants to submit a formal complaint within ten (10) days of the incident(s). In instances where enough time has passed that the Corporation cannot gather evidence, the Corporation may not be able to investigate.

The Corporation will offer supportive measures to a Complainant who is the subject of an anonymous report. However, should a Complainant desire to initiate the grievance process, the Complainant cannot remain anonymous or prevent the Complainant's identity from being disclosed to the Respondent.

At a minimum, a formal complaint must:

- a. contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student;
- b. describe the alleged sexual harassment;
- c. request an investigation of the matter; and
- d. be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX Coordinator.

## 2. Initial Steps and Notice of Formal Complaint.

The Title IX Coordinator will provide notice to the complainant and the complainant's parent/guardian (if the complainant is a non-eligible student under FERPA), and to the respondent (if known) and the respondent's parent/guardian (if the respondent is a non-eligible student under FERPA), as well as to any other known parties, of the following:

- a. this Title IX Grievance Process, including any informal resolution process.
- b. the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any

initial interview; “sufficient details” shall include to the extent known identities of persons involved, the conduct allegedly constituting sexual harassment, and the date and location of the incident.

- c. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.
  - d. that each party may have an advisor of their choice, who may be, but is not required to be, an attorney.
  - e. that each party is entitled to inspect and review evidence.
  - f. a reference to any provision in the District’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
  - g. The Title IX Coordinator will contact the complainant to discuss and offer supportive measures.
  - h. The Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
  - i. The Title IX Coordinator will examine the allegations in the formal complaint, to determine whether even if assumed true, the allegations are sufficient to sustain a finding of sexual harassment under this Policy. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the complainant to discuss the complaint and whether amendment is appropriate, in which case the process of Section C-3-d will apply.
  - j. If the formal complaint fails to satisfy the definition of sexual harassment in this Policy, the complaint shall be dismissed as provided in Section C-7, below.
  - k. If the complaint is not dismissed, then Title IX Coordinator will consult with the Superintendent as to whether the Title IX Coordinator should act as the investigator or whether a different district or other employee shall act in that capacity. At the same time, the Title IX Coordinator and the Superintendent shall appoint the person who shall make the initial determination of responsibility (initial decision-maker). In all cases, the investigator and the initial decision-maker must be properly trained and otherwise qualified (see Section B-4 “Training”, and Section B-7 “Conflict of Interest”).
  - l. If the report alleges sexual harassment by the Superintendent, the Title IX Coordinator will inform the School Board President who shall have authority to seek guidance from the District’s outside counsel, but shall not delay the District’s response to the report as outlined in this Policy.
3. **General Provisions and Additional Definitions Relative to Title IX Grievance Process.**
- a. **Copies and Notices.** Except as specifically stated elsewhere in this Policy, for any document, information, or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail

or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision-maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. (Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor. See Sections C-5-c, and C-5-d).

- b. **Risk Analysis and Emergency Removal.** At any point during the Title IX Grievance Process, the Title IX Coordinator may arrange for an individualized safety and risk analysis as described in Section B-10-e, following which a student may be removed.
- c. **Administrative Leave.** At any point during the Title IX Grievance Process, the Superintendent, and at his/her own discretion, and with or without consulting the Title IX Coordinator, may place an employee on administrative leave pursuant to applicable Board Policy.
- d. **Additional Allegations.** If, in the course of an investigation, ECS decides to investigate allegations about the complainant or respondent that were not included in the previous notice, ECS shall simultaneously provide notice of the additional allegations to the parties whose identities are known.
- e. **No Interference with Legal Privileges.** At no point in process will the Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf of ECS, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process.
- f. **Consolidation of Complaints.** ECS may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.
- g. **Remedies: Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.**
  - 1. "Disciplinary sanctions" are consequences imposed on a respondent when s/he is found responsible for sexual harassment under this Policy. Remedial

actions are actions intended to restore or preserve a complainant's equal access to the educational programs and activities of the District.

