

**MERRILLVILLE COMMUNITY SCHOOL CORPORATION**  
**BOARD POLICY MANUAL**

Presented 5/29/80  
Adopted 6/3/80

<p style="text-align: center;"><b>Table of Contents</b> <b>Merrillville Community School Corporation</b> <b>Board Policy Manual</b></p>
---

**SECTION 1 BOARD OF EDUCATION**

- 1.0 Board of Education
- 1.1 Mission Statement
- 1.2 Board Policy Adoption and Revision Procedures
- 1.3 Code of Ethics of the Board
- 1.4 Legal Basis
- 1.5 School Board Election Procedures
- 1.6 Oath of Office
- 1.7 Powers of the Board
- 1.8 Functions of the Board
- 1.9 Organization of the Board and Meeting Procedures
- 1.91 School Attorney
- 1.92 Use of Facsimile Signatures

**SECTION 2 ADMINISTRATION OF THE SCHOOL SYSTEM**

- 2.0 Administration of the School System
- 2.1 Organizational Structure
- 2.2 Mileage Reimbursement
- 2.3 Administrative Job Descriptions and Evaluation
- 2.4 Administrative Professional Growth Activities
- 2.5 Family & Medical Leaves of Absence (FMLA)

**SECTION 3 TEACHING STAFF POLICIES**

- 3.0 Teaching Staff Policies
- 3.1 Employment Goals
- 3.11 Employment Philosophy
- 3.2 General Selection Procedures
- 3.21 Recruitment and Selection of Teaching Staff
- 3.22 Certification Requirements:
- 3.23 Credit for Educational and Military Experience
- 3.24 Criminal History Information – Applicants and Contractors
- 3.25 Criminal History Checks – School Employees
- 3.3 Duties and Responsibilities of the Teacher
- 3.31 Encouragement of Professional Growth
- 3.32 Inter and Intra-School Visitation
- 3.4 Nondiscrimination Policy
- 3.41 Title IX Compliance Policy
  - Section 504 Notice Of Conference
  - 504 Conference Committee Report
  - Intervention Strategy Sheet — Section 504
- 3.42 Sexual Harassment Prevention Policy
- 3.43 Policy Statement for Section 504 of the Rehabilitation Act of 1973
  - Notice of Parental Rights
  - Rehabilitation Act of 1973
  - Section 504 of the Rehabilitation Act of 1973

- Section 504 Referral Procedures
- 3.44 General Education Intervention Policy
  - Request for Student Assistance
  - Regular Education Intervention Plan — Section 504
- 3.5 Issuance of Teachers' Contracts
- 3.51 Teacher Appreciation Grants
- 3.6 Emergency Release
- 3.61 Teacher Absence
- 3.62 Unpaid Leaves of Absence
- 3.63 Assignment and Transfer
- 3.64 Retirement
- 3.7 Individual School and System-Wide Communications
- 3.8 Substitute Teachers Qualifications and Employment Procedures
- 3.91 Requests for Lists of Staff Names

#### **SECTION 4 CLASSIFIED PERSONNEL POLICIES**

- 4.0 Classified Staff Policies
- 4.1 Classified Personnel Recruitment, Selection, and Employment Policies
- 4.12 Criminal History Information
- 4.13 Uniforms
- 4.2 ~~Classified Personnel Retirement Policy~~ Rescinded by School Board 2/3/1987
- 4.3 Collective Bargaining - Classified Staff

#### **SECTION 5 STUDENT POLICIES**

- 5.0 Student Policies
- 5.1 Attendance Districts
- 5.2 Transfer Students
- 5.21 Enrollment Requirements-General
- 5.22 Policy for Special Exceptions
- 5.221 Least Restrictive Environment for Special Education Students
- 5.222 Educational Surrogate Parents for Students with Disabilities
- 5.23 Homebound Instruction
- 5.24 Early Entrance Appeal Procedure
- 5.3 Supervision and Care of Students
- 5.31 Display of Flag and Pledge of Allegiance
- 5.32 Moment of Silence
- 5.33 Use of Isolated Time Outs and Restraints
- 5.4 Student Attendance Policies
- 5.41 Habitual Truant
- 5.42 Detention
- 5.43 Disciplinary Policies
- 5.44 Withdrawal from School
- 5.45 Retention
- 5.46 Notification of Rights under Family Education Rights and Privacy Act (FERPA)
- 5.46 ~~Corporal Punishment~~ Policy Discontinued as of September 7, 2004
- 5.47 Student Education Records
  - Notice to Parents and Students of Their Rights Concerning Education Records
  - Denial of Permission to Release Certain Directory Information Form
- 5.48 Student Testing Programs
- 5.481 Testing Security Policy
- 5.49 Drug Abuse Procedures and Regulations
- 5.49B Drug Referral for Conditional Amnesty

- 5.49C Alcohol & Drug Testing Policy - Reasonable Suspicion (Grades 6-12)
- 5.49D Random Drug Testing Policy
- 5.50 Rights - Responsibilities - Regulations - Concerning School Behavior for Students
- 5.50A Bullying
- 5.51 Student Locker and Vehicle Inspection
- 5.512 Use of Metal Detectors
- 5.52 Student Handbooks
- 5.53 Homework
- 5.6 Graduation Requirements
- 5.61 Student Mastery of Essential Skills
- 5.62 Graduation Qualifying Exam
- 5.7 Grades, Tests, and Homework Procedures
- 5.701 Merrillville High School Weighted Grades
- 5.71 Teacher-Parent Conferences
- 5.72 Book Rental and Fees
- 5.73 ~~Textbook Rental Fees Assistance (Ross Township)~~ Policy Discontinued as of 09/04/09
- 5.74 Free Lunches
- 5.75 Meal Charge Policy
- 5.8 Student Health Policies
- 5.81 Administration of Medication
- 5.82 Corporation Wellness Policy
- 5.9 Pupil Participation in Public Performances, Contests
- 5.91 Faculty Initiated and Sponsored Student Educational Tours
- 5.92 Child Abuse

## **SECTION 6 TRANSPORTATION**

- 6.0 Transportation
- 6.1 Transportation for Student Activities

## **SECTION 7 INSTRUCTIONAL MATERIALS**

- 7.0 Instructional Materials
- 7.1 Instructional Materials Selection and Review Procedures
- 7.2 Books and Materials Selection for the Instructional Materials Centers of the Merrillville Community School Corporation
- 7.21 Requests for Reconsideration of Resource Materials
- 7.22 Right to Inspect Certain Instructional Materials
- 7.221 Right to Inspect Certain Instructional Materials Not Part of Academic Instruction

## **SECTION 8 MISCELLANEOUS POLICIES**

- 8.0 Miscellaneous Policies
- 8.1 Fuel and Energy Conservation
- 8.2 Purchases from School Funds
- 8.21 Contractual Agreements
- 8.22 Notice of Procurement of Professional Services
- 8.23 Fixed Asset Management Policy
- 8.231 Disposition of Real Property/Surplus Property
- 8.24 Extracurricular Accounting
- 8.25 Extracurricular Interest Income Use
- 8.26 Investment Income
- 8.27 Internal Controls
- 8.28 Threshold for Material Loss, Shortage, or Theft of School Funds or Property
- 8.29 Bad Debt

8.3	Advertising, Sales, and Political Communications on School Property and in School Publications
8.4	Gifts and Contributions
8.5	Disaster Plans
8.6	Use of Building, Grounds, and Equipment
8.61	Staff and Senior Citizen Admission to School Corporation Events
8.62	Child Care Programs
8.7	School-Related Organizations
8.8	Trespass on School Grounds
8.801	Possessing Firearms on School Property
8.81	Burglaries and Vandalism
8.82	Protection and Care of School Property
8.821	Pest Control Policy
8.822	Technology Acceptable Use Policy
8.83	Calendar
8.84	Naming of School Properties
8.85	Religion
8.86	Cancellation of School
8.87	Appointments to Lake County Library Board
8.88	Bomb Threats
8.89	Access to Public Records
8.90	Responsibility for Legal Defense
8.91	Risk Management Policy Statement
8.92	Drug Abuse Prohibitions Related to Employees
8.925	Bus Driver Drugs and Alcohol Testing Policy
8.93	Handling of Bodily Fluids and Hepatitis B Prevention Guidelines for Handling Body Fluids Report of Hepatitis B Exposure Incident
8.94	School Corporation Smoking Prohibitions
8.95	Civility Policy
8.96	Criminal Gangs and Criminal Gang Activity in Schools

*Table of Contents Updated 09/04/2018*

**SECTION 1**  
**BOARD OF EDUCATION**

## **1.0 BOARD OF EDUCATION**

The authority of the Board of School Trustees is described in the Indiana General School Powers Act of 1965:

To prepare, make, enforce, amend and/or repeal rules, regulations and procedures for the government and management of the schools, property, facilities and activities of the school corporation, its agents, employees and pupils and for the operation of its governing body, which rules, regulations and procedures may be designated by any appropriate title such as "policy handbook", "by-laws", "rules and regulations".

To carry out these responsibilities the Board has set forth in this section a philosophy to guide the professional staff, a code of ethics to foster a specific and effective working relationship among Board Members and with the Superintendent, and various procedures for modifying Board policies and carrying out school corporation business on a basis that is consistent and well understood by the citizens and staff of the Merrillville Community School Corporation.

## 1.1 MISSION STATEMENT

*The Merrillville Community School Corporation develops in students skills for independent learning, responsible citizenship, and productive employment; and it provides the community with educational, vocational, and recreational resources.*

### GOALS FOR STUDENTS, PARENTS, COMMUNITY

#### **Students:**

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

#### **Parents:**

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

#### **Community:**

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

Presented 11/7/89  
Adopted 11/21/89  
Revised 3/6/96



## 1.2 BOARD POLICY ADOPTION AND REVISION PROCEDURES

- A. A policy of a School Board is a statement of a rule or principle which the Board agrees should be followed in deciding types of cases or problems that may confront the Board.
- B. Policies grow out of the legal provisions for education, the Board's previous experiences, and study of other Board's policies. Policies are not formulated at one or a few meetings devoted exclusively to policy making, they accumulate over the years. Policy making includes statements of the school philosophy and objectives. It provides a picture of the present and blueprint for the future.
  - 1. *Policy Adoption* - Policies may be adopted at a regular meeting of the School Board by a majority vote of the quorum present or at a special meeting called for that purpose. Policies shall not be adopted, however, unless first introduced and read publicly during a Board meeting prior to the meeting during which the policy is to be adopted. The Board shall announce the date of anticipated adoption during the meeting in which the-policy is introduced.
  - 2. *Policy Change* - Policy revisions, additions, or amendments may be presented at any regular meeting of the-School Board and accepted by a majority of the quorum present of the School Board. Policy revisions, additions, or amendments shall not be adopted, however, unless first introduced and read publicly during a Board meeting prior to the meeting during which the policy is to be adopted. The Board shall announce the date of anticipated adoption during the meeting in which the policy is introduced.
  - 3. *Waiver of Policy* - The School Board may, at its discretion and upon proper motion and affirmative vote by all members present, waive any policy or portion thereof.

Amended and Adopted 9/20/83

### **1.3 CODE OF ETHICS OF THE BOARD**

- A. A School Board member should honor the high responsibility which his membership demands:
  - 1. By thinking always in terms of "children first".
  - 2. By understanding that the basic function of the school board member is "policy-making" and not "administrative", and by accepting the responsibility of learning to discriminate intelligently between these two functions.
  - 3. By accepting the responsibility along with his fellow board members of seeing that the maximum of facilities and resources is provided for the proper function of schools.
  - 4. By refusing to "play politics" in either the traditional partisan, or in any petty sense.
  - 5. By representing at all times the entire school community.
  - 6. By accepting the responsibility of becoming well informed concerning the duties of board members, and the proper functions of public schools.
  - 7. By recognizing responsibility as a state official to seek the improvement of education throughout the state.
  
- B. A School Board member should respect his relationships with other members of the Board:
  - 1. By recognizing that authority rests only with the Board in official meetings, and that the individual member has no legal status to bind the Board outside of such meetings.
  - 2. By recognizing the integrity of his predecessors and associates, and the merit of their work.
  - 3. By refusing to make statements or promises as to how he will vote on any matter which should properly come before the Board as a whole.
  - 4. By making decisions only after all facts bearing on a question have been presented and discussed.
  - 5. By respecting the opinion of others and by graciously conforming to the principle of "majority rule".
  - 6. By refusing to participate in irregular meetings such as "secret" or "star chamber" meetings, which are not official and which all members do not have the opportunity to attend.
  
- C. A School Board member should maintain desirable relations with the superintendent of schools and his staff:
  - 1. By striving to procure, when the vacancy exists, the best professional leader available for the head post.
  - 2. By giving the superintendent full administrative authority for properly discharging his professional duties, and also by holding him responsible for acceptable results.
  - 3. By acting only after receiving the recommendation of the superintendent in matters of employment or dismissal of school personnel.

4. By having the superintendent present at all meetings of the Board except when his contract and salary are under consideration.
5. By striving to provide adequate safeguards around the superintendent and other staff members to the end that they can live happily-and comfortably in the community and discharge their educational functions on a thoroughly professional basis.
6. By presenting personal criticisms of any employee directly to the superintendent.

D. A School Board member should meet his responsibility to his community:

1. By attempting to appraise fairly both the present and future educational needs of the community.
2. By regarding it as a major responsibility of the Board to interpret the aims and the methods of the schools to the community.
3. By insisting that all school business transactions be on an open, ethical, and above-board basis.
4. By vigorously seeking adequate financial support for the schools.
5. By refusing to discuss personnel matters or any other confidential business of the Board in his home, on the street, or in his office.
6. By winning the community's confidence that all is being done in the best interests of school children.

#### **1.4 LEGAL BASIS**

The legal basis for education in the Merrillville Community School Corporation is vested in the will of the people as expressed in the constitution of the state, the statutes pertaining to education, court interpretations of the validity of these laws, and the powers applied under them.

## **1.5 MERRILLVILLE COMMUNITY SCHOOL CORPORATION SCHOOL BOARD ELECTION PROCEDURES**

### ***A. Origin of School Corporation***

Reorganization of the Ross Township into the Ross Township School Corporation was finalized by Resolution in accordance with an approved School Reorganization Plan (Proposed Unit IV), said Resolution being passed August 31, 1964.

The plan was made effective January 1, 1965, and is in compliance with the Acts of 1959, c. 202, as amended. It was approved by the Lake County Committee for the Reorganization of School Corporations. On January 8, 1975, the name of the school corporation was changed from the Ross Township School Corporation to the Merrillville Community School Corporation.

The present School Corporation continues in existence under the same territorial boundaries as Ross School Township prior to the reorganization.

### ***B. Elections***

The present School Corporation Board of Trustees is comprised of five (5) members, each nominated by Petition from Districts in which they reside, but elected on the basis of at-large voting within the corporation limits of the School Corporation.

Elected Trustees serve terms of four (4) years. All elections are held in conjunction with the General Elections in applicable years. Qualified elected trustees take office on January 1<sup>st</sup>, following their election in the November General Election of the preceding year. No more than two (2) Trustees may be elected from the same District.

The designated residence districts and the number of members from each of the residence districts are as follows:

DISTRICT 1 Territory of Township lying EAST of Broadway (SR 53); number of members: 2 members. Only one trustee from District 1 shall be elected in any School Board election. Terms of office will be staggered such that the terms of two trustees from District 1 will overlap by two years.

DISTRICT 2 Territory of said Township lying WEST of Broadway (SR 53), and NORTH of SR 330, commonly known as Old Lincoln Highway; number of members: 2 members. Only one trustee from District 2 shall be elected in any School Board election. Terms of office will be staggered such that the terms of the two trustees from District 2 will overlap by two years.

DISTRICT 3 Territory of said Township lying WEST of Broadway (SR 53), and SOUTH of SR 330, commonly known as the Old Lincoln Highway; number of members: 1 member.

Trustee district boundaries will be reviewed no less than once every ten (10) years by the Board of School Trustees. Such review will be completed within two (2) years of the beginning of the census year.

### ***C. Requirements***

Prospective Trustees are nominated by Petition signed by at least ten (10) registered voters residing within the corporate limits of the School Corporation. They must have been a resident within the School Corporation for at least three (3) years preceding the election, a resident of the particular residence district for which they intend to be a candidate for at least six (6) months preceding the election, and a registered voter in the School Corporation jurisdiction.

Nominating Petitions serve as Declarations of Candidacy for said Candidates and are filed as such, with the Candidate's signature affixed, with the Clerk of the Lake Circuit Court in Crown Point.

Members of the Board are ineligible to serve in any other elected or appointive office of any other governmental unit, and shall not be interested in any contract with, or Claim against, the School Board.

All Elections are conducted pursuant to Indiana Election Laws and under supervision of Lake County Election Board.

Revised and Presented 9/17/2013

Adopted 10/01/2013

## **1.6 OATH OF OFFICE**

STATE OF INDIANA) SS:  
COUNTY OF LAKE )

I, \_\_\_\_\_, solemnly swear that I will support the Constitution of the United States of America, the Constitution of the State of Indiana, and the laws of the United States and the State of Indiana. I will faithfully and impartially execute the duties of my office as a member of the Merrillville Community School Corporation, Lake County, Indiana, to the best of my ability, so help me God.

## **1.7 POWERS OF THE BOARD**

The Board of Education shall act as the general agent of the state in carrying out the will of the people of this school district in the matter of public education. It shall be responsible for carrying out certain mandatory laws, and shall consider and accept or reject the provisions of the permissive laws. In all cases where the state laws do not provide or prohibit, the Board of Education shall consider itself the agent responsible for establishing and appraising educational activities for the school system.



## **1.8 FUNCTIONS OF THE BOARD**

Three functional activities are recognized in respect to the Board of Education's administering public education within the corporation.

### **A. *Policy-making***

Planning is basic to all activity. Policy-making is that function which determines what shall be done, establishes procedures for accomplishing the tasks, selects an executive officer (superintendent), and delegates to him the placing of plans and policies into operation, and provides the financial means for their achievement.

### **B. *Executive***

The executive is that function which is concerned with placing into operation the plans and policies as determined by the Board. The superintendent should keep the Board informed as to the success or failure of these plans and policies.

### **C. *Appraisal***

Appraisal is that function which attempts through careful examination and study of facts and conditions to determine:

1. the efficiency of operation of the general activities
2. the worth and value of results of the activities in relation to the total school program.

## 1.9 ORGANIZATION OF THE BOARD AND MEETING PROCEDURES

### A. *Officers*

The School Board shall organize itself and shall elect from its membership a president, vice-president, and secretary. No member shall hold more than one office at the same time. Such election shall be held at an organizational meeting of the School Board which may be a special meeting within the first fifteen (15) days of January in each year. Officers may succeed themselves.

### B. *Meetings*

1. *Regular* - the regular meeting of the Board shall be on the first and third Tuesday of each month at 7:30 p.m. or as otherwise provided by the Board at its annual organizational meeting.
2. *Special* - a special meeting of the Board shall be called by the Superintendent or Board President by serving on the Board members a written notice of the time and place of meeting at least seventy-two (72) hours before the hour of the meeting. Notice to each member shall be sent by messenger or by registered mail.
3. *Adjourned* - any legal meeting of the Board may be adjourned to a specific time and place. Only problems on the agenda of the meeting adjourned will be acted upon at this meeting.
4. *Emergency* - a meeting to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the school system. Emergency meetings will be convened as rapidly as board members and the superintendent can arrive at the agreed meeting place. News media requesting notice of board meetings will be informed of emergency meetings immediately following notice to the Board and Superintendent, and the public will be notified by posting a copy of the agenda prominently at the designated meeting place.
5. *Executive* - a meeting closed to the public for the purposes of discussing collective bargaining strategy, pending or threatened litigation, records classified as confidential by state or federal statute, security systems, purchase of property (to ensure competitive bargaining); interviews with commercial prospects (to ensure competitive bargaining); interviews with prospective employees; to receive information concerning alleged misconduct or to discuss employment or other status of any person over whom the school board has jurisdiction; for other purposes authorized by state or federal statute. Final action in all matters discussed in executive session will be taken in open board meeting.
6. *Meeting Sites* - All meetings of the Board of Education shall be held in the meeting room in the Administration Building unless a different place shall be designated by resolution or in the notice of special meeting.
7. *Starting of Meetings* - The president shall start all meetings promptly at the appointed hour.
8. *Agenda* - The Superintendent on Schools shall prepare an agenda for each Board member and shall mail or deliver a copy to each Board member at least twenty-four (24) hours previous to the hour of the regular meeting. News media having filed an annual written request in accordance with Indiana Open Door Law, will receive notice forty-eight (48) hours in advance of any regular special, rescheduled or reconvened meetings of the school board or any executive sessions.

#### 9. *Minutes of Proceedings*

- a. Minutes of the proceedings of the Board of previous meetings shall be prepared by the authorized school personnel and mailed or delivered to the members.
- b. The minutes of the preceding meeting(s) shall be approved by the Board and signed by the president and secretary during the first subsequent regular meeting.
- c. A copy of all motions shall be carefully recorded. The names of those who make motions, those who second motions, and those who aye and nay shall be recorded.
- d. The official minutes shall be bound and kept in the office of the Superintendent of Schools.

#### C. *Committees and Special Assignments*

1. The Board of Education shall have no standing committees.
2. *Special Committees:* The Board of Education shall authorize such special committees as are deemed necessary. A special committee shall report recommendations to the Board for appropriate action. A special committee shall be dissolved when its report is accepted by the Board. All members of such committees shall be appointed by the Board President.
3. *Special Education Representative:* The President shall annually appoint a Board member to serve on the Managing Board of the Northwest Indiana Special Education Cooperative.

#### D. *Records*

All public records of the Board of Education shall be available to citizens for inspection at the Administration Office after reasonable notice.

#### E. *Quorum*

A majority of the members of the Board shall constitute a quorum for the transaction of business. In no case shall a resolution become official unless a majority of the quorum vote affirmatively.

#### F. *Compensation and Expenses*

The annual compensation for each Board member shall be the amount authorized by I.C. 20-5-3-6. Each member of the Board of School Trustees shall be entitled to receive a per diem as authorized by I.C. 20-5-3-6 for attendance at each regular meeting of the Board. Each Board member attending a special meeting of the Board, executive session, work session, or Board committee meeting shall be entitled to the per diem at the rate established by I.C. 20-5-3-6. Attendance of a Board member shall be determined by the record as reflected in the minutes of the meeting.

Legal reference: I.C. 20-5-3-6

#### G. *Transaction of Business*

The Board of Education shall transact all business at a legal meeting of the Board. No member of the Board of Education shall have power to act in the name of the Board outside of Board meetings unless acting under the direction of the Board as an ex-officio member of another governmental unit.

## H. *Rules of Order*

The rules of parliamentary procedure comprised in Robert's *Rules of Order*, revised, shall govern the Board in its deliberations unless in conflict with Indiana School law. Rules may be amended at any meeting by a majority vote. The order of business may be suspended at any meeting by a majority vote of those present.

## I. *Citizens' Participation*

Citizens who wish to present any matter of concern to the schools shall make a written request to the Superintendent by 12:00 noon of the Friday preceding each Board meeting. The Board may give citizens who have not presented a written request an opportunity to present problems to the Board. However, it is understood that the Board is not obligated to make a decision until complete investigation can be made in any issue brought before the Board during any Board meeting.

*LEGAL REFERENCE: I.C. 5-14-1.5-1 et seq; I.C. 20-5-3-1; I.C. 20-5-3-2*

Revised and Presented 11/20/01

Adopted 12/4/01

Revised and Presented 9/17/13

Adopted 10/01/2013

## 1.91 SCHOOL ATTORNEY

### A. *Qualifications*

The school attorney must be licensed to practice law in Indiana, a reputable member of his profession and acceptable to the Board:

### B. *Duties*

1. To represent, when requested, the school district, the officers and employees of the school district as the Board shall direct in legal proceedings to which they or any part of them shall be a party.
2. To advise, when requested, the Board, Superintendent and Assistant Superintendents in legal matters pertaining to the business of the school district.
3. Special counsel may be retained for specialized problems in school law if the Board deems such action necessary.

### C. *Appointment*

1. The attorney shall be selected by the Board
2. His term of employment and salary will be at the discretion of the Board.
3. The attorney will be appointed or re-appointed at the organizational meeting of the Board.

Revised and Presented 11/20/01

Adopted 12/4/01

## **1.92 Use of Facsimile Signatures**

At the annual organizational meeting of the Board of Trustees after the election of officers, or at any other meeting, the Board may authorize the making and use of facsimile signatures of the Board President and Board Secretary. For purposes of this policy, facsimile signature includes a facsimile signature stamp or an electronic signature.

With the exception of the superintendent's employment contract, all other employment contracts and any changes made in the terms of these employment contracts may be signed by use of the facsimile signatures only after the Board approves the contracts by a majority vote of all the members of the Board.

Specific use of a facsimile signature on any other school corporation document(s) can only be authorized by the Board by its own motion or resolution. The Board motion or resolution must state the type of facsimile signature to be used.

The school corporation treasurer is responsible for the securing and safe keeping of the facsimile signatures and for the use of same on all board-approved documents.

Legal Reference:    IC 5-1-3-2(a)  
                          IC 23-15-4-1  
                          IC 20-26-4-8  
                          IC 26-2-8-202(b)

Presented: December 4, 2007

Adopted: December 18, 2007

**SECTION 2**  
**ADMINISTRATION OF THE SCHOOL SYSTEM**

## **2.0 ADMINISTRATION OF THE SCHOOL SYSTEM**

The School Board recognizes the obligation to place the operational and administrative functions of the educational program in the charge of trained professional educational administrators. The policies hereinafter set forth are accordingly intended to provide direction and guidance to the professional staff in the organization and operation of the educational program for the benefit of the community, state, and nation.



## 2.1 ORGANIZATIONAL STRUCTURE

### A. *Line-Staff Organization Concept*

1. The functional organization of the education system of this School District shall operate in accordance with the Line-Staff concept. The line concept of operation utilizes a path of operational authority, resulting in each employee's being made responsible to one administrative superior, and in resultant clear cut channels of authority and responsibility.
2. Staff employees shall function in an advisory and coordinating relationship to persons in the Line organization and shall not exercise authority. All staff personnel housed in that building are subject to the Line authority of the building principal, who ultimately shall assume responsibility for, and authority over, the program for that building subject to the direction of the Superintendent or his designee.
3. Organization Chart - both the Line and Staff relationships of this School District are diagrammed on the following Organizational Chart for brevity and clarity. The Line organization authority is derived originally from the voters of the State of Indiana, acting through the State, and with both authority and responsibility then transmitted successively to the School Board, to the Superintendent of Schools, to the assistant superintendent of schools, to the teachers, secretaries, custodians, cooks, and all other School District employees while they are performing services in a particular school building. Thus the principal shall be delegated responsibility and authority for the total educational program of the building, including all School District employees who are at work in the building at a given time.

### B. *Relationships Among School Board, Superintendent, and Public*

Efforts shall be made continually to maintain desirable relations among the School Board, the Superintendent of Schools, the professional and non-professional staff, and the community.

### C. *Program of Instruction*

The School Board shall hold the Superintendent of Schools responsible for maintaining the highest possible standards for the instructional program of the School District.

## **2.2 MILEAGE REIMBURSEMENT**

Reimbursement will be equal to the current Internal Revenue Service maximum reimbursable rate designated as non-taxable under the IRS Code, unless a higher rate is specified in collective bargaining agreements.

Mileage reimbursement will be allowed for in-district travel based upon a daily log kept from the odometer readings of the individual's car after arrival at work in the morning. Mileage will be paid for official school business only.

Presented 11/3/87

Adopted 11/17/87

Amended 5/19/92

Adopted 6/2/92

## **2.3 ADMINISTRATIVE JOB DESCRIPTIONS AND EVALUATION**

The Superintendent shall be responsible for developing job descriptions and evaluation programs for all administrative staff. All administrators shall be evaluated annually.

## **2.4 ADMINISTRATIVE PROFESSIONAL GROWTH ACTIVITIES**

Attendance at professional meetings within the State shall have the approval of the Superintendent. Out of State professional meetings shall require the approval of the Board of School Trustees.

## **2.5 FAMILY & MEDICAL LEAVES OF ABSENCE (FMLA)**

In accordance with Federal law, the School Board shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible employees for the following reasons:

- A-1 the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;
- B-1 the placement of a child with the employee by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;
- C-1 the employee is needed to care for a spouse, son, daughter, or parent if such individual has a serious health condition; or
- D-1 the employee's own serious health condition prevents him/her from performing the functions of his/her position.

### **Employee Entitlement to Service Member FMLA**

#### **Leave Entitlement**

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

- A-2 A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; and 8) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.
- B-2 To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty as described more fully in the statute.

### **Duration of Service Member FMLA**

- A. When leave is due to a "qualifying exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.
- B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one-time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

- C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

## **General Provisions**

Employees are "eligible" if they have worked for the Corporation for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time employees are presumed to meet the 1,250 hour requirement if they were employed by the Corporation in this capacity for the preceding twelve (12) months. Months and hours that employees who performed USERRA-covered service would have worked if they had not been called up for military service count towards the employee's eligibility for FMLA leave/Service Member Family Leave. Employment service time may be aggregated when the break in employment service is less than seven (7) years, is for fulfillment of military obligations, or if the employee is subject to recall under a written agreement (NOTE: this includes a collective bargaining agreement).

Twelve (12) month period is defined as the twelve (12) month period measured forward from the date the employee's first FMLA leave begins (i.e. the "leave year" is specific to each individual employee).

For Service Member Family Leave, the use of the twenty-six (26) weeks will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- B. continuing treatment by a healthcare provider, including:
  - 1) a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves either in-person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity, absent extenuating circumstances beyond the employee's control, or in-person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;  
The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.
  - 2) any incapacity due to pregnancy or for prenatal care;
  - 3) any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  - 4) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
  - 5) any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

- C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

### **Intermittent and Reduced Schedule Leave**

The Superintendent or designee may allow an employee to take FMLA leave intermittently or on a reduced schedule for the birth, adoption, or foster care placement of a child (see A-1 or B-1 on page one). An employee may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one). Service Member Family Leave may also be taken on an intermittent or reduced-leave schedule when medically necessary.

The taking of such leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment or the employee is taking Service Member Family Leave, the Superintendent or designee may require the employee to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule because of reasons (C-1) or (D-1) above or pursuant to Service Member Family Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Superintendent or designee for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

### **Employee Notice Requirement**

Whenever the leave is foreseeable, the employee shall provide the Superintendent or designee with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the employee shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment or taking leave pursuant to Service Member Family Leave, the employee must consult with the Superintendent or designee and make a reasonable effort to

schedule the leave so as not to unduly disrupt the regular operation of the Corporation, subject to the approval of the healthcare provider.

### **Substitution of Paid Leave**

The Board shall require the employee to substitute (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. personal illness, vacation leave, personal business) (per the applicable collective bargaining agreement) for unpaid FMLA leave (see A-1, B-1, and A-2).

The employee must meet the medical certification requirements of FMLA. The leave will be required to be used in the following order (as applicable): personal illness, vacation, personal business, other.

The Board shall require the employee to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for either reason C-1 or D-1 and B-2.

The employee must meet the medical certification requirements of FMLA. The leave will be required to be used in the following order (as applicable): personal illness and/or family illness (dependent upon reason C-1, D-2, or B-2), vacation, personal business, other.

The Board shall require the employee to substitute any of his/her earned or accrued paid vacation, personal leave, family leave or sick leave (per the applicable collective bargaining agreement) for unpaid Service Member Family Leave.

If the employee has not earned or accrued adequate paid leave to encompass the entire twelve (12) week period of FMLA leave or twenty-six (26) week period of Service Member Family Leave, the additional weeks of leave to obtain the twelve (12) weeks of FMLA leave or twenty-six (26) weeks of Service Member Family Leave, the employee is entitled to shall be unpaid. Whenever an employee uses paid leave in substitution for unpaid FMLA leave/Service Member Family Leave, such leave counts toward the twelve (12) week/twenty-six (26) week maximum leave allowance provided by this policy.

### **Corporation Notice Requirement**

The Superintendent or designee will notify the employee when the Corporation intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing and should be given within five (5) business days of the request. When verbal notice is given, it will be followed by written notice within five (5) business days. In the case of intermittent or reduced schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent or designee does not have sufficient information about the reason for the employee's use of paid leave, the Superintendent or designee may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent or designee learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent or designee will notify the employee within five (5) business days that the paid leave will count toward the employee's twelve (12) week FMLA-leave entitlement. The notification will indicate whether the employee is required to provide a fitness-for-duty certification to return to work.

### **Limits**

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either



spouse or a child. Additionally, the aggregate number of work weeks of leave to which both the husband and wife may be entitled pursuant to this policy is limited to twenty-six (26) work weeks during the single twelve (12) month period provided for in the Service Member Family Leave provision if the leave is taken pursuant to Service Member Family Leave or a combination of general FMLA leave and Service Member Family Leave.

### **Certification**

When FMLA leave is taken for the employee's own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1), or Service Member Family Leave is taken, the employee must provide medical certification from the healthcare provider of the eligible employee, his/her immediate family member, or the next of kin of the individual.

The employee may either:

- A. submit the medical certification to the Superintendent or designee; or
- B. direct the healthcare provider to transfer the medical certification directly to the Superintendent or designee, which will generally require the employee to furnish the healthcare provider with a HIPAA-compliant authorization.

Employees are not eligible for leave pursuant to this policy if they work elsewhere during leave pursuant to this policy.

In the event the employee fails to provide medical certification, any leave taken by the employee is not FMLA leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days' notice has been provided, the employee must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent or designee within fifteen (15) calendar days after the employee requests FMLA leave unless it is not practicable under the circumstances to do so despite the employee's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent or designee. The Corporation shall be responsible for maintaining a record of those communications.

The Board reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The employee may either:

- A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent or designee; or
- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent or designee, which will generally require the employee to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event that the employee fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the employee is not FMLA leave.

An employee who takes leave for reason (D-1), prior to returning to work, must provide the Superintendent or designee with a statement from his/her healthcare provider that s/he is able to resume work.

An employee seeking to take leave pursuant to reason (A-2 or B-2) above must submit, in a timely manner to the Superintendent or designee, an appropriate certification as described by Federal regulations.

### **Return from Leave**

Upon return from any FMLA leave, the Board will restore the employee to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the employee's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the employee had been continuously working during the leave period. If the employee was paying all or part of the premium payments prior to going on FMLA leave, the employee must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent or designee to minimize disruption to the students' program.

The employee shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

If the employee fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave pursuant to reasons (C-1) or (D-1) above or Service Member Family Leave, or for circumstances beyond the control of the employee, the employee shall reimburse the Corporation for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

An employee who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent or designee shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Superintendent or designee shall provide a copy of the policy to all employees, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the Corporation has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent or designee.

29 U.S.C. 2601 et seq.

29 C.F.R. Part 825

P.L. 110-181, Sec. 585 – National Defense Authorization Act (January 28, 2008)

P.L. 111-84, Sec. 565 - National Defense Authorization Act (October 28, 2009)

Presented: July 19, 2016

Adopted: August 2, 2016

**SECTION 3**  
**TEACHING STAFF POLICIES**

### **3.0 TEACHING STAFF POLICIES**

The following policies are for the purpose of guiding administrative efforts in the recruitment, selection, employment, and continuing professional growth of teaching staff. With these policies it is the intent of the Board to widely seek the best possible candidates, to establish an effective selection process involving all appropriate supervisory staff, to set forth reasonable expectations for teaching staff, and to provide for professional growth activities which will encourage the continuous development and improvement of classroom performance.

