REPLACEMENT BYLAW 0142.3 - VOLUME 23, NO. 1

0142.3 **Vacancies**

The position of a Board member shall become vacant upon the occurrence of any one (1) of the following events:

A. death of the member is certified by the clerk of the circuit court (I.C. 5-8-6 and I.C. 20-26-4-4.5c))

B. failure of a sufficient number of petitions for candidates for Board membership being filed for an election (I.C. 20-26-4-4(c))

C. a member submits a written resignation from the Board to the clerk of the circuit court pursuant to I.C. 5-8-3.5-1(a)(4)

D. a member is convicted of a felony (I.C. 5-8-1-38)

E. a member's election or appointment is declared void by a competent tribunal

F. the winner of an election fails to take the oath of office required by I.C. 20-26-4-3-2

G. a member ceases to possess the legal qualifications for continuing to hold office

H. a member ceases to be a resident of the Corporation (I.C. 20-23-4-30(e)) (applicable to community school corporations only)

I. a member is removed from office by action of the Circuit Court pursuant to I.C. 5-8-1-35

J. a court enters an order removing a member from office based upon a conviction for bribery or official misconduct under I.C. 35-50-5-1.1

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K. a member is convicted of any crime against the laws of the United States where the sentence imposed exceeds six (6) months, (evading the Selective Service Act), engaging in conspiracy or an attempt to defraud the government of the United States, or seditious utterances in violation of the laws of the United States (I.C. 5-8-3-1)

L. a member voluntarily became intoxicated within the business hours of the Board, or is in the habit of becoming intoxicated by the use of intoxicating liquors and is removed from office under I.C. 34-17 (I.C. 5-8-2-1)

I.C. 5-8-1-35, 5-8-3.5-1
I.C. 20-23-4-30

Filling a Board Vacancy

A vacancy shall be filled by the remaining members of the Board within thirty (30) days after the vacancy occurs. If a tie vote occurs among the remaining members of the Board or between candidates for the Board under I.C. 3-12-9-4, or the remaining members of the remaining Board members fail to fill a vacancy on the Board within thirty (30) days after any vacancy occurs, the judge of the circuit court shall make an appointment to fill the vacancy. (I.C. 20-23-4-30(d)(1) & (2))

[X] The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.

[X] All applicants are to submit a notice of their interest, in writing, to the Supt._____.

[ ] The Board shall interview all interested candidates to ascertain their qualifications.

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REVISED BYLAW 0167.1 - VOLUME 23, NO. 1

0167 **Conduct**

0167.1 **Voting**

All regular and those special meetings of the Board at which the Board is authorized **to take official action shall be conducted in compliance with the Indiana Open Door Law (I.C. 5-14-1.5). Except with respect to the approval or modification of a contract,** ~~to perform business shall be conducted in public. No~~ **no** action shall be valid unless approved at a **public** meeting of the Board by a majority vote of ~~the members~~ **a quorum** of the Board and a proper record made of the vote. **Board action to approve or modify a contract shall require an affirmative vote of a majority of all members of the Board.** ~~All~~ **A** Board **member** ~~members~~ must be physically present in order to **cast a valid vote.**~~have their vote officially recorded.~~

A Board member who is not physically present at a meeting of the Board, but who communicates with members of the Board during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication **that permits the member to hear and be heard by the Board members and public present at the meeting, may participate in any Board discussion, but** may not participate in ~~final action~~ **a vote** taken at the meeting and may not be considered to be present at the meeting **for purposes of the existence of a quorum**.

~~The minutes of a meeting must indicate that a member participated by using a means of communication noted above.~~ The minutes **of a meeting** must ~~also~~ state each member who was physically present, each member who participated by using electronic means of communication, and each member who was absent.

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Abstentions shall not be counted as votes, but shall be recorded **in the minutes of a meeting** and are deemed to acquiesce in the outcome of the vote. In the case of a tie vote in which **a member abstains,** ~~an abstention is involved,~~ the motion shall fail for lack of a majority.

All actions requiring a vote

( ) shall be conducted by roll call

(X) may be conducted by voice, show of hands, or roll call

provided that the vote of each member be recorded. Proxy voting shall not be permitted. Any member may request that the Board be polled.

~~I.C. 5-10.2-2-16~~
I.C. 5-14-1.5
I.C. 20-26-4-8

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BOARD OF SCHOOL TRUSTEES
_____SCHOOL CORPORATION

REVISED POLICY - VOLUME 23, NO. 1

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

The School Board does not discriminate on the basis of religion, race, color, national origin, sex, disability**,** ~~or~~ age**, or genetic information** in its programs, activities or employment.