2. "Disciplinary sanctions" against an **employee** respondent may include any available sanction available for the discipline of employees, up to and including dismissal, non-renewal or contract cancellation for any other violation of Board policy, applicable individual or collective bargaining contract, or state or federal laws or regulations.
3. "Disciplinary sanctions" against a **student** may include any available discipline or sanction, up to and including expulsion, under the policies, rules, and procedures that establish the district's comprehensive student code of conduct.
4. "Remedial actions" as to a respondent after a final finding of responsibility, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the district's program and activity.

4. **Timeframe of Grievance Process.**

ECS shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through at least the determination of responsibility decision within ninety (90) days after filing the formal complaint. In more complex cases, the time necessary to complete a fair and thorough investigation or other circumstances mean a determination of responsibility cannot reasonably be made within that timeframe.

a. **Summary of Grievance Process Timeline.**

1. Investigation 20 +/- days as the complexity of the case demands (Section C-5-a)
2. 10 days for parties reviewing evidence
3. 10 days after receiving investigative report for parties to respond to report
4. 10 days for decision-maker to allow initial questions
5. 10 days for responses to questions
6. 10 days for questions and responses to follow-up questions.

7. 10 days for determination of responsibility decision
8. 10 days for appeal (6 additional days for administrative steps)
9. 10 days for argument/statement challenging or supporting determination
10. 10 days for decision on appeal

b. **Delays and Extensions of Time.**

At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties or witnesses, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide written notice to the parties of the delay/extension and the reason(s).

5. **Investigation.**

The Title IX Coordinator will coordinate the investigation. The investigator shall be as appointed pursuant to Section C-2-e.

- a. The Title IX Coordinator may conduct the investigation, or, in consultation with the Superintendent, designate another qualified person to investigate. The investigation and investigator must:
  1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
  2. Ensure the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties.
  3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence.
  4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
  5. Provide the parties with the same opportunities to have others present during any interview or other

part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The investigator may restrict any others from participating, as long as the restrictions apply equally to both parties. The parties may be accompanied to any meeting or proceeding related to the investigation by an advisor of their choice, who may be, but is not required to be an attorney. Apart from a union representative accompanying an employee who is a party, employees are discouraged from serving as advisors to students. Advisors may not present on behalf of the party they accompany and should request or wait for a break in the meeting if they wish to interact with the Title IX Coordinator or investigator. Advisors may confer quietly with Parties as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the party and their advisors should ask for a break or step out of the meeting. An advisor who disrupts the process will receive one warning, after which if continued disruption occurs, the advisor will be removed from the meeting/proceeding. In such an event, the parties will be given the opportunity to reschedule and be accompanied by another advisor.

6. Provide, to a party (e.g., respondent or complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate within the timeframes established in Section C-4, above.
  7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, provided the party agrees to not disclose the evidence as detailed below.
- b. Prior to completion of the investigative report, ECS, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties and any advisors must execute the provided non-disclosure agreement before they may receive the evidence for review. Following the execution of the non-disclosure agreement, the Title IX Coordinator will send to each party and party's advisor, if applicable, the evidence subject to inspection and review in an electronic format or hard copy and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. Failure to sign the non-disclosure agreement may result in the party and/or their advisor not receiving an electronic or hard copy of the evidence or investigation report.
  - c. The investigator must prepare a written investigative report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and

exculpatory information, and relevant District policies, guidelines, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.

- d. The investigator shall provide the investigative report in hard copy or electronic format to the Title IX Coordinator (if applicable), to each party and each party's advisor, if any. Each party will have ten (10) days from receipt to provide the Title IX Coordinator a written response to the investigative report.

## 6. Determination of Responsibility and Initial Decision Maker.

The determination of responsibility of the respondent shall be made by the initial decision-maker as appointed pursuant to Section C-2-e.