### **3.1 EMPLOYMENT GOALS**

It shall be the goal of the School Board to select and employ only the highest caliber educators for positions in this School District. Candidates, therefore, shall be considered in terms of their previous performance evaluations, academic training, previous experience both as teachers and administrators, and positive and constructive personality and character traits.

### **3.11 EMPLOYMENT PHILOSOPHY**

We believe that the quality of education provided for the students of Merrillville Community Schools depends largely upon the quality of the teacher in the classroom; therefore, we attempt to secure the most highly qualified teacher available at the time of our need.

We believe in soliciting applications from the entire midwest region from both small and large colleges and universities.

We believe that a balance of staff is desirable in the following categories: male and female, experience, training, and age groups.

We believe that the indicators of quality in the selection of staff are: personal characteristics, perception of self, perception of others, and instructional procedures and interactional style.

### **3.2 GENERAL SELECTION PROCEDURES**

#### *A. For Position of Superintendent of Schools*

Candidates shall be recruited, screened, and interviewed. The final selection shall be made by the School Board, utilizing such techniques and procedures as it may deem appropriate to the situation.

#### *B. For Other Administrative Positions*

The Superintendent shall screen and recommend candidates for Board consideration. Before filling any administrative vacancy below the position of Superintendent, the Board shall first seek and consider the recommendation of the Superintendent for each such vacancy. Preference shall be given, if all qualifications are equal, to interested and qualified candidates already employed by the school district.

#### *C. For All Other Non-Administrative Certificated Personnel Positions*

The Superintendent or Designee shall recommend one candidate for each vacant position during a Board meeting.

Revised and Presented 7/15/14

Adopted 8/5/14



### **3.21 RECRUITMENT AND SELECTION OF TEACHING STAFF**

#### ***A. Recruitment***

1. Active - Each year the Assistant Superintendent for Instruction will plan and execute the necessary steps to assure the school corporation of superior candidates in all teaching areas.

Merrillville Community School Corporation will continue to actively solicit applications from our substitutes and student teachers who perform well as they fulfill duties and responsibilities in our schools.

2. Passive - The assistant to the superintendent will accept applications from all interested persons. Every attempt to convey an image that Merrillville Community School Corporation is interested in each and every applicant, by having secretaries and other staff people acknowledge this interest through a courteous, friendly and warm reception for those who come into our office, by projecting this same image to those making requests for applications over the telephone.

#### ***B. Screening***

1. Full credentials and evaluations shall be secured from former employers and supervisors (always from all previous educational supervisors and supervising facilities) for all candidates submitting applications for employment.
2. All appropriate supervisors (principals, department heads, coordinators, assistant superintendent, etc.) shall jointly or individually examine all applications and credentials on file for all vacancies and shall recommend potential candidates for interview.
3. Outstanding student teachers shall be encouraged by building administrators to file applications for future employment in the school system.
4. Applications and credentials will be removed and destroyed at the end of three years unless continued interest in employment is verified.

#### ***C. Interviewing***

1. Interviewing is done only when there is a specific vacancy.
2. Building principals, coordinators, department heads and other appropriate supervisors shall take an active part in selection of candidates to be interviewed, interviews, and selection of staff. All supervisors participating in interviews shall independently complete and file evaluations with candidate credentials upon conclusion of all interviews.
3. Principals, coordinators, department heads, directors, the assistant superintendent, and other assigned supervisors shall participate in employment decisions.

#### ***D. Procedures Prior to Decision on Recommendation***

1. Determine if candidate is related to any staff member in the building where vacancy exists. Candidates shall not be employed in any building where any relationship with job employees would facilitate organizational school conflict or hinder work performance.
2. Ensure that selected candidates' educational philosophies are consistent with school corporation objectives.

3. Candidate selected for recommendation shall be asked to come in and sign a contract.

*E. Procedure After Board Hiring*

1. All other candidates who have been interviewed are notified by phone or letter of the selection decision and told that with their permission their application will be kept in our active file for three years.
2. All candidates selected for employment shall receive orientation by appropriate supervisors as required by school system orientation procedures.

### **3.22 CERTIFICATION REQUIREMENTS**

- A. Teachers shall be properly certified or licensed in the subject area or grade level to which they are assigned.
- B. Each member of the staff shall be required to have on file in the Superintendent's office during the period of his employment:

- 1) A valid certificate issued by the State Department of Public Instruction covering the area of assignment.
- 2) A transcript of all college and university work in accordance with the following policies:

*Training:* All credits shall be from a college or university approved by the North Central Association of Colleges and Secondary Schools and/or NCATE or a reciprocal accrediting agency.

- 3) Proof of teaching experience outside the Merrillville Community School Corporation.

Revised and Presented 8/5/14

Adopted 8/19/15

### **3.23 CREDIT FOR EDUCATIONAL AND MILITARY EXPERIENCE**

- A. Determination of Creditable Experience: Not less than the equivalent of one-hundred and twenty (120) days worked during a school year shall be counted as one (1) year of experience on the salary schedule. A half (b) year of credit may be earned for the equivalent of sixty (60) days of work and two (2) half years of credit may be combined to receive credit for one (1) year of experience. Credit on the salary schedule shall not be received for any fraction of a year except as described above.
- B. Experience in Public Schools: One year of credit on the salary schedule shall be given for one year of teaching experience for the following service:
  - 1. teaching experience in any accredited public elementary or secondary school and other experience recognized by the Indiana Teachers Retirement Fund;
  - 2. teaching experience in any elementary or secondary school maintained by the U.S. Government, or teaching experience gained in federally funded programs, as approved by the Commission;
  - 3. any publicly supported college or university accredited by a nationally recognized accrediting association.
- C. Experience in Private Schools: Credit on the salary schedule shall not be given for experience in private schools.
- D. Military Experience: For purposes of placement on the salary schedule, the school corporation shall translate military experience of teachers into teaching experience as follows:
  - 1. Eight (8) months of either military service or military service combined with teaching experience shall be equivalent to one (1) year teaching experience provided such service shall occur within the school year beginning July 1 and ending June 30.
  - 2. Military experience substituted shall not exceed four (4) years.
  - 3. The provisions of this section shall apply to all veterans who took the oath of allegiance, wore the uniform, served in either combat or non-combat units, and were discharged under honorable conditions

*LEGAL REFERENCE: 511 I.A.C. 1-5-1 through 6*

Revised and Presented 11/20/01

Adopted 12/4/01

### **3.24 CRIMINAL HISTORY INFORMATION – APPLICANTS AND CONTRACTORS**

To help ensure a safe environment and as required by state law, the Merrillville Community School Corporation will obtain for each individual hired for employment that is likely to have direct, ongoing or indirect contact with children as a result of the individual's position an expanded criminal history check and an expanded child protection index check. The fee associated with obtaining the expanded criminal history check (beyond a limited criminal history) and the expanded child protection index check is the responsibility of the Merrillville Community School Corporation.

The expanded criminal history check should be obtained by the Corporation prior to the individual beginning employment with the school corporation, and must be obtained no later than thirty (30) days after the individual's employment begins. The expanded child protection index check should be obtained by the Corporation prior to the individual beginning employment with the school corporation, and must be obtained no later than sixty (60) days after the individual's employment begins. The inquiry into the criminal history and expanded child protection index must be no more than three (3) months old.

The School Corporation is prohibited from hiring an individual who has been convicted of an offense which requires the revocation of a license under state law, unless the conviction has been reversed, vacated, or set aside on appeal.

School officials must communicate with all of the employment references and the most recent employer (if provided) of the applicant recommended for employment prior to the applicant being hired by the School Corporation.

Each individual hired for employment may be required to answer questions about the individual's expanded criminal history check and the expanded child protection index check. Failure to honestly answer any questions related to the expanded criminal history check or the expanded child protection index check may be cause for termination of the applicant.

Any volunteer who may have direct, ongoing contact with children when performing services for the school, must provide to the Corporation a limited criminal history check prior to beginning volunteer work for the Corporation.

Any entity which has a contract to provide services to the school corporation and whose employees have direct, ongoing contact with children when performing those services must minimally provide the school corporation with limited criminal histories for such employees. The entity and/or the entity's employees are responsible for all costs associated with obtaining the limited criminal histories. An individual who is working for such an entity may also be required to provide the individual's limited criminal history to the school corporation upon its request to do so or to provide consent to the school corporation for it to request a limited criminal history of the individual. This provision also applies to an individual who has a contract to provide services to the Corporation.

Any information obtained from any criminal history check and an expanded child protection index check is confidential and shall not be released or disseminated.

All individuals or entities that have contracts for services with the School Corporation are required by state law to report convictions of certain crimes enumerated in state law to the School Corporation. The superintendent or designee is responsible for implementing regulations to notify

the individuals, including volunteers, and the entities for contracted services of this duty. In addition to the crimes listed in the state law, the notice shall also include the convictions of the “attempted” crimes listed in the law.

LEGAL REFERENCE:      I.C. 20-26-5-10  
                                 I.C. 20-26-5-10.5  
                                 I.C. 20-26-5-11  
                                 I.C. 20-28-5-8(c)

Updated & Presented:   September 5, 2017  
Adopted:   September 19, 2017

### **3.25 CRIMINAL HISTORY CHECKS – SCHOOL EMPLOYEES**

To help ensure a safe environment and as required by state law, the Merrillville Community School Corporation will conduct an expanded criminal history check on each employee once every five (5) years. The superintendent or designee will be responsible for determining the schedule for conducting the expanded criminal history checks on school employees. The cost of an expanded criminal history check will be the responsibility of the employee unless otherwise collectively bargained with the exclusive representative of the employee.

The School Corporation may conduct an expanded criminal history check on an employee when the Corporation has reason to believe the employee has been convicted of or charged with certain crimes enumerated in state law or an expanded child protection index check when the Corporation has reason to believe the employee is the subject of a substantiated report of child abuse or child neglect.

Each employee may be questioned about the individual's expanded criminal history check and the expanded child protection index check. Failure to answer honestly any questions related to the expanded criminal history check or the expanded child protection index check may be cause for termination of the employee.

Any information obtained from any criminal history check is confidential and shall not be released or disseminated.

All school employees are required by state law to report to the School Corporation if they have been convicted during their employment of certain crimes enumerated in state law. The superintendent or designee is responsible for implementing regulations to notify the employees, including volunteers, and the entities for contracted services of this duty. In addition to the crimes listed in the state law, the notice shall also include the convictions of the "attempted" crimes listed in the law.

LEGAL REFERENCE:        I.C. 20-26-5-10(f), (h), (i), and (j)  
                                      I.C. 20-26-5-11

Presented:        September 5, 2017  
Adopted:         September 19, 2017

### **3.3 DUTIES AND RESPONSIBILITIES OF THE TEACHER**

#### **A. Receptivity to Supervision**

Teachers shall cooperate with the administrative and supervisory staff in the proper functioning of all policies, rules, and regulations of the Merrillville Community School Corporation.

#### **B. Cooperation With Other Staff**

Teachers shall work in close cooperation with fellow teachers and all other school personnel.

#### **C. Pupils**

Teachers shall know each pupil and shall plan toward his development as the best possible citizen.

#### **D. Community**

Teachers shall make the necessary contacts to establish closer relationship between the home and school in the interest of more efficient instruction.

Teachers shall help the pupil to prepare to take his place in society.



### **3.31 ENCOURAGEMENT OF PROFESSIONAL GROWTH**

The School Board believes that continuing professional growth of all certified personnel is most desirable and necessary for the continuing growth and improvement of the educational program of the School District.

\*Along with other professional growth activities described in other board policies and employee agreements, attendance at professional conferences is encouraged. Attendance, however, shall be approved by the Board of School Trustees.

\*amendment adopted at 10/7/80 Board Meeting

### **3.32 INTER AND INTRA-SCHOOL VISITATION**

Professional staff shall be permitted half or full-day visitations to Merrillville or other school corporation programs upon approval of the Assistant Superintendent for Instruction. Mileage shall be reimbursed at the currently negotiated rate.

### **3.4 NONDISCRIMINATION POLICY**

It is the policy of the Merrillville Community School Corporation not to discriminate on the basis of race, color, religion, sex, marital status, national origin, limited English proficiency, age, handicap, or disability in its educational programs, activities, or employment policies as required by the Indiana Civil Rights Act of 1964, the Equal Pay of 1973, Title IX (1972 Education Amendments), Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act and any other applicable Federal or State nondiscrimination law.

Inquiries regarding compliance with Title IX, Section 504 and the American with Disabilities Act should be directed to the Assistant Superintendent of Curriculum and Personnel of the Merrillville Community School Corporation, 6701 Delaware Street, Merrillville, IN 46410, 219-650-5300, [superintendent@mvschool.k12.in.us](mailto:superintendent@mvschool.k12.in.us) or to the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, telephone 312-730-1560, fax 312-730-1576, TDD 877-521-2172, email [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov).

Revised and Presented: 11/20/12

Adopted: 12/4/12

### 3.41 TITLE IX COMPLIANCE POLICY

It is the policy of the Merrillville Community School Corporation not to discriminate on the basis of sex in the educational programs or activities which it operates.

The Corporation is required by Title IX of the Education Amendments of 1972 as amended and the regulations of HEW not to discriminate on the basis of sex. Inquiries concerning the application of Title IX and the implementing regulations to the Corporation may be referred to the Assistant to the Superintendent for Instruction, who has been designated by the Corporation as the official responsible for the Title IX compliance.

#### A. *Complaint Procedure for Title IX, P.L. 92-318*

Pursuant to the requirements of Title IX, P.L. 92-318, the Merrillville Community School Corporation is establishing a complaint procedure whereby a student or employee may file a complaint alleging action by Corporation in violation of Title IX. The Corporation will utilize a complaint procedure based upon the provisions of Indiana Code 20-8.15-14 (Burns 285390m) as follows:

1. A student or employee may file a complaint with the Director of Compliance which must be filed within ten (10) days of the time that the complainant knew, or reasonably should have known of the action which gave rise to the complaint. (Forms for filing complaints are available at the Administration Offices on Delaware Street.)
2. Within one (1) school day, the Director of Compliance shall appoint a hearing examiner if the Director deems that there are reasonable grounds for investigation or that an investigation is desirable.
3. The hearing examiner shall within two (2) school days after he/she is appointed, or such additional time not to exceed two (2) school days, as is reasonably necessary give a statement to the complainant that a hearing upon the charges in the complaint will be held.
4. The hearing procedures shall be governed by the provision of Indiana Code 90-8.1-5-8—Indiana Code 20-8.1-5-12, where applicable.
5. A report by the hearing examiner of his findings and recommendations shall include a statement of whether the action, in whole or in part, violates the provisions of Title IX and whether any rule or standard is in violation of Title IX.
6. This report shall be reviewed by the Director of Compliance who may change or revoke the recommendation of the hearing examiner. The Director shall be empowered to further investigate the charge and hold further hearings if the Director deems this necessary.
7. The review and recommendation of the Director shall be sent to the complainant by certified mail or personal delivery which shall include the hearing examiner's findings and recommendations and the Director's determination.
8. If the complainant is not satisfied with the disposition by the Director, an appeal may be filed with the Board of School Trustees within thirty (30) calendar days. The appeal to the governing body must be based upon the record set forth below and shall be made solely on the basis of the evidence presented at the hearing, or in addition on any evidence presented on appeal.

### **3.42 SEXUAL HARASSMENT PREVENTION POLICY**

#### **I. THE POLICY**

- A. It is the policy of the Merrillville Community School Corporation to maintain a learning and working environment that is free from sexual harassment. The Merrillville Community School Corporation will not tolerate sexual harassment of students or employees by members of its faculty or staff, or by other agents of the school corporation, and will respond in a suitable manner to every complaint. To assure the Merrillville Community School Corporation is free of sexual harassment in work and study, appropriate sanctions will be imposed on offenders over whom the school corporation has jurisdiction.
- B. It shall be a violation of this policy for any member of the Merrillville Community School Corporation staff to harass another staff member, student, or other person through conduct or communications of a sexual nature as defined in Section II. It shall also be a violation of this policy for students to harass other students through conduct or communication of a sexual nature as defined in Section II. This policy similarly applies to non-employee volunteers who work subject to the control of school authorities.

#### **II. DEFINITION**

##### **1. Sexual Harassment**

For the purposes of this policy, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a school sponsored education program or activity;
- 2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual;
- 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working or educational environment;
- 4. Denial of an employment or educational opportunity of others occurs directly because an employee or a student submits to unwelcome requests for sexual favors made by a supervisor or teacher which results favorably for that particular employee or student;
- 5. Such conduct is engaged in by volunteers and/or non-employees over which the school corporation has some degree of control of their behavior while on school property.

##### **B. Unwelcome Conduct of a Sexual Nature**

- 1. Conduct of a sexual nature may include verbal or physical sexual advances and/or comments regarding physical or personality characteristics of a sexual nature.
- 2. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee or student has indicated, by his or her conduct, that it is unwelcome.
- 3. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

### **C. Examples of Sexual Harassment**

Sexual harassment may include but is not limited to the following:

1. Verbal harassment or abuse.
2. Repeated remarks to a person with sexual or demeaning implications.
3. Unwelcome touching.
4. Pressure for sexual activity.
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, promotion, and/or salary increase.

### **D. Specific Prohibitions**

1. Administrators and Supervisors
  - a. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
  - b. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to disciplinary actions, as described below.
2. Non-administrative and Non-supervisory Employees
  - a. It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to disciplinary actions as described below.

## **III. REPORTING, INVESTIGATION, AND SANCTIONS**

- A. Any student or employee who alleges sexual harassment by any student or employee in the school corporation may use the complaint procedure explained below in Section III C. or may complain directly to his or her building principal, immediate supervisor, or the Title IX complaint designee of the school corporation. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment, grades, or work assignments.
- B. The right of confidentiality, both of the complainant and of the individual(s) against whom the complaint is filed, will be respected consistent with the necessity to investigate allegations of misconduct, to take corrective action when this conduct has occurred, and the school corporation's legal obligations.

### **C. Reporting Sexual Harassment**

It is the express policy of the Merrillville Community School Corporation to encourage persons who believe that they are victims of sexual harassment to come forward with such claims. This may be done through the following procedure:

1. When a student reports a complaint of sexual harassment, whether the individual against whom the complaint is filed is a student or an employee, the student should report the complaint to the building principal. When the individual against whom the complaint is filed is a student, the principal shall conduct the investigation of the sexual harassment complaint. After the investigation, the principal shall make written findings

of fact. The written findings of fact shall be forwarded to the Director of Human Resources. The principal shall take whatever action he or she deems appropriate. When the individual against whom the complaint is filed is an employee, the principal shall forward the complaint to the Director of Human Resources. If the person against whom the complaint is filed is the building principal, the student should report the complaint to the Director of Human Resources.

2. When an employee reports a complaint of sexual harassment, they should report the complaint to the Director of Human Resources. If the person against whom the complaint is filed is the Director of Human Resources, the employee should report the complaint to the Superintendent.
3. The Director of Human Resources shall conduct the investigation of all complaints of sexual harassment where the individual against whom the complaint is filed is an employee. However, if the person against whom the complaint is filed is the Director of Human Resources, the Superintendent will conduct the investigation.
4. After the investigation, the Director of Human Resources shall make a recommendation to the Superintendent.
5. Upon receiving the recommendation, the Superintendent will take whatever action he deems appropriate.

#### **D. Sanctions For Misconduct**

1. A substantiated charge against an employee in the school corporation shall subject such employee to appropriate disciplinary action including but not limited to oral warnings, written reprimands, suspension, or discharge.
2. A substantiated charge against a student in the school corporation shall subject that student to appropriate disciplinary action including but not limited to suspension and/or expulsion.

#### **E. False Reporting**

Any employee or student who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to the sanctions for misconduct set forth in Section D above.

Revised and Presented 03/06/18  
Adopted 03/20/2018

### **3.43 POLICY STATEMENT FOR SECTION 504 OF THE REHABILITATION ACT OF 1973**

It is the policy of the Merrillville Community School Corporation to provide a free and appropriate public education to each student with a disability within its jurisdiction, regardless of the nature or severity of the disability.

It is the intent of the school corporation to ensure that students who have a disability within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate services. Students may be disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA).

Due process rights of the students with disabilities and their parents under Section 504 will be enforced. The Superintendent or designee is the coordinator of Section 504 activities. The Superintendent or designee can be reached at 219-650-5300 or 6701 Delaware Street, Merrillville, IN 46410.

For this policy, a student who may need special services or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one or more major life activity; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

#### **1. Compliance Plan for Section 504 of the Rehabilitation Act of 1973**

The Compliance Plan serves students, parents, employees, applicants for employment and programs within the Merrillville Community School Corporation.

1. Merrillville Community School Corporation assures students, parents, applicants for employment, and employees that it will not discriminate against any individual.
2. The Superintendent or designee is the Section 504 compliance coordinator.
3. Parents are provided procedural safeguards which are included in the *Notice of Parental Rights*.
4. An impartial hearing and appeal are provided upon request. Procedures are detailed in the *Notice of Parental Rights*.
5. Notice to students, parents, employees, and general public of nondiscrimination assurances and parent/student rights and identification, evaluation and placement will be disseminated annually in the following manner:
  - a. Public Service announcement in local newspapers;
  - b. Announcement in local school system; and
  - c. Posted notice in each public school building

Additionally, the notice will be included in the Merrillville Community School Corporation professional handbook and disseminated to each principal. Notice of non-discrimination assurances in accordance with Section 504 shall be included in student/parent handbooks.



6. Merrillville Community School Corporation will conduct an extensive annual “child find” campaign with the goal to locate and identify all Section 504 qualified individuals with disabilities (ages 0 to 21) who reside within the participating school district boundaries.
  7. Merrillville Community School Corporation will inform all students with disabilities or some other limitation and their parents or guardian of the district’s responsibilities and procedural safeguards under Section 504, as well as those under Indiana Special Education Regulations (Article 7) and the Individuals with Disabilities Education Act (IDEA).
2. Grievance Procedure for Section 504 of the Rehabilitation Act of 1973

Merrillville Community School Corporation has established the following local grievance procedure to resolve complaints of discrimination arising under Section 504:

1. An alleged grievance under Section 504 must be filed in writing setting out the circumstances giving rise to such grievance.
2. Such claims must be made in writing and filed with the Superintendent or designee.  
Merrillville Community School Corporation  
6701 Delaware Street, Merrillville, IN 46410  
PH: 219-650-5300 FX: 219-650-5320  
Email: superintendent@mvschool.k12.in.us
3. A hearing will be conducted according to the procedures outlined in the regulations based upon the Family Educational Rights and Privacy Act (FERPA) and due process rights that are afforded to the student and family who filed the grievance.
4. The Coordinator will appoint an impartial hearing officer who will conduct the hearing within a reasonable time after the request was received.
5. The coordinator shall give the parent, student, or employee reasonable advance notice of the date, time, and place of the hearing.
6. The hearing must be conducted by any impartial individual who is knowledgeable about Section 504 and who does not have a direct interest in the outcome of the hearing.
7. Merrillville Community School Corporation shall give the parent, student or employee full and fair opportunity to present evidence relevant to the issues raised. The parent, student, or employee may, at their own expense, be assisted or represented by individuals of their choice, including an attorney.
8. The impartial individual shall make his/her decision in writing within fifteen (15) days after the hearing.
9. The decision must be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.

Revised and Presented: 2/07/2017

Adopted: 02/21/2017

## **NOTICE OF PARENTAL RIGHTS REHABILITATION ACT OF 1973**

The following rights are those afforded to the parent/guardian of a student who is believed to be disabled under Section 504 of the Rehabilitation Act of 1973:

1. Your child will be evaluated before any decision is made regarding the initial placement or a subsequent significant change in placement in a regular or special education program. You have the right to an independent evaluation at your expense.
2. Any placement decision will be made by a group of persons who are knowledgeable about your child, the meaning of the evaluation data, and the placement options within the school corporation.
3. In addition to any evaluation data, the group will consider such other information as aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior when making any placement decision.
4. Any placement of the student will be with persons who are not disabled to the maximum extent appropriate to the needs of your student.
5. You have the right to examine your child's education records and to exercise all other rights granted to you in the Family Educational Rights and Privacy Act (FERPA). Your child will not be suspended or expelled for more than ten (10) days unless a group of persons knowledgeable about your child and meaning of evaluation data meet to determine that the behavior is not a manifestation of your child's disability.
6. You have the right to request a hearing regarding any decision made by the school corporation with respect to the identified disability, evaluation, or educational placement of your child.
7. Upon receipt of a request for a hearing, the school corporation will appoint an impartial hearing officer (one who is knowledgeable about Section 504 and who does not have a direct interest in the outcome of the hearing). The hearing officer will advise you within a reasonable period of time of the date, time, and place for the hearing. You have the right to be represented by legal counsel or any other representative at this hearing at your expense.

A copy of the Section 504 regulations will be given to you along with this notice. Any questions regarding your rights should be directed to the Superintendent or designee of this school corporation:

Merrillville Community School Corporation  
6701 Delaware Street, Merrillville, IN 46410  
PH: 219-650-5300 FX: 219-650-5320  
Email: [superintendent@mvsc.k12.in.us](mailto:superintendent@mvsc.k12.in.us)

## **SECTION 504 OF THE REHABILITATION ACT OF 1973**

Before a Section 504 placement can be considered, the student must be evaluated. A full evaluation is not required when neither the school corporation nor the parents believe that the child is in need of special education or related services.

In interpreting evaluation data and making placement decisions, the school corporation must draw upon information from a variety of sources; assure that all information is documented and considered; ensure that the placement decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement options; ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate.

### **SECTION 504 REFERRAL PROCEDURES**

1. General education interventions should be the first alternative for students suspected of having academic or behavioral difficulties. A referral should be made to the Teacher Assistance Team and the General Education Intervention Plan followed. If general education interventions are not effective, the team will determine whether additional evaluations should be pursued.
2. An evaluation referral is to be completed and submitted to the building principal. The principal will ensure that an evaluation is completed and if necessary involve the Northwest Indiana Special Education Cooperative diagnostic team.
3. The parent will sign permission for an evaluation. The parent's rights will be explained at that time.
4. A team or persons who have knowledge of the child's physical and/or mental condition will participate in the evaluation of the student. The team will determine the extent of testing that needs to be completed in order to establish eligibility for services.
5. After completing the evaluation, the team will establish:

- a. Whether the physical or mental impairment substantially limits one of the major life activities, such as:

Caring for oneself  
Performing  
manual tasks  
Seeing  
Hearing  
Eating  
Sleeping

Walking  
Standing  
Lifting  
Bending  
Speaking  
Breathing  
Learning

Reading  
Concentrating  
Thinking  
Communicating  
Working

The list of major bodily functions that are now considered major life activities includes, but is not limited to: functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

- b. If there is a history of such an impairment; or
- c. If the child is regarded as having such an impairment.

6. The parents will be notified and a Section 504 committee conference will be held to review the evaluation results and discuss possible programming options.
  - a. If the child qualifies for IDEA services under Indiana Article 7, a placement in special education will be discussed and procedures for placement in special education programs will be followed.
  - b. If the child does not qualify for IDEA services, the conference committee will determine if the child qualifies for services under Section 504 of the Rehabilitation Act of 1973.
    - i. The Section 504 committee will outline the intervention plan on the form provided, listing the strategies, the chief implementors, and showing the monitoring dates.
    - ii. The Section 504 Parents' Rights will be explained and a copy given to the parents.
7. Each case for students eligible for services under Section 504 should be reviewed annually to ensure implementation and needs for alternation. Students should be re-evaluated every three (3) years or if there is any significant change in placement (i.e. suspension for more than 10 days or expulsion).
8. Students reentering school after having been temporarily placed in a private setting (medical facility, rehabilitation center, clinic) will have a referral initiated for Section 504 eligibility.

**MERRILLVILLE COMMUNITY SCHOOL CORPORATION**  
**SECTION 504 NOTICE OF CONFERENCE**

           **Initial Conference**                                 **Annual Review**                                 **Causal Relationship**

This is to confirm the 504 Conference Committee meeting. The meeting was mutually agreed by the school and parents to be held on:

\_\_\_\_\_  
Name

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

Time: \_\_\_\_\_

Location: \_\_\_\_\_

A. The purpose of this meeting:

           Discuss results of evaluation

           Instructional progress

           Review of placement

           Misconduct/infraction of school rules as it relates to handicap

           Other (specify) \_\_\_\_\_

B. The following people will be included in the meeting:

1. School Principal \_\_\_\_\_

2. Guidance Counselor \_\_\_\_\_

3. Evaluation Specialist(s) \_\_\_\_\_

4. Other Specialist(s) \_\_\_\_\_

5. General Education Teacher(s) \_\_\_\_\_

6. School Nurse \_\_\_\_\_

7. Parent(s) \_\_\_\_\_

8. Student \_\_\_\_\_

9. Interpreter \_\_\_\_\_

Please complete this page and return in the enclosed envelope by:

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

1.            I will attend the 504 Conference Committee meeting.

           I will **not** attend the 504 Conference Committee meeting.

2.            I would like my child to attend the 504 Conference Committee meeting.

           I do **not** want my child to attend the 504 Conference Committee meeting.

           I do **not** want to access or continue 504 accommodations/recommendations for my child.

3. Please indicate if there are additional school personnel you would like to attend the 504 Conference Committee meeting.

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

4. You may also bring any additional persons to the 504 Conference Committee meeting.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

## 504 CONFERENCE COMMITTEE REPORT

Student's Name \_\_\_\_\_ Birth Date \_\_\_\_\_

Sex \_\_\_\_\_ Grade \_\_\_\_\_ Home School \_\_\_\_\_

Home School Corporation \_\_\_\_\_

Parent Name \_\_\_\_\_ Parent Address \_\_\_\_\_

Parent City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_ Emergency \_\_\_\_\_

School \_\_\_\_\_ Teacher \_\_\_\_\_

504 Conference was convened for above mentioned student on \_\_\_\_\_

Initial Conference \_\_\_\_\_ Case Reviews \_\_\_\_\_ Retest Conference \_\_\_\_\_

The following data was presented \_\_\_\_\_

\_\_\_\_\_

Options Discussed \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Were options accepted? If no, describe reasons options were rejected \_\_\_\_\_

\_\_\_\_\_

Alternative educational opportunities available on a temporary or permanent basis \_\_\_\_\_

\_\_\_\_\_

Other factors relevant to options/decisions \_\_\_\_\_

\_\_\_\_\_

Recommendations:

On the basis of the data presented, the following decision was made:

\_\_\_\_\_ Student is "a student with a disability under Section 504" and qualifies for services (refer to regular education intervention plan).

\_\_\_\_\_ Student does not qualify as a student with a disability under Section 504.

Program recommended\_\_\_\_\_

Student\_\_\_\_\_

Date of Implementation\_\_\_\_\_ Termination\_\_\_\_\_

## Conference Participation

### A. *Parents/Guardians*

- \_\_\_\_\_ 1. I have been given the opportunity to participate in the development of the “regular” education intervention plan.
- \_\_\_\_\_ 2. I understand the contents and reasons for the program recommended and have received in writing an explanation.
- \_\_\_\_\_ 3. I have been informed verbally of my rights under Section 504 options by:

\_\_\_\_\_  
Staff

\_\_\_\_\_  
Date

- \_\_\_\_\_ 4. Permission for the program to begin is: granted\_\_\_\_\_ denied \_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian’s Signature

Comments\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### B. *Other Participants*

\_\_\_\_\_  
Building Principal

\_\_\_\_\_  
Guidance Counselor

\_\_\_\_\_  
Regular Class Teacher

\_\_\_\_\_  
Other

\_\_\_\_\_  
Regular Class Teacher

\_\_\_\_\_  
Other

\_\_\_\_\_  
Other

\_\_\_\_\_  
Other

**MERRILLVILLE COMMUNITY SCHOOL CORPORATION**  
**INTERVENTION STRATEGY SHEET – SECTION 504**

Student: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Dates of Implementation: \_\_\_\_\_

Termination: \_\_\_\_\_ Review: \_\_\_\_\_

Statement of Student’s Difficulties: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

INTERVENTION / STRATEGY	IMPLEMENTORS		MONITORING DATE
	CHIEF	OTHER	



# Your Rights Under Section 504

# Merrillville Community School Corp

*You have the right to be informed by the school district of your rights under Section 504. This is a notice of you and your child's rights under Section 504 and the rights you have if you disagree with the school district's decisions.*

## WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, commonly called "Section 504," is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activity.

## YOUR CHILD'S EDUCATION

Your child has the right to:

- Receive a free and appropriate public education.
- Participate in and benefit from the district's educational programs without discrimination.
- Be provided an equal opportunity to participate in the district's nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related aids and services to allow your child an equal opportunity to participate in school activities.
- Receive educational and related aids and services without cost, except for those fees imposed on the parents of children without disabilities.
- Receive special education services if needed.

## YOUR CHILD'S EDUCATIONAL RECORDS

You have the right to:

- Review your child's educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.
- Ask the district to change your child's education records if you believe that they are wrong, misleading, or are otherwise in violation of your child's privacy rights. If the district refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
- A response to your reasonable requests for explanations and interpretations of your child's education records.

## THE SECTION 504 PROCESS

Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504. You have the right to:

- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.
- Have evaluation and placement decisions made by a group of persons, often called a "504 team", including persons who know your child, the meaning of the evaluation information, and the placement options available.
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your child.

If your child is eligible under Section 504, your child has a right to periodic re-evaluations, including re-evaluations before any significant change is made in your child's placement.

## IF YOU DISAGREE WITH THE DISTRICT'S DECISION

If you disagree with the district's decisions regarding your child's identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you. Hearing requests and other concerns can be made to your district's Section 504 Coordinator:

Superintendent or Designee

Attn: 504 Coordinator

6701 Delaware Street

Merrillville, IN 46410

219-650-5300, [superintendent@mvsc.k12.in.us](mailto:superintendent@mvsc.k12.in.us)

You have the right to file a complaint of discrimination with the U.S. Department of Education's Office for Civil Rights (OCR), or to file a complaint in federal court. Generally, an OCR complaint may be filed within 180 calendar days of the act that you believe was discriminatory. The regional office is located at City Group Center, 500 West Madison Street, Suite 1475, Chicago, IL 60661. Phone: 312-730-1560/TDD: 877-521-2172/Fax: 312-730-1576/Website: [www.ed.gov/OCR](http://www.ed.gov/OCR)

### 3.44 GENERAL EDUCATION INTERVENTION POLICY

In compliance with Title 511, Article 7, Rule 7-10-2, regarding General Education Intervention and Section 504, the Merrillville Community School Corporation will implement the following procedures at the beginning of the 1992-1993 school year.