Further, it is the policy of this Corporation to provide an equal opportunity for all students, regardless of race, color, creed, disability, religion, gender, ancestry, age, national origin, place of residence within the boundaries of the Corporation, or social or economic background, to learn through the curriculum offered in this Corporation.

In order to achieve the aforesaid goal, the Board directs the Superintendent to:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon race, color, gender, disability, religion, national origin, ancestry, or culture; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of color/racial, gender, religious, national, cultural, or other bias in all aspects of the program;

C. Student Access

review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of race, color, creed, gender, disability, or national origin in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;

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D. Corporation Support

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

E. Student Evaluation

ensure that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of race, color, creed, gender, or national origin.

The Superintendent shall appoint and publicize the name of the compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any inquiries or complaints regarding discrimination or equal access are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to students, their parents, staff members, and the general public.

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

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The Superintendent shall prepare administrative guidelines as needed in furtherance of the proper implementation of this policy.

I.C. 20-33-1-1
Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
29 U.S.C. Section 794, Rehabilitation Act of 1973
29 C.F.R. Part 1635
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964
42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990
42 U.S.C. 6101 et seq.
34 CFR Part 110 (7/27/93)
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979
Title III of the No Child Left Behind Act of 2001

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BOARD OF SCHOOL TRUSTEES
_____SCHOOL CORPORATION

REVISED POLICY - VOLUME 23, NO. 1

SECTION 504/ADA
PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The School Board does not discriminate in admission or access to, **or** participation **in,** or treatment, or employment in, its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, will provide equal opportunity for employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the Corporation.

As used in this policy and the implementing administrative guidelines, "an individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

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

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

With respect to employment, a qualified person with a disability means a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.

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

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

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

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

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

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Supt. **[name(s)]**, _____ **[title(s)]**, **[is] [are]** the Corporation Section 504 Compliance Officer(s)/ADA Coordinator(s) ("Corporation Compliance Officer(s)"). The Corporation Compliance Officer(s) **[is] [are]** responsible for coordinating the Corporation's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act ("ADA"). A copy of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, **as amended,** including copies of their implementing regulations, may be obtained from the Corporation Compliance Officer. The Corporation Compliance Officer can be reached at:

_____ (address)

_____ (phone number)

_____ (facsimile number)

_____ (e-mail)

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

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

Employment Practices

Discrimination Prohibited

In accordance with Section 504/ADA, no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any of the Corporation's programs or activities. Further, the Board will take positive steps to employ and advance in employment qualified individuals with disabilities. The Board will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

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Reasonable Accommodation

The Board will ~~make~~ **provide** reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose an undue hardship on the operation of the Corporation's program and/or activities.

Facilities

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

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities. The Corporation will meet its ~~obligation~~ **obligations** through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the Corporation will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate.

Education

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

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

~~Parent(s)/guardian(s)/custodian(s) ("parents") are invited and encouraged to participate fully in the evaluation process. If the parents disagree with the determination made by the Corporation's professional staff, they may file an internal complaint, request a hearing with an impartial hearing officer, or file a complaint with the Office of Civil Rights.~~

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

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

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

The Board directs the Superintendent to prepare administrative guidelines for facilitating the prompt, fair and appropriate identification, referral, evaluation and placement of students with disabilities in accordance with Section 504.

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

~~The Board will utilize a system of procedural safeguards that will provide for prompt and equitable resolution of complaints alleging violations of Section 504/ADA. Due process rights of students with disabilities and their parents under Section 504 will be enforced.~~

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

29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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BOARD OF SCHOOL TRUSTEES
_____SCHOOL CORPORATION

REVISED POLICY - VOLUME 23, NO. 1

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School Board does not discriminate on the basis of religion, race, color, national origin, sex, disability, ~~or~~ age**, marital status, genetic information, or any other legally protected characteristic,** in its programs and activities, including employment opportunities.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to staff members and the general public. Any sections of the Corporation's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.

I.C. 20-33-1-6
I.C. 20-28-10-12
I.C. 20-28-10-13
20 U.S.C. 1681 et seq., Title IX
29 U.S.C. 701 et seq., Rehabilitation Act of 1973
42 U.S.C. 1981 et seq.
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990
42 U.S.C. 2000 et seq., Civil Rights Act of 1964
29 U.S.C. 623 et seq., Age Discrimination in Employment Act of 1967
U.S. Constitution, XIV Amendment
29 C.F.R. Part 1635

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NEOLA of INDIANA
TEMPLATES

BOARD OF SCHOOL TRUSTEES
_____SCHOOL CORPORATION

REVISED POLICY - VOLUME 23, NO. 1

WEAPONS

The School Board prohibits professional staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Corporation for the purpose of school activities approved and authorized by the Corporation including, but not limited to, property leased, owned, or contracted for by the Corporation, a school-sponsored event, or in a Corporation vehicle.