- a. Prior to making a determination of responsibility, the initial decision-maker will afford each party ten (10) days to submit written, relevant questions to the initial decision-maker that the party wants asked of any party or witness.
- b. The initial decision-maker may exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- c. The initial decision-maker will provide the questions to the party/witness, with copies to each party, and provide no less than ten (10) days for written responses, likewise to be provided to each party.
- d. The initial decision-maker will provide five (5) days each for supplementary, limited follow-up questions and five (5) days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
- e. The initial decision-maker may not make any credibility determinations based on the person's status as a complainant, respondent, or witness.
- f. The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- g. The initial decision-maker may impose disciplinary sanctions and remedies as described in Section C-3-g, above.
- h. The standard to be used for formal complaints in determining whether a violation has occurred and/or that the respondent is responsible is the preponderance of the evidence standard, which is only met when the party with the burden convinces

the fact finder (the initial decision-maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not).

- i. The initial decision-maker must issue a written determination/decision within ten (10) days after the close of the period for responses to the last round of follow-up questions. The written “Initial Determination of Responsibility” must include:
  1. Identification of the allegations potentially constituting sexual harassment;
  2. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination of Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  3. Findings of fact supporting the determination;
  4. Conclusions regarding the application of the applicable ECS codes of conduct, policies, administrative regulations, or rules to the facts;
  5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), and any disciplinary sanctions or remedies; and
  6. The District’s procedures and permissible bases for the complainant and respondent to appeal (as set forth in Section C-8, below).
- j. The decision-maker shall provide the Initial Determination of Responsibility to the Title IX Coordinator, the Superintendent, and the parties simultaneously. The disclosure of the Initial Determination of Responsibility or any of its contents may be considered a violation of the student or employee code of conduct.

#### 7. Dismissal of a Formal Complaint.

- a. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
  1. Would not constitute sexual harassment, even if proved;
  2. Did not occur in the District’s education program or activity; or
  3. Did not occur against a person in the United States.
- b. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
  1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

2. The respondent is no longer enrolled or employed by the District; or
  3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- c. Prior to dismissal of a complaint, the person responsible at that stage shall consult with the Superintendent.
  - d. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies, code of conduct, or administrative rules/regulations. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.

#### 8. Appeals Process.

- a. Either party may appeal the Initial Determination of Responsibility or the dismissal of a formal complaint or any allegation in a formal complaint by notifying the Superintendent in writing ("written appeal"), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal. The written appeal must be received by the Superintendent within ten (10) days of the Initial Determination of Responsibility or written notice of dismissal being communicated to the parties.
- b. An appeal under this Policy may only be based upon one or more of the following bases, which must be stated specifically in the party's written appeal:
  1. Procedural irregularity that affected the outcome of the matter;
  2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
  3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals for any other reason or upon any determination of responsibility not included in the written appeal will not be heard.

Appeals pertain only to the determination of responsibility and non-disciplinary remedies. Once a determination of responsibility is final per Section C-9, below, appeals of disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline, or, to the extent applicable, any statutory or other processes provided under collective bargaining agreements or individual contracts.

- c. Within three (3) days of receipt of the written appeal, the Superintendent shall appoint a decision-maker for appeal (“appeals decision-maker”), who must have adequate training as provided in Section B-4, be free from conflict of interest as provided in Section B-7, and may not be the same person as the initial decision-maker, the person who ordered dismissal, the investigator(s), or the Title IX Coordinator. Upon the appointment of the appeals decision-maker, the Superintendent shall provide a Notice of Appeal to each party and to the Title IX Coordinator, with a copy of the written appeal. The Notice of Appeal must include information about all deadlines and timeframes in the appeal stage.
  - d. Each party shall have ten (10) days from the date the Notice of Appeal is delivered to the parties to submit to the appeals decision maker a written statement, with copies to the Superintendent, Title IX Coordinator, and other party a statement (“appeal statement”) in support of, or challenging, the determination of responsibility or dismissal.
  - e. Each party shall provide copies of the appeal statement to the other party, the Superintendent, and the Title IX Coordinator at the same time the appeal statement is given to the appeals decision-maker. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party’s appeal statement.
  - f. The appeals decision-maker may refer an appealed issue back to a prior point in the grievance process, with written notice to the parties, the Superintendent and the Title IX Coordinator.
  - g. The appeals decision-maker shall provide a written appeals decision after considering the record and the parties’ appeal statements. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision-maker may either make a determination of responsibility regarding that evidence, or refer it back to the appropriate stage of the Title IX Grievance Process. The written appeals decision will describe the result(s) of the appeal and the rationale, with copies provided to the parties, Superintendent and Title IX Coordinator, no more than ten (10) days after receiving the last of the parties’ written statements per Section C-8-e.
9. **Finality of Determination of Responsibility.**