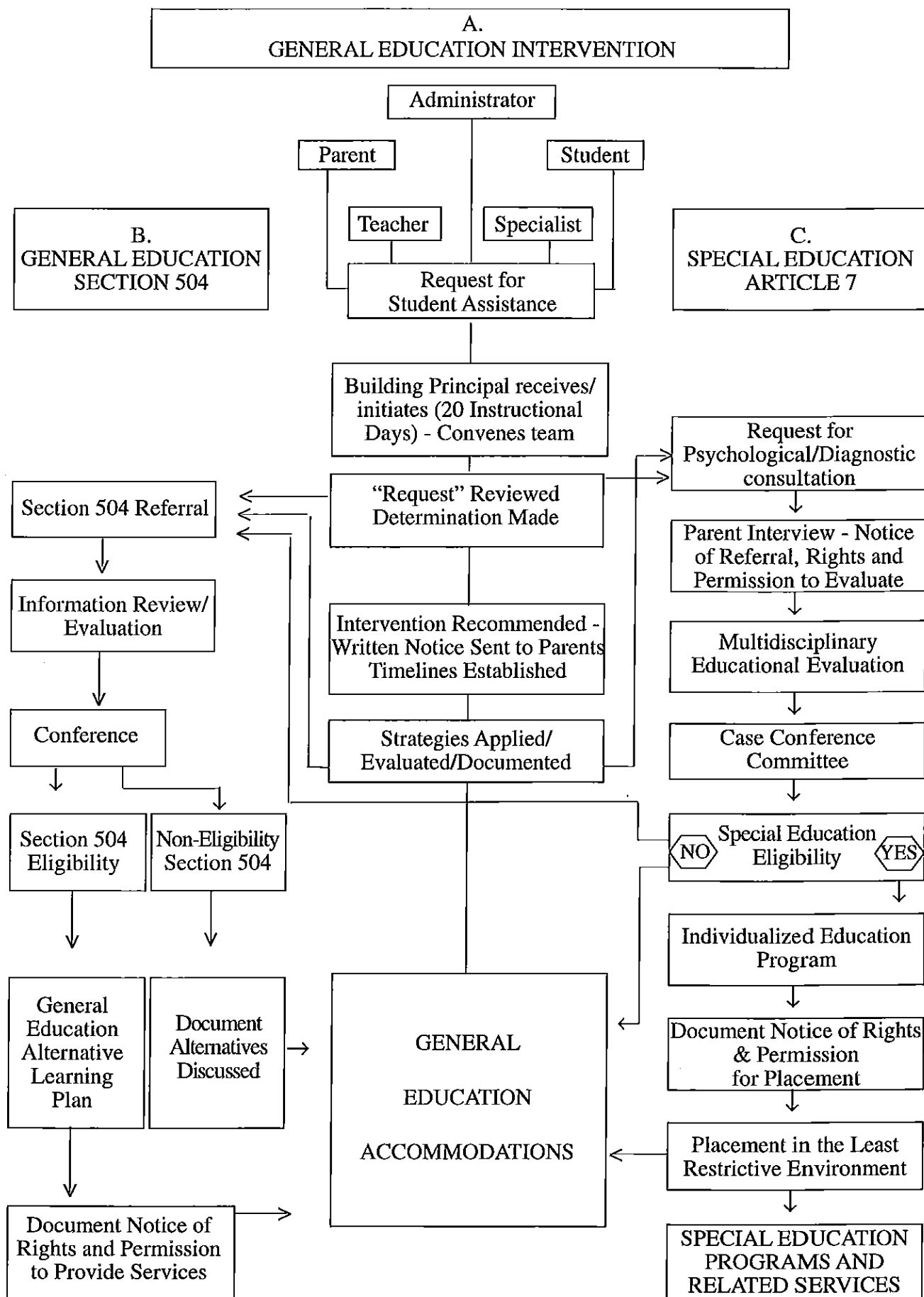
1. A student study may be initiated by a parent, a teacher, a specialist, an administrator, or a student. The referring agent will obtain the *Request for Student Assistance* form from the building principal/designee.
2. The referral form will include a checklist of areas of criteria behavior such as those from the *Pre-Referral Checklist, Hawthorne Educational Services*, copyright 1988.
3. The general education intervention procedure shall not preclude or delay an educational evaluation to determine eligibility for special education services if:

The nature and severity of the student's learning problems, or suspected or known disability are such that general education intervention is considered to be of no benefit; or

The parent has requested an educational evaluation and does not elect to withdraw or hold that request in abeyance.

4. The date the *Request for Student Assistance* form is complete and received by the principal/designee begins a twenty (20) instruction day period during which the following will occur:
  - a. The building principal/designee will convene a building-based team which includes the student's general education teacher.
  - b. The building-based team will review the *Request for Student Assistance* and determine whether interventions in the general classroom are appropriate to pursue.
  - c. If general education interventions seem appropriate, the checklist of criteria behavior will be used to generate appropriate intervention strategies, using the Hawthorne manual as a reference.
  - d. The *Parent Notification of General Education Intervention Plan* will be mailed to the parent.
  - e. If general education interventions are not effective, the team will determine whether an Article 7 referral or a Section 504 referral should be initiated.
5. School personnel will obtain parent permission for evaluation for special education when special education staff outside of the school building are involved in the general education intervention process to the extent that their involvement is more than consultation.
6. The design of the general education intervention strategies will include specific timelines for implementation in the classroom and the review of the results of those strategies. If the interventions have not produced a desirable change in the student's education progress at the end of the specified period of time, one of the following will occur:
  - a. The intervention will be redesigned, implemented for another specified period, and documented.
  - b. The parent will be asked to consent to an educational evaluation to determine eligibility for special education services.

7. The building principal/designee will send the parent the *Parent Notification of General Education Intervention Plan* prior to the initiation of general education interventions. The form letter will include the following:
  - a. The types of interventions to be used and the reasons for the interventions.
  - b. The timelines established for implementation and review of the interventions.
  - c. The parent's right to meet with the persons involved in the interventions.
  - d. The parent's right to initiate a formal request for an educational evaluation to determine eligibility for special education.
8. All forms and checklists become part of the student's educational record, and as such, may be released and/or accessed by the parent.



MERRILLVILLE COMMUNITY SCHOOL CORPORATION  
Teacher Assistance Team (T.A.T.)  
Request for Student Assistance

Student \_\_\_\_\_

Date \_\_\_\_\_

Age \_\_\_\_\_ Birthdate \_\_\_\_\_

Grade \_\_\_\_\_

Parent \_\_\_\_\_

Referred by \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

1. What would you like the student *to be able to do* that he/she does not presently do?

2. What have you tried to help the student cope with his/her problem?

3. Check all of the following criteria that create difficulty for the student.

- ☐ A. Memory, Abstractions, Generalizations, and Organization
- ☐ B. Listening
- ☐ C. Speaking
- ☐ D. Reading
- ☐ E. Writing
- ☐ F. Spelling
- ☐ G. Mathematical Calculations
- ☐ H. Academic Performance
- ☐ I. Interpersonal Relationships
- ☐ J. Depression/Motivation
- ☐ K. Inappropriate Behavior under Normal Circumstances
- ☐ L. Rules and Expectations
- ☐ M. Group Behavior

4. What does the student do (assets) and what does he/she not do (deficits)?

ASSETS

DEFICITS

5. What other background information and previous test data is available?

MERRILLVILLE COMMUNITY SCHOOL CORPORATION  
REGULAR EDUCATION INTERVENTION PLAN — SECTION 504

STUDENT: \_\_\_\_\_ SCHOOL: \_\_\_\_\_ GRADE: \_\_\_\_\_

STATEMENT OF STUDENT'S DIFFICULTIES: \_\_\_\_\_

Date of Intervention	Intervention or Strategy	Implementor/s	Termination or Review	Comments

Parent's Signature \_\_\_\_\_ Date \_\_\_\_\_

Merrillville Community School Corporation

Date\_\_\_\_\_

Dear Parent/Guardian,

Your child's teacher has requested assistance from the Teacher Assistance Team (TAT). The TAT is a team of teachers who provide support in developing instructional and/or behavioral interventions for students.

Activities have been developed specifically for your child. These strategies were designed to meet your child's individual needs and to help him/her succeed in school. The attached sheet is your copy of the types of intervention and the timeline to be used with your child.

After a specific period of time, the Teacher Assistance Team and the classroom teacher will meet to follow up and re-evaluate the student's progress and to plan further interventions if needed. If the TAT determines that the need of the student goes beyond the regular classroom setting, a referral for an educational evaluation may be recommended. You also have the right to initiate a formal request for an educational evaluation if you desire.

If you would like to discuss this plan with me and/or the members of the Teacher Assistance Team, please call the school office. We would be glad to answer any questions that you might have.

Thank you for your cooperation in this matter. Working together will enhance your child's success in school.

Sincerely,

Principal

Enclosures



### **3.5 ISSUANCE OF TEACHERS' CONTRACTS**

- A. Teachers' contracts in the form prescribed by the State Superintendent of Public Instruction for the forthcoming school year will be sent to teachers at least fourteen (14) days prior to the end of the school year — if collective bargaining has been concluded. If collective bargaining has not been concluded, contracts will be issued within thirty (30) days of a mutually ratified agreement or under the terms described below.
- B. The Superintendent in accordance with P.L. 217 of the Acts of 1973 is authorized to issue either individual teacher contracts if a settlement has not been reached through collective bargaining or tentative individual contracts fourteen (14) days prior to the budget submission date (first date for legal notice and publication of the budget) if no settlement is reached to insure that adequate staff will be available for the subsequent school year.
- C. In order for the school corporation to determine staff needs early enough to permit recruitment of qualified personnel, the teacher's contract is to be returned within fourteen (14) days of receipt, with the offer of employment accepted or rejected. Failure to return the contract by that time will be considered as notice that the teacher is waiving further employment rights with this school corporation.
- D. Individual extension of the deadline for the return of the contract may be granted by the Superintendent of Schools if the Superintendent believes the teacher's personal situation requires the extension and that the extension can be granted without harm to the school district. A teacher's request for extension of time shall be made in writing to the Superintendent of Schools and shall include the reason for the request. If the request is granted, notice shall be given to the teacher in writing and the School Board shall be notified.

### **3.51 TEACHER APPRECIATION GRANTS**

The Merrillville Community School Corporation will distribute its Teacher Appreciation Grant monies received from the Indiana Department of Education to the teachers who meet the following criteria:

1. Employed in the classroom or directly provided education in a virtual classroom setting;
2. Received a Highly Effective or an Effective rating on their most recently completed performance evaluation; and
3. Employed on December 1<sup>st</sup> of the year the Corporation receives the Teacher Appreciation Grant monies.

The School Corporation will distribute its Teacher Appreciation Grant monies as follows:

1. To All Effective Teachers: A stipend as determined by the superintendent
2. To All Highly Effective Teachers: A stipend in the amount of twenty five percent (25%) more than the stipend given to Effective Teachers
3. Northwest Indiana Special Education Cooperative (NISEC) on behalf of teachers that teach in the Merrillville Community School Corporation (MCSC) shall be entitled to Teacher Appreciation Grant monies in proportion equal to the number of NISEC teachers to the total number of teachers employed in the MCSC. NISEC will receive a prorated portion for NISEC teachers that teach less than full time with the MCSC.

The School Corporation will distribute the stipends within 20 business days of the distribution date by the Indiana Department of Education of the Teacher Appreciation Grant monies to the School Corporation.

LEGAL REFERENCE: I.C. 20-43-10-3.5

Presented: August 15, 2017

Adopted: September 5, 2017

### **3.6 EMERGENCY RELEASE**

Any employee may be excused from duty during the working day for a period of up to one hour, when an extreme emergency requires the immediate and personal attention of the employee in the judgement of the building principal or other appropriate supervisor.

Any extended absence beyond the scope of this policy, where approved, will be charged to personal business, illness in the family, personal illness, or bereavement leave, whichever is applicable. An appropriate record form shall be completed and sent to the central office.

### **3.61 TEACHER ABSENCE**

In case it becomes necessary for a faculty member to be absent from duty, the Merrillville Community School Corporation uses an automated service to record and manage absences and find substitutes.

The automated system is available to teachers 24 hours a day, 7 days a week. It can be accessed via internet and telephone. Teachers can enter absences, check absence schedules, and upload lesson plans to the automated system. All teachers are provided with a sign-in, password, and access information to the automated system.

In case of an emergency or if the teacher cannot access the automated system, the teacher should contact the Substitute Teacher Clerk at the Administration Building as soon as possible.

Revised and Presented 8/5/14

Adopted 8/19/15

### **3.62 UNPAID LEAVES OF ABSENCE**

1. Leaves of absence of up to five (5) school days without pay may be granted for personal vacation, spouse's vacation, or additional reasons other than those permitted in either the negotiated teacher's contract or in policies pertaining to classified staff.
2. Such leaves must have the approval of the building administrator or in the case of transportation, cafeteria, maintenance, and custodial staff, the appropriate director.
3. Such leaves shall not be approved if taken in conjunction with sick or personal business leave.
4. No more than one leave per staff member under this policy will be approved in any five-year period.
5. Building and central administrators shall consider the absence records of staff making requests for such leaves; requests of staff with excessive absence records shall not be recommended.

### **3.63 ASSIGNMENT AND TRANSFER**

Assignments and transfers shall be made in the best interests of the school corporation and are subject to provision in the Teachers' Master Agreement.

### **3.64 RETIREMENT**

Any teacher to whom the Indiana State Teachers' Retirement Fund Act applies shall, as a condition of employment, have the duties and obligations of such Act made a part of the contract of such a teacher.

Presented 8/18/92

Adopted 9/1/92

### **3.7 INDIVIDUAL SCHOOL AND SYSTEM-WIDE COMMUNICATIONS**

- A. Information concerning routine activities of the individual schools shall be released only by the principal or the Public Information Officer.
- B. Information which has systemwide importance or which could result in commercial advantage shall be submitted to the Superintendent for evaluation. The Superintendent shall make the final decision as to whether such information will be released.
- C. Information regarding schools may be disseminated through students.



### **3.8 SUBSTITUTE TEACHERS QUALIFICATIONS AND EMPLOYMENT PROCEDURES**

#### **A. Certification**

All substitute teachers must hold a valid Indiana Teacher's license or Indiana Substitute Teacher's certificate. Licenses and certificates must be recorded in the Superintendent's office.

#### **B. Interview**

A personal interview with the Director of Personnel is necessary unless the applicant is a former teacher in the Merrillville Community Schools.

#### **C. Application**

All substitute teachers must complete an on-line employment application. All substitute teachers must also provide criminal history information per Board Policy 3.24. At least three references which show that the applicant is of good character are required, and if an experienced teacher, has a good teaching record.

#### **D. Removal From the Substitute List**

Substitute teacher names will be removed from the substitute list whenever requested by the substitute teacher. The removal may be for any length of time or the substitute can be placed on a "will call" basis.

#### **E. Procedure for Calling Substitute Teachers**

Merrillville Community School Corporation uses an automated service to find and manage substitute teacher positions. The system utilizes both the telephone and Internet and is available 24 hours a day, 7 days a week. Substitute teachers can search and accept available positions on the internet and by telephone. The system will also make telephone calls to substitute teachers between the hours of 5:30am until 11:59am and 5:50pm until 9:30pm to offer open positions.

#### **F. Substitute Teacher Salaries**

Substitute teachers' salaries are subject to review and revision by the Board of School Trustees as appropriate. Present compensation shall be at a rate of \$70.00 per day for Certified Licensed Teachers, \$65.00 per day for substitutes with an Associates, Bachelors or Masters degree, and \$55.00 per day for all other substitute teachers

#### **G. Responsibilities of the School**

The Principal or designee should see that the substitute teacher is given:

- A friendly welcome
- An introduction to the class and to a neighboring teacher
- A bell schedule (including fire and disaster drills)
- Information about general building procedures (i.e. hall duties, lunch room duties, restroom privileges of pupils, location of rest rooms and teachers' lounge, etc.).
- Information about procedures in case of injury to a pupil.
- Notice of any extra activities (auditorium, etc.) for the day.

The Principal or designee should see that the substitute teacher:

- Follows the regular teacher's lesson plan
- Has the necessary supplies to carry on the day's activities
- Uses good teaching techniques
- Knows the procedure for reporting pupil attendance
- Has help in planning the day's program if the substitute is teaching a class out of his certified field.
- Remains in the school for the full teacher day.

#### H. The Regular Teacher and the Pupil

The regular teacher should see that the substitute teacher has access to:

- Schedule of the day's program in an easily accessible place (this might include information pertaining to opening exercises).
- An up-to-date seating chart
- An up-to-date class list
- Lesson plans which the substitute should follow to the best of their ability
- Notes about any special situation.
- Information about usual homeroom activities, grading of papers or oral work, homework assignments, and privileges of pupils in the room.
- Pupils should be prepared to accept the substitute teacher. Good manners and helpful attitude are encouraged by the regular teacher so that when the substitute needs to come to a room, he will be shown the same courtesy as is shown the regular teacher.

#### I. Unsatisfactory Performance

Principals are to inform the Director of Personnel of unsatisfactory substitute teacher performance.

Revised and Presented 8/5/14

Adopted 8/19/14

### **3.91 REQUESTS FOR LISTS OF STAFF NAMES**

Lists of staff members' names shall not be released except as approved by the Superintendent.

**SECTION 4**  
**CLASSIFIED PERSONNEL POLICIES**

#### **4.0 CLASSIFIED STAFF POLICIES**

The following policies are for the purpose of guiding administrative efforts in the recruitment, selection, and employment of classified staff (staff not requiring special certification by the State Department of Public Instruction). Additional policies pertaining to food service, transportation, custodial, maintenance, mechanics, secretarial, and central office personnel may be developed and included in the appendices of these policies.

#### **4.1 CLASSIFIED PERSONNEL RECRUITMENT, SELECTION, AND EMPLOYMENT POLICIES**

- A. Vacancies: All classified personnel vacancies shall be posted in all school corporation buildings and shall be communicated by special communication to all personnel who have expressed interest in such positions. Such vacancies shall not be filled in less than seven (7) days after such announcements.
- B. Annual Notice of Employment Opportunities: Notices shall be sent to parents annually describing the various classified vacancies available from time to time with the school corporation. Such notice shall include an invitation to apply for such positions through normal procedures.
- C. Interviews: All administrative personnel who have supervisory responsibilities for employment candidates shall be involved in the interview of such candidates.

#### **4.12 CRIMINAL HISTORY INFORMATION**

To help ensure a safe environment, it is the policy of the Merrillville Community School Corporation to require each individual hired for employment to submit a copy of the individual's limited criminal history. The limited criminal history submitted to the Merrillville Community School Corporation must be no more than three (3) months old. As used in this policy, "limited criminal history" has the meaning set forth in IC 5-2-5-1(1).

For purposes of this policy, "an individual hired for employment" would include not only an individual who is applying for employment with the school corporation, but also an individual seeking to enter into a contract to provide services to the school corporation, if that individual is likely to have direct, ongoing contact with children as a result of the individual's position.

Each individual hired for employment may be required to answer questions concerning the individual's limited criminal history. Failure to answer honestly any questions related to the criminal history may be grounds for termination of the employee's employment.

The basic fee associated with obtaining the limited criminal history is the responsibility of the Merrillville Community School Corporation.

Any entity which has a contract to provide services to the school corporation and whose employees have direct, ongoing contact with children when performing those services, must provide the school corporation with the limited criminal histories for such employees. The entity is responsible for all costs associated with obtaining the limited criminal histories for such employees.

Any information obtained from a limited criminal history is to be used in accordance with IC 5-2-5-6.

The superintendent or the superintendent's designee shall notify all school employees and individuals or entities who have contracts for services with the school corporation that they are required by state law to report convictions of certain crimes enumerated in state law to the school corporation.

*Legal Reference:* I.C. 20-5-2-7

I.C. 20-5-2-8

Presented 10/7/97

Adopted 10/29/97

#### **4.13 UNIFORMS**

Effective Monday, July 2, 2012, Custodial, Maintenance, Technology, Security, and Food Service employees will be required to wear uniforms while performing their work related responsibilities. The uniform will consist of a Corporation issued shirt that is to be worn tucked into the pants (except for Food Service employees who are issued a smock) while working in the Corporation. The employees will be responsible for maintaining a clean uniform. The replacement of the uniform will be reviewed on an individual basis by the appropriate supervisor.

Presented: 12/04/12

Adopted: 12/18/12



#### **4.2 CLASSIFIED PERSONNEL RETIREMENT**

Classified personnel shall be required to retire upon reaching the age of seventy (70). Exceptions to this policy shall be made only upon the recommendation of the Superintendent to the Board of School Trustees.

A.2 Rescinded at Board Meeting of February 3, 1987

#### **4.3 COLLECTIVE BARGAINING - CLASSIFIED STAFF**

Collective bargaining will be conducted by Board representatives with the representatives selected by a majority of each classified staff group. The negotiated agreements with each approved classified group must be ratified by a majority of the Board and shall be included in the appendices to these policies.

**SECTION 5**  
**STUDENT POLICIES**

## **5.0 STUDENT POLICIES**

The Board of School Trustees is committed to providing a broad and balanced education for all children in the Merrillville Community. The purposes of this education should be responsible citizenship, economic independence, and fulfillment as a human being. To this end the Board has adopted the following policies to establish an educational atmosphere with high but reasonable expectations, firm and consistent rules of behavior, and an environment in which the needs of children are respected, the concerns of parents are carefully considered, and support for professional staff is provided.

## 5.1 ATTENDANCE DISTRICTS

### A. *Elementary District Boundaries*

1. Children shall be enrolled in the school building located in the district in which they reside.
2. Pupils in grades K through four (4) who change residence from one district to another shall be transferred to the school of their district residence at the time of moving, unless the principals feel the child would benefit by remaining in the district first attended to complete a grading period.
3. Exceptional pupils for whom Special Education classes are provided by the School Corporation shall be enrolled in the school where such classes are located.
4. Exceptions to the above may be made upon recommendations of the principals to the Superintendent or designee.

### B. *Changes in School Boundaries*

1. The Board of School Trustees, upon recommendation of the Superintendent, shall establish elementary school attendance boundaries.
2. Following are the present attendance boundaries:
  - a. ***Fielier:*** School district begins at Broadway and 53<sup>rd</sup> Avenue, west on 53<sup>rd</sup> Avenue to Harrison Street, south on Harrison Street to 57<sup>th</sup> Avenue, west on 57<sup>th</sup> Avenue to Grant Street, Grant Street to 61<sup>st</sup> Avenue, west on 61<sup>st</sup> Avenue to Taft Street, south on Taft Street to the southern boundary of Brookwood subdivision, east to the junction of Harrison Street and the Grand trunk railroad, southeast along a line of the Grand Trunk railroad to a line which will run south behind the houses on the east side of Madison Street to a line that would run east behind the houses on the north side of 73<sup>rd</sup> Avenue to the center of Broadway, south on Broadway to the center of U.S. 30, east on U.S. 30 to the junction with I-65, north on I-65 to the junction with 53<sup>rd</sup> Avenue, west to Broadway.
  - b. ***Iddings:*** School district is bound on the south by 101<sup>st</sup> Avenue running from I-65 to the center of Taft Street, from the center of Taft Street north to U.S. 30, the line runs behind the houses facing Taft Street on the east side proceeding along a line north to 73<sup>rd</sup> Avenue. This line proceeds west to the St. John Township line. All students living on the north side of 73<sup>rd</sup> Avenue, including the Prairie Creek subdivision go to Iddings School, from a point where 73<sup>rd</sup> Avenue intersects with Taft Street. The school boundary runs behind homes on the east side of Taft Street to the northern most line of the Brookwood subdivision, east from this point to the junction of Madison Street and the Grand Truck railroad, south behind homes on the east side of Madison Street to a point behind the homes on the north side of 73<sup>rd</sup> Avenue, to the center line of Broadway, south to the center line of U.S. 30, east to the center of I-65, south on I-65 to 101<sup>st</sup> Avenue.
  - c. ***Miller:*** School district begins in the northwest corner of Ross Township, and East Main Street and the center line of Williams Street. The line proceeds east along the township line to the center line of Harrison Street, south on Harrison Street to 57<sup>th</sup> Avenue, west on 57<sup>th</sup> Avenue to a line behind the homes on the east side of Grant Street, to a line north of the homes on the north side of 61<sup>st</sup> Avenue, west along this line to Taft Street, the line proceeds south down the middle of Taft Street to the southern boundary of Brookwood subdivision. The line at this point runs south

behind the houses on the east side of Taft Street to 73<sup>rd</sup> Avenue, west along 73<sup>rd</sup> Avenue to the center line of Hendricks Street, north on Hendricks Street to 58<sup>th</sup> Avenue, west on 58<sup>th</sup> Avenue to the St. John township line.

- d. **Salk:** School district begins at the southwest corner of Ross Township (center line of 101<sup>st</sup> and Clark Road) and proceeds north to the center line of 73<sup>rd</sup> Avenue, east along 73<sup>rd</sup> Avenue to the east side of Taft Street, south along a line behind the houses on the east side of Taft Street, south to U.S. 30, then west to the center line of Taft Street, south to the southern boundary of Ross Township (101<sup>st</sup> Avenue), west to the southwest corner of Ross Township.
- e. **Wood:** School district encompasses all of Ross Township east of I-65 and the Mapleleaf Apartment complex at 71<sup>st</sup> and Broadway.

Revised and Presented 08/5/14

Adopted 8/19/14

## **5.2 TRANSFER STUDENTS**

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

Legal Reference: I.C. 20-26-11-2(8)

Revised and Presented 06/02/2015

Adopted 06/16/2015

## 5.21 ENROLLMENT REQUIREMENTS-GENERAL

- A. Within ten (10) days of enrollment every child in grades 1-12 must provide a certified birth certificate (hospital records of birth are not acceptable) giving the exact date of birth. Each Kindergarten student must provide a certified birth certificate before school attendance will be permitted. Proof of required medical immunizations and tests (see health policies) must be provided by all students in grades 1-12 within thirty (30) days of enrollment and by Kindergarten students before attendance will be permitted. Any exception to these rules must be approved by the superintendent.
- B. A child whose parents have made arrangements to move within the boundary of the Merrillville Community School district in a short time after the start of the school year may attend school in the Merrillville Community School Corporation until the move is effected. Documentation of intent to occupy by the end of the 1st semester (builders or realtors statements) will be required by the principal.
- C. A child is entitled to be admitted to a public school of the school corporation in which he resides, providing his residence is that of his parents. However, according to law, the word "parent" shall mean and include the natural, adoptive, and/or foster parents of any child and/or any other person having the control or legal custody of any child.
- D. A child who is not residing with his parents in Ross Township, and who is not adopted by people residing in Ross Township or a ward of the Department of Public Welfare and placed in a foster home in Ross Township, must have legal guardianship established or petition seeking a determination of custody of the child on file establishing legal residence in Ross Township before he will be formally enrolled.
- E. Children attending Kindergarten in Merrillville Schools shall meet the age entrance requirements prescribed by the State of Indiana. Exceptions shall be granted only by appeal to the Superintendent and according to administrative procedures for evaluating requests for earlier admission.
- F. Students who attend Merrillville Schools must be legal residents of the school corporation. Out of District Tuition will not be an option.

Legal residency for students requires that parent/guardians/legal custodians of the students reside in Ross Township. The rare exceptions to this rule involve home construction, incapacitated parent issues and State exemptions granted to 12<sup>th</sup> grade students.

Fraudulent enrollments will be:

- 1) Recommended for expulsion
- 2) Tuition will be charged for the entire period the student has attended Merrillville Schools (approximately \$3,000 per school year).
- 3) If tuition payment is charged and not received within thirty days of billing, the bill will be turned over to a professional collection agency for not only payment of tuition, but also for all legal fees and collection charges associated with collection of tuition charges.

*LEGAL REFERENCE: I.C. 20-5-3-17; I.C. 20-8.1-6.1-1; I.C. 20-8.1-7-1 et seq.*



Section E

Revised and Presented 3/7/89

Adopted 3/21/89/89

Revised and Presented 10/3/89

Adopted 10/17/89

Amendment Presented 8/6/91

Adopted 8/20/91

Revised and Presented 11/20/01

Adopted 12/4/01

## 5.22 POLICY FOR SPECIAL EXCEPTIONS

***Special Education Programs:*** The Board of School Trustees of the Merrillville Community School Corporation recognizes that unique and special circumstances occasionally surround the care and educating of school-age children with physical or emotional handicaps. For this reason parents of handicapped children attending approved programs other than those offered through the Northwest Indiana Special Education Cooperative shall be reimbursed reasonable costs of transporting students between the home and the educational institution. (Such transportation shall include the beginning and ending of the school year, Thanksgiving, Christmas and Easter vacations, and all other trips recommended and approved within each student's individual program).

Adopted 3/5/91

Revised and Presented 9/7/93

Adopted 9/21/93

Revised and Presented 11/20/01

Adopted 12/4/01

## **5.221 LEAST RESTRICTIVE ENVIRONMENT FOR SPECIAL EDUCATION STUDENTS**

Students with disabilities, including those in public or private residential institutions and other care facilities located in the attendance area of the school corporation, shall be educated and participate in academic, nonacademic, and extracurricular activities with non-disabled students to the maximum extent appropriate. The educational placement of students with disabilities shall be determined annually by a case conference committee and shall be based on the student's individualized education program. The case conference committee shall also take into consideration any potentially harmful effect of a suggested placement on the student or on the quality of the services needed.

Unless the individualized education program requires some other arrangement, a student with disabilities shall be educated with the student's chronological peers in the school the student would attend if not disabled. Placement of student with disabilities in special classes or separate facilities shall occur only when it is documented by the case conference committee that education in general education classes, with the use of supplementary aids and services, cannot be satisfactorily achieved. If necessary, a continuum of alternative educational placements shall be available to meet the individual needs of students with disabilities.

*LEGAL REFERENCE: 20 U.S.C. § 1412(5)(B); I.C. 20-1-1-6; I.C. 20-1-6-2.1; 511 I.A.C. 7-12-2*

Revised and Presented 11/20/01

Adopted 12/4/01

## **5.222 EDUCATIONAL SURROGATE PARENTS FOR STUDENTS WITH DISABILITIES**

The school corporation shall ensure that a pool of educational surrogate parents is available so that an educational surrogate parent may be appointed, when necessary, to protect the rights of students with disabilities. An educational surrogate parent shall be appointed when the student's parent(s) are unknown; when the whereabouts of the parent(s) is unknown; when, after reasonable efforts, the student's parent(s) cannot be located; or when the student is a ward of the State of Indiana. The educational surrogate parent may represent the student in all matters relating to the identification, evaluation, educational placement, and provision of a free appropriate public education.

Any person assigned as an educational surrogate parent shall not be an employee of a public or private agency involved in the education or care of the student, or have any interest that conflicts with the student. The educational surrogate parent shall match the student's cultural and linguistic background to the extent possible and shall possess the knowledge and skills necessary to adequately represent the student.

*LEGAL REFERENCE: 20 U.S.C. § 1415(b)(1)(B); I.C. 20-1-1-6; I.C. 20-1-6-2.1; 34 C.F.R. § 300.514; 511 I.A.C. 7-9-1*

Revised and Presented 11/20/01  
Adopted 12/4/01

### **5.23 HOMEBOUND INSTRUCTION**

Homebound instruction will be extended upon request and without charge to students qualifying for homebound instruction under state regulations and to other students at cost upon recommendation of the principal and approval of the Superintendent or his designee.

*LEGAL REFERENCE: 511 I.A.C. 7-12-4*

Revised and Presented 11/20/01

Adopted 12/4/01

## 5.24 Early Entrance Appeal Procedure

Any child who attains the age of five (5) on or before August 1 for the upcoming school year will be admitted to the kindergarten program of the Merrillville Community School Corporation. If the child is younger than five (5) years and the parent(s)/guardian(s) of the child wish to enroll the child in the kindergarten program they may so do by making application to the Superintendent or designee. The Superintendent or designee will make the determination of whether the child will be admitted to the kindergarten program.

In evaluating the early admission application(s), the Superintendent or designee will base his/her decision on the following:

1. *Whether or not there is space available in the kindergarten program at the school that the child will attend:* In determining the availability of space, the Superintendent or designee may consider whether the admittance of the child will cause the school's Primetime teacher-pupil ratio to be exceeded.

If no space is available, or if it is determined that it is not in the best interest of the school or the children to admit additional students, no early entrance application(s) will be accepted.

2. *Any and all information submitted by the parent(s)/guardian(s) of the child:* Such information may include age equivalent scores and assessments of the following domains and areas of development: cognitive, motor skills (fine and gross), social/emotional adaptive behavior, academic readiness skills, motor development, perceptual development, and physical development.

All measurements used to determine readiness for school, including any process developed by Merrillville Community School Corporation, must be approved by the corporation and administered by a professional qualified to interpret such tests. The Superintendent or designee shall not make his/her determination based upon only one single test score.

3. *Whether early entrance is in the best interest of the child:* A child coming into the school corporation from an out-of-state kindergarten program (public or private) or an in-state kindergarten (public or private) and who does not meet the Indiana state age-eligibility requirements, should be admitted to the kindergarten program, unless it can be determined that enrollment in such a program was intended to circumvent Indiana law.

The Superintendent or designee shall advise the parent(s)/guardian(s) of his/her decision in writing.

The Superintendent or designee developed an application form and evaluation process for early entrance to aid him/her in the process of making his/her determination.

Legal Reference: I.C. 20-33-2-7

Presented: 08/02/05

Adopted: 8/16/05

Revised and Presented: 04/29/14

Adopted: 5/6/14

### 5.3 SUPERVISION AND CARE OF STUDENTS

#### A. *Noon Hour*

Provision shall be made in each building to care for and supervise the children who remain at school for lunch.

#### B. *Unauthorized Early Arrivals*

Unauthorized early arrival pupils should be firmly discouraged. Pupils who do not ride the bus should be encouraged to arrive after the first bell (doors open).

#### C. *Buses*

Provision shall be made in each building for the care and supervision of pupils who ride the early and/or late buses.

#### D. *Bad Weather*

In rainy, blizzardy, or extremely cold weather, pupils who arrive early will immediately enter the building and be under supervision.

## **5.31 DISPLAY OF FLAG AND PLEDGE OF ALLEGIANCE**

### **Display of the United States Flag**

The United States flag shall be displayed in each classroom of every school in the school corporation.

### **Pledge of Allegiance**

Each building principal or designee shall ensure that a daily opportunity is provided for students of the school corporation to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. The building principal or designee shall determine the appropriate time when school is in session for the recitation of the Pledge.

A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

- a) the student chooses not to participate; or
- b) the student's parent chooses to have the student not participate.

Students who are exempt from reciting the Pledge shall remain quietly standing or sitting while others recite the Pledge and shall make no display that disrupts or distracts other students who are reciting the Pledge.

During the Pledge of Allegiance, student who participate shall stand and recite the Pledge while facing the United States flag with their right hands over their hearts or in an appropriate salute if in uniform.

The student code of conduct applies to disruptive behavior during the recitation of the Pledge in the same manner as provided for in other circumstances of such behavior.

The superintendent or designee may establish procedures to implement this policy.

Legal Reference: I.C. 20-30-5-0.5

Presented: 08/02/05

Adopted: 8/16/05



### **5.32 MOMENT OF SILENCE**

In order that the right of each student to the free exercise of religion is guaranteed and the freedom of each student is subject to the least possible coercion from the state either to engage in or refrain from religious observation on school grounds, there shall be a daily observance of a moment of silence in each classroom or on school grounds of each school in the school corporation.

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

This "moment of silence" is not intended to be and shall not be conducted as a religious exercise. This policy precludes students from using the occasion to pray audibly or otherwise speak, singly or in unison. Building principals and teachers must not allow or tolerate any coercion or overbearing by anyone to force other students to engage in or refrain from prayer or any other permitted activity under this policy.

The student code of conduct applies to disruptive behavior during a moment of silence in the same manner as provided for in other circumstances of such behavior.

The superintendent or designee may establish procedures to implement this policy.

Legal Reference: I.C. 20-30-5-4.5

Presented: 08/02/05

Adopted: 8/16/05

### **5.33 USE OF ISOLATED TIME OUTS AND RESTRAINTS**

The School Board believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation for all school employees within the school corporation. The Board recognizes that there are times when it becomes necessary for employees to use reasonable restraint and/or isolated time out to protect a student from causing harm to themselves or to others.