~~(1) without the permission of the Superintendent.~~

The possession of a firearm in or on school property, in or on property that is being used by a school for a school function, or on a school bus is a felony (I.C. 35-47-9-2) and is prohibited by Board policy. Possession includes storing the firearm in a personal vehicle while on school property. This prohibition applies to all employees including those who have a personal protection permit to carry a handgun.

The term "weapon" means any object which, in the manner in which it is used, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health ~~and~~ **or** safety of persons. Weapons include, but are not limited to, firearms, **tasers, handguns, stun guns,** guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, **chemical weapons,** metallic knuckles, martial arts weapons, ammunition, and ~~explosives~~**destructive devices (bombs, incendiary, grenade, Molotov cocktail, rocket with a propellant charge of more than four (4) ounces, etc.)**. A "knife" is defined as "an instrument that: 1) consists of a sharp edge or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and 2) is intended to be used as a weapon." I.C. 35-47-5-2.5(a)

The Superintendent will ~~refer a staff member~~ **report an employee** who violates this policy to law enforcement officials. The staff member also will be subject to disciplinary action, up to and including termination**, for violation of this policy**.

This prohibition does not apply to weapons under the control of law enforcement personnel.

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Exceptions to this policy include:

- [X] items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)
- [X] theatrical props used in appropriate settings;
- [X] starter pistols used in appropriate school related sporting events.

Staff members must report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

I.C. 20-33-9-1 et seq.
I.C. 35-41-1-8
I.C. 35-47-5-2.5
I.C. 35-47-9
I.C. 35-41-1-4.3

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BOARD OF SCHOOL TRUSTEES
_____SCHOOL CORPORATION

REVISED POLICY - VOLUME 23, NO. 1

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School Board does not discriminate on the basis of religion, race, color, national origin, sex, disability, ~~or~~ age**, marital status, genetic information, or any other legally protected characteristic,** in its programs and activities, including employment opportunities.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to staff members and the general public. Any sections of the Corporation's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.

20 U.S.C. 1681 et seq., Title IX
29 U.S.C. 701 et seq., Rehabilitation Act of 1973
42 U.S.C. 1981 et seq.
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990
42 U.S.C. 2000 et seq., Civil Rights Act of 1964
29 U.S.C. 623 et seq., Age Discrimination in Employment Act of 1967
U.S. Constitution, XIV Amendment
29 C.F.R. Part 1635

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BOARD OF SCHOOL TRUSTEES
_____SCHOOL CORPORATION

REVISED POLICY - VOLUME 23, NO. 1

WEAPONS

The School Board prohibits support staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Corporation for the purpose of school activities approved and authorized by the Corporation including, but not limited to, property leased, owned, or contracted for by the Corporation, a school-sponsored event, or in a Corporation vehicle.

~~(1) without the permission of the Superintendent.~~

The possession of a firearm in or on school property, in or on property that is being used by a school for a school function, or on a school bus is a felony (I.C. 35-47-9-2) and is prohibited by Board policy. Possession includes storing the firearm in a personal vehicle while on school property. This prohibition applies to all employees including those who have a personal protection permit to carry a handgun.

The term "weapon" means any object which, in the manner in which it is used, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health ~~and~~ **or** safety of persons. Weapons include, but are not limited to, firearms, **tasers, handguns, stun guns,** guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, **chemical weapons,** metallic knuckles, martial arts weapons, ammunition, and ~~explosives.~~ **destructive devices (bombs, incendiary, grenade, Molotov cocktail, rocket with a propellant charge of more than four (4) ounces, etc.).** A "knife" is defined as "an instrument that: 1) consists of a sharp edge or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and 2) is intended to be used as a weapon." I.C. 35-47-5-2.5(a)

The Superintendent will ~~refer a staff member~~ **report an employee** who violates this policy to law enforcement officials. The staff member also will be subject to disciplinary action, up to and including termination **for violation of this policy.**~~, as permitted by applicable Board policy and the terms of existing collective bargaining agreements.~~

This prohibition does not apply to weapons under the control of law enforcement personnel.

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Exceptions to this policy include:

(X) items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)

(X) theatrical props used in appropriate settings;

(X) starter pistols used in appropriate school related sporting events.

Staff members must report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

I.C. 20-33-9-1 et seq.
I.C. 35-41-1-8
I.C. 35-47-5-2.5
I.C. 35-47-9
I.C. 35-41-1-4.3

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BOARD OF SCHOOL TRUSTEES
_____ SCHOOL CORPORATION

REVISED POLICY – VOLUME 23, NO. 1

ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

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

A. The Board will educate, tuition free, students who have legal settlement in the Corporation, and students enrolled ~~in the Public Elementary and Secondary Schools Transfer Program~~ according to the requirements of I.C. 20-26-11.