The determination regarding responsibility becomes final either on the date that ECS, through the Superintendent, provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal of the Initial Determination of Responsibility would no longer be considered timely. The final determination shall be identified as the Title IX Decision.

Once the Title IX Decision is final, the District may implement remedies and disciplinary sanctions. The Title IX Coordinator is

responsible for effective implementation of any non-disciplinary remedies, with the assistance of building and district administrative personnel, while disciplinary sanctions will be imposed by persons charged with such responsibilities under other Board policies, regulations or administrative procedures. ECS may also proceed against the respondent or complainant pursuant to the District's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract, or administrative rules/regulations/procedures. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the District.

10. **Informal Resolution.**

At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the District may offer an optional informal resolution process (e.g., mediation, arbitration), provided that the District:

- a. Provides written notice to the parties disclosing:
  1. The allegations of the formal complaint;
  2. The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
  3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- b. Obtains the parties' voluntary written consent to the informal resolution process; and
- c. In no event may the District offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

August 9, 2022

**Board Policies and Administrative Regulations**

Throughout this guide, reference is made to Board Policies and Administrative Regulations. These can be reviewed at any of the following locations:

- J. C. Rice Educational Services Center
- <https://go.boarddocs.com/in/elkh/Board.nsf/Public>
- Administrative offices of all Elkhart Community School buildings
- [www.elkhart.k12.in.us](http://www.elkhart.k12.in.us)

ALLEGED DISCRIMINATION/HARASSMENT/MISTREATMENT  
COMPLAINT REPORT FORM

A. Name \_\_\_\_\_

B. Student, Employee, School Corporation Officer, or Patron? \_\_\_\_\_

C. Building \_\_\_\_\_

D. Specify type of discrimination alleged.

1. Title 9 - (sex)
2. Title 6 and 7 (race, color, national origin, limited English proficiency, or sex within the context of employment)
3. Section 504 and Americans with Disabilities Act - (handicap/disability)

E. Specific Facts of Complaint. (Who? What? Where? When?)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Specific Relief Desired. (What do you want done or corrected?)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Student/Employee)

Send by school mail or regular U.S. Mail to: J.C. Rice Educational Services Center  
2720 California Rd.  
Elkhart, IN 46514

- D.1. District Counsel/Chief of Staff
- D.2. District Counsel/Chief of Staff
- D.3. Assistant Superintendent of Exceptional Learners

April 25, 2006

**Objection to Release of Directory Information  
to the Public**

Regarding: \_\_\_\_\_  
Student's Name (Please Print)

Do not release any directory information about my child. I understand this means exclusion from school documents that typically are made public, such as yearbooks, graduation programs, honor roll, and other recognition lists, sports activities, and theatrical programs. It also means exclusion of my student's name, address, and phone number from the school or PTA directory. It means that directory information about my child will not be released to school-related organizations, such as PTAs or to county agencies unless specifically permitted by federal or state law. In addition, my child will not be featured in any videotape, television, motion picture, audio recording, broadcast, or still photograph production produced by and available to the public from Elkhart Community Schools, or (to the extent that access is within Elkhart Community Schools' control during school hours) the media.

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

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**Denial of Access to Military Recruiters**

I object to the release of the name, address, or telephone number of \_\_\_\_\_ to military recruiters during this school year. I understand that once either the student or a parent has signed this form, only a parent may change it. I also understand that if I want to change it, the parent must notify the principal in writing that the form is no longer in effect and that the student information may be released.

Signature of student or parent: \_\_\_\_\_

Name of signing student or parent:

(Please Print Name): \_\_\_\_\_

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