Isolated time out and physical restraint as defined in this policy shall be used only as means of maintaining a safe and orderly environment for learning and only to the extent necessary to preserve the safety of students and others. Use of isolated time out or physical restraint may also be a component of a behavioral intervention plan (BIP) and/or an Individualized Education Program (IEP). If such is the case, the terms of the BIP or the IEP will control the use of these measures.

Neither isolated time out nor physical restraint shall be used as a form of punishment or as a disciplinary measure.

The superintendent shall determine the appropriate training program of physical restraint and isolated time out to be used in the corporation. The training program must include behavioral support, prevention, de-escalation and crisis response techniques.

Except in the case of an emergency, only school employees who are currently in the corporation-designated training program may implement physical restraints or isolated time outs with a student. An individual who applies physical restraint shall use only techniques in which he or she has received such training within the preceding two years, as indicated by written evidence of participation.

In the case of an emergency, physical restraints and/or isolated time outs should be used only when a student's behavior poses an imminent threat of serious physical harm to the student or to other persons present or damage to school property.

#### **Isolated Time Out**

"Isolated time out" means the confinement of a student in a time-out room or another enclosure, whether within or outside the classroom, from which the student's ability to leave the room or enclosure is restricted.

Any enclosure used for isolated time out shall be subject to the following requirements:

1. Have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated but also another individual who is required to accompany that student;
2. Be constructed of materials or objects that cannot be used by students to harm themselves or others, and be designed so that students cannot climb up the walls;
3. Be designed to allow continuous visual monitoring of and communication with the student; and
4. Comply with all applicable health and safety requirements.

Any device that requires the use of a key or special code on any exit from the time out room or enclosure is prohibited

An adult must supervise the student while confined and must be able to see the student at all times.

A student shall not be kept in isolated time out for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which the isolated time out was deemed an appropriate intervention.

If a student is placed in isolated time out pursuant to a BIP or IEP, any time limitations identified in the BIP or IEP will control.

#### Physical Restraint

"Physical restraint" means holding a student or otherwise restricting his or her movements.

Physical restraint should be employed only when:

1. The student poses a physical risk to himself, herself, or others;
2. There is no medical contraindication to its use; and
3. The employee using the restraint has been trained in its safe application.

Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others.

A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat.

Any application of physical restraint shall take into consideration the safety and security of the student. Further, physical restraint shall not rely upon pain as an intentional method of control.

In determining whether a student who is being physically restrained should be removed from the area where such restraint was initiated, the supervising employee shall consider the potential for injury to the student, the educational and emotional well-being of other students in the vicinity, and if applicable, any requirements pursuant to a BIP or an IEP.

If physical restraint is imposed upon a student whose primary mode of communication is sign language, the student shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising employee determines that such freedom appears likely to result in harm to the student or to others.

A student shall be released from physical restraint immediately upon a determination by the supervising employee administering the restraint that the student is no longer in imminent danger of causing physical harm to themselves or to others.

#### Reporting and Reviewing of Incidents

Any school employee using restraint and/or isolated time out shall report such to the building principal, their supervisor, or other designated administrator. A written report of each incident shall be completed by the employee who used such techniques or by the designated administrator.

The parent or guardian must be notified of the use of the physical restraint and/or isolated time out with their student within twenty four (24) hours of the incident.

An annual review of the use of physical restraint and isolated time out including a review of all individual corporation cases involving the use of physical restraint and isolated time outs shall be completed and documented to ensure compliance with the school's policy and procedures.

When reviewing individual cases, it is recommended that when a student has experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and/or supervised the incidents shall review the effectiveness of the procedure(s) used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other specified interventions. The plan shall be placed into the student's student record. The review shall also consider the student's potential need for an alternative program or for a referral for a special education evaluation, if the student does not have an IEP.

#### Training Requirements

Physical restraint should be applied only by individuals who have received systematic training through the corporation-designated program and who have obtained written evidence of successful participation in such training.

Training with respect to physical restraint should include but need not be limited to the following:

1. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, and the use of alternatives to restraint;
2. A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted, including compliance with any BIP or IEP requirements;
3. The simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
4. Instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
5. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
6. Demonstration by participants of proficiency in administering physical restraint.

Nothing in this policy should be construed to limit the rights and abilities of school employees to keep order and administer necessary discipline in their classrooms and on school grounds as set out in state law and school board policy.

All complaints regarding the use of physical restraints and isolated time outs will be investigated according to the provisions of board policy on public complaints.

The superintendent shall develop administrative regulations to carry out the requirements set forth in this policy and any other requirements established by law.

Presented: October 5, 2010

Adopted: October 19, 2010

#### **5.4 STUDENT ATTENDANCE POLICIES**

- A. Attendance requirements and procedures will be included in parent handbooks at the elementary level and in student handbooks at the secondary level. Building administrators will develop procedures to annually obtain parent affirmation that attendance requirements and procedures have been reviewed by parents.
- B. Attendance requirements and procedures will be uniform in all elementary schools and in both middle schools.
- C. Changes in attendance requirements and procedures must be reflected in parent handbooks (elementary) and student handbooks (secondary) and approved by the Board.

Revised and Presented 9/19/91  
Adopted 10/01/91

#### **5.41 Habitual Truant**

- A. A "habitual truant" is defined as a student who has eleven (11) or more days of unexcused absences in one school year.
- B. All students who are at least thirteen (13) years of age but less than the age of fifteen (15) years, and who are determined to be a habitual truant per the definition above, are subject to Indiana Code 20-33-2-11, which provides that any person who is determined to be a habitual truant as defined by school board policy cannot be issued an operator's license or learner's permit until the age of eighteen (18) years, or until the student's attendance record has improved as determined by the school board upon review of the student's record.
- C. Procedures developed for the administration of this law, shall include provisions for periodic review of all students determined to be habitual truants, and their reclassification, when warranted. These procedures will be developed by the Superintendent or his/her designee.

Legal Reference: I.C. 20-33-2-11

Presented: 08/02/05

Adopted: 8/16/05

#### **5.42 DETENTION**

Detention shall be used selectively and reasonably at the elementary and middle school levels but parents shall be notified of such detentions.

#### **5.43 DISCIPLINARY POLICIES**

Appropriate disciplinary policies shall be developed, reviewed, and approved by the Board. At each of the three educational levels (elementary, middle school, senior high) disciplinary policies shall be uniform.



#### **5.44 WITHDRAWAL FROM SCHOOL**

Students who are at least sixteen (16) years of age but less than eighteen (18) years of age may withdraw from school prior to graduation with the consent of the student's parent or guardian and principal, and after an exit interview including the student, parent, or guardian, and principal.

*LEGAL REFERENCE: I.C. 20-8.1-3-17*

Presented 5/05/92

Adopted 5/19/92

Revised 7/20/93

Adopted 8/03/93

Revised and Presented 11/20/01

Adopted 12/4/01

## **5.45 RETENTIONS**

### *A. Philosophy and Decision Making and Appellate Process:*

The staff of the Merrillville Schools endeavors to provide an optimum education for all students so that they may become productive and effective citizens in our society. Each year, the students are exposed and involved with programs and activities, which enhance their developmental growth and ensure their success in the succeeding years. Most students progress through the curriculum with very little difficulty and continue the challenges of learning. However, there are a few students who need additional time and experience as they would have difficulty achieving at the next level. For these reasons, students may be retained at the direction of the building principal after consultation with the parents and teacher. Retention decisions may be appealed to the Superintendent or Designee. The decision of the Superintendent's Designee may be appealed to the Superintendent, if desired. The Superintendent's decision may be appealed to the Board of School Trustees.

### *B. Retention Procedures:*

The following procedures will be observed by all principals prior to any retention decision:

1. A minimum of three teacher-parent contacts
2. Accumulation of supportive evidence including unsatisfactory reports
3. A review of achievement test results
4. Parental notification by May 15<sup>th</sup>
5. Conferences as requested by the parents

### *C. Additional Information:*

The Merrillville Community School Corporation does not allow the retention of any student who has successfully completed any grade, except upon the recommendation of the appropriate school personnel. Under no circumstances may a student be retained for the sole purpose of improving the student's ability to participate in a school corporation athletic program.

Amended & Presented: 2/07/2017

Adopted: 02/21/2017

#### **5.46 Notification of Rights under Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the Merrillville Community School Corporation receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request an amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the Merrillville Community School Corporation to amend their child's or their education record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

An exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff, School Resource Officer, and law enforcement unit personnel) or a person serving on the School Board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. 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.

Also, upon request, the Merrillville Community School Corporation discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Merrillville Community School Corporation to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Presented: August 15, 2017

Adopted: September 5, 2017

## 5.47 STUDENT EDUCATION RECORDS

### A. Definitions

1. *Education Records.* Education records are those official records, files, and data directly related to a student and maintained by the school corporation. Such records encompass all the material kept in the student's cumulative folder and include such information as general identifying data, records of attendance and of academic work completed, records of achievement, results of evaluative tests, health data, disciplinary records, test protocols, and individualized education programs. Education records are the property of the school corporation. Access to and correction of education records is governed by this policy.
  - a. *Exclusions.* Education records do not include the following:
    1. Data which relates to a student or groups of students but by which the student(s) cannot be identified.
    2. Records kept in the sole possession of the maker and which are not accessible or revealed to other persons. Such records may include grade books, notes on student work, transcripts of interviews, counselors' notes, and memory aids.
    3. Privileged communications made under IC 206.1-6-15 and information required to be furnished to law enforcement or social service agencies relating to suspected child abuse or neglect under IC 31-6-11.
2. *Parent.* Parent is a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. The term includes the custodial and noncustodial parent of a student.
3. *Student.* Student is any individual who is or has been in attendance at the school corporation.
4. *Eligible Student.* Eligible student is a student who has reached eighteen (18) years of age or is attending a postsecondary education institution.
5. *Disclosure.* Disclosure is to permit access to, release of, transfer of, or communication of, education records or personally identifiable information from education records to any party by any means, including oral, written, or electronic means.
6. *Personally Identifiable Information.* Personally identifiable information is information by which it is possible to identify a student with reasonable certainty including, but not limited to, the following:
  - a. The name of a student, a student's parent, or any other family member.
  - b. The address of a student.
  - c. A personal identifier such as a student's social security number.
  - d. A list of personal characteristics, including disability designation.

### B. Rights of A Parent and An Eligible Student

1. *Rights of a parent.* The rights afforded to a parent under this policy shall be given to either parent, including a custodial and noncustodial parent, unless the school corporation has been provided with evidence of a court order or other legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

2. *Rights of an eligible student.* The rights afforded to a parent under this policy shall transfer to a student when the student becomes an eligible student, as defined in this policy, unless the student has been adjudicated incompetent by a court or the type and severity of the student's disabling condition would make a transfer inappropriate.

**C. Custody and Protection of Education Records**

1. *Place records are kept.* Education records will generally be maintained in the cumulative record folders either in the administrative offices of the school corporation, in the special services office, or in the school in which the student is currently enrolled. With the consent of the superintendent or the superintendent's designee, a portion of education records may be kept in other places for reasons of effective school administration. Upon request, a list of the types of locations of education records will be provided to a parent or eligible student.
2. *Control of the records.* Education records shall be under the immediate control of the person in charge of the building where the education records are maintained. This person shall be responsible for carrying out this policy.
3. *Record of access to education records.* Each individual student cumulative folder, and each student record maintained separate from the folder, shall contain as part thereof a written form upon which any person examining such records shall indicate the following:
  - a. The identity of such person.
  - b. The specific record examined.
  - c. Purpose of the examination.
  - d. The date on which, or in the case of a person whose job within the school corporation system requires repeated examination, the period of time over which such examinations were made.

No such record need be kept when the disclosure was to a parent or eligible student, school staff members with legitimate educational interests, a party with a written consent from the parent or eligible student, or a party seeking directory information.

**D. Access to Education Records**

1. *Right of Access.* A parent, a student, or an eligible student has the right to inspect and review the education records of such student or any part thereof. A representative of the parent or eligible student may also inspect and review such student's education records upon the written consent of the parent or eligible student.
2. *Manner of exercising such rights.* Such right shall be exercised by presenting a written request to the office of the superintendent or the superintendent's designee. The request shall specify the specific education records which the parent, student, or eligible student wishes to inspect or examine. In the event the school cannot determine the exact records as described, the designated school employee shall immediately contact the parent, student, or eligible student by letter or otherwise, to determine the desired scope of education records to be inspected.

Compliance with all requests to access education records must occur without unnecessary delay and in no case more than forty-five (45) days after a request has been made. If requested, a parent or eligible student must be given access to the

student's education records before any meeting regarding an individualized education program or pending due process hearing.

All inspections of education records shall be made during regular business hours. A school official shall be present during any such inspection to assist in the interpretation of the records.

3. *Records involving more than one student.* Where the records requested include information concerning more than one student, the parent, student, or eligible student shall either receive for examination that part of the record pertaining to the student of the parent or the student making the request, or where this cannot reasonably be done, be informed of the contents of the part of the record pertaining to the student of the parent or the student making the request.

#### ***E. Disclosure of Education Records to Third Parties***

1. *Disclosure without the consent of the parent or eligible student.* The education records of any student shall be available to the following persons, or in the following situations, without the consent of the parent or eligible student:
  - a. School officials within the school corporation who have legitimate educational interests. Officials with legitimate educational interests are those individuals who, at the time of access, are directly involved in the development and/or delivery of educational services to the student.
  - b. Officials of another school, school corporation, or institution of postsecondary education where the student seeks or intends to enroll. The parent or eligible student will not be notified of the disclosure of education records to another school, school corporation, or institution of postsecondary education where the student seeks to attend or enroll. The parent or eligible student may receive a copy of the record that was disclosed upon request.
  - c. Officials of another school, school corporation, or educational agency where the student is enrolled or receiving services. The parent or eligible student will not be notified of the disclosure of education records to another school, school corporation, or educational agency where the student is enrolled or receiving services. The parent or eligible student may receive a copy of the record that was disclosed upon request.
  - d. Authorized representatives of the Comptroller General of the United States, the Secretary of the Department of Education, and authorized employees of the Indiana Department of Education, provided, however, that except where collection of personally identifiable data is specifically authorized by federal law, any data or copies collected by such officials with respect to individual students shall not include information which would permit the personal identification of any student or their parents.
  - e. Organizations conducting studies for, or on behalf of the school corporation for the purpose of developing, validating, or administering predictive tests, and improving instruction.
  - f. Accrediting organizations in order to carry out their accrediting functions.
  - g. Parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
  - h. Appropriate state or local officials in a health or safety emergency where such officials need the information immediately to deal with a serious threat to the

health or safety of students or other individuals.

- i. Where such information is furnished in compliance with a judicial order and pursuant to any lawfully issued subpoena, upon the condition however, that a parent or eligible student is notified of all such orders or subpoenas as soon as reasonably possible after they are received, and in any event no less than 24 hours before disclosure.
  - j. Where disclosure is to a state or local juvenile justice agency and relates to the ability of such agency to serve before adjudication the student whose records are being released and such agency receiving the information certifies in writing that the agency has agreed not to disclose it to a third party without consent of the student's parent, guardian, or custodian. Such information may not be used to aid in the supervision of a delinquent child.
2. *Disclosure with consent.* Education records may be furnished to any other person only with the written consent of the parent or eligible student.

Such written consent shall specify the records to be released, the reasons the records are to be released, and to whom. To the extent reasonable possible, the school corporation shall release information to persons on the condition that such persons will maintain the confidentiality of the information and will not reveal or disseminate the information to other persons.

#### **F. *Correction of Education Records***

A parent or eligible student shall have an opportunity for a hearing to challenge the content of the student's education records to ensure that they are not inaccurate or misleading or otherwise in violation of the rights of privacy or the constitutional rights of the student. If the parent or eligible student believes that such records should be corrected or deleted, the parent or eligible student shall advise the superintendent or the superintendent's designee, who shall provide the parent or eligible student an informal conference. If the school corporation agrees to amend the contents of the records, the change shall occur within ten (10) business days of the date the request is received. The school corporation shall provide the parent or eligible student with notification of the change and a copy of the amended contents if the parent or eligible student requests.

In the event no agreement is reached, the parent or eligible student shall have an opportunity for a hearing to correct or delete the record by filing a statement of the relief requested and a hearing shall be held thereon, and appeals taken, in the same manner as charge brought under IC 20-8.1514 or, in the case of a student with disabilities, 511 IAC 78-1(p).

#### **G. *Copies of Education Records***

Copies of education records may be provided to a parent or eligible student at no charge where such person is unable because of distance or other valid reason to personally inspect and review the education record. Fees for all other copies shall be assessed by the superintendent or the superintendent's designee. No fees may be assessed for the search or retrieval of education records.

#### **H. *Release of Directory Information***

The school corporation may release certain "directory information," which means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed and which includes, but is not



limited to, the student's name, address, parents' names and their home and work telephone numbers, major field of study, participation in official recognized activities and sports, height and weight of members of athletic teams, dates of attendance, awards received, motor vehicle description (including license plate number), hair and eye color, race, sex, date of birth, height, weight, grade level, and other similar information, without consent to media organizations (including radio, television, and newspapers), colleges, civic or school-related organizations and state or local governmental agencies or publish such information in its own publications, programs, yearbooks. Student information/picture may be displayed on school web site, PNN, cable, video production, or by other means.

A parent or eligible student who desires to object to disclosure of any or certain of the categories of directory information should request form (Denial of Permission to Release Certain Directors Information Without Prior Written Consent) from the Principal's or Superintendent's office. An objecting parent or eligible student may use this form to deny consent for release of all directory information, or the parent or eligible student may selectively deny consent by circling those categories of directory information the parent or eligible student does not wish released.

Building principals shall ensure that parents and eligible students are informed of their right to object to the release of directory information and that they have fourteen (14) calendar days from the date of receipt of the Annual Notice to Parents and Students of Their Rights Concerning Education Records in which to file an objection.

The Board of School Trustees of the Merrillville Community School Corporation in order to maintain the privacy of its students prohibits the disclosure of any student list to any commercial organization which intends to use the list for commercial purposes. "Student list" is defined as a list containing the names and addresses of any or all students currently or formally enrolled in the school corporation. "Commercial organization" is defined as any entity which is a for-profit organization. "Commercial organization" does not include any of the "armed forces of the United States" as defined by state law. "Commercial purpose" is defined as any activity which is an attempt to solicit business or profit. The Superintendent shall establish a procedure to be followed by all corporation employees when a request for a student list is made by a commercial organization.

Indiana law requires a high school to provide access to student directory information to recruiting representatives of the military services. Military services include the U.S. Air Force, the U.S. Army, the U.S. Coast Guard, the U.S. Marine Corps, the U.S. Navy, and any reserve component of these military forces, any service academy of these military forces, the Indiana Air National Guard, and the Indiana Army National Guard. Student directory information for purposes of this requirement is the student's name, address and listed or published telephone number. A parent or student has the option to restrict the release of such information to the military service recruiting representatives upon written request to the high school principal at the end of the student's sophomore year in high school. *[Legal Reference: I.C. 5-14-3-4(c) & I.C. 20-10.1-29-1 et. seq]*

Under federal law, the school corporation is required to release to military recruiters upon request a secondary student's name, address and telephone listing. The parent of the student has the right to request in writing that such information not be released to military recruiters. *[Legal reference 20U.S.C.7908; 10U.S.C.503]*

### ***I. Education Record Retention Requirements***

The school corporation shall maintain all student's education records for at least five (5) years after the student leaves the school corporation. However, a permanent record of directory information may be maintained without time limitation.

For students with disabilities, the parent or eligible student shall be notified when personally identifiable information is no longer needed to provide educational services to the student. This information shall be destroyed at the request of the parent or eligible student.

*LEGAL REFERENCE: 20 U.S.C. § 1232(g); 45 C.F.R. Part 99*

Revised and Presented 2/4/03

Adopted 2/18/03

## **NOTICE TO PARENTS AND STUDENTS OF THEIR RIGHTS CONCERNING EDUCATION RECORDS**

Education records are governed by federal and state laws and regulations. The requirements of these laws and regulations are contained in school board policy #5.47, entitled Education Records. Generally, this policy provides for the following:

- (1) Records are confidential and may be disclosed only as provided in the policy.
- (2) The policy concerns both elementary and secondary student education records.
- (3) Parents and students have a right to examine their student's education records at reasonable times.
- (4) Before education records are disclosed to third parties, the school requires a signed and dated written consent of either: (1) a parent of a student who is less than 18 years of age and not attending a post-secondary educational institution; or (2) a student who is at least 18 years of age or attending a post-secondary institution (an eligible student).
- (5) Certain persons may examine education records without a parent's or eligible student's consent, as provided in the above paragraph. These include school officials who have legitimate educational interests; officials of another school, school corporation, or institution of post-secondary education where the student seeks or intends to enroll; and officials of another school, school corporation, or other educational agency in which the student is enrolled or receiving services. This school corporation forwards education records to these agencies without prior notification to the parent or eligible student.
- (6) Directory information will be released to media organizations (including radio, television, and newspapers), colleges, civic or school related organizations, and state or local government agencies without the consent of a parent or eligible student. Directory information includes the student's name, address, parent home and work telephone number, major field of study, participation in official recognized activities and sports, height and weight of members of athletic teams, dates of attendance, awards received, motor vehicle description (including license plate number), hair and eye color, race, sex, date of birth, height, weight, grade level, and other similar information which would not generally be considered harmful or an invasion of privacy if disclosed. A parent or eligible student may object to disclosure of any of the categories of directory information by filing form **(Denial of Permission to Release Certain Directory Information Without Prior Written Consent)** from the principal's office no later than fourteen (14) calendar days from the date of receipt of this notice.

## 5.47 STUDENT EDUCATION RECORDS

### RELEASE OF STUDENT INFORMATION TO JUVENILE JUSTICE AGENCY

In accordance with Indiana Code 20-10.1-22.4-3, which is printed on the reverse of this instrument, and as an official of a state or local juvenile justice agency, I am requesting the following information from the educational records of the student named below.

Student's name \_\_\_\_\_

Information requested:

_____	_____
_____	_____
_____	_____
_____	_____

I certify that the information I request relates to the ability of the juvenile justice system to serve, before adjudication, the above-named student. I also agree not to disclose this information to a third party, other than to another juvenile justice agency, without the consent of the child's parent, guardian, or custodian.

\_\_\_\_\_  
Signature of official making request

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of official making request

\_\_\_\_\_  
Agency

In my opinion, the individual or agency making this request has provided sufficient information to me to determine that the juvenile justice agency seeks this information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child. Therefore, I have provided the information listed above to the individual or agency making this request.

\_\_\_\_\_  
Signature of school official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of school official

\_\_\_\_\_  
Title

**I.C. 20-10.1-22.4-3**

(a) As used in this section, "juvenile justice agency" has the meaning set forth in IC 5-2-5.1-6.

(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, guardian, or custodian, under the following conditions:

(1) The disclosure or reporting of educational records is to a state or local juvenile justice agency.

(2) The disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released.

(3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile agency, without the consent of the child's parent, guardian, or custodian.

(c) For the purposed of subsection (b)(2), a disclosure or reporting of education records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the juvenile justice agency seeking the information provides sufficient information to enable the keeper of the education records to determine that the juvenile justice agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child.

#### **5.48 STUDENT TESTING PROGRAMS**

Appropriate group intelligence, achievement, ability and aptitude tests and interest inventories may be administered by professional staff for the purpose of determining instructional and student educational ability and achievement and career guidance and counseling.

### **5.481 Test Security Policy**

Any “Testing Irregularity” that is not a testing security concern should be reported by using the Testing Irregularity Report form found in Appendix D of the Indiana Assessment Program Manual. “Testing Irregularity” is defined under the administrative regulation to mean “any unexpected event that significantly disrupts the testing environment of two (2) or more students, including, but not limited to, the sounding of the fire alarm or a power outage.”

- I.C. 20-28-5-7
- 511 I.A.C. 5-5-3
- 511 I.A.C. 5-5-4
- 2017-2018 Indiana Assessment Program Manual (Indiana Department of Education, Office of Student Assessment)
- Code of Ethical Practices and Procedures (Indiana Department of Education)
- Protocol for Reporting and Investigating Alleged Assessment Breaches (Indiana Department of Education)

Presented: April 17, 2018

Adopted: May 1, 2018

## **5.49 DRUG ABUSE PROCEDURES AND REGULATIONS**

### **A. Philosophy**

The Merrillville Community School Corporation believes that students have a right to learn in an alcohol and drug-free environment. The school corporation believes that, along with parents and other segments of the community, it has an important role in helping students to remain drug free and thus accepts the responsibility to actively promote and maintain a drug-free school system for all of its students.

The Merrillville Community School Corporation believes that it is important to have a strong policy for students which prohibits the possession, use, or sale of alcohol and other drugs, during, immediately before or after school, or at any school sponsored activity, and to have strong penalties that are swiftly and consistently enforced for any violation of the policy.

The Merrillville Community School Corporation also believes that it has a responsibility to not only educate its students about the dangers of alcohol and other drug use, but also to help prevent their use by actively promoting the development of positive life skills which lead to a drug-free and healthy life style.

Furthermore, the school corporation recognizes that help must be available for students who need assistance because of their alcohol or other drug use or abuse through school-based services and through referral to community agencies.

Presented 10/15/91

Adopted 11/05/91



## **5.49B DRUG REFERRAL FOR CONDITIONAL AMNESTY**

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

Presented 5/1/90

Adopted 5/15/90

Recission of 2. Presented 5/21/91

Adopted 6/4/91

## **5.49C – ALCOHOL & DRUG TESTING POLICY – REASONABLE SUSPICION (GRADES 6 – 12)**

### ***A. Philosophy***

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

### ***B. Definitions***

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

### ***C. Scope of Policy***

The provisions of this policy apply in all situations in which a student is subject to school disciplinary rules pursuant to Indiana Code 20-33-8-14(b), including:

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

### ***D. Reasonable Suspicion Testing***

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

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

### ***E. Steroid Testing***

The Merrillville School Corporation chooses to take a proactive role in combating the use of Anabolic Steroid Abuse. According to the NIDA, National Institute on Drug Abuse, there are numerous consequences of steroid abuse that can have serious affects on an individual's health. According to the NIDA the signs of steroid abuse vary in males and females and athletes may be more prone to steroid abuse in an attempt to enhance strength, muscle tone and body build. Some of the more outward signs of steroid abuse are: aggression, severe acne, oily skin and scalp, jaundice, fluid retention and aggressive growth spurt (e.g. unusual or extraordinary weight gain and/or increase of muscle mass and strength.)

If there is reasonable suspicion that a student athlete may be using steroids, a student may be asked to take a steroid test administered by an independent testing agency. If the test is negative, the corporation will absorb the cost of the test. If the test is positive, the student or parents/guardians will pay for the test. Failure to comply will be automatically declared a positive test.

### ***F. Procedures***

A testing laboratory that is certified pursuant to the regulations of the United States Department of Transportation will provide training and direction to those who supervise the alcohol and drug testing of students. The test sample shall be collected by a person designated by the Superintendent and trained to collect specimen for analysis. The integrity of the test sample shall be carefully preserved at all times through a strict chain of custody maintained with the supervision of the testing laboratory. The sample shall be tested at a certified testing laboratory. Test results shall be reported to the school corporation's Medical Review Officer.

### ***G. Consequences of a Positive Test***

Students who test positive for being under the influence of alcohol or drugs will be subject to the provisions of the school corporation's student discipline policy. A refusal to submit to an alcohol or drug test will be treated as a positive test result.

### ***H. Financial Responsibility***

The Merrillville Community School Corporation will be responsible for the costs of all initial alcohol and drug tests based on reasonable suspicion. A request for a confirmation test, following a positive test result, will be the financial responsibility of the student or his/her parent or guardian.

### ***I. Confidentiality***

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

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

Revised and Presented 5/6/08  
Adopted 5/20/08

## **5.49 D - RANDOM DRUG TESTING POLICY**

**Policy Statement:** The Merrillville Community School Board is strongly committed to drug prevention and education to create a safe environment and to provide a climate where all students can reach their potential.

The use of illegal drugs presents a threat to the safety, health and welfare of both our employees and our students. Because of the risks associated with such abuse, the Board is implementing a student testing program for drugs. The program is not intended to be punitive or disciplinary in nature. The purpose of this program is to identify a student with drug residues in his/her body, to provide notification to the custodial parent/guardian, and to educate, help, and direct students away from drug abuse and toward a healthy, safe, and drug free participation in school activities.

Because participation in extra-curricular activities at Merrillville High School is a privilege, high standards of conduct are expected for students wishing to participate in these types of activities as well as for students who wish to drive to school. The Merrillville Community School Corporation shall conduct a mandatory random drug testing program for all students participating in the following:

1. All extracurricular activities including; all athletics, clubs, organizations, and activities sponsored by the School Corporation.
2. All students who apply for a driving/parking permit pursuant to rules and regulations as set forth in the Student Handbook.
3. Any students not qualifying in the afore mentioned activities, who wish to voluntarily participate in the Random Drug and Alcohol Testing Program.

### **Definitions:**

1. Student Athlete: Any student who is trying out for or participating in any school-sponsored interscholastic athletic competition, or cheerleading.
2. Extracurricular Activities: Any school sponsored club, organization, activity in which participation is voluntary.
3. Student Drivers: Any student who is issued a driving/parking permit under the rules and regulations of the driving policy in the Student Handbook.

**Consent to Testing:** Any student who wishes to participate in extra-curricular activities or drive to school must consent to participate in the school's random drug testing program and sign a consent form. A student who does not wish to be included in this program shall not be permitted to participate in the above stated activities. Parents may also voluntarily enroll their child even if the student is not involved in extra-curricular activities. Once a student consents to participate in the school district's random drug testing program, the student will be part of the program for the remainder of the school year.

**Selection Procedure:** Students participating in the program will be selected randomly throughout the school year for drug testing. The testing facility shall implement a procedure for the method of random selection of students involved in the program as well as procedures to be used in the collection and testing of samples. The tests themselves will be administered by an independent testing facility using procedures and standards set up by them.

**Consequence of a First Time Positive Test Result:** A student who tests positive for drugs

following the random test, shall be immediately suspended from the extra-curricular activities they are currently enrolled in, or future extra-curricular activities they wish to enroll in. Students who drive to school will have their driving privileges suspended. The student must immediately enroll in drug counseling, and show documentation of following counseling recommendations in order to be eligible to participate in any further activities or have driving privileges reinstated. During the period of enrollment in a program the student is suspended from all extra-curricular activities. The student must provide the school with a drug test result from the counseling service before the school clears the student to return to activities. Within the school year of the first offense, the student may be re-tested at any time. Drug counseling options include: South Lake Mental Health, Physicians, Awakenings, Addiction and Behavior Services, and Porter-Stark. Other options may be approved by the administration. Such counseling will be at the student's/parent's expense.

**Consequences of a Second Positive Test Result:** A student who tests positive for drugs following the random test, shall be immediately suspended from the extra-curricular activities they are currently enrolled. **ATHLETES IN OR OUT OF SEASON:** If a second offense occurs when an athlete is in or out of season, the athlete must immediately enroll in drug counseling and show documentation of following counseling recommendations. The student must provide the school with a drug test result from the counseling service before the school allows the student to return to activities. The athlete will be suspended from their sport for 30% of the season before being allowed to participate. The athlete will be tested prior to the beginning of their next sport season and periodically during the remainder of the school year.

**Consequences of a Third Positive Test Result:** A student who tests positive for drugs following a random test will be immediately suspended from the extra-curricular activity for 365 days.

**Parental Notification:** When students complete the drug test, the test administrator will give the student a form showing the initial results of the test that can be taken home to give to his/her parent/guardian. Once the school gets the test results from the testing company if a test is positive, the student's parents/guardians will be contacted immediately. A parent may request a meeting with the athletic director (test supervisor) to discuss the results, the suspension and the counseling procedure.

**Length of Results on Record:** Positive test results will be removed August 1<sup>st</sup> of each school year. Students will start every school year without any record of previous test results.

**Masked Test:** Any attempt to adulterate, mask, or substitute a specimen will be automatically declared a positive test.

**Refusal:** After a student has been selected to submit to a random test, if the student refuses to submit to a drug test, the refusal will be treated as a drug-positive test. If a student is unable to urinate during the time the testing company person is on site, a school administrator will issue the test during that day.

**Retest:** A parent may request in writing a retest be taken by an outside agency within 72 hours of first notification. All costs associated with an additional test shall be the responsibility of the student and/or the student's parent or guardian. The retest must be done by a facility that is approved by the school. While the results of such a test are pending, the student's suspension shall be in effect. In the event the additional testing undertaken by the parent and/or guardian is negative no penalty shall be issued. Once the student has attended one of the designated counseling programs the school will

retest the student within a two to four week period.

**Legitimate Explanation:** Within twenty-four (24) hours of being informed of a positive test result, the student may present evidence to the test administrator that the positive test result was caused by the legitimate use of a prescription or non-prescription drug, or an activity other than illegal drug use. The test administrator shall determine whether such reasons would reasonably explain the positive test result. If the test administrator determines the results to have been caused by a legitimate activity, then the test results will be disregarded and any record of the positive result shall be expunged. If the test administrator determines that it was a positive test result the student, at their own expense, may ask that the sample be sent to an independent testing facility approved by the administration.

## *Merrillville Community School District*

### **PLEDGE AND CONSENT**

As a student participant in any extra curricular activities at Merrillville High School or as a student who is allowed to drive to school, I recognize and accept the fact that my participation is a privilege and an opportunity for me to make a significant contribution to my school, my community, and my personal development. Representing Merrillville Schools places many responsibilities upon me as an individual. Many people, including fellow students, faculty members, sponsors, coaches, school officials, and parents are giving many hours of time and a great deal of financial support to provide fine programs for me. In consideration of this, I agree to live by and conduct myself in accordance with the following pledge.

1. I will conduct myself so as to reflect only honor upon myself, my fellow students, my school, my parents, and my community at all times in all places.
2. I will keep myself mentally and physically alert so that I can contribute my best efforts and benefit myself, my fellow participants, my school, and my community.
3. I will not use unlawful illicit drugs while a student of Merrillville Schools.
4. I will actively discourage the use of drugs among youth in order to achieve drug-free schools.

### **DRUG TESTING PROGRAM CONSENT FORM**

I have received, read, and understand a copy of "The Merrillville Random Drug Testing Policy". I also have read and understand the "Pledge" as stated above.

Having this information at my disposal, I, \_\_\_\_\_ will participate in this program and do, hereby, voluntarily agree to subject to its terms. In an effort to promote and reserve the educational value of extra-curricular activities and to set an example for others in an effort to promote a student environment free of drug use, I accept the method of obtaining urine samples, testing, and analysis of such specimen and all other aspects of this program. I also agree to cooperate in furnishing urine specimens that may be required if my name is randomly selected.

I further agree and consent to the disclosure of the sampling, testing, and results provided for in this program. This consent is given pursuant to all state and federal privacy statutes, and is consent to disclosure of such test records and results to the extent of disclosure authorized in the program.

\_\_\_\_\_  
Custodial Parent/Guardian Signature

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

**NOTE: THIS FORM MUST BE RETURNED TO THE COACH, SPONSOR, OR ADMINISTRATOR BEFORE PARTICIPATING IN EXTRA-CURRICULAR ACTIVITIES OR OBTAINING A SCHOOL DRIVING PERMIT.**

Revised and Presented: 5/6/08

Adopted: 5/20/08

Revised and Presented: 10/16/13

Adopted: 11/5/13

## **5.50 RIGHTS - RESPONSIBILITIES - REGULATIONS - CONCERNING SCHOOL BEHAVIOR FOR STUDENTS**

### *A. Introduction*

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

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

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

### *B. Delegation of Authority*

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

1. Each teacher and any of the other school personnel shall, when pupils are under his charge, have the right to take any action which is then reasonably necessary to carry out, or to prevent an interference with, the educational function of which he is then in charge. Teachers and other school personnel may not suspend students from school, and removal of a student from any educational function within the supervision of a teacher or any of the other school personnel may not extend for a period of more than one (1) day unless the removal is treated as a suspension under IC 20-33-8-18.
2. Each principal (or designee) may take any action concerning his school or any school activity within his jurisdiction, which is reasonably necessary to carry out or prevent interference with an educational function or school purposes. Such action may include establishing written rules and standards to govern student conduct. Similarly, the Superintendent, or his administrative staff with his approval, may take any action with respect to all schools within the Superintendent's jurisdiction which is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

### *C. Grounds for Suspension and/or Expulsion*

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

1. Engaging in conduct that disrupts or interferes with school purposes or an educational function, including but not limited to: the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, engaging in sexual behavior on school property, disobedience of administrative authority, engaging in speech or



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

2. Trespassing, vandalizing school property, breaking and entering a school building or facility, attempting to set fire or setting fire or intentionally damaging any school property.
3. Causing or attempting to cause substantial damage to school property or stealing or attempting to steal school property of substantial value or repeatedly damaging or stealing school property of small value.
4. Intentionally causing or attempting to cause damage to valuable private property, stealing, or attempting to steal valuable private property, or repeatedly damaging or stealing private property.
5. Attending school or a school-sponsored activity, with the odor of alcohol on breath, will be grounds for expulsion. **BREATHALYZER TESTS OF VARIOUS TYPES COULD BE USED TO CONFIRM THE CONSUMPTION OF ALCOHOL.**
6. Repeatedly refusing to follow the directions of supervising school employees; engaging in acts of serious disrespect to school employees.
7. Willfully truant from school in violation of building policy.
8. The use or possession of tobacco is prohibited in the Merrillville Schools.
9. The violation or repeated violation, of any rules, standards or policies which have been established by the Superintendent and presented to the Board; or established by the principal of a school, reviewed and approved by the Superintendent, and presented to the Board. The Board may change any such rules, standards or policies in accordance with procedures, which it has adopted.
10. Engaging in immoral conduct.
11. Intentionally causing or attempting to cause physical injury or intentionally behaving in such a way as could reasonably cause physical injury to any person. Self-defense or reasonable belief that it was necessary to protect some other person does not, however, constitute a violation of this provision.
12. Using force or the threat of force to take money or something of value from another person, engaging in blackmail, or using coercion to gain something of value or an advantage.
13. Failing to report the actions or plans of another person to a teacher or administrator where those actions or plans, if carried out, could result in harm to another person or persons or damage property when the student has information about such actions or plans.
14. Falsely accusing any person of sexual harassment, or of violating a school rule, and/or a state or federal law.
15. Engaging in any activity forbidden by the laws of Indiana that constitutes an interference with school purposes or an educational function.
16. Possessing, handling, using, transmitting or selling weapons, dangerous instruments or explosives.
17. Knowingly possessing, handling, or transmitting a knife or any other object that can reasonably be considered a weapon. This does include a “look a like” weapon.

18. Knowingly possessing or using on school grounds during school hours an electronic paging device or a handheld portable telephone in a situation not related to school purpose or an educational function.
19. Knowingly possessing, using, transmitting, or being under the influence of any controlled substance, prescription drug, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, intoxicant of any kind, or depressant of any kind, or any paraphernalia used in connection with the listed substances. Also prohibited is the consumption of any of the stated substances immediately before attending school or a school function or event.

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

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

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

- 1. Physician's statement that the student has an acute or chronic disease or medical condition for which medication has been prescribed.*
  - 2. The nature of the disease or medical condition requires emergency administration of the prescribed medication.*
  - 3. The student has been instructed in how to self-administer the prescribed medication.*
  - 4. The student is authorized to possess and self-administer the prescribed medication.*
20. Possessing or providing to any person anything used or designed to be used primarily for the storage, processing, delivery or consumption of alcohol, marijuana, stimulants, intoxicants, narcotics, depressants or hallucinogens. Examples of things which are not to be possessed or provided to another person are: pipes, rolling papers, clips, stones and any other devices believed to be, by school authorities, used for the storage, processing, delivery or consumption of the above mentioned drugs.

Any student who is unsure if possession, use or providing another person with any particular medicine, substance or paraphernalia would violate the above rule should contact the building principal or his designee before possessing, using or providing the medication, substance or paraphernalia.
  21. A person knowingly or intentionally delivers any substance that he represents to be controlled substance commits "dealing in a substance represented to be a controlled substance."
  22. Creating a disturbance by displaying or using a substance represented to be a controlled substance.

The grounds for suspension or expulsion listed above apply when a student is:

- a. On school grounds immediately before, during, and immediately after school hours and at any other time when the school is being used by a school group;
- b. Off the school grounds at a school activity, function, or event;
- c. Traveling to or from school or a school activity, function, or event;
- d. During Summer School.

**NOTE**

I. It will be recommended that a student be expelled for one (1) calendar year when, while on school property, the student possesses, handles, uses, or transmits a firearm as defined in IC.35-47-1-5 or a destructive device. The student will be allowed to return to school at the beginning of the first school semester after the end of the one (1) year period.

1. The following devices are considered to be a firearm under this rule:

- any weapon which will or is designated to or may readily be converted to expel a projectile by the action of an explosive
- the frame or receiver of any weapon described above
- any firearm muffler or firearm silencer
- any destructive device which is an explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any similar device
- any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter
- any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled
- an antique firearm
- a rifle or shotgun that the owner intends to use solely for sporting, recreational, or cultural purposes

2. For purposes of this rule, a destructive device is

- an explosive, incendiary, or overpressure device that is configured as a bomb, a grenade, a rocket with a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, a Molotov cocktail or a device that is substantially similar to an item described above,
- a type of weapon that may be readily converted to expel a projectile by the action of an explosive or other propellant through a barrel that has a bore diameter of more than one-half inch, or
- a combination of parts designed or intended for use in the conversion of a device into a destructive device. A destructive device is NOT a device that although originally designed for use as a weapon, is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

3. The superintendent shall immediately notify the appropriate law enforcement agency when a student is expelled under this rule.
- II. It will be recommended that a student be expelled for one (1) calendar year when, while on school property, the student possesses, handles, uses, or transmits a deadly weapon as defined in IC.35-41-1.8.
  1. The following devices are considered to be deadly weapons as defined in I.C. 35-41-1-8:
    - a weapon, taser or electronic stun weapon, equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
    - an animal readily capable of causing serious bodily injury and used in the commission or attempted commission of a crime
  2. The superintendent shall immediately notify the appropriate law enforcement agency when a student is expelled under this rule.
- III. A student may be suspended or expelled for engaging in unlawful activity on or off school grounds if the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function, or the student's removal is necessary to restore order or protect persons on school property. This includes any unlawful activity meeting the above criteria which takes place during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.
- IV. It will be recommended that a student be expelled when a student's legal settlement is not in the attendance area of the Merrillville Community School Corporation.

*D. Short-Term Suspension*

Any principal (or designee) may suspend for a period of no more than ten (10) school days. This suspension may deny a student the right to attend school or to take part in any school function until midnight of the last day of suspension. A student may be suspended on the following grounds:

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

#### E. *Other Remedies*

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

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

#### F. *Expulsion Procedures*

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

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

The student or parent has the right to appeal the decision of the person conducting the expulsion meeting to the school board within ten (10) days of the receipt of

notice of the action taken. The student or parent appeal to the school board must be in writing. If an appeal is properly made, the board must consider the appeal unless the board votes not to hear the appeal. If the board hears the appeal, it will consider the written summary of the expulsion meeting and the arguments of both the school administration and the student and/or student's parent. The Board will then take any action deemed appropriate.

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

### *G. Suspension and Expulsion of Students with Disabilities*

Students with disabilities are subject to the discipline rules adopted by the board of school trustees and, therefore, may be suspended or expelled for any violation(s) of such rules. In accordance with I.C.20-8.1-5.1 and 511 IAC 7-15, administrators may take the following discipline actions:

#### ***Suspension***

A suspension is defined as a unilateral, temporary cessation of educational or related services. A short-term removal of a student pursuant to the student's individualized education program is not a suspension. Students with disabilities may be suspended up to ten (10) consecutive school days, but no more than ten (10) cumulative school days in a school year.

Before a student with disabilities can be suspended, the student must be afforded a meeting with the principal, wherein the student is entitled to: (1) a written or oral statement of the charges against the student; (2) if the student denies the charge, a summary of the evidence against the student; and an opportunity to explain the student's conduct.

This meeting shall precede the suspension of a student unless the nature of the misconduct requires immediate removal of the student.

#### ***Expulsion***

An expulsion is defined as separation from school attendance or a related service for more than ten (10) consecutive school days.

Before a student with disabilities can be expelled from school, the student and the student's parent must be afforded the opportunity to attend an expulsion meeting before an appointed expulsion examiner. However, prior to any expulsion meeting, the case conference committee must meet to review the student's behavior and determine whether the behavior is caused by, or is a manifestation of, the student's disability. If the committee determines there is such a causal relationship between the student's behavior and the student's disability, the student may not be expelled. If, however, the committee determines there is no causal relationship between the student's behavior and the student's disability, the parent may: (1) request the appointment of an independent hearing officer to contest the committee's determination; (2) request an expulsion meeting; or (3) waive the right to an expulsion meeting.

In the event of the expulsion of a student with disabilities, educational and related services shall not cease. The case conference committee shall determine the

educational services that will be provided during the expulsion period and where the services will be provided.

#### *H. Law Enforcement Notification Procedures*

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

The law provides that any person who reports a threat or an act of intimidation against a school employee, or who participates in any judicial proceeding or other proceeding resulting from such report, is immune from any civil or criminal liability that might otherwise be imposed because of such actions, provided that the individual is acting in good faith.

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

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

Revised and Presented 5/15/12

Adopted 6/5/12

Revised and Presented 10/16/13

Adopted 11/5/13

## **5.50A Bullying**

1. Bullying committed by students toward other students is strictly prohibited. Engaging in bullying conduct described in this rule by use of data or computer software that is accessed through any computer, any computer system, or any computer network is also prohibited.
2. For purposes of this rule, bullying is defined as overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner including electronically or digitally, physical acts committed, aggression, or any other similar behaviors that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment that:
  - places the targeted student in reasonable fear of harm to the targeted student's person or property;
  - has a substantially detrimental effect on the targeted student's physical or mental health;
  - has the effect of substantially interfering with the targeted student's academic performance; or
  - 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. This rule may be applied regardless of the physical location of the bullying behavior when a student committing bullying behavior and the targeted student attend a school within the school corporation and disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of other students to a safe and peaceful learning environment.
4. Any student or parent who has knowledge of conduct in violation of this rule or any student who feels he/she has been bullied in violation of this rule should immediately report the conduct to the School Principal who has responsibility for all investigations of student misconduct including bullying. A student or parent may also report the conduct to a teacher or counselor who will be responsible for notifying the School Principal. This report may be made anonymously.
5. The School Principal shall investigate immediately all reports of bullying made pursuant to the provisions of this rule. Such investigation must include any action or appropriate responses that may be taken immediately to address the bullying conduct wherever it takes place. The parents of the bully and the targeted student(s) shall be notified on a regular, periodic basis of the progress and the findings of the investigation and of any remedial action that has been taken.
6. The School Principal will be responsible for working with the school counselors and other community resources to provide information and/or follow-up services to support the targeted student and to educate the student engaging in bullying behavior on the effects of bullying and the prevention of bullying. In addition, the school administrator and school counselors will be responsible for determining if the bullying behavior is a violation of law required to be reported to law enforcement under Indiana law based upon their reasonable



belief. Such determination should be made as soon as possible and once this determination is made, the report should be made immediately to law enforcement.

7. False reporting of bullying conduct as defined in this rule by a student shall be considered a violation of this rule and will result in any appropriate disciplinary action or sanctions if the investigation of the report finds it to be false.
8. A violation of this rule prohibiting bullying may result in any appropriate disciplinary action or sanction, including suspension and/or expulsion.
9. Failure by a school employee who has a responsibility to report bullying or investigate bullying or any other duty under this rule to carry out such responsibility or duty will be subject to appropriate disciplinary action, up to and including dismissal from employment with the school corporation.
10. Counseling, corrective discipline, and/or referral to law enforcement will be used to change the behavior of the perpetrator. This includes appropriate intervention(s), restoration of a positive climate, and support for victims and others impacted by the bullying.
11. Educational outreach and training will be provided to school personnel, parents, and students concerning the identification, prevention, and intervention in bullying.
12. All schools in the corporation are encouraged to engage students, staff and parents in meaningful discussions about the negative aspects of bullying. The parent involvement may be through parent organizations already in place in each school.
13. The superintendent or designee will be responsible for developing detailed administrative procedures consistent with the Indiana Department of Education guidelines for the implementation of the provisions of this rule.

This Board Policy applies when a student is:

- A. On school grounds immediately before or during school hours, immediately after school hours or at any other time when the school is being used by a school group (including summer school);
- B. Off school grounds at a school activity, function, or event;
- C. Traveling to or from school or a school activity, function, or event; or
- D. Using property or equipment provided by the school.
- E. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of the school corporation.

LEGAL REFERENCE: I.C. 20-33-8-0.2  
I.C. 20-33-8-13.5

Presented: 10/16/13

Adopted: 11/5/13

## **5.51 STUDENT LOCKER AND VEHICLE INSPECTION**

### ***A. Student Lockers:***

The Board of School Trustees has made available to pupils of the Merrillville Community School Corporation, lockers to be used for their convenience.

The Board is not required to provide the facilities but does so as a service to the pupil. The fact of the Board's having voluntarily made available lockers for pupils' use can in no way be construed to diminish or erode the Board's sole ownership, control, and authority over the lockers, and the student is presumed to have no expectation of privacy in that locker or its contents. The Board's rights of ownership shall extend to all lockers on its premises regardless of the use which the pupils may make of the lockers.

In keeping with the foregoing statement, at the time the pupil acquires the privilege of using any locker belonging to the Merrillville Community School Corporation, the pupil shall be advised that the Board reserves the right through its agents, the principal involved, or his designate, to examine both the locker and its contents. The purpose of such examinations shall include, but not be limited to attempts to eliminate fire and/or materials and devices.

Pupils are also to be advised that the use of a locker by a pupil is a privilege granted by the Board. The privilege of such use is contingent upon the acceptance of the conditions stipulated in the preceding paragraphs. Failure to comply with the conditions shall result in the immediate revocation of the privilege of using the locker.

It is not the intent of this policy statement to harass or to annoy the pupil in any way nor to interfere with the appropriate and reasonable use of the lockers for their intended purposes. Where possible, any search shall be conducted in the presence of the student whose assigned locker is the subject of the search.

### ***B. Parking for Student-Owned Vehicles:***

Parking facilities may also be made available to students upon approval by school system administrators. The school system, however, reserves the right to establish reasonable rules for the use of such vehicles, including the right to examine the contents of any such vehicles while parked on school premises when an administrator has reasonable cause to believe that the contents of such vehicles may include items or elements which are illegal to possess, have been stolen or lost, or present a threat to the health, safety, or welfare of students or staff.

***LEGAL REFERENCE: I.C. 20-8.1-5.1-25***

Revised and Presented 11/20/01

Adopted 12/4/01

## **5.512 USE OF METAL DETECTORS**

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

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

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

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

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

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

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

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

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

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

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

students of each school. A notice must be sent out before the beginning of each school year. The superintendent will determine the specific dates when the notice will be sent out.

- A. Before conducting the metal detector checks, the participating administrator or law enforcement officer ("officer") will explain the scanning process to students, emphasizing that the checks are intended to maintain safe schools.
- B. An administrator or officer will escort each student with his or her personal effects into a designated area to proceed with the metal detector check. An adult will closely observe students to make sure no objects are removed from pockets or personal effects.
- C. The administrator or officer will ask the student to remove all metal-containing objects from his or her clothing and personal effects. The administrator or officer will then scan the student without touching his or her body and scan the outside of the student's personal effects. The metal detector scan of the student's person will be done by an adult who is the same sex as the student. If the student refuses to cooperate, the administrator or officer may proceed with the check in the presence of another adult.
- D. If the metal detector is activated during the scanning of the student's effects, the administrator or officer will ask the student to open the bag, purse, etc., and the officer will proceed to look for weapons. If the metal detector is activated during the scanning of the student's person, the student will be given a second opportunity to remove any metal-containing object from his person. A second scan will be conducted and if the metal detector is activated again, an administrator or officer of the same sex will conduct a pat-down search of the student's outer clothing in the area where the metal detector was activated. The pat-down search will be done in a private room or area and in the presence of an adult witness, when feasible. If the administrator or officer feels an object on the student's person, the student will be given an opportunity to remove the object. If he or she refuses, the administrator or officer will remove the object from the student in the presence of an adult witness of the same sex.

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

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

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

Presented: 08/21/2018

Adopted: 09/04/2018

## **5.52 STUDENT HANDBOOKS**

Student handbooks may be developed by building administrators which include procedures and requirements in addition to those included in these Board policies. Such handbooks shall be reviewed by the Board and shall be included in the Board policy appendices.

## 5.53 HOMEWORK

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

### A. Purposes:

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

### B. Amount of Homework: The amount of homework should be related to student age and type of program being pursued.

1. *Elementary:* In general, daily minutes of homework should be approximately equal to ten times the grade level. Completion of unfinished daily classroom assignments will be in addition to assigned homework.
2. *Secondary:* Because some courses of study are more appropriate for extension of learning through homework, a range of one to four hours per day is recommended for the day's total assignment. Secondary teaching staff are requested to communicate with students and other staff to avoid excessive homework loads on any given night.

### C. Responsibilities for Homework:

1. *Students:* Students are expected to make a good faith effort to complete all assigned homework on time and to the best of their ability.
2. *Parents:* Parents are expected to provide a home environment conducive to the development of reliable and systematic study habits, and to monitor homework to ensure its completion.
3. *Teachers:* Teachers are expected to explain the purpose of homework, to make assignments that are deemed fair and reasonable when compared to homework being assigned by other teachers, to review all completed homework, and to contact parents when assigned homework is not being appropriately completed.

*LEGAL REFERENCE: 511 I.A.C. 6-2-1(c)(9)*

Presented 1/25/87

Adopted 2/3/87

Amendment Presented 5/21/91

Adopted 6/4/91

Amendment Presented 3/17/92

Adopted 4/7/92

Revised and Presented 11/20/01

Adopted 12/4/01

## **5.6 GRADUATION REQUIREMENTS**

### **A. Regular Day Students:**

Regular day students are encouraged to enroll in grades nine (9) through twelve (12) programs and shall be permitted to attend a minimum of 9 trimesters and enroll in fewer than (5) five classes during their senior year only for reasons included in the State Board of Education Policies. Students meeting the requirements of graduation may declare their intention to graduate at the end of the first or second trimesters with the written permission of their parents and counselor certification that all graduation requirements have been met). Students must acquire 45 credits for the General Diploma, 45 credits for a CORE 40 College Prep Diploma, and 48 credits for the CORE 40 with Academic Honors and Technical Honors Diplomas; and shall meet all other State Department of Public Instruction requirements for graduation

Amended and Presented: February 21, 2017

Adopted: March 7, 2017

## **5.61 – STUDENT MASTERY OF ESSENTIAL SKILLS**

### **A. Essential Skills Minimum Requirements:**

1. Grades 3 through 8: The ISTEP+ minimum state proficiency levels at these grades are the expected minimum performance levels for Merrillville students.
2. The Class of 2017 must pass the Graduation Qualifying Exam which consists of End of Course Assessments taken after the completion of courses in Algebra I and English 10.
3. Beginning with the Class of 2018, the ISTEP ELA 10 and ISTEP Math 10 assessment taken at the end of Grade 10 is designated as the Merrillville High School graduation examination. All Grade 10 students must pass this assessment at the minimum State proficiency level in order to receive a graduation diploma.

### **B. Required Remedial Action:**

1. Students at Grades 3 through 8 who have not met the minimum state proficiency levels will be assigned to appropriate remedial programs during the regular school year.

### **C. Special Education Students:**

Students certified as learning handicapped within the definition of Article 7 of the Indiana State Board of Education Administrative Rules will be eligible to receive a graduation diploma or certificate of completion based on State rules governing learning handicapped students who either meet or do not meet the minimum state proficiency level on ISTEP+.

Amended and Presented: February 21, 2017

Adopted: March 7, 2017



## 5.62 – GRADUATION QUALIFYING EXAM

*The aim of the Merrillville Community School Corporation is to provide learning opportunities to our students that result in the successful completion of the Graduation Qualifying Exam (GQE). To increase the probability of this success Board Policy 5.62 was developed.*

### 1. *Students required to be assessed with GQE:*

All students of Graduating Classes are required to take the GQE which consists of an End of Course Assessment (ECA) in both Algebra I and English 10 by the end of 10<sup>th</sup> grade. Students who do not pass the GQE are required to take the GQE at least one time each year offered until the student meets or exceeds the minimum standards. The GQE Appeals Committee must approve any exception to passing the GQE (Contact the Merrillville High School Guidance Office for appeal forms).

There are three (3) GQE Waiver Categories: GQE “Evidence-based” Waiver, GQE “Work-readiness” Waiver, and Children with Disabilities (IC 20-32-4-5).

#### GQE “Evidence-based” Waiver \*

- ✓ Take the graduation examination (ECA) in each subject area (Algebra I and/or English 10) in which the student did not achieve a passing score at least one time each year after the school year in which the student first took the examination.
- ✓ Complete help sessions offered each year by the school in preparation for graduation examination retest opportunities.
- ✓ Attendance: Must not exceed more than 36 unexcused absences during high school career.
- ✓ Maintain a grade point average of 2.0 on a 4.0 scale in the courses required for graduation (a total of 34 credits).
- ✓ Obtain a written recommendation from a teacher of the student in the subject area(s) not passed. The recommendation must provide documentation that the academic standards have been met, either through other tests or classroom work and must be agreed upon by the principal.

#### GQE “Work-readiness” Waiver \*

Same requirements as above, GQE “Evidence-based” Waiver (minus a written recommendation) PLUS completing all of the following:

- ✓ Meet the course and credit requirements for a General Diploma (including the career academic sequence);
- ✓ Complete a workforce readiness assessment; and
- ✓ One (1) of the following:
  - Complete a career exploration internship course, or
  - Complete a cooperative education course, or
  - Earn a workforce credential (recommended by the school)

#### \* Credits and Courses that Count for the “Evidence-based” and “Work-readiness” Waivers

For students who entered high school in the 2006-2007 school year or after, the “courses required for graduation” in computing the “C” average (2.0 GPA) for the “Evidence-based” and “Work-readiness” Waivers include the following 34 credits:

1. Language Arts: 8 credits (including a balance of literature, composition, and speech).

2. Social Studies: 4 credits (must include 2 credits in US History, 1 credit in US Government and 1 credit in "another social studies course, Global Economics or Consumer Economics").
3. Mathematics: 4 credits (must include 2 credits in Algebra I or Integrated Mathematics I and 2 additional mathematics credits. All 4 credits must be earned after the student enters high school).
4. Science: 4 credits (must include 2 credits in Biology and credits from at least one additional science category -- Physical or Earth/Space Science).
5. Health and Wellness: 1 credit
6. Physical Education I & II: 2 credits
7. Career-academic sequence: 6 credits
8. Flex credits: 5 credits

Note: That while a "C" average (2.0 GPA) is needed in the 34 credits noted above to earn a waiver; students must still earn a minimum of 40 credits to earn an Indiana diploma.

#### Children with Disabilities (IC 20-32-4-5)

If a student with a disability (as defined in IC 20-35-1-2) does not achieve a passing score on the graduation examination, the student's case conference committee (CCC) may determine that the student is eligible to graduate if the CCC finds the following:

- The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a recommendation to the CCC. The recommendation must:
  - Be agreed upon by the principal of the student's school; and supported by documentation that the student has attained the academic standard in the subject area based on:
    - Tests other than the graduation examination; or
    - Classroom work.
- The student meets all of the following requirements:
  - Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program (IEP).
  - Completes remediation opportunities provided to the student by the student's school to the extent required by the student's IEP.
  - Attendance: Must not exceed more than 36 unexcused absences during high school career.
  - Maintain a grade point average of 2.0 on a 4.0 scale in the courses required for graduation (a total of 34 credits).

2. **Remediation Requirements:** Students who do not pass the GQE in the fall of 10<sup>th</sup> grade are required to enroll and participate in at least one remedial activity each school year until the student meets or exceeds minimum standards on the GQE. The student is to choose from the following remedial activities:

- A.) Summer School Remediation
- B.) Enrollment during the school year in a GQE Remediation Class
- C.) Participation in GQE Mentor Program (when offered)
- D.) Participation in After School Day GQE Class (when offered)
- E.) Participation in Adult Education GQE Class
- F.) Students in Alternative Education may participate in Alternative Ed GQE Classes

3. ***Diploma Requirements:*** Students must meet all requirements of the Merrillville Community School Corporation and meet or exceed the requirements of the Indiana GQE to qualify for a diploma. Students who do not meet GQE standards may appeal to the GQE Appeals Committee to qualify for a diploma.

4. ***GQE Appeals Committee:*** The GQE Appeals Committee is to be comprised of the Assistant Superintendent for Curriculum/Personnel, High School Principal, Coordinator of High School Guidance Services, High School Math Department Chairperson, and/or English Department Chairperson, and one representative from the High School Parent Advisory Committee (PAC).

5. ***Appeal Timeline and Appeal Form:*** The appeals process begins in the student's senior year. The student must complete the GQE Student Appeal Form no later than May 1<sup>st</sup>. The GQE Appeal Form is available at the Merrillville High School Guidance Office.

6. ***Special Education Students:*** A Certificate of Attendance may be awarded to Special Education students and these students may participate in commencement. A Special Education student's eligibility is defined by the student's IEP.

7. ***Certificate of Course Completion:*** A Certificate of Course Completion will be awarded to students who have completed the minimum courses required for high school graduation but do not meet the graduation qualifying examination requirement.

Revision Presented: 4/17/12

Revision Adopted: 5/1/12

## **END OF COURSE ASSESSMENT WAIVER POLICY**

Students who do not meet the requirements for a diploma as described in Board Policy 5.62 may appeal to the Graduation Qualifying Exam Appeals Committee. This Student Appeal Form must be completed and returned to the student's Guidance Counselor **no later than May 1<sup>st</sup>**.

Students and parents are encouraged to contact their assigned Guidance Counselor directly with any questions.

Student Name: \_\_\_\_\_ ID \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_

IEP Documentation: YES NO

5<sup>th</sup> Year Senior: YES NO

### **WAVIER RECIEPT AND VERIFICATION**

I have read the attached ECA Waiver Application and understand that I am eligible to submit this application to the Graduation Qualifying Exam Appeals Committee however it is **NOT** a guarantee that I will be awarded an ECA waiver. Students will be notified of their waiver status upon receipt of the spring ECA scores from their senior year.

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

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

Counselor Signature: \_\_\_\_\_

Date received in Guidance: \_\_\_\_\_

# **ECA WAIVER APPLICATION**

## **PART ONE: ECA HISTORY**

To be eligible to submit a waiver student's must take the ECA in the subject area in which he/she did not achieve a passing score at least one time every school year after the school year in which the ECA was taken for the first time.

### **Algebra I ECA Scores Earned – Passing score is 564**

Grade	Fall Date	Score Earned	Winter Date	Score Earned	Spring Date	Score Earned	Summer Date	Score Earned
9 <sup>th</sup> Grade								
10 <sup>th</sup> Grade								
11 <sup>th</sup> Grade								
12 <sup>th</sup> Grade								

### **English 10 ECA Scores Earned – Passing score is 360**

Grade	Fall Date	Score Earned	Winter Date	Score Earned	Spring Date	Score Earned	Summer Date	Score Earned
10 <sup>th</sup> Grade								
11 <sup>th</sup> Grade								
12 <sup>th</sup> Grade								

## **PART TWO: ATTENDANCE HISTORY**

To be eligible to submit a waiver students must maintain a 95% or better school attendance rate over the course of their high school experience. This would translate to 36 or less unexcused absences over the course of 4 years.

Student meets the attendance requirement:        YES                NO

Total unexcused absences over 4 years        \_\_\_\_\_

### **PART THREE: REMEDIATION HISTORY**

To be eligible to submit a waiver students must have participated in a remediation activity each year. Remediation activities would include repeating the course, completing a Basic Skills course, and/or tutoring provided before and after school.

Remediation Description	Date	Grade Earned

### **PART FOUR: GRADE POINT AVERAGE – MINIMUM 2.0**

To be eligible to submit a waiver students must have a 2.0 minimum grade point average in the 24 courses (credits) required to earn a diploma.

- Language Arts- 8 credits (including a balance of literature, composition, and speech).
- Social Studies- 4 credits (must include 2 credits in US History, 1 credit in US Government and 1 credit in "another social studies course, Global Economics or Consumer Economics").
- Mathematics- 4 credits (must include 2 credits in Algebra I or Integrated Mathematics I and 2 additional mathematics credits. All 4 credits must be earned after the student enters high school).
- Science- 4 credits (must include 2 credits in Biology and credits from at least one additional science category- Physical or Earth/Space Science).
- Health and Wellness- 1 credit
- Physical Education I & II- 2 credits
- Technology/Remediation - 2 credits

## **PART FIVE: DETERMINE WAIVER TYPE**

Students may earn one of three types of waivers. For each of the waiver types parts 1-4 are required with an additional part required depending on the waiver type.

### **Evidence Based Waiver**

An Evidence based waiver requires students to have an ECA folder in the Guidance Office that is filled with artifacts that show proof the academic standards have been met through class work or classroom assessments. The folder must also include a letter of recommendation from a teacher(s) in the subject area and one from the Principal.

Student is applying for an Evidence Based Waiver:                      YES                      NO

### **Work Readiness Waiver**

A Work Readiness based waiver requires students to have an ECA folder in the Guidance Office that is filled with artifacts that show proof the academic standards have been met through class work or classroom assessments. The student must also show proof on their transcript of a minimum of 6 credits earned in a career academic sequence; participate in a work readiness assessment (ex. Work Keys), and at least one of the following: a career exploration internship, cooperative education, or a workforce credential recommended by your school.

Student is applying for a Work Readiness Waiver:                      YES                      NO

### **Disability/IEP Documented Waiver (IC 20-32-4-5)**

If a student with a disability (as defined in IC 20-35-1-2) does not achieve a passing score on the graduation examination, the student's case conference committee (CCC) may determine that the student is eligible to graduate if the CCC finds the following:

- The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the CCC. The recommendation must:
  - Be agreed upon by the principal of the student's school; and supported by documentation that the student has attained the academic standard in the subject area based on:
    - Tests other than the graduation examination; or
    - Classroom work.

Student is applying for a Disability/IEP Documented Waiver:                      YES                      NO

## **5.7 GRADES, TESTS, AND HOMEWORK PROCEDURES**

- A. Academic progress shall be reported to parents of all students not less than each six weeks during the school year.
- B. The primary purpose of the report should be to help the student appraise his strengths and weaknesses as reflected by the teachers' evaluation of his progress in subject areas, work habits, and attitudes. The progress report shall be considered a confidential report of the student's progress to the student and parents.

Amended and Presented: February 21, 2017

Adopted: March 7, 2017



## 5.701 MERRILLVILLE HIGH SCHOOL WEIGHTED GRADES

### 1. Courses to be weighted:

#### English

8<sup>th</sup> grade Honors (credit/no weight)  
9<sup>th</sup> grade Honors  
10<sup>th</sup> grade Honors  
AP Literature  
AP Language/Adv. Comp Honors

#### Math

8<sup>th</sup> grade Honors Integrated Math I (credit/no weight)  
Honors Integrated Math II  
Honors Integrated Math III  
Honors Pre-Calculus  
AP Calculus  
AP Statistics

#### Science

Honors Biology  
Honors Chemistry  
AP Biology  
AP Chemistry  
AP Physics

#### Social Studies

AP US History (I, II, & III)  
AP Government  
AP Macroeconomics  
AP Microeconomics  
AP Psychology

### 2. Five (5) point scale for weighted grades:

Classes Prior to 2021

#### Non-Weighted

A = 4  
B = 3  
C = 2  
D = 1  
F = 0

Classes 2021 and beyond

#### Weighted

A = 5  
B = 4  
C = 3  
D = 2  
F = 0

### 3. Implementation Schedule

- Implement with the incoming 2017-2018 Grade 9 / Class of 2021
- Weight only those classes taken beginning in Fall of Grade 9

### 4. Rank Point System

- Students in each affected class are ranked according to Rank Points versus GPA raw score
- Rank Points will be calculated as follows:

$$(\text{GPA Raw Score}) + \frac{(\# \text{ of Credits Earned})}{60} = \text{Rank Points}$$

Presented: February 21, 2017  
Adopted: March 7, 2017

### **5.71 TEACHER-PARENT CONFERENCES**

The Board of School Trustees recognizes the need for good communications between the school and the home. Therefore, the Board encourages all teachers to establish such communication through teacher-parent conferences.

## **5.72 BOOK RENTAL AND FEES**

- A. The Board of Education has adopted the book rental system charging a fee each year which entitles the child to all required books. These fees shall be set by the Board and may be reviewed annually. The Board reserves the right to increase or decrease these rental figures at any time it is deemed necessary.
- B. Children attending the Merrillville Community Schools are required to pay a fee or fees which will supply some or all of the materials and services needed by pupils.
- C. A fee, called book rental fee, the amount of which is prescribed by the Board of Education, is due for payment on or near the opening day of each year. Such a fee will cover the rental of textbooks, workbooks, and similar needs in the performance of normal classroom work.
- D. A fee for summer school book rental is prescribed separately from those of Fall and Spring semesters.
- E. Any other fee may be prescribed by the principal of the school provided the Superintendent is consulted.
- F. In the case of established inability to pay fees and/or book rental at the time they are due, the principal may extend the due date to meet the needs of individual cases.
- G. Books or materials are to be provided any student when book rental is paid in full or when a statement from the principal extending the time payment is provided.
- H. Student shall be charged for the replacement or repair cost of damaged or lost textbooks.
- I. Legal action shall be initiated to collect unpaid textbook or materials fees.

#### **5.74 FREE AND REDUCED PRICE MEALS**

The School Board recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide needy children with lunch at a reduced rate or at no charge to the student. It shall also provide breakfast in accordance with provisions in 20-26-9-3,4,6 of the Indiana Code.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Indiana Department of Education Child Nutrition Program.

The Board designates the Director of Food Services to determine the eligibility of students for free and reduced-price meals in accordance with the criteria issued annually by the Federal government through the State Department of Education.

The schools shall annually notify all families of the availability, eligibility requirements, and application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the school.

The Superintendent shall establish whatever administrative guidelines are necessary to ensure the program is conducted in accordance with guidelines established by the Indiana Department of Education.

I.C. 20-26-9-3,4,6

42 U.S.C. 1751 et seq.

42 U.S.C. 1771 et seq.

Revised and Adopted: September 15, 2009

## **5.75 MEAL CHARGE POLICY**

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

1. A student may charge up to three (3) meals maximum (one charge per meal) as long as they establish and maintain a good credit history of making payments on their food service accounts.
2. A staff member may charge the total cost of \$3.00 as long as they establish and maintain a good credit history of making payments on their food service accounts.
3. A student who has charged a meal may not charge or purchase "ala carte" item(s), including extra main entrees.
4. If a student repeatedly comes to school with no lunch and no money, food service employees must report this to the building administrator. It could be a sign of abuse or neglect and the proper authorities should be contacted.
5. The food service manager or other school personnel will coordinate communications with the parent(s)/guardian(s) to resolve the matter of unpaid charges.
6. If food and nutrition services staff suspects that a student may be abusing this policy, written notice will be provided to the parent(s)/guardian(s) that if he/she continues to abuse this policy, the privilege of charging meals will be refused.
7. The food service manager will also send home letters each week to parents of elementary students who carry negative balances \$6.00 and above. Parents of secondary students will receive e-mails once a week with negative balance information.
8. All accounts must be settled by the last student day as designed on the school calendar. Letters will be sent home mid-March to students who have any negative balances. Negative balances of more than \$20.00 not paid in full by the last student day of school will force the District to take action to collect unpaid funds by means of collection agencies, small claims court, or any other legal method deemed necessary by the District. Under the National School Lunch Program, the Food and Nutrition Program is not allowed to write-off debt.
9. Students who graduate or withdraw from the district and have \$15.00 or more left in the food service account will be notified by mail by the district Food and Nutrition Department Office at the end of the school year and given the option to transfer the funds to another student or to receive a refund. If no response is received within thirty (30) days, the student's food service account will closed and the funds will no longer available.

Presented: 07/18/2017

Adopted: 08/01/2017

## **5.8 STUDENT HEALTH POLICIES**

- A. Health Records for each student shall be developed and maintained. Such records, shall include the following:
  - 1. Physical examination records (requested at entrance to Kindergarten). Additional examinations will be requested as deemed necessary due to medical problems.
  - 2. Immunization records.
  - 3. Dental examination records (requested upon entrance to Kindergarten). Additional examinations will be requested as deemed necessary due to dental problems.
  - 4. Records regarding health issues, diseases and surgeries.
  - 5. Screening results (Ex: vision, hearing, height, weight, posture screening and blood pressure).
  - 6. Accident reports.
  - 7. Physician's orders.
  - 8. Medication orders.
  - 9. Pertinent physician notes regarding illness or incapacity.
  - 10. Nurse's notes.
  - 11. All logs pertaining to student (Documentation of visits log, Medication log, Glucose testing log, etc.).
- B. Student health records will be inserted into the cumulative record file at the time of a student's withdrawal from MCSC. Upon graduation the health record shall be retained for the length of time required by the policy for the care of school records.
- C. Health office sign in/out sheets shall be retained for a period of one year in the office of the school nurse.
- D. Appropriate health care manuals and forms may be developed by the health services department for the purpose of providing health care and recording of data. Such manuals will be reviewed by the Board and included in the Board Policy Appendices.
- E. Health Screening Procedures:
  - 1. Height and weight will be recorded in grades K-4. Significant deviations from standards will be discussed with parents.
  - 2. Vision screening will be completed in accordance with state requirements. Vision screening will be completed in kindergarten, 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, and 8<sup>th</sup> grades, on all students new to the corporation, and any student suspected of having vision problems. Parents will be notified of any problem identified during the screening with a vision referral.
  - 3. Modified Clinical Technique Screening will be completed in accordance with state requirements. Modified Clinical Technique vision screening will be completed on all 1<sup>st</sup> grade classes in accordance with state law. Parents will be notified of any problem identified during the screening with an MCT vision referral. If MCT screening cannot be arranged a waiver from the state will be requested.
  - 4. Hearing screening will be completed in accordance with state requirements. Hearing screening will be completed in Kindergarten, 1st, 4th, 7<sup>th</sup>, and 10th grades, on all students

new to the corporation, and any student suspected of having a hearing problem. Parents will be notified of any problem identified during the screening with a referral.

5. Posture Screening will be completed in accordance with state requirements. Screening will be completed on 5<sup>th</sup>, 7<sup>th</sup>, and 9<sup>th</sup> grades. Parents will be notified of any problem identified during the screening with a posture referral.
6. A dental examination shall be requested of all students entering kindergarten.
7. Physical examinations are requested of all students entering kindergarten. Physical examinations, at grade levels other than kindergarten, may be requested on a selective basis of students with pertinent medical problems.
8. Annual physical examinations shall be required of students participating in all interscholastic practice or competition at all grade levels

#### F. Administration of Medication

1. No medication (not limited to prescription medications but including over-the-counter medications such as aspirin) shall be administered to a student without the written and dated consent of the student's parent and physician.
2. The consent of the parent and physician shall be valid only for the period specified on the consent form and in no case longer than the current school or program year.
3. Prescription medication must be in a prescription bottle labeled with the child's name, doctor's name, name of medication, dosage, and the time to be given. Over the counter medication must be in the original bottle, labeled with the child's name, dosage, and the time to be given.
4. If the medication is to be terminated prior to the date on the prescription, the written and dated consent or withdrawal of consent of the parent is required.
5. Principal or his/her designee shall cooperate in giving any medication so prescribed. The school cannot be responsible for the effects of medication administered as directed.
6. If students are receiving medication at home, parents are encouraged to contact the school principal or school nurse with such information.
7. No student shall be allowed to keep medicine at school. Any medicine to be administered to a student shall be brought to either the principal's office or school nurse's office where it will be kept in a secure location. Unused medicine by students in kindergarten thru grade 8 must be sent home only through the student's parents or an individual who is at least 18 years old and is designated in writing by the student's parents to receive the medication. For students in grades 9 through 12, unused medicine may be sent home with the student only with the written permission of the student's parents.
8. Exception to the rule: a student with a chronic disease or medical condition may possess and self-administer prescribed medication for the disease or condition if the student's

parent has filed a written authorization with the building principal. The written authorization must be filed annually and must include the following information:

1. physician's statement that the student has an acute or chronic disease or medical condition for which the medication has been prescribed.
2. The nature of the disease or medical condition requires emergency administration of the prescribed medication.
3. The student has been instructed in how to self-administer the prescribed medication.
4. The student is authorized to possess and self-administer the prescribed medication.

#### G. First Aid Procedures

1. First aid shall be administered by nurses, principals, and the principals' designees.

#### H. Accident Procedures

1. In the event of an accident requiring immediate medical attention, an ambulance will be called and parents/guardians will then be immediately notified.
2. In the event of an accident not requiring immediate medical attention but requiring medical treatment, parents/guardians will be notified.
3. Accident forms shall be completed for all accidents requiring medical or dental treatment. A uniform accident report shall be used in all Merrillville Schools. The principal shall be responsible for sending a copy on the completed form to the Superintendent or his designee.

#### I. Transportation of Sick or Injured Children

In the event parents cannot provide transportation home for a sick or injured child, principals or the principal's designee may transport the child home, provided the parent has consented and two individuals have witnessed this consent.

#### J. Immunization and Tuberculin Testing

1. Indiana Code 20-8.1-7-9.5 states that all students, pre K-12, enrolling in our corporation are required to be immunized against diphtheria, tetanus, pertussis (whooping cough), measles, mumps, rubella, and polio. Kindergarten students and students enrolling in school for the first time at grade one (1) are required to have 3 doses of the hepatitis B vaccine and one dose of the chicken pox vaccine (varicella) or a signed statement from their parent/guardian indicating the date the child had the disease chicken pox. After June 30, 2005, every student who enters grade 9 and grade 12 shall be immunized against hepatitis B.
2. Parents must provide documented evidence of all immunizations no later than the first day of school. No child will be permitted to attend school unless he/she is fully immunized or has begun his/her immunization schedule. The only exceptions to these requirements are children whose parents file each year a medical contraindication to



immunizations or children whose parents file each year a written objection based upon religious beliefs.

3. Kindergarten students will not be allowed to attend school until the required immunization records are submitted to school authorities.
4. Students transferring from another school may be granted a waiver to attend school of no more than twenty (20) days. After that time the student will be excluded and it is the responsibility of the parent to see that a documented record of immunizations is provided to the school.
5. TB skin testing will be requested for any student Pre K – 12 who demonstrates one or more of the reasons for TB testing recommended by the Centers for Disease Control.

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

A physician's release is required to return to school for those marked with an asterisk (\*).

1. Conjunctivitis – bacterial and viral \*
2. Diarrhea (exclude until diarrhea is gone)
3. Fifth Disease (may exclude if fever present)
4. Hand, Foot and Mouth Disease \*
5. Hepatitis A \*
6. Herpes Zoster (Shingles) \*
7. Impetigo \*
8. Infectious Mononucleosis \*
9. Measles (Rubeola) \*
10. Meningitis – bacterial and viral \*
11. Mumps (Infectious Parotitis) \*
12. Pediculosis Capitis (Lice)
13. Pertussis (whooping cough) \*
14. Pinworms (Enterobiasis) (return after 24 hours of treatment)
15. Roseola (Exanthem Subitum) \*
16. Rubella (German Measles) \*
17. Scabies \*
18. Scarlet Fever (return after 24-48 hours of antibiotic treatment and fever free for 24 hours)
19. Staphylococcal infections \*
20. Streptococcal Infections (return after 48 hours of antibiotic treatment and fever free for 24 hours)
21. Temperature of 100° or above (student must be fever free for 24 hours before returning to school)
22. Tinea Capitis (Ringworm of the scalp) \*
23. Undiagnosed skin condition \*
24. Varicella-Zoster Virus (Chicken Pox) (exclude until all vesicles have scabbed)
25. Any other condition in which the school feels a physician's note for readmission is necessary to protect the student population.

Amended and presented: 05/10/05

Board Approved: 05/24/05

## **5.81 ADMINISTRATION OF MEDICATION**

1. Only medication prescribed by a physician will be given at school.
2. Medication must be accompanied by a note from the physician and parent requesting the medication be given at school.
3. Medication must be in a bottle labeled with the child's name, doctor's name, name of medication, dosage, and time to be given.
4. Principal or his designee shall cooperate in giving any medication so prescribed. The school cannot be responsible for the effects of medication administered as directed.
5. If children are receiving medication at home, parents are encouraged to contact the school principal or his designee with such information.
6. No student shall be allowed to personally keep medicine at school. Any medicine to be administered to a student shall be brought to either the principal's or school nurse's office where it will be kept in a secure place. Unused medicine by student in kindergarten through grade 8 must be sent home only through the student's parent or an individual who is at least 18 years old and is designated in writing by the student's parent to receive the medication. For students in grades 9 through 12, unused medicine may be sent home with the student only with the written permission of the student's parent.

Revised and Presented 11/20/01

Adopted 12/4/01

## **5.82 CORPORATION WELLNESS POLICY**

As required by law, the Board of Education establishes the following wellness policy for the Merrillville Community School Corporation.

The Board recognizes that good nutrition and regular physical activity affect the health and well being of the corporation's students. Furthermore, research suggests that there is a positive correlation between a student's health and well being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks, supporting the development of good eating habits, and promoting increased physical activity both in and out of school.

The Board, however, believes this effort to support the students' development of healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board establishes that the School Corporation Advisory Committee will fulfill the role as the School District Health Advisory Council.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

### **A. With regard to nutrition education, the Corporation shall: *(also see Appendix A)***

Provide nutrition education and engage in nutrition promotion that:

- is offered at grades K-10 as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects in grades K-12.
- Promote fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods and health-enhancing nutrition practices;
- Emphasize caloric balance between food intake and energy expenditure (physical activity/exercise); and
- Link with school meal programs, other school foods, and nutrition-related community services.

### **B. With regard to physical activity, the Corporation shall ensure: *(also see Appendix B)***

- A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the standard and benchmarks established by the State.
- All students in grades K - 9, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education on an annual basis according to State guidelines.

- The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.
- For Elementary Schools there will be daily physical activity.

**C. With regard to other school-based activities the Corporation shall:** *(also see Appendix C)*

- Provide at least 25 minutes daily for students to eat.
- Provide attractive, clean environments in which the students eat.
- Provide food allergy safety.
- Snacks served during the school day, including room parties, should make a positive contribution to the children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The corporation will disseminate a list of healthful snack items to teachers, after school program personnel, and parents.
- Vending machines will not sell high calorie soft drinks during the school day but will offer water, low-fat and fat-free milk, diet soft drinks, low-calorie sports drinks, light juices and diet and unsweetened teas.

**D. Nutrition Guidelines for All Foods Available on Campus During the School Day**

As set for in USDA Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals meet or exceed the regulations issued by the U.S. Department of Agriculture (USDA). To this end the following will be implemented:

1. The food service program will strive to be financially self-supporting; and is committed to providing a school environment that enhances learning and development of lifelong wellness practices.
2. The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well.
3. All foods available to students in the dining area during school food service hours shall comply with the current Local, State, and USDA Dietary Guidelines for Americans, including competitive foods available to student a la carte or from vending machines.
4. The school food service program may involve students, parents, staff and school officials.
5. The school shall prepare and distribute to staff, parents, and after-school program personnel a list of snack items that comply with the current USDA Dietary Guidelines for Americans.
6. A director who is properly qualified, certified, licensed, or credentialed, according to current professional standards shall administer the food service program.
7. All food service personnel shall receive pre-service training in food service operations.
8. Continuing professional development shall be provided for all staff of the food service program. Staff development programs should include appropriate certification and/or

training programs for school nutrition managers, and cafeteria workers, according to level of responsibility.

### **School Meals**

Meals served through the National School Lunch and Breakfast Programs will:

- a) Be appealing and attractive to children
- b) Be served in clean and pleasant settings
- c) Offer a variety of fruits and vegetables
- d) Serve only reduced fat (2%), low-fat (1%) and fat free milk and a non-dairy product for students with doctors note for allergies

### **Breakfast**

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- a) Schools will operate the School Breakfast Program.
- b) Schools that serve breakfast to students will notify parents and students of the availability of the School Breakfast Program.
- c) Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials or other means.

### **Free and Reduced-Priced Meals**

Schools will make every effort to eliminate any social stigma attached to, and prevent overt identification of, students who are eligible for free and reduced-priced school meals.

### **Sharing of Foods and Beverages**

Given concerns about allergies and other restrictions on some children's diets, schools should discourage students from sharing their foods or beverages with one another during meal or snack times.

### **Elementary Schools**

A vending machine at an elementary school that dispenses food or beverage may not be accessible to students.

### **Middle and High Schools**

In the secondary schools, at least fifty percent (50%) of the food and beverage items available for sale at a school offered outside the reimbursable school meal programs and sold individually during the school day must meet the following standards:

- a) Beverages: Water or seltzer water without added caloric sweeteners; fruit and vegetable juices and fruit based drinks that contain at least 50% real fruit or vegetable juice and do not contain additional caloric sweeteners.
- b) Foods: Food with no more than 30% of its calories from fat (excluding nuts, seed, peanut butter and other butters) and 10% of its calories from saturated and trans fat combined: food with no more than 35% of its weight from added sugars that do not occur naturally in fruits, vegetables or dairy products.

### **Portion Sizes**

Limit portion sizes of foods and beverages sold individually to those listed below:

- 1) One and seventy-five hundredths (1.75) ounces for chips, crackers, popcorn, cereal, trail mixes, nuts, seeds, dried fruits, or jerky. There is no portions limit if the food item contains not more than two hundred and ten (210) calories.
- 2) Two (2) ounces for cookies and cereal bars.
- 3) Three (3) ounces for pastries, muffins, and doughnuts, and other bakery items.
- 4) Three (3) fluid ounces for frozen desserts, including ice cream.
- 5) Eight (8) ounces for non-frozen yogurt.
- 6) Twenty (20) fluid ounces for beverages.
- 7) The portion size of a la carte entrees and side dishes, including potatoes should not exceed the portion of the same entrée item or side dish item that is served as part of the school lunch or school breakfast program.

### **Snacks**

Snacks served during the school day should make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. They should meet the USDA smart snack guidelines.

The Board designates the Superintendent or his designee and the building principals as the individual(s) charged with operational responsibility for measuring and evaluating the Corporation's implementation and progress under this policy.

The superintendent or designee shall report annually on the Corporation's compliance with this policy and the progress toward achieving the goals set forth herein when requested to do so by the Board.

Review of this policy shall occur every three years, by a committee appointed by the Board, consisting of a representative(s) of the Board, the administration, the food service provider, the parents, the students, and the public. The committee shall provide the Board with any recommended changes to this policy.

42 U.S.C. 1751, Sec. 204

42 U.S.C. 1771

Presented: 6/6/06

Adopted: 6/20/06

Revised and Presented: 6/02/2015

Adopted: 6/17/2015

## **APPENDIX A**

- Include nutrition education in the Health and Physical Education curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
- Integrate nutrition education into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.
- Ensure nutrition education standards and benchmarks are age-appropriate and culturally relevant.
- Ensure nutrition education includes enjoyable, developmentally appropriate and culturally relevant participatory activities, such as contests, promotions, taste testing, and others (classrooms and cafeteria).
- Include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.
- Extend beyond the classroom by engaging and involving the school's food services staff twice per year.
- Display nutrition education posters, such as the Food Pyramid Guide, in the cafeteria.
- Ensure the school cafeteria serves as a learning lab by allowing students to apply the knowledge, attitudes and skills taught in the classroom when making choices at mealtime.
- Reinforce, through nutrition education, a lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.
- Ensure nutrition education benchmarks and standards include a focus on media literacy as it relates to food marketing strategies (emphasis on middle school and up).
- Ensure nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.
- Provide staff (coaches, physical education, health) responsible for providing instruction in nutrition education professional development activities designed to better enable them to teach the benchmarks and standards.
- Provide information to parents that is designated to encourage them to reinforce at home the standards and benchmarks being taught in the classroom.

## **APPENDIX B**

- The sequential, comprehensive physical education curriculum shall stress the importance of remaining physically active for life.
- The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.
- Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.
- Planned instruction in physical education shall meet the needs of all students.
- Planned instruction in physical education shall be presented in a way that is conducive to the expectations of the school corporation.
- Planned instruction in physical education shall take into account gender and cultural differences.
- Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day (e.g. "brain gym").

- All students in grades 1-4 shall be provided with a daily recess period at least 15 minutes per day.
- The school shall provide information to families to encourage and assist them in their efforts to incorporate physical activity into their children's daily lives.
- The school shall encourage families and community organizations to institute programs that support physical activity of all sorts.
- All students in grades 4 – 12 shall have the opportunity to participate in extracurricular activities and intramural programs that emphasize activity.
- All students in grades 6 – 12 shall have the opportunity to participate in interscholastic sports programs.
- All after-school programs that include physical activity shall provide developmentally physical activity for the students who participate.
- For physical activity beyond physical education class, the schools will provide:
  - Classroom health education that will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television
  - Opportunities for physical activity incorporated into other subject lessons; and short physical activity breaks between lessons or classes, as appropriate.

## **APPENDIX C**

- Provide students, parents, and other community members access to, and be encouraged to use, the school's outdoor physical activity facilities outside the normal school day and as allowed by building access and policy.
- Provide an organized wellness program to all staff.
- May provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas. However, no restaurant food is allowed to be brought in by visitors (e.g. fast food, soft drinks, etc.).
- Demonstrate support for the health of all students by hosting health clinics and screenings.
- Utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.
- Discourage students from sharing their foods or beverages with one another during mealtime, given concern about allergies and other restrictions on some students' diets.
- The corporation will support parents' efforts to provide a healthy diet and daily physical activity for their children. The school will send home nutrition information and post nutrition tips on school websites. Schools should encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the nutrition standards for individual foods and beverages. The district/school will provide parents a list of foods that meet the district's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities.
- A vending machine at an elementary school that dispenses food or beverage may not be accessible to students.



## **5.9 PUPIL PARTICIPATION IN PUBLIC PERFORMANCES, CONTESTS**

The Board of School Trustees recognizes that participation of students in public performances and contests can be of educational value but such participation should not substantially interfere with the academic program of the school.

## **5.91 FACULTY INITIATED AND SPONSORED STUDENT EDUCATIONAL TOURS**

Faculty members shall be permitted to announce and sponsor student tours subject to the following conditions:

- A. Such tours shall take place within the official school vacation time unless special Board approval is acquired.
- B. The faculty sponsor shall place high priority on the students attendance in school the first day after the vacation period.
- C. Interested students and parents of such students shall be informed of the benefits received from tour agents by tour sponsors.
- D. Tour organizations shall provide insurance coverage for student, staff and chaperones for injury and liability as outlined by the school corporation insurance carrier.
- E. When applicable, parents will acknowledge (by signature) that decisions regarding the postponement or cancellation, with or without refund of fees, will be determined by the tour agency and not the school corporation.
- F. All regular school discipline rules apply to students and school employees participating in the tour/trip unless special exceptions are formally approved by the School Board.

Revised and Presented 1/6/04

Adopted 1/20/04

## **5.92 CHILD ABUSE**

Appropriate procedures shall be developed by the administrative staff to report suspected child abuse to appropriate authorities. Such procedures shall be included in the appendices of these Board policies.

**SECTION 6**  
**TRANSPORTATION**

## **6.0 TRANSPORTATION**

It is the intent of the Board of School Trustees to provide safe and dependable transportation for all children who attend the Merrillville Community Schools. To this end appropriate transportation personnel work rules and student bus behavior regulations shall be developed, disseminated to students and parents, and included in the appendices of these Board policies.

## **6.1 TRANSPORTATION FOR STUDENT ACTIVITIES**

The School Corporation will provide transportation free of charge for student participants in approved instructionally related field trips and approved school sponsored extra-curricular activities.

Presented 8/15/89

Adopted - 9/5/89

**SECTION 7**  
**INSTRUCTIONAL MATERIALS**

## **7.0 INSTRUCTIONAL MATERIALS**

Through the following policies it is the intent of the Board of School Trustees to provide a wide range of instructional materials which reflect staff and community involvement, which appeal to the diversity of intellectual abilities in the school system, and which provide fair procedures for the review of objectionable materials.



## **7.1 INSTRUCTIONAL MATERIALS SELECTION AND REVIEW PROCEDURES**

The Merrillville Community School Corporation, shall establish annually, a textbook evaluation committee according to statutory requirements. It shall be the responsibility of this committee to review the textbooks recommended by the State Textbook Commission. The Committee shall be appointed by the Superintendent or his designee.

Forty percent (40%) of the membership of the Textbook evaluation committee shall be parents of the school corporation. A majority of the committee shall be classroom teachers in the subject areas for which textbooks are being considered.

The purpose of the committee is to study the textbook and curriculum material recommended by the State Textbook Commission for use in the schools, and to make recommendations to the Superintendent and School Board relating to the Textbooks and curriculum material to assure that there shall be in use in the school district the highest quality textbooks and curriculum materials available. Following are types of textbooks and instructional materials to be recommended for use the school district:

- A. Textbooks and curriculum materials that in the opinion of the Local Selecting Committee present the subject matter in the most effective manner consistent with our philosophy of education.
- B. Textbooks and curriculum material that, whenever possible, promote pride, confidence and trust in the democratic principals upon which our country is founded.
- C. Textbooks and curriculum material that refrain from partisan presentation of controversial issues.
- D. Textbook and curriculum materials that are neither racist or sexist in nature.
- E. Textbooks, that whenever possible, are interesting, well-illustrated, current, and appropriate.

The committee shall present its findings and recommendations to the Superintendent of Schools for presentation to the Board of School Trustees for appropriate action.

The Board of School Trustees recognizes the responsibility:

1. To provide texts and auxiliary materials that will provide a curriculum in keeping with the aims and objectives of the school corporation.
2. To provide texts and auxiliary materials which take into consideration the varied interest, abilities, and maturity levels of the pupils.
3. To provide texts and auxiliary materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethnic standards.
4. To provide texts and auxiliary materials which will provide background information which will enable pupils to make intelligent judgments in their daily lives.
5. To provide texts and auxiliary materials which will provide opposing sides of controversial issues so that young citizens may develop under guidance, the practice of critical reading and thinking.
6. To provide texts and auxiliary materials which fairly represent the many religious, ethnic and cultural groups and their contributions to our American heritage.
7. To place principle above personal opinion and reason above prejudice in the adoption of texts and auxiliary materials of the highest quality in order to offer our pupils the most responsible curriculum.

8. To recognize the right of the school corporation to challenge the censorship of texts and auxiliary materials adopted by the corporation in order to maintain its responsibility to provide important viewpoints in a variety of issues and subjects.

In accordance with No. 8, the Board of School of Trustees recognizes:

1. That the final decision for controversial reading matter shall rest with the Board after careful examination and discussion of the book or reading matter with school officials or anyone else the Board may wish to involve.
2. That no parent or group of parents has the right to censor the reading matter for students other than their own children.
3. The Board does, however, recognize the right of an individual parent to request that his child does not have to read a given book, provided a written request is made to the appropriate building principal.
4. Any parent who wishes to request reconsideration of use of any textbook or auxiliary materials in a school must make a request in writing. The statement must be signed and identified so that a reply may be given. A prescribed form may be obtained either from the building principal or the office of the assistant Superintendent for Instruction.
5. Upon receipt of the written complaint, a meeting with the classroom teacher, the building principal and the objecting party will be schedule to try and resolve the complaint.
6. If the meeting does not result in an agreement, the Assistant Superintendent for Instruction shall review the material and judge whether it conforms to the above stated principles, meet with the objecting parents, and submit a report in writing to the Superintendent of Schools.
7. Upon notification of the disposition by the Superintendent, the complainant may appeal the decision to the School Board. After the review of the complaint, the School Board will issue, in writing, their final disposition.

## **7.2 BOOKS AND MATERIALS SELECTION FOR THE INSTRUCTIONAL MATERIALS CENTERS OF THE MERRILLVILLE COMMUNITY SCHOOL CORPORATION**

The Merrillville Community School Corporation is committed to the philosophy of quality school media programs and to the selection of media collections which ensure that "learners will have the opportunity to grow in their ability to find, generate, evaluate and apply information that helps them to function effectively as individuals and to participate fully in society".\*

It is the policy of the Board to provide a wide range of instructional materials on all levels of difficulty, with diversity of appeal and the presentation of different points of view and to allow the review of challenged materials through established procedures.

In order to assure that the school media program is an integral part of the total educational program of the school, the following selection objectives have been adopted:\*

- To provide materials that will enrich and support the curriculum and personal needs of the users, taking into consideration their varied interests, abilities, and learning styles:

- to provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;

- to provide a background of information which will enable pupils to make intelligent judgments in their daily lives;

- to provide materials which realistically represent our pluralistic society and reflect the contributions made by these groups and individuals to our American heritage;

- to place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users.

The responsibility for the selection of materials for the instructional material centers shall be delegated to the certificated library media specialist. Recognizing that selection involves consultations with many people, including students faculty, administrators and community persons, the responsibility for coordinating and recommending the selection and purchase of instructional materials rests with the certificated library media specialist. Final decision on purchase shall rest with the library media specialist subject to approval by the school principal and the Director of Media Services.

The educational goals of the Merrillville School Corporation, individual student learning styles, teaching styles, curricula needs, faculty and student needs, existing material and cooperative networking arrangements should be considered in developing the media collection. The following are guidelines for evaluation and selection of resources:\*

- be relevant to today's world;

- represent artistic, historic and literary qualities;

- reflect problems, aspirations, attitudes and ideals of society;

- contribute to the instructional program;

- be appropriate to the level of the user;

- represent differing viewpoints on controversial subjects;

- provide a stimulus to creativity.

\*Material taken from *Policies and Procedures for Selection of Instructional Materials* by the American Association of School Librarians and American Library Association, August, 1976.

Gift materials will be judged by the above criteria and will be accepted or rejected based on those criteria.

It is understood that materials selection and evaluation is an ongoing process which includes the removal of materials no longer appropriate.

## **7.21 REQUESTS FOR RECONSIDERATION OF RESOURCE MATERIALS**

The School Board supports the principles of intellectual freedom inherent in the First Amendment of the Constitution of the United States and expressed in the "Library Bill of Rights" of the American Library Association and the Students' Right to Read of the National Council of Teachers of English.

If a complaint is made the following procedures will be followed:

1. The Principal will inform the complainant of the Board approved selection procedures and make no commitments.
2. The Principal shall request the complainant fill out and sign the form "Request for Reconsideration of Instructional materials" (located in the appendix).
3. The Principal shall inform the Director of Media Services of the written complaint.
4. The challenged materials shall remain in the library collection during the reconsideration process.
5. Upon receipt of the written complaint, a meeting with the objecting party, the Building Principal and the Director of Media Services will be held to try and resolve the complaint.
6. If the meeting does not result in an agreement, then an ad hoc materials review committee will be formed to review the challenged materials. A review committee will be appointed by the Building Principal. Members should include the Director of Media Services, a media professional, a representative from the classroom teachers, one or more parents and if appropriate, one or more students.
7. After review the committee must submit a written recommendation to the Assistant Superintendent for Instruction.
8. Upon review of the committee recommendations, the Assistant Superintendent for Instruction will issue a written recommendation.
9. Upon receipt of the recommendation, the complainant may request an additional review by the Superintendent. After a review of the complaint, the Superintendent will issue a written decision.
10. After the decision of the Superintendent has been received, the complainant may appeal to the Board of School Trustees. They will issue a final written decision.

Revised 3/15/88

Adopted 4/5/88

## **7.22 RIGHT TO INSPECT INSTRUCTIONAL MATERIAL AND STUDENT SUBMISSION OF CERTAIN INFORMATION DIRECTLY PART OF ACADEMIC INSTRUCTION**

### ***Right To Inspect Certain Instructional Materials***

In addition to any other rights with respect to the inspection of instructional materials, the parent or guardian of a child enrolled in a school within the Merrillville Community School Corporation which receives funds from the United States Department of Education either directly or indirectly, shall be entitled to inspect those instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any school program or curriculum.

Any complaints arising under this policy may be submitted in accordance with the policy for parental [public] complaints.

### ***Student Submission to Required Surveys, Analysis, or Evaluations of School Programs***

No student shall be required without prior written consent of the student's parent or guardian, as part of any school program or curriculum which receives funds from the United States Department of Education, to submit to a survey, analysis, or evaluation which reveals information concerning:

- (1) political affiliations or beliefs of the student or the student's parent;
- (2) mental or psychological problems of the student or the student's family;
- (3) sex behavior or attitudes;
- (4) illegal, anti-social, self-incriminating or demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) religious practices, affiliations or beliefs of the student or the student's parent; or
- (8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

*LEGAL REFERENCE: 20 U.S.C. 1232h(a); 20 U.S.C. 1232h(b)*

Presented 9/6/94

Adopted 9/20/94

Revised and Presented 11/20/01

Adopted 12/4/01

Revised and Presented 2/4/03

Adopted 2/18/03

## **7.221 RIGHT TO INSPECT INSTRUCTIONAL MATERIAL AND STUDENT SUBMISSION OF CERTAIN INFORMATION NOT A DIRECT PART OF ACADEMIC INSTRUCTION**

### ***Right to Inspect Instructional Material and Student Submission of Certain Information***

The parent or guardian of a child enrolled in a school within the Merrillville Community School Corporation shall be entitled to inspect any instructional materials which will be used in connection with a survey, a personal analysis, or an evaluation which is not a direct part of the academic instruction. Instructional materials include teachers' manuals, student texts, films, other video materials, or tapes.

Any complaints arising under this policy may be submitted in accordance with the policy for parental [public] complaints.

### ***Student Submission to Surveys, Personal Analysis, or Evaluations of School Curriculum to Academic Instruction***

No student shall be required without the prior written consent of the student's parent or guardian, or prior consent of a student if the student is an adult or is emancipated, to submit to a survey, a personal analysis, or an evaluation not directly related to the academic instruction which reveals information concerning:

- (1) political affiliations or beliefs of the student or the student's parent;
- (2) religious practices, affiliations or beliefs of the student or the student's parent;
- (3) Mental or psychological conditions of the student or the student's family;
- (4) sexual behavior or attitudes;
- (5) illegal, anti-social, self-incriminating or demeaning behavior;
- (6) critical appraisals of other individuals with whom the student has a close family relationship;
- (7) legally recognized privileged or analogous relationships, including a relationship with a lawyer, physician, or minister; or
- (8) income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program).

Any consent form used in compliance with this policy must state the contents and nature of the personal analysis, survey, or evaluation.

*LEGAL REFERENCE: I.C. 20-10.1-4-15; I.C. 20-10.1-4-15; 20U.S.C.1232h(a); 20U.S.C.123h(b)*

Presented 8/1/95

Adopted 8/15/95

Revised and Presented 11/20/01

Adopted 12/4/01

Revised and Presented 2/4/03

Adopted 2/18/03

## WRITTEN CONSENT OF STUDENT SUBMISSION TO SURVEYS, PERSONAL ANALYSIS, OR EVALUATIONS

(This form is to be used to provide, as required by law, written consent of a student's parent or guardian to the student's participation in a survey, a personal analysis, or an evaluation which is not directly related to academic instruction.)

NAME OF STUDENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

GRADE/SCHOOL YEAR: \_\_\_\_\_

BIRTHDAY OF STUDENT: \_\_\_\_\_

NAME OF STUDENT'S PARENT OR GUARDIAN: \_\_\_\_\_

ADDRESS OF PARENT OR GUARDIAN: \_\_\_\_\_

The survey, personal analysis, or evaluation not directly related to the academic instruction reveals the following information: (check all those applicable)

- \_\_\_\_\_ political affiliations.
- \_\_\_\_\_ religious beliefs or practices.
- \_\_\_\_\_ mental or psychological conditions that may embarrass the student or his/her family.
- \_\_\_\_\_ sexual behavior and attitudes.
- \_\_\_\_\_ illegal, anti-social, self-incriminating or demeaning behavior.
- \_\_\_\_\_ critical appraisals of other individuals with whom the student has a close family relationship.
- \_\_\_\_\_ legally recognized privileged or confidential relationships, including a relationship with a lawyer, physician, or minister.
- \_\_\_\_\_ income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program).

A copy of the personal analysis, survey, or evaluation is attached for your review.

I, (name of parent or guardian of student), consent to the participation of (name of student) in the attached survey, personal analysis, or evaluation.

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

\_\_\_\_\_  
(Signature of Parent/Guardian)



**SECTION 8**  
**MISCELLANEOUS POLICIES**

## **8.0 MISCELLANEOUS POLICIES**

The following policies encompass a broad range of administrative areas which do not logically fall within any of the seven previous divisions of Board policies.

## **8.1 FUEL AND ENERGY CONSERVATION**

Due to the limitations of State funding and due to the significant impact of energy costs on the General Fund budget, it shall be the policy of the Board of School Trustees to direct the Superintendent and/or his designees to develop short and long range strategies in the areas of facilities management and curriculum development dealing with energy awareness and conservation.

Energy conservation and management is of such importance that the following Board Policy is to conserve energy usage in the areas of heating, cooling, lighting, the use of hot water and other material resources, and operations of all equipment.

The Superintendent and staff are charged to insure that every reasonable effort is made to conserve energy and national resources while exercising sound financial management.

All administrators, teachers, and support personnel are expected to implement the Energy Conservation and Building Management guidelines when appropriate and as directed.

The building principal shall be responsible for the judicious use of systems which utilize energy to insure the efficient and effective utilization of energy.

The school system may utilize an Energy Manager to facilitate energy conservation and management throughout the system.

The school system will develop goals and monitor progress towards achieving them in the areas of facilities management and preventive maintenance.

Specific information on responsibilities and conservation strategies will be developed as "guidelines", which may be amended from time to time by the Board of School Trustees and/or Administrative staff.

Revised/Presented: 10/19/10

Adopted 11/2/10

## **8.2 PURCHASES FROM SCHOOL FUNDS**

All Merrillville Community School Employees must comply with the regulations of the State Board of Accounts which requires that all purchases of materials or services constituting claim against budget funds, must be requisitioned on a purchase order, indicating cost of materials or services, approved in advance by the Superintendent of Schools.

Claims for purchases of material or services which have not been authorized on a properly prepared purchase order becomes the personal obligation and liability of the individual ordering the materials or services.

A budget appropriation must be requested and approved prior to the calendar year in which the requisition for purchase of materials or services is submitted.

Any supplies and/or materials under \$50,000.00 may be purchased on the open market for the best price. The quote process (obtaining quotes from three suppliers) will be applied to purchases from \$50,000.00 to \$150,000.00. Purchases which are expected to exceed \$150,000.00 shall be solicited by bid by the superintendent's office who shall place a ten (10) day notice in the local press stating the specifications, date, and place bids will be received. Purchases over \$10,000.00 and less than \$50,000.00 will be presented to the Board for approval.

Requests for supplies, maintenance and capital outlay items must be made on prescribed requisition forms and expenditures approved by the department chairman and principal. The source of funds in the budget, from which the expenditures are to be made, should be indicated on the requisition. Supply expenditures are for instructional items that are expended through use. Maintenance expenditures consist of the replacement or repair of equipment. Capital outlay expenditures are for original purchase of equipment which adds to the quantity of equipment already owned.

A purchase order will be prepared by the superintendent's office and forwarded to the company furnishing the material requested.

### **APPROVAL OF CLAIMS BY BOARD OF EDUCATION**

- A. Place on agenda.
- B. A list of claims will be made available to each member of the Board of Education at each regular meeting.
- C. After action has been taken by the Board approving payment of claims, the claims list must be signed by each Board member present. If any claim is not approved for payment, such action should be noted on the claim list.

Revised and Presented December 5, 2017

Adopted December 19, 2017

## **8.21 CONTRACTUAL AGREEMENTS**

The Superintendent or, in his absence, the School Board President, shall approve all contracts or purchase of goods or services in excess of \$5,000 and all agreements or contracts for photography, class jewelry, or employee personal services beyond routine and continuous officiating and supervisory responsibilities for student activities.

Adopted 10/20/81

## **8.22 NOTICE OF PROCUREMENT OF PROFESSIONAL SERVICES**

The Board of Trustees of the Merrillville Community School Corporation pursuant to Indiana law hereby determines to neither provide nor publish a notice for the requirement of professional services for a project under consideration by the Board involving the construction, remodeling, rehabilitation, or repair of any building or facility owned or leased by the school corporation. However, the Board by a majority vote may determine to provide or to publish a notice for professional services required for a project. If the Board determines to provide or to publish a notice, the notice shall comply with the requirements of Indiana law. For purposes of this policy, professional services means those services performed by a licensed architect, a professional engineer, or a land surveyor.

*LEGAL REFERENCE: I.C. 5-16-11.1-2; I.C. 5-16-11.1-4*

Presented 10/18/94

Adopted 11/1/94

Revised and Presented 11/20/01

Adopted 12/4/01

## **8.23 FIXED ASSET MANAGEMENT POLICY**

The Board of Trustees of the Merrillville Community School Corporation shall maintain a fixed-asset management policy. The fixed asset management system shall maintain sufficient information to permit the preparation of year-end financial statements in accordance with the generally accepted accounting principles and adequate insurance coverage.

Fixed assets are defined as those tangible assets of the Merrillville Community School Corporation with a useful life in excess of one (1) year and an initial cost equal to or exceeding Five Thousand Dollars (\$5,000).

The fixed assets to be monitored shall be classified as follows:

- A. Land
- B. Buildings
- C. Improvements other than buildings (i.e., parking lots)
- D. Machinery and equipment (to include vehicles)
- E. Construction in progress

Fixed assets that are leased/purchased and assets which are jointly owned shall be identified and recorded in the fixed asset system.

The Superintendent of Schools or his designee, shall develop administrative guidelines to ensure proper purchase, transfer, and disposal of fixed assets as defined in this policy.

- A. Asset number
- B. Description
- C. Asset clarification (i.e., land, building, equipment, etc.)
- D. Location (site, building, and room)
- E. Date of Purchase
- F. Purchase price
- G. Serial number and model number
- H. Estimated life of asset
- I. Fund number
- J. Disposal or trade-in of asset

Presented	11/14/96
Adopted	12/03/96

## **8.231 - DISPOSITION OF REAL PROPERTY/SURPLUS PROPERTY**

### **DISPOSITION OF REAL PROPERTY**

The School Board of Trustees believes that the efficient administration of the Corporation requires the disposition of property and goods no longer necessary for the maintenance of the educational program or the operation of the School Corporation.

The Board shall direct the periodic review of all Corporation property and authorize the disposition by sale, donation, trade, or discard of any property not required for school purposes.

### **DISPOSITION OF SURPLUS PROPERTY**

The Board of School of Trustees requires the Superintendent, or his/her designee, to review the property of the School Corporation periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy.

#### **A. Instructional Material**

The Corporation shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and/or possible disposal:

1. concepts or content does not support the current goals of the curriculum
2. information that may not be current
3. worn beyond salvage

#### **B. Equipment**

The Corporation shall inspect the equipment used in the instructional program periodically to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available
2. repair records indicate equipment has no useful life remaining
3. obsolete and no longer contributing to the educational program
4. some potential for sale at school auction
5. creates a safety or environmental hazard

If surplus property to be disposed of is one item with an estimated value of \$1,000, or more than one item with an estimated total value of \$5,000 or more, the board may engage an auctioneer licensed under IC 25-6.1 to advertise the sale and conduct a public auction. The advertising by an auctioneer must include a detailed description of the property to be sold.

If an auctioneer is not engaged, the board shall sell the property at a public sale or by sealed bids delivered to the office of the school corporation before the date of sale.



Advertisement of the sale shall be made in accordance with state law. All sales shall be made to the highest responsible bidder.

If the personal property to be sold is one item with an estimated value of less than \$1,000, or more than one item with an estimated total value less than \$5,000, the board may sell the property at public or private sale or transfer the property, without advertising.

If the personal property to be sold is material that may be recycled and has been collected in conjunction with a recycling program, the board may, without advertising, sell the property at public or private sale or transfer the property.

If the property is worthless, it may be demolished or junked. Property may be considered worthless if the value of the property is less than the estimated costs of the sale and transportation of the property.

Disposal of surplus personal property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

LEGAL REFERENCE: I.C. 5-22-22

#### **C. Textbooks**

The Corporation shall dispose of textbooks in accordance with the procedures described by statute.

Before the Corporation mutilates or otherwise destroys a textbook, it shall provide at no cost and subject to availability one (1) copy of each textbook that is no longer scheduled for use in the School Corporation to:

1. the parent of each child who is enrolled in a corporation school and who wishes to receive a copy of the textbook; and
2. if any textbooks remain after such distribution to parents, to any resident who wishes to receive a copy.

If any textbooks remain after such distribution, each school shall store the remainder for at least three (3) months, before disposing of them. A school may sell any of the undistributed texts to another school corporation at any time during the period of storage.

#### **D. Disposition**

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste disposal. Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

Presented: January 20, 2009

Adopted: February 3, 2009

## **8.24 EXTRACURRICULAR ACCOUNTING**

The building principal shall be responsible for establishing procedures and keeping an accurate record of all financial transactions pertaining to the receipt of money, fees, or expenditures for all extracurricular funds. A treasurer shall be appointed in each school, shall be bonded, and shall maintain an accurate record in the manner prescribed by the State Board of Accounts.

No student, teacher, or other employee shall be permitted to purchase or order any item to be paid from the extracurricular accounts without first having the approval of the building principal.

Claims for extracurricular purchases which have not been authorized on properly prepared purchase orders may become the personal obligation and liability of the individual ordering the materials or services.

Presented 3/19/02

Adopted 4/2/02

## **8.25 EXTRACURRICULAR INTEREST INCOME USE**

The establishment of a school extracurricular interest account is permitted in each school building where extracurricular fund accounts are used. This account shall be the responsibility of and administered by the school building principal as all other extracurricular funds.

This established account may be used for: (1) any school purpose approved by the principal; (2) an extracurricular purpose approved by the principal. These expenditures may include, but are not limited to, the purchase of instructional or audio-visual supplies or equipment, office supplies or equipment, school building repairs, and those expenditures classified as promotion of the school corporation such as appropriate meals and/or awards for students, staff, and visitors, as well as costs for the transportation of students. Equipment and materials and supplies purchased with interest income become the property of the school corporation.

In accordance with IC 20-5-7-5, these expenditures should be in accordance with the general administration policies of the school corporation.

In no case shall total expenditures during a fiscal period for school promotion from this account exceed \$3,000.00.

Presented 3/19/02

Adopted 4/2/02

## 8.26 INVESTMENT INCOME

The School Board authorizes the Superintendent or Treasurer to make investments of available monies from the several funds of the Corporation in:

- A. bonds, bills or notes of the United States; obligations, the principal and interest of which are fully guaranteed by the United States; or obligations of the State;
- B. certificates of deposit issued by financial institutions organized and authorized to operate in this State.

The purpose of the investments is to maximize the returns on the Corporation's excess cash balances consistent with safety of those monies and with the desired liquidity of the investments.

Investments in U.S. Treasury securities and those other securities completely guaranteed by the Treasury as to payment of principal and interest may be purchased in any dollar amount up to 100% of the available reserves.

All investments must mature or be redeemable within one (1) year of the date of purchase.

The Superintendent is authorized to contract with a depository for the operation of a cash management system under the following conditions:

- A. the contract is in writing
- B. the depository keeps all records concerning investment cash management
- C. the investments are made in accordance with State law with maturities not to exceed two (2) years
- D. the contract, which cannot exceed two (2) years, is awarded using the Corporation's bidding procedure

Money in the several funds of the School Corporation may be commingled for the purpose of making an investment.

Legal Reference: I.C. 5-13-9, 20-5-2-2

Presented: 1/10/06

Adopted: 1/24/06

## **8.27 INTERNAL CONTROLS**

All employees, Board members, consultants, vendors, contractors and other parties maintaining a business relationship with the school corporation shall act with due diligence in duties involving the school corporation's fiscal resources.

Per state law, the Board adopts the *Uniform Internal Control Standards for Indiana Political Subdivisions* in order to aid in the prevention and detection of fraud, financial impropriety, or irregularity.

Management (defined as a combination of the superintendent and the financial officers, i.e. business manager, treasurer, chief financial officer) shall be responsible to implement the internal control standards designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the school corporation and to recommend to the Board any policies or procedures required to carry out the standards.

Training shall be provided on the internal control standards and procedures to all school employees and newly hired employees whose duties include receiving, processing, depositing, disbursing, or having access to school and extracurricular funds. Such training should be given periodically to these employees whenever the standards have been changed or updated, including new school corporation policies and procedures relating to the internal control standards and training to refresh the employees on the standards requirements.

LEGAL REFERENCE: IC 5-11-1-27

Presented: June 7, 2016

Adopted: June 21, 2016

## **8.28 THRESHOLD FOR MATERIAL LOSS, SHORTAGE, OR THEFT OF SCHOOL FUNDS OR PROPERTY**

The Board of School Trustees of the Merrillville Community School Corporation recognizes that losses, shortages, and theft of school corporation funds and other assets may occur from time to time. State law requires the school corporation to report to the Indiana State Board of Accounts all erroneous or irregular material losses, shortages or theft of school corporation funds or property. The Indiana State Board of Accounts requires school corporations to determine their own material threshold for the purposes of reporting the loss, shortage, or theft to the Indiana State Board of Accounts as required by state law.

The threshold for material losses, shortages, or theft for the Merrillville Community School Corporation which must be reported to the Indiana State Board of Accounts by the superintendent or the superintendent's designee, is as follows:

### Cash Losses, Shortage, or Theft:

A loss, shortage, or theft of cash from any school corporation fund is an amount over \$5,000.00.

### Other Assets Loss, Shortage or Theft:

A loss, shortage, or theft of a school corporation asset other than cash exceeding a value of \$5,000.00.

Whenever a loss, shortage or theft of school funds or property occurs, no matter the amount or value, or the requirement to report such to the Indiana State Board of Accounts, the administration should investigate any and all losses, shortages, or thefts of school corporation funds or assets. The investigation and the resolution of the investigation must be documented by the administrator who conducts the investigation. Such documentation should be maintained in the school corporation central office. State law requires public employees who have actual knowledge of, or reasonable cause to believe, a misappropriation of school funds has occurred to report such misappropriation to the Indiana State Board of Accounts and the county prosecuting attorney.

LEGAL REFERENCE:      IC 5-11-1-27(j)  
                                     IC 5-11-1-27(l)

Presented: June 7, 2016

Adopted: June 21, 2016

## **8.29 COLLECTION AND FORGIVENESS OF DEBT**

The Board understands it is required to collect all monies owed to it by patrons, employees, parents and students, including money owed through student lunch accounts and other extracurricular accounts. Every effort should be made by the school administration to collect the monies owed to the school corporation including collection procedures. Such efforts should be documented by school administration before the debt is forgiven, waived, or written off of the school corporation accounts.

The school corporation may forgive, waive, or write-off all or a portion of the debt if one of the following conditions is met:

1. The school administration determines that the student or the parent or guardian of the student is unable to pay the debt;
2. The payment of the debt could impact the health or safety of the student;
3. The cost to pursue and collect the debt from the student and his/her parents would cost more than the potential total debt collected; or
4. There are mitigating circumstances as determined by the superintendent that preclude the collection of the debt.

Every decision to forgive, waive, or write-off a debt must be documented and include the specific facts for the decision relating to one of the above stated reasons.

The superintendent may develop regulations addressing specific situations relating to the above conditions.

In the cases where a positive balance exists in the accounts, every effort must be made by the school administration to return the positive balance to the account holder when the person is no longer in the school corporation. If attempts made to refund the balance have been unsuccessful, the balance should be transferred to the corresponding school fund or if such transfer is not appropriate, to the school corporation general fund.

Presented: June 7, 2016

Adopted: June 21, 2016

### **8.3 ADVERTISING, SALES, AND POLITICAL COMMUNICATIONS ON SCHOOL PROPERTY AND IN SCHOOL PUBLICATIONS**

In order that parents, pupils and teachers are subjected to a minimum of pressure, this policy relating to commercial advertising, announcements and solicitation has been adopted:

- A. The making of commercial announcements to pupils or the distribution of advertisements, posters, or dodgers of any commercial nature shall not be permitted unless it can clearly be shown that they have definite educational value. Materials of educational value containing advertising may be distributed to teachers and pupils in the Merrillville Community Schools, providing they do not contain any objectionable printed matter.
- B. Salesmen or business agents shall not be permitted to solicit or interview pupils or school employees, other than Principals, on the school premises without the approval of the Superintendent of Schools. This permission will not be granted unless the solicitation or interview has a bearing on the advancement of the school.
- C. Student fund-raising activities of any kind (sale of tickets or merchandise, collection of money, etc.) confined to the immediate building must be approved by the building principal or designee.
- D. Student fund-raising activities extending to more than one building or to the community must be supervised by a sponsor and must have Board approval except for the following organizations which shall have continuing permission to sponsor two community solicitation drives each year:
  - 1. All PTO or PTA organizations
  - 2. Band Boosters
  - 3. String Boosters
  - 4. Athletic Boosters
  - 5. Choir Boosters
  - 6. Senior High Yearbook and newspaper organizations
- E. Bonding of treasurers and all persons responsible for depositing money or writing checks shall be provided by the Merrillville Community School Corporation.
- F. Two signatures for all issued checks shall be required.
- G. An annual audit of receipts and expenditures of each fund raising organization shall be required. The audit shall be conducted by appointed or elected members of each organization or, in the case of student organizations, by the principal or designee. A copy of the annual audit shall be filed with the Assistant Superintendent for Business Affairs.
- H. The costs of additional custodial and supervisory fees for fund raising events shall be divided between the sponsoring group and the school corporation.



- I. The sale of tickets, merchandise, or the collection of money in the schools for any activities or services other than those sponsored by the schools shall not be permitted except by approval of the Superintendent of Schools or the Board of School Trustees.
- J. No solicitation of advertisements for any purpose will be made by the schools except as provided in D above. Merchants and patrons are not to be solicited for prizes or personal donations of any kind. Only parent and Booster organizations are exempt from this rule. Lists of students or graduating seniors may not be given out to anyone. Assistance to local, non-commercial groups in making favors or decorations, addressing envelopes, distributing printed materials, or construction projects will be permitted only as the educational value justifies the time consumed and permission is granted by the principal.
- K. Advertisements for elected political offices or other political purposes shall not be permitted in any publications sponsored by the school corporation nor shall any political advertisements be distributed on any school premises except as prescribed by statutes and county regulations regarding the use of school facilities for polling purposes. Exceptions shall be allowed when such advertisements are used for instructional purposes in appropriate classroom activities.

Revised and Adopted: October 6, 1982

Amended and Adopted: September 15, 2009

#### **8.4 GIFTS AND CONTRIBUTIONS**

Building principals are authorized to accept gifts of appropriate instructional equipment, materials, and contributions of money from building parents and other school sponsored organizations.

Community groups and service clubs must receive approval, for the presentation of any gifts and/or contributions, from the Superintendent of Schools or his designee.

## **8.5 DISASTER PLANS**

Appropriate plans to insure the safety of students and employees during weather and other emergencies shall be developed and included in the appendices of these policies. Such plans shall include provisions for periodic evacuation drills for all emergencies as required by state laws and municipal codes. Such plans shall include the posting of specific plans in each classroom or other instructional facility for exiting the building in the event of an emergency.

## 8.6 USE OF BUILDING, GROUNDS, AND EQUIPMENT

### A. *Legal Provisions*

The buildings and properties of the school district shall be available for community use under conditions prescribed or permitted by law in accordance with the adopted rules and regulations for the Board, which appear on the permit governing the use of the school property.

### B. *Use of Buildings and Facilities*

The Board will allow the community use of school buildings and facilities according to the following philosophy. The public school buildings are provided primarily for the regular education program of the Merrillville Community and they must be maintained at all times in a satisfactory manner for this essential purpose. The public schools ought also to serve as community center for the promotion of cultural and educational life of our school area. In furtherance of this purpose, the use of the public school facilities outside school hours will be granted for worthwhile religious, educational, recreational, civic and cultural activities as freely as is consistent with the statutes, the primary purposes of the schools and the rules and regulations of the Board of School Trustees. Such activities shall be sponsored by a responsible citizen and pertain to the general welfare of the community. The term "responsible citizen" is intended to mean a person at least twenty-one (21) years of age, property owners, and/or a person otherwise financially responsible.

- Facilities shall be available for public use outside of school hours or at such times as not required by activities of the school.
- Drinking, smoking and/or the possession of intoxicants and/or drugs within the school building or on school property are specifically prohibited.
- The applicants shall be required to certify that the proposed activity will not assist the commission of any act prohibited by law (including discrimination) nor will affect the peace and quiet of the community, nor will it be injurious to the public welfare. The applicant must agree to hold the corporation harmless from all claims to person or property arising from the use of said facility and will reimburse the corporation for any damages during usage.
- Religious groups desiring to use school facilities must be associated with a regularly recognized church which either has connectional ties to a higher body or affiliated ties with a high body. The rental is restricted to temporary and emergency use.
- Requests for church services shall be considered if the request is from a religious group, which is in the process of establishing a permanent place of worship within the boundaries of the school district. The use of the school corporation facilities by a religious group shall not exceed one (1) year, and the school corporation shall make no provisions for storage.
- School property shall not be used for the teaching, promoting, disseminating, or furtherance of any theory of doctrines of a subversive nature, intended or threatening to undermine or overthrow the constituted form of government of the United States of America, or the State of Indiana.
- The use of public school facilities for commercial or subversive purposes, or for any purpose not in the best public interest is prohibited. This is not to exclude the use of school facilities by commercial organizations for meetings not open to the public and limited to the organization's own personnel.
- Facilities may not be used for individual or personal purposes such as parities, celebrations, etc. except for school corporation sanctioned activities.

### *C. Procurement of Permit*

The use of all school facilities for any purpose whatsoever shall be initiated by a responsible member of the organization requesting the permit through the building principal of the desired facility. All information asked for on the permit application must be supplied.

1. The building principal will supply the application form. The building principal's signature on the application indicates only that the request date does not conflict with the educational program of the school.
2. The application is then presented to the superintendent of schools or his designee who shall act on the application as to action taken.
3. Request for use of facilities by organizations whose headquarters or majority of membership are not within the school district shall be referred to the Board of School Trustees for consideration.
4. Upon the approval by the superintendent or Board of School Trustees, the applicant is obligated to adhere to the conditions, rules, and regulations concerning the use of requested facilities and to pay within two weeks after the permit date any fees that might have been stipulated on the permit.
5. Approved permit applications are filed with the director of buildings and grounds, the building principal.

### *D. The Loaning And Use of School Equipment*

School property such as chairs, tables, etc., will be loaned only for civic purposes or to non-profit community organizations. Organizations using school property are responsible for getting and returning said school property on week day following usage, and responsible for returning said property in as good condition as when received, normal wear being expected.

School trucks, power mowers, shop equipment or machines shall be used only by school personnel for school purposes. Furthermore, it shall be the policy of the Board that any visual aid equipment such as motion picture machines, motion picture screens, film strip machines, opaque projectors or any sound equipment, such as wire recordings, public address systems, etc., shall not be used by any group other than school personnel for school purposes without special permission from the office of the principal of the school and/or Director of Media Resource Center and only then under the condition that it shall be operated by those especially trained to operate same.

Band instruments and other music equipment owned by Merrillville Community School Corporation shall not be loaned to any outside organization, except that a public school music student to whom equipment has been loaned, may use it in other amateur groups within the city, when there is no conflict with the public school music activities. Furthermore, it is resolved that no student can use a school owned instrument for professional purposes.

Printing and duplicating equipment is not to be used for other than educational purposes, except by school clubs, parent-teacher organizations, and other groups affiliated with the public schools.

### *E. Sale or Trading of School Supplies and Equipment*

No supplies or equipment owned by the Corporation can be sold or traded without the approval of the Board of School Trustees.

The Park and Recreation Department of the Town of Merrillville, Ross Township and Lake County Park Department will endeavor to cooperate with "other groups and agencies" so that a minimum of conflict will exist. This can be most adequately executed by the preplanning of seasonal activities between the Park and Recreation Board and other agencies or groups in accordance with the school facilities that are available.

Revised and Presented 8/16/05

Adopted 9/6/05

## **8.61 STAFF AND SENIOR CITIZEN ADMISSION TO SCHOOL CORPORATION EVENTS**

All school corporation employees, senior citizen (age 60 and older) residents of Ross Township, and handicapped residents of Ross Township eligible for social security disability or social security supplemental income shall be admitted to home student extra-curricular, school corporation sponsored, activity events without charge except for post-season athletic contests. Admission shall be conditional on presentation of a school corporation issued pass verifying status as employee, senior citizen, or handicapped resident.

*LEGAL REFERENCE: I.C. 20-5-2-2.1*

Presented 8/1/89

Adopted 8/15/89

Revised and Presented 11/20/01

Adopted 12/4/01

Revised and Presented 11/19/02

Adopted 12/3/02

## 8.62 CHILD CARE PROGRAMS

When the availability of facilities and equipment permits, the school corporation will endeavor to provide pre-school and after-school child care programs for Ross Township children and students at the cost of providing such services. The Board will consider requests from non-school system organizations to provide similar programs. Such outside organizations would be required to reimburse the school corporation for all expenses associated with accommodating such programs, except for the construction costs of the space provided, and would be required to provide insurance policies, fee schedules, employee information, personnel and operational procedures as prescribed by the Board. School corporation programs will receive first consideration for the use of school corporation facilities and commitments for school facilities to outside organizations will be made on a year-to-year basis. Child care programs provided by the school corporation or non-school system organizations will meet or exceed the following standards:

1. After-school child care programs will serve students in grades Kindergarten through sixth (6) grade.
2. Maintain liability insurance to cover participants with \$1,000,000 general liability insurance and a \$5,000,000 liability insurance umbrella, for a total of \$6,000,000 liability insurance coverage per occurrence.
3. Maintain a maximum staff to child ratio of one (1) to ten (10) for pre-school programs and one (1) to fifteen (15) for after-school child care programs. Staff for purposes of determining the staff to child ratio is defined as any person who is responsible for and directly engaged in supervising children.
4. Any non-school system organization permitted to offer child care programs on school system premises must be licensed as a day nursery in accordance with the standards of the Indiana State Department of Public Welfare.

*LEGAL REFERENCE: I.C. 20-5-2-1.5; I.C. 20-5-2-1.7; I.C. 5-22-9*

Presented 8/1/89

Adopted 8/15/89

Amendment Presented 6/4/91

Adopted 7/16/91



## **8.7 SCHOOL-RELATED ORGANIZATIONS**

School related organizations shall be encouraged and helped to prepare information designed to be of benefit to the educational program of the district. Such organizations should be encouraged to discuss any prepared material with the Superintendent before it is released.

## **8.8 TRESPASS ON SCHOOL GROUNDS**

All persons who are not employees or students of the Merrillville Community School Corporation shall report to the principal's office upon entering any school building and shall receive permission from the building principal before going to any other part of the building. Persons who are requested to leave school corporation premises by building administrators or other school officials, and who fail to leave upon request, shall be considered trespassers. Such trespassers shall be reported to the appropriate law enforcement authorities for removal from school premises.

## **8.801 POSSESSING FIREARMS ON SCHOOL PROPERTY**

This policy applies to persons who may legally possess a firearm under Indiana Law. A firearm under this policy is any weapon that is capable of expelling, designed to expel, or may readily be converted to expel a projectile by means of an explosion and includes ammunition.

In striving to maintain a safe working and learning environment, the Merrillville Community School Corporation strictly forbids all adults – with the exception of law enforcement officials – to possess a weapon in school buildings, on school buses or school vehicles.

No school employee may possess a firearm in a school building or on school property while on duty as a school employee unless the firearm is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle or stored out of plain sight in the employee's locked vehicle.

The School Resource Officer (SRO) is authorized to carry a firearm in or on school property.

No person, including School Board members, with the exception of law enforcement officials, may intentionally or openly display a firearm at any public meeting of the School Board.

An adult (employee, parent, or visitor) who possesses a weapon or firearm in violation of this policy shall face police investigation and may face criminal charges. Employees will be subject to Corporation investigation and dismissal, as well as any further action needed to protect students, staff and others.

Legal Reference:     I.C. 35-47-9-1  
                              I.C. 35-47-11.1-4(6)  
                              I.C. 34-28-7-2

Revised and Presented: 07/15/14

Adopted: 8/5/14

## **8.81 BURGLARIES AND VANDALISM**

Burglaries and vandalism plague scattered schools such as ours. In order to fulfill our individual responsibilities the following steps should serve as a guide:

- A. As quickly as it has been determined that a breaking or vandalism is suspected or actually occurred, it shall be reported to the building principal.
- B. The building principal after checking the situation and determining that a possible break-in or vandalism has occurred, must take the following steps:
  - 1. Notify the police and the Director of Building Support Services immediately for investigation, direction, and repair.
  - 2. Notify the central office.
  - 3. In case of a forcible entry - disturb the location as little as possible.
  - 4. Prepare a list of missing or damaged items for insurance purposes. (Name of the article, date of acquisition, serial number, cost at purchase, etc.)
  - 5. Submit the finalized list to the Assistant Superintendent in charge of Business Affairs.
  - 6. Students and/or the parents shall be held financially responsible for the deliberate destruction of school property.
  - 7. The Board shall be informed of serious actions of vandalism and burglary.

## **8.82 PROTECTION AND CARE OF SCHOOL PROPERTY**

It is the duty of each school employee to safeguard and protect the properties of the school corporation. Care shall be taken to see that windows and doors are properly secured before leaving the school building at the close of the day. Children shall be instructed in regard to the proper use of textbooks and supplies and respect for public property. In case of damage to school property over and above normal wear, the individual or private organization shall be required to pay the damages.

## **8.821 PEST CONTROL POLICY**

The Merrillville Community School Corporation is committed to providing students a safe environment. It seeks to prevent children from being exposed to pests and pesticides. While pesticides protect children from pests that may be found in the school and its surrounding grounds, under some circumstances they may pose a hazard to children. Therefore, pest control practices may involve a variety of chemical and non-chemical methods that are designed to control pests effectively while minimizing potential pesticide exposure to children.

The Merrillville Community School Corporation will:

1. Annually inform parents and staff members of the corporation's pest control policy at the time of student registration at the beginning of the school year by separate memorandum or as a provision in the student handbook.
2. Provide the name and phone number of the person to contact for information regarding pest control.
3. Establish a registry of parents and staff members who want to receive advance notice of all pesticide use and provide such notice.
4. Provide notice of planned pesticide applications to parents and employees who have requested advanced notice.
5. Maintain written record for 90 days of any pesticide applications.

The Merrillville Community School Corporation will provide notice at least two school days prior to the date and time the pesticide application is to occur. The notice will include the date and time of the pesticide application, the general area where the pesticide is to be applied and the telephone number to contact the school for more information.

In case of emergency pesticide applications because of immediate threat to the public health, the school shall give written notice as soon as possible.

The Merrillville Community School Corporation may provide for training of school employees to become certified pest control applicators. Financial support for such training may be provided by the corporation subject to budgetary constraints of the corporation.

The Superintendent shall prepare and disseminate regulations for the implementation of this policy.

Presented: 9/5/00

Adopted: 9/19/00

## **8.822 TECHNOLOGY ACCEPTABLE USE POLICY**

The Merrillville Community School Corporation is pleased to offer its students, teachers, administrators and other staff employees access to technology equipment and access to the Internet. Access to this technology carries with it a responsibility of all employees to abide by the rules and guidelines of the school corporation "Technology Acceptable Use Policy". This policy will be periodically updated under the direction and recommendation of the Director of Technology in collaboration with the school corporation Technology Committee as made to the Superintendent of Schools. This policy and all future amendments will be placed in all student and faculty handbooks. All students, teachers, administrators and other staff employees will be expected to abide by this acceptable use policy or be subject to appropriate disciplinary action.

Presented: 5/15/01

Adopted: 6/04/01

### **8.83 CALENDAR**

- A. The fiscal and statistical year shall begin on the first day of July in each year and end on June 30 of the following year.
- B. The calendar for the succeeding year shall be recommended by the school administration and submitted by the superintendent to the Board for consideration and approval. The calendar submitted shall be in compliance with the provisions of the various collective bargaining agreements negotiated with employee groups and with the laws and regulations of the State of Indiana.



#### **8.84 NAMING OF SCHOOL PROPERTIES**

Selection of names for school buildings, parts thereof, school grounds or any other property rests with the Board.

From time to time the Board may appoint an advisory committee to suggest names for a particular school building, parts thereof, school grounds or other property.

## **8.85 RELIGION**

There will be no required recitation of any prayer or of Bible reading in the Merrillville Community Schools.

## **8.86 CANCELLATION OF SCHOOL**

The decision to close schools is to be made by the superintendent of schools or his delegated representative. He is to determine when conditions are such that the health, welfare and safety of children are in danger and will order the school closed. Conditions which would include but are not limited to the following:

- A. Extreme weather conditions: snow, ice, tornado or fog.
- B. Fire, explosion, or flood
- C. Mechanical failure of building equipment: loss of power, water, or heat.

## **8.87 APPOINTMENTS TO LAKE COUNTY LIBRARY BOARD**

The Board of the Merrillville Community School Corporation shall make two (2) appointments to the Lake County Library Board.

1. Vacancies shall be communicated through appropriate media to the citizens of the district from which the appointments are made.
2. Applications shall be solicited from all interested candidates and the Board shall select all appointments from such applicants.
3. All appointments shall meet the requirements contained in I.C. 1971, 20-13-1-3.

Amendment presented 1/2/90

Adopted 1/16/90

## **8.88 BOMB THREATS**

The Superintendent shall take appropriate action, including communication with appropriate law enforcement or other agencies, and including the possible evacuation of buildings when necessary.

## **8.89 ACCESS TO PUBLIC RECORDS**

All persons are entitled to full and complete information regarding the affairs of their public schools and the official acts of those who represent them. Under Indiana and federal law, however, some public records may not be disclosed by a Board of School Trustees or its employees. The Superintendent of Schools and representatives designated by him, therefore, are hereby authorized to make available for inspection and copying any public records which Indiana and federal law permit to be disclosed. The Superintendent and his designated representatives are also authorized to deny access to any public records the nondisclosure of which is permitted by Indiana and federal law. A denial of disclosure by anyone other than the Superintendent of Schools may be appealed to the Superintendent. The Superintendent may establish a reasonable copying fee not to exceed the actual cost of copying the record.

*LEGAL REFERENCE: I.C. 5-14-3-1 et seq*

Presented 1/17/84

Adopted 2/14/84

Revised and Presented 11/20/01

Adopted 12/4/01

## **8.90 RESPONSIBILITY FOR LEGAL DEFENSE**

The School Corporation shall assume the legal defense for and be responsible for all judgements in all suits against employees, school trustees, school building corporation directors, school building corporation appraisers, and volunteers arising from the performance of duties within the scope of their assignments.

Adopted 10/21/86

Revision Presented 7/3/90

Adopted 7/17/90

Revision Presented 1/5/93

Adopted 1/19/93

## **8.91 RISK MANAGEMENT POLICY STATEMENT**

It shall be the policy of the Merrillville Community School Corporation Board of School Trustees to maintain Risk Management Program consistent with all legal requirements pertaining thereto and within the financial capability of the Corporation, providing a program of protection and/or insurance against:

Loss, damage or disability as mandated by the Education, Government, Labor, Insurance, and other pertinent Codes of the State of Indiana, to include, but not limited to: loss or damage to the real and personal property of the Corporation and/or the personal liability of members of the Board of School Trustees and Employees of the Corporation for damages to persons or property, including injury or death, losses due to employee dishonesty, Workers' Compensation/Employers liability, and the provision of a program of health and welfare benefits for employees to the limits established by the Board of School Trustees.

Under the provisions of this policy, the Superintendent and/or his designee shall develop and maintain rules and regulations necessary to implement and administer all aspects of this policy.

Presented 2/16/88

Adopted 3/1/88



## **8.92 DRUG ABUSE PROHIBITIONS RELATED TO EMPLOYEES**

In conjunction with the requirements of Section 5145 of the Drug Free Schools and Communities Act, and as added by Section 22 of the Drug Free Schools and Communities Act Amendments of 1989 (P.L. 101-226), the following standards of conduct are herein stated. All Merrillville Community School employees are prohibited from the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as part of school activities. Any violation of these standards of conduct will result in disciplinary sanctions (consistent with local, State and Federal law) up to and including termination of employment and referral for prosecution. As a condition of continuing employment, employees are also required to notify the Superintendent of any drug statute felony conviction or any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

*LEGAL REFERENCE: 41 U.S.C. 701 et seq*

Presented 8/7/90

Adopted 8/17/90

Amendment Presented 7/16/91

Adopted 8/6/91

Revised and Presented 11/20/01

Adopted 12/4/01

**8.925 ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY FOR  
COMMERCIAL DRIVER LICENSE (CDL) EMPLOYEES**



# **Merrillville Community School Corporation**

**SUBSTANCE ABUSE POLICY FOR**  
**Employees with Commercial Drivers License**  
**for Compliance with**  
**49 CFR Part 382.601 and 49 CFR Part 40**

## Table of Contents

Section	Pg.
Statement of Purpose and Policy	3
I. Purpose	4
II. Provisions	4
A. Applicability	4
B. Prohibited Conduct	4
C. Prescription Medication and Other Medication	4
D. Refusal to Test	5
E. Types of Tests	5
1. Pre-Employment Testing	5
2. Random Testing	5
3. Post-Accident Testing	6
4. Reasonable Suspicion	6
F. Controlled Substance Testing	7
1. Urine Collection Procedures	7
2. Laboratory Procedures	7
3. Validity Testing	8
4. MRO Procedures	8
5. Diluted Specimens	8
6. Medical Information Disclosure	8
7. Safeguards to Protect Integrity	9
G. Split Specimen Testing Protocol	9
H. Alcohol Testing Protocol	9
I. Educational Materials	10
III. Disciplinary Procedures	10
IV. Confidentiality and Release of Information	10
V. Responsibility	11
Appendix	
Abbreviations and Terms	12
Definitions	12

## **STATEMENT OF PURPOSE AND POLICY**

Employees are an extremely valuable resource for Merrillville Community School Corporation's business. Their health and safety is a serious concern of Merrillville Community School Corporation. Drug or alcohol use may pose a serious threat to employee health and safety. It is therefore, the policy of the Merrillville Community School Corporation (hereafter referred to as School) to prevent substance use or abuse from having an adverse effect on our employees. The School maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on School property. Furthermore, employees have a right to work in an alcohol and drug-free environment and to work with employees free from the effects of alcohol and drugs. Employees who abuse alcohol or use drugs are a danger to themselves, their coworkers and the School's assets.

The adverse impact of substance abuse by employees has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations which require the School to implement a controlled substance testing program. The School will comply and require that a driver submit to alcohol and controlled substance tests administered in accordance with these regulations and are committed to maintaining a drug-free workplace. All employees are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the School.

Specifically, it is the policy of the School that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on School premises, engaged in School business, while operating School equipment, or while under the authority of the School is strictly prohibited. FMCSA states that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis), conduct breath testing, and or search all covered employees including applicants for alcohol and drug use. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each employee. Every effort will be made to maintain the dignity of employees or applicants involved. Disciplinary action will, however, be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. The School retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective February 6, 2018, and will supersede all prior policies and statements relating to alcohol or drugs.

## **Administrative Guide to Merrillville Community School Corporation's Substance Abuse Testing Procedures**

### **I. Purpose**

The purpose of this administrative guide is to set forth the procedures for the implementation of controlled substance and alcohol use and testing of employee applicants and current employees pursuant to the School's Substance Abuse Policy. These procedures are intended as a guide only, and are in no way intended to alter any existing relationship between the School and any employee.

The School Corporation's drug and alcohol program administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is the Director of Transportation.

### **II. Provisions**

#### **A. Applicability**

This policy applies to all School employees that utilize a Commercial Drivers License (CDL) in the course of their employment. A valid CDL is required to operate the type of equipment listed below:

1. A vehicle having a Gross Vehicle Weight Rating (GVWR) as assigned by the manufacturer of 26,001 pounds or more; or
2. A combination vehicle having a Gross Combination Weight Rating of 26,001 pounds or more.
3. A vehicle that is designed to transport 16 or more passengers, including the driver; or
4. A vehicle requiring a placard to transport hazardous materials.

#### **B. Prohibited Conduct**

The following shall be considered "prohibited conduct" for purposes of this policy.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcoholic concentration. An employee is considered to be performing a safety-sensitive function if he/she is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:
  - a. All time spent at a facility waiting to be dispatched;
  - b. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
  - c. All driving time or time spent at the driving controls of a commercial vehicle in operation;
  - d. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, including completion of any related paperwork; and remaining in readiness to operate the vehicle;
  - e. All time performing those duties required of an employee involved in a vehicle accident; or
  - f. All time spent repairing, assisting, or attending to a disabled motor vehicle;
2. No employee shall be on duty or operate a commercial vehicle while the employee possesses alcohol.
3. No employee shall use alcohol while performing safety-sensitive functions.
4. No employee shall perform safety-sensitive functions within six (6) hours after using alcohol.
5. No employee required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident test, whichever occurs first.
6. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.

#### **C. Prescription Medication and/or Other Medication Use**

1. An employee is prohibited from reporting for duty or remaining on duty when the employee uses any controlled substance, except when the use is pursuant to the written instruction of a physician who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. The employee must provide the School with proof of such medical advice. The School can decide if the employee can remain at work or on the School premises and what work restrictions, if any, are deemed necessary.
2. Any employee who is using a prescribed drug or other medication, which is known or advertised as possibly affecting or impairing judgment, coordination or other senses, (including dizziness or drowsiness), or which may adversely affect the employee's ability to perform work in a safe and productive manner, must notify the School prior to starting work or entering any School premises. The School will decide if the employee can remain at work or on the School premises and what work restrictions, if any, are deemed necessary.

3. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.

D. Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the School will be grounds for refusal to hire employee/applicant(s) and to discipline existing CDL employee(s). A refusal to test would include any of the following situations:

1. Failing to appear for any test within a reasonable time after being directed to do so.
2. Failing to remain at the testing site until the testing process is completed.
3. Failure to provide a breath sample, saliva sample or urine sample as directed.
4. Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
5. Failure to provide a urine, breath or saliva specimen within required time frames may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician of employer's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the regulations.
6. Failure or decline to take an additional drug test the employer or collector has directed you to take.
7. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of a "shy bladder" or "insufficient breath" situation.
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test. (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
9. For an observed collection, fail to follow the observer's instruction to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
11. Admission to the collector or MRO by the employee that they adulterated or substituted their specimen.
12. A report from the MRO of a verified adulterated or substituted test result.
13. Refusing to sign step two (2) of the alcohol testing form.

E. Types of Tests

Pursuant to regulations promulgated by the Department of Transportation (DOT), the School has implemented the following circumstances for drug and alcohol testing: pre-employment (drug testing only), post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing.

1. Pre-employment Testing

As a condition of employment, the employee applicant shall provide the School with a written authorization for all previous employers within the past three (3) years to release drug and alcohol testing records as the DOT and FMCSA regulations require. Within thirty (30) days of performing a safety-sensitive function, DOT regulations require that the School obtain, to the extent available, certain drug and alcohol testing records from the employee's previous employers for the previous three (3) years. All applicants who are required to have or obtain a CDL must submit to a urine drug test unless a qualifying pre-employment exemption can be documented.

2. Random Testing

The School conducts random drug and alcohol testing. The School will submit all employees' names to a random selection system. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. The School will drug test, at a

minimum, twenty-five (25) percent of the average number of employee positions in each calendar year or at a rate established by the DOT for the given year. The School will select, at a minimum, ten (10) percent of the average number of employee positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection, by its very nature, may result in employees being selected in successive selections more than once a calendar year.

If an employee is selected at random, for either drug or alcohol testing, a School official will notify the employee. Once notified, the employee must proceed to the designated collection site immediately. If the employee does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.

### 3. Post-Accident Testing

Following any accident, the employee must contact the School as soon as possible. The employee must submit to a Federal DOT drug and alcohol test any time he or she is involved in an accident where 1) a fatality is involved; or 2) the employee receives a citation for a moving violation arising from the accident that involved:

- injury requiring medical treatment away from the scene, or
- one or more vehicles having to be towed from the scene
- ***If the employer has reason to suspect there has been a violation of this policy.***

The employee shall follow the instructions from the School or its representative to complete required testing.

**For other accidents not covered by the DOT definition above, the School may require a non-regulated drug and alcohol test when:**

- The employee's actions may have contributed or cannot be completely discounted as a contributing factor to an accident.
- An incident which results in property damage or personal injury.
- An incident results in a lost time injury.

**Consequences for a positive, non-regulated test are the same as consequences for a positive DOT test.**

Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for the purpose of post-accident drug testing within thirty-two hours, attempts to make such collection shall cease. An employee is prohibited from consuming alcohol between the time of the accident and the test.

In the event that federal, state, or local officials conduct breath or blood test for the use of alcohol and/or urine tests for the use of controlled substances following an accident, employees must comply with law enforcement personnel requests. The School may request testing documentation from such agencies, and may ask the employee to sign a release allowing the School to obtain such test results.

In the event an employee is so seriously injured that the employee cannot provide a sample of urine, breath or saliva at the time of the accident, the employee must provide necessary authorization for the School to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

### 4. Reasonable Suspicion Testing

Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing shall be deemed to exist when an employee manifests physical, behavioral, speech or performance symptoms or reactions commonly attributed to the use of controlled substances

or alcohol. Such employee conduct must be witnessed by a supervisor who is trained in compliance with Part 382.603 of the Federal Motor Carrier Safety Regulations.

A supervisor observing such conditions will take the following actions immediately:

1. Confront the employee involved, and keep under direct observation until the situation is resolved.
2. Secure the DER's concurrence to observations. After discussing the circumstances with the DER, arrangements will be made to observe or talk with the employee. If he/she believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal would result in a refusal to test violation and disqualification from performing any safety-sensitive function.
3. Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
4. The DER shall, within 24 hours or before the results of the controlled substance test are released, document in writing the particular facts related to the behavior or performance problems that led to the reasonable suspicion test and maintain this documentation in appropriate DOT files.
5. The DER shall remove or cause the removal of the employee from the School-owned vehicle and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence or, where appropriate, to a place of lodging. Under no circumstances will that employee be allowed to continue to drive a School vehicle until a confirmed negative test result is received.

#### F. Controlled Substance Testing Protocol

##### 1. Urine Collection Procedures

1. The testing procedure starts with the collection of a urine specimen.
2. Collection procedures will follow the specific guidelines set forth by the U.S. Department of Transportation as outlined in the published collection procedures guidelines.
3. Employees will be directed to empty their pockets and display the contents to the collector.
4. Employees will be allowed privacy during the collection process except as noted in number 5 below.
5. Observed collections are required by DOT if:
  - a. The specimen is determined invalid and there is no medical explanation.
  - b. The specimen is determined to be negative-dilute with a creatinine value  $>2$  mg/dl but  $<5$  mg/dl.
  - c. The collector observes evidence of an employee's attempt to tamper with the specimen.
  - d. The temperature of the specimen is out of range.
  - e. The specimen appears to have been tampered with.
  - f. The test is a return-to-duty or follow-up test.
6. Observed collections are required on return-to-duty and follow-up tests.
7. As part of the collection process, the specimen provided will be split into two portions; a primary specimen and a secondary (split) specimen.
8. If the employee is unable to provide 45 ml of urine, the DOT "shy bladder" rule will apply. The employee will have up to 3 hours to provide the required 45 ml, and may consume up to 40 ounces of fluids during this time period. The employee will be required to be monitored during the waiting period.
9. After collection, the specimen will be submitted to a SAMHSA certified laboratory for testing.

##### 2. Laboratory Procedures

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: **marijuana, cocaine,**



**opioids, amphetamines and phencyclidine (PCP), K2/Spice, Synthetic marijuana, Designer Stimulants like Bath salts.**

The SAMHSA certified laboratory will perform initial screenings on all primary specimens. In the event that the primary specimen tests positive, a confirmation test of that specimen will automatically be performed. If the confirmatory test is positive it will be reported to the Medical Review Officer (MRO) as a positive.

3. Validity Testing

The laboratory must also perform validity testing on each specimen received. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. The following will be measured: creatinine level, specific gravity, and pH. In addition, all specimens will be tested for known adulterants. An initial validity test is performed first, followed by a confirmation test if required.

All laboratory results will be reported by the laboratory to a MRO designated by the School or its agents.

4. MRO Procedures

1. All tests results will undergo a review process by the MRO.
2. Negative test results will be reported directly to the School by the MRO.
3. Positive, adulterated or substituted results will be handled in the following manner by the MRO:
  - a. Before reporting a positive, adulterated or substituted test result to the School, the MRO will attempt to contact the employee to discuss the test result.
  - b. The employee is required to discuss the result with the MRO. The employee will be allowed to explain and present medical documentation to explain any permissible use of a drug.
  - c. For adulterated or substituted results, the employee must demonstrate that he or she did produce or could have produced urine, through physiological means, meeting the creatinine and specific gravity criteria of a substituted or adulterated specimen.
  - d. If the MRO is unable to contact the employee directly, the MRO will contact the DER designated in advance by the School, who shall, in turn, contact the employee and direct the employee to contact the MRO. Upon being so directed, the employee shall contact the MRO immediately or, if the MRO is unavailable, at the start of the MRO's next business day.
  - e. If, after failing to contact the MRO within 72 hours after being instructed to do so by the DER, or if the employee cannot be contacted at all within ten (10) days, or if the employee expressly declines the opportunity to discuss the test, the MRO may verify the test as positive or a refusal.
  - f. In the MRO's sole discretion, a determination will be made as to whether a result is verified as positive, negative or considered a refusal.
  - g. After any verified positive or refusal to test determination, the employee may petition the MRO to reopen the case for reconsideration.

5. Diluted Specimens

If a test is reported as negative and diluted, it will be the policy of the School to require an immediate recollect for another test. The employee will be given the minimum possible advance notice to report for another test. The result of this second test will become the test of record. If the second test is also negative and diluted the test will be accepted as a valid test and no additional testing will be required. If the employee is directed to take another test and declines to do so, this will be considered a refusal to test and have the consequences of a refusal to test.

6. Medical Information Disclosure

Pursuant to DOT regulations, if, in the MRO's opinion, any information provided may mean a medical disqualification or represent a safety hazard, such as the use of certain prescription

drugs, the MRO must disclose this to the employer. Individual test results for employee applicants and employees will be released to the School and will be kept strictly confidential unless consent for the release of the test result has been obtained. Any individual who has submitted to drug testing in compliance with this procedure is entitled to receive the results of such testing upon written request.

7. Safeguards for the integrity of the drug testing process

1. The collector must obtain photo identification from the employee or identification by supervisor prior to administering the test.
2. The employee will be asked to wash their hands.
3. The employee signs the chain of custody form signifying the correctness of data for test reporting.
4. Electronic communication of test results from the laboratory into the MRO reporting system with no external human intervention.
5. The specimen container and specimen bottles are individually wrapped and unwrapped in employee's presence.
6. After the specimen is provided in a reasonable time, the collector inspects it for sufficient volume, temperature and signs of tampering. If a specimen is not provided, the employee will be referred to a MRO to determine whether there is a valid medical reason. If there is, the employee must still attempt to provide a specimen each time the employee is required to test under this program.
7. After the specimen is given to the collector, the remaining collection procedures are conducted in employee's view.
8. The specimen bottles and shipping container are sealed with tamper evident seals.
9. The employee will be asked to sign the seals covering the specimen bottles identifying they were sealed in their presence.
10. The specimen number on the bottle seals match the specimen number on the chain of custody form.
11. The laboratory will check the specimen bottles upon receipt to insure the seal has not been broken. If the seal has been broken the laboratory will report the test as cancelled.
12. A collector who has completed the qualification training as mandated in CFR Part 40 as amended will perform the collection.

G. Split Specimen Testing Protocol

An employee may request that the "split" portion of his/her specimen be tested at a different SAMHSA laboratory if he/she was notified by the MRO that his/her test result was positive, adulterated or substituted. The request must be made to the MRO within 72 hours of being notified of a verified positive, adulterated or substituted result. The MRO will arrange for all procedures to be done in accordance with split specimen testing procedures.

The cost of a split specimen test will be the responsibility of the employee. The School will withhold the amount of the cost of testing the split from the employee's pay unless other arrangements are acceptable to both the employee and the School. If the employee makes a timely request (within 72 hours) to the MRO for the split portion to be tested, the MRO shall immediately make arrangement with the laboratory to initiate the process.

H. Alcohol Testing Protocol

Alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) or Screening Test Technician (STT). Screening tests may be done using an evidential breath testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done by a trained BAT using an evidential breath testing device. The employee shall report to the alcohol testing site as notified by the School. The employee shall follow all instructions given by the alcohol technician.

Alcohol Testing Safeguards For Employee's Protection

1. The BAT must obtain employee's photo identification prior to administering the test.
2. An individually wrapped mouthpiece will be opened and inserted into the EBT for the employee's test.

3. The National Highway Traffic Safety Administration approves the EBT that is used.
4. Calibration checks are frequently performed to insure the EBT is working efficiently.
5. If the screening test indicates a 0.02 or greater, a confirmation test will be administered.
6. An air blank will be administered prior to the confirmation test with a 0.000 reading.
7. An individually wrapped mouthpiece will be inserted for the confirmation test.
8. The BAT has completed the required training course in the correct operation of the EBT.

I. Educational Materials

The School shall provide educational materials that explain the requirements of Part 382.601 of the Federal Motor Carrier Safety Regulations, consequences of violating the regulations, and the School's policies and procedures with respect to meeting these requirements. The materials supplied to the employees may include information on additional School policies with respect to the use or possession of alcohol or controlled substances. Materials will also be provided concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life.

Employees are required to attend an educational meeting(s) to discuss the School's policies and procedures and to review all materials covered by this procedure. Each employee is required to sign a statement (certificate of receipt) certifying that he or she has received a copy of these materials described in Part 382.601 of the Federal Motor Carrier Regulations. The School shall provide these materials to each employee prior to the start of alcohol and controlled substance testing and to each employee subsequently hired or transferred into a position requiring driving a commercial vehicle.

III. Disciplinary Procedures

Any employee who has a positive test for alcohol or controlled substances or has refused to test is considered in violation of this policy. This employee is not qualified to drive a commercial motor vehicle and will be immediately removed from safety-sensitive duty and terminated. Such employee shall be provided with the names, addresses, and telephone numbers of DOT qualified substance abuse professionals (SAPs).

IV. Confidentiality and Release of Information

Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

The School may release information as follows:

1. Copies of the results of alcohol or drug testing to an identified person provided the employee has provided written consent.
2. Copies of information requested by the Secretary of Transportation, any DOT agency, or any State or local official with regulatory control over the School or any of its employees.
3. The results of post-accident testing when requested by the National Transportation Safety Board as part of an accident investigation.
4. Legal proceedings to include:
  - o Lawsuits (e.g., wrongful discharge action).
  - o Grievances (e.g., an arbitration concerning disciplinary action taken by the employer).
  - o Administrative proceedings (e.g., an unemployment compensation hearing) brought on by, or on behalf of, an employee and resulting from a positive DOT drug test or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).
  - o Criminal or civil actions – to the decision maker in the proceeding (e.g., the court in the lawsuit)

Employees are entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.

V. Responsibility

A. Employee - All School Corporation employees that hold a valid CDL are responsible for abiding by this procedure as a condition of their employment.

B. Management Officials and Supervisors

All supervisors and School Corporation officials are responsible for being alert to employee conduct that raises a reasonable suspicion that an employee is using or is under the influence of alcohol or controlled substances while on duty or otherwise performing School Corporation business.

This policy is not intended nor should it be construed as a contract between the School Corporation and the employee. This policy may change at any time at the sole discretion of the School and/or to comply with changes in Federal DOT regulations.

## APPENDIX A

### Abbreviations and Terms

#### Abbreviations

<b>BAT</b>	Breath Alcohol Technician	<b>CDL</b>	Commercial Drivers' License
<b>CMV</b>	Commercial Motor Vehicle	<b>DER</b>	Designated Employer Representative
<b>DHHS</b>	Dept. of Health and Human Services	<b>DOT</b>	Department of Transportation
<b>EAP</b>	Employee Assistance Program	<b>EBT</b>	Evidential Breath Testing Device
<b>MRO</b>	Medical Review Officer	<b>STT</b>	Screening Test Technician
<b>SAMHSA</b>	Substance Abuse and Mental Health Services Administration		

#### Definitions

##### **Adulterated Specimen**

A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

##### **Alcohol**

Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

##### **Alcohol Concentration** (or content)

Alcohol in a volume of breath (shown as grams of alcohol/210 liters of breath) as indicated by an evidential breath test.

##### **Alcohol Use**

Consumption of any beverage, mixture, or preparation, including medications, containing alcohol.

##### **Breath Alcohol Technician (BAT)**

An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath measurement (EBT) device.

##### **Confirmation Test**

*In alcohol testing:* a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

*In controlled substances testing:* a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

##### **Confirmation Validity Test**

A second test performed on a urine specimen to further support a validity test result.

##### **Controlled Substances**

In this regulation, the term 'drugs' and 'controlled substances' are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to: marijuana, cocaine, opioids, phencyclidine (PCP), amphetamines, including methamphetamines.

##### **Designated Employer Representative (DER)**

An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer.

##### **Dilute Specimen**

A specimen with creatinine and specific gravity values that are lower than expected for human urine.

##### **EBT (or evidential breath testing device)**

An EBT approved by the National Highway Traffic Safety Association (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

**Employee**

Any person who operates a commercial vehicle (CMV), including: full time, regularly employed employees, casual, intermittent or occasional employees, leased employees, independent, owner-operated contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer.

**Evidential Breath Testing (EBT) Device**

A device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration.

**Initial Validity Test**

The first test used to determine if a specimen is adulterated, diluted, or substituted.

**Initial Drug Test**

The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

**Medical Review Officer (MRO)**

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

**Performing (a safety sensitive function)**

An employee is considered to be performing a safety-sensitive function when he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

**Primary specimen**

The urine specimen bottle that is opened and tested first by the laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

**Screening Test (initial test)**

*In alcohol testing:* a procedure to determine if an employee has a prohibited concentration of alcohol in his or her system.

*In controlled substance testing:* a screen to eliminate 'negative' urine specimens from further consideration.

**Split Specimen** means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

**Substituted Specimen**

A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

**Substance Abuse Professional (SAP)**

A person who evaluates employees who have violated a DOT drug and alcohol regulation or company substance abuse testing policy and make recommendations concerning education, treatment, follow up testing, and aftercare. A person qualified to be a SAP must have one of the following credentials: a licensed physician (Doctor of Medicine or Osteopathy); a licensed or certified social worker; a licensed or certified psychologist; a licensed or certified employee assistance professional; a state-licensed or certified marriage and family therapist; or a drug and alcohol counselor certified by an organization listed at <https://www.transportation.gov.odapc>

FORM C - For CDL Employees

**Certificate of Receipt**

(Acknowledgement of receiving materials required by 49 CFR Part 382.601)

Employee Name: \_\_\_\_\_ SSN or ID#: \_\_\_\_\_

School Corporation: **Merrillville Community School Corporation**

This is to certify that I have been provided educational materials that explain the requirements of 382.601 and my employer's policies and procedures with respect to meeting the requirements. This includes all items checked.

- ✓ The designated person to answer questions about the material.
- ✓ The categories of drivers subject to Part 382.
- ✓ Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- ✓ Specific information concerning prohibited driver conduct.
- ✓ Circumstances under which a driver will be tested.
- ✓ Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.
- ✓ The requirements that tests are administered in accordance with Part 382.
- ✓ An explanation of what will be considered a refusal to submit to a test and the consequences.
- ✓ The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and 382.605 procedures.
- ✓ The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- ✓ Information on the affects of alcohol and controlled substances use on an individual's health/work/personal life, signs and symptoms of a problem, and available methods of intervening when a problem is suspected.
- ✓ A copy of my employer's substance abuse policy.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Employer Representative: \_\_\_\_\_

If you have any questions, please contact:

Director of Transportation  
219-650-5311

### **8.93 HANDLING OF BODILY FLUIDS AND HEPATITIS B PREVENTION**

1. The administration will develop, issue, and implement appropriate guidelines and procedures for the handling of bodily fluids by all school corporation personnel. Such guidelines and procedures will be provided to each employee and are to be reviewed annually.
2. The administration will develop, issue, and implement appropriate hepatitis B prevention procedures for school corporation personnel.

Presented 11/3/92

Adopted 11/17/92



## **GUIDELINES FOR HANDLING BODY FLUID**

### **PROCEDURES AND FOLLOW-UP**

#### **A. Blood (cuts & abrasions, nosebleeds, menses, contaminated needle)**

##### *1. Proper Procedure*

- a. Use proper First Aid procedures. Information available in nurse's office. If student or staff is able, have them, upon instruction, wash clean their own wound.
- b. Use disposable gloves when available. Remove gloves, put them in plastic bag, wash hands with soap for 15 seconds under running water using proper hand washing procedures. Dry with paper towels.
- c. If no gloves are available, wash hands with soap for 15 seconds under running water. Dry with paper towels.
- d. Do not use needle to remove splinters.
- e. No injections will be given in school unless students or staff administer their own. Dispose of the needles in a separate container and the custodial department will follow up. Sharps will be disposed of by the student or staff member.
- f. Be cautious if assisting a diabetic with a blood test. Use disposable gloves and follow procedure for testing. Do not recap lancet. Lancets should be disposed of by the student or staff member.

##### *2. Followup Procedure*

- a. Dispose of gloves in plastic bag.
- b. Rinse undisposable items (towels) used to wipe up body spills and place in plastic bag.
- c. If presoaking is required to remove stains, use gloves to rinse or soak item in cold water prior to bagging.
- d. If it is necessary to change a child's clothing, the clothing containing body fluid should be placed in a sealed bag and sent home for laundering. Disposable gloves should be used.
- e. Contaminated disposable items (tissue, paper towels) should be handled with disposable gloves and placed in plastic bags.
- f. Any non-disposable items contaminated by a body spill should be cleaned with soap and water and disinfected. Disinfectant should come from custodian.
- g. Countertops should be wiped with 1 part bleach to 10 parts water, after dealing with any body spill, or approved disinfectant.

#### **B. Feces, urine, vomitus**

##### *1. Proper Procedure*

- a. Use disposable gloves. Remove gloves, put them in plastic bag. Wash hands for 15 seconds under running water. Dry with paper towels. Procedure for washing hands attached.
- b. If no gloves are available, wash hands with soap for 15 seconds under running water. Dry with paper towels.

##### *2. Follow-up Procedure*

- a. Dispose of gloves in plastic bag. Custodians will dispose of bag in the proper manner.
- b. Rinse undisposable items (towels) used to wipe up body spills and place in plastic bag. Use disposable gloves when doing this procedure.

- c. If presoaking is required to remove stains, use gloves to rinse or soak item in cold water prior to bagging.
- d. If it is necessary to change a child's clothing, use disposable gloves. The clothing containing body fluid should be placed in a sealed bag and sent home for laundering.
- e. Contaminated disposable items (tissue, paper towels) should be handled with disposable gloves.
- f. Any non-disposable items contaminated by a body spill should be cleaned with soap and water and disinfected. Disinfectant should come from custodian.
- g. Countertops should be wiped with a bleach solution = 1 part bleach to 10 parts water, or any other approved disinfectant after dealing with any body spill.

### **C. Respiratory Secretions (saliva, nasal discharge)**

#### **1. Proper Procedure**

- a. Use disposable gloves. Remove gloves, put them in plastic bag. Wash hands for 15 seconds under running water. Dry with paper towels. Follow proper washing procedure.
- b. If no gloves are available, wash hands with soap for 15 seconds under running water. Dry with paper towels.
- c. Use plastic thermometer covers with thermometers when taking temperatures. Dispose of covers immediately in plastic bag. If student is able, have him/her remove cover and place in plastic bag.
- d. Thermometers should be cleaned in a soap solution and then replaced in sphenic chloride solution holders.

#### **2. Follow-up Procedure**

- a. Dispose of gloves in plastic bag. The custodian will dispose of plastic bags in a proper manner. Use disposable gloves.
- b. Rinse undisposable items (towels) used to wipe up body spill and place in plastic bag. Use disposable gloves.
- c. If presoaking is required to remove stains, use gloves to rinse or soak item in cold water prior to bagging.
- d. If it is necessary to change a child's clothing, the clothing containing body fluid should be placed in a sealed bag and sent home for laundering. Use disposable gloves to do this procedure.
- e. Contaminated disposable items (tissue, paper towels) should be handled with disposable gloves.
- f. Any non-disposable items contaminated by a body spill should be cleaned with soap and water and disinfected. Disinfectant should come from custodian.
- g. Countertops should be wiped with bleach solution = 1 part bleach to 10 parts water, or an approved disinfectant after dealing with any body spill.

### **D. Eating, Drinking, Smoking/Other.**

- a. Eating, drinking, smoking, applying cosmetics or lip balm and contact lens handling are prohibited in work areas where there is a reasonable likelihood of occupational exposure. Also, food and drink should not be stored in close proximity to where blood or potentially infectious materials are present.

## **HAND WASHING PROCEDURES**

This procedure is to be used when dealing with any body fluids:

1. Use warm water only.
2. Wet both hands and wrists.
3. Apply liquid soap to palms first
4. Lather well, spread lather to back of hands and wrists.
5. Continue scrubbing a minimum of 12 seconds, paying careful attention to finger-nails and between fingers.
6. Rinse hands and wrists well.
7. Dry completely.
8. Turn off faucet using disposable towels.

**MERRILLVILLE COMMUNITY SCHOOL CORPORATION**  
***REPORT OF HEPATITIS B EXPOSURE INCIDENT***

Employee's Name \_\_\_\_\_ Position \_\_\_\_\_

Date of Incident \_\_\_\_\_ Location of Incident \_\_\_\_\_

Others involved in incident (indicate if employee or student) \_\_\_\_\_

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

Description of incident \_\_\_\_\_

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

Witness(es) to incident (provide separate reports if available) \_\_\_\_\_

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

What were the precautions that were taken before, during and after the incident \_\_\_\_\_

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

How could this incident have been prevented? \_\_\_\_\_

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

Employees or witness signature \_\_\_\_\_

What follow-up measures are planned to prevent reoccurrence \_\_\_\_\_

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

Supervisor or Principal's signature \_\_\_\_\_

Superintendent's comments \_\_\_\_\_

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

Superintendent's signature \_\_\_\_\_ Date \_\_\_\_\_

Use the back of this report or attach additional pages if needed.

## **8.94 SCHOOL CORPORATION SMOKING PROHIBITIONS**

Effective January 11, 2011, the Merrillville Community School Corporation will be considered "tobacco free". Smoking inside any school corporation building, school corporation vehicle and on school grounds is prohibited.

The School Board recognizes that the use of tobacco presents a health hazard, which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For the purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigar, cigarette, pipe, snuff, or any other matter of substance that contains tobacco.

In order to protect students and staff who choose not to use tobacco from the environment noxious to them, the Board prohibits the use of tobacco in school buildings, on school grounds, in school vehicles, or at any school-related event.

*LEGAL REFERENCE: 20 U.S.C. 7181 et seq.; I.C. 16-41-37-1 et seq.*

Revised and Presented 2/18/03

Adopted 3/11/03

Revised and Presented 12/21/10

Adopted 1/11/11

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

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

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

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

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

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

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

Verbal harassment or disrespect targeting a student or employee (in person or electronically) on the basis of race, religion or handicap will not be tolerated. Any person claiming to have experienced such harassment shall follow the same reporting procedures set apart for sexual harassment (School Board Policy 3.42 III).

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

Presented: 8/03/04

Adopted: 8/19/04

Revised and presented: 03/07/06

Adopted: 3/28/06

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

The Board of School Trustees of the Merrillville Community School Corporation prohibits gang activity and similar destructive or illegal group behavior on school property, on school buses, and/or at school-sponsored functions. The Board prohibits reprisal or retaliation against individuals who report gang activity and similar destructive or illegal group behavior. The Board further prohibits reprisal or retaliation of victims, witnesses, bystanders, or other people with reliable information about an act of gang activity and similar destructive or illegal group behavior.

The following definitions apply to this policy:

Criminal Gang means a group with at least three (3) members that specifically:

1. Either
  - a. Promotes, sponsors, or assists in; or
  - b. Participates in; or
2. Requires as condition of membership or continued membership the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery.

Gang activity means a student who knowingly or intentionally actively participates in a criminal gang, or a student who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang.

Per state law, a school employee shall report any incidence of suspected criminal gang activity, criminal gang intimidation, or criminal gang recruitment to the principal and the director of security. The principal and the director of security may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services. Appropriate consequences and remedial actions are those that take into consideration the severity of the offenses and consider both the developmental ages of the student offenders and the students' histories of inappropriate behaviors per the code of conduct.

Any corporation and school employee who promptly reports an incident of suspected gang activity and who makes this report in compliance with the school corporation procedures is immune from a cause of action for damages arising from any failure to remedy the reported incident.

The principal or designee shall conduct a thorough and complete investigation for each report of suspected gang activity. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident. The principal may appoint additional personnel and request the assistance of law enforcement to assist in the investigation. The investigation shall be completed and the written findings submitted to the principal as soon as possible, but not later than five school days from the date of the report of the alleged incident of criminal gang activity.

The principal shall take any appropriate disciplinary actions based upon the findings of the investigation, in accordance with the code of conduct. The superintendent of the school corporation is authorized to define the range of ways in which school staff and the principal or the principal's designee shall respond once an incident of criminal gang activity is confirmed, according to the code of conduct. Consequences for a student who engages in gang

activity may range from positive behavioral interventions up to and including suspension or expulsion.

The principal shall provide the parents of the students who were investigated with information about the investigation. The information to be provided to parents includes the nature of the investigation, whether the corporation found evidence of criminal gang activity, and whether consequences were imposed or services provided to address the activity. This information is to be provided in an expedited manner.

As appropriate to the investigation findings, the principal also shall provide intervention and/or relevant support services. The principal shall inform the parents of all students involved in alleged incidents and discuss the availability of counseling and other intervention services.

Support services may include one or more of the following:

1. Gang awareness education that shows promise of effectiveness based on research. The gang awareness education information should be revised and updated regularly to reflect current trends in gang and gang-like activity.
2. Culturally and/or linguistically appropriate services/supports for parents and families.
3. Counseling coupled with mentoring for students and their families.
4. Community and faith-based organizations and civic groups.
5. Viable, sustainable after-school programs developed in collaboration with other stakeholders.
6. Job training and employment opportunities as both a deterrent to gang involvement and an incentive to leave gang involvement.
7. Schoolsanctioned/facilitated extra-curricular activities.

The principal shall submit the report to the superintendent of the school corporation within ten (10) school days of the completion of the investigation. The superintendent or his/her designee shall report the results of each investigation to the School Board on a quarterly basis during regularly scheduled board meetings.

Each school within the school corporation shall record the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender. Each school shall report this information to the school corporation superintendent who shall submit a written report to the Indiana Department of Education by June 2 of each year.

This policy shall be annually disseminated to all parents who have children enrolled in a school within the school corporation. Notice of this policy must be published in student handbooks and all other publications of the school corporation that set forth the rules and procedures for schools within the school corporation.

School officials are encouraged to collaborate with stakeholders to provide gang prevention and intervention services and programs, including but not limited to:

1. Provide training for staff and teachers on gang prevention and intervention resources within a jurisdiction on a periodic basis. The gang awareness information should be revised and updated regularly to reflect current trends in gang activity.



2. Create formalized collaboration plans between local school administration and community based prevention and intervention providers (possibly using the existing County Safe School Commissions as points of contact). The formalized collaborations should make effective, coordinated, and maximized use of federal funding a priority.
3. Coordinate resources and funding opportunities to support gang prevention and intervention activities.
4. Consider integrating the Gang Resistance Education and Training (G.R.E.A.T.) Program into curricula.

LEGAL REFERENCE:      IC 20-26-18  
                                 IC 20-33-9-10.5  
                                 IC 35-45-9-1

Presented:      June 7, 2016  
Adopted:      June 21, 2016