B. Where the legal settlement of a student cannot reasonably be determined and the student is being supported by and living with a person whose residence is within the School Corporation, the student may be enrolled without payment of tuition. If the parents are able to support the student and have placed him/her in the home of another person primarily for the purpose of attending school in this Corporation without establishing legal guardianship ~~or custodianship~~ as required by Indiana law, tuition **( )** will be charged ~~( )~~ **may be charged**.

C. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition free, without regard to residency, to a school within the Corporation, as selected by the State Department of Human Services or the child placing agency responsible for placement of that child.

~~C.~~**D.** Foreign students participating in a foreign-exchange program approved by the **Indiana** State ~~School~~ Board **of Education** and living with a resident host family will be admitted tuition free.

~~D.~~**E.** The Corporation will provide a free education to those students who are considered by Federal law to be illegal aliens, if the student's parent or legal guardian has legal settlement within the Corporation, or considered to be homeless by criteria established by the State (see Policy 5111.01).

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

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~~F.~~**G.** A married student living with a spouse or an emancipated minor is eligible to attend school without payment of tuition provided s/he resides in the Corporation.

~~G.~~**H.** Children of Divorced Parents

Children of divorced parents may attend school in this Corporation without the payment of tuition if one (1) parent ~~has legal settlement~~ **resides** in this Corporation and a timely election is made **utilizing the "Custodial Statement and Agreement: Divorce, Separation, or Abandonment" form provided by the Indiana State Board of Education**. ~~Not later than fourteen (14) days before the first student day of the school year for which the parent seeks enrollment, the parent with physical custody must notify the Superintendent of the school corporation in which the parents seeks to have the student enrolled of the election. The election may be made only once a year.~~

Not later than fourteen (14) days before the first student day of the school year for which the parent seeks enrollment, the parent with physical custody **of the child** must notify the Superintendent of the school corporation in which the parents ~~seeks~~ **seek** to have the student enrolled of ~~the~~ **their election to enroll the child in the Corporation school**~~election~~. The election may be made only once a **school** year.

~~( )~~ A student who has been expelled from another school corporation or who is expelled from a nonpublic school or withdraws from a public or a nonpublic school to avoid expulsion may be enrolled in the Corporation during the actual or proposed expulsion if:

1. the student's parent informs the Corporation of the student's expulsion or withdrawal to avoid expulsion;

2. the Corporation consents to the student's enrollment;

3. the student agrees to the terms and conditions of enrollment established by the Corporation.

Such students **( )** will be charged ~~( )~~ **may be charged** tuition if they reside outside the boundaries of the Corporation.

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

1. a written or verbal statement of the reasons for the withdrawal of consent;

2. a summary of the evidence against him/her;

3. an opportunity to explain his/her conduct.

(X) Students whose parents do not have legal settlement within the Corporation but who present evidence that they will move into the Corporation within a short period of time may enroll in the schools of this Corporation as tuition students for the time not in residence.

(X) Students who do not have legal settlement may/will be enrolled in the special education program of this Corporation pursuant to the provisions of a Cooperative agreement. **[NOTE: Check with your Cooperative agreement.]**

(X) Nonresident students may be accepted into the Summer School Program provided by this Corporation.

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( ) Transfer Students

CHOOSE ONE OF THE FOLLOWING OPTIONS:

[ ] Option #1

The Corporation shall enroll only those students who have legal settlement in the School Corporation. The Corporation does not accept and/or enroll cash transfer tuition students.

~~The Superintendent is prohibited from approving the acceptance of any student who has been enrolled in the School Corporation for two (2) or more consecutive school years and then relocates and establishes legal settlement in an adjacent school corporation if such student seeks permission to transfer back to this Corporation.~~

[END OF OPTION #1]

[X] Option #2

The Corporation shall enroll those students who have legal settlement in the School Corporation. However, the Board ~~recognizes that extenuating circumstances arise from time to time and, therefore,~~ will consider requests by parents, guardians, or custodians of Indiana students who do not reside in the School Corporation but who wish to enroll their child in the School Corporation.

Requests for enrollment will be considered only if:

1. non-resident enrollment is for educational reasons;

2. non-resident student is in good standing in their resident school corporation;

3. Parents, guardians, or custodians agree to provide transportation to and from the school; and

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4. when applicable, the parents, guardians, or custodians agree to pay the transfer tuition in a timely manner as prescribed by the School Corporation.

The decision by the Superintendent to recommend acceptance of a non-resident student will be based on:

1. financial impact of the enrollment of the student on the resident students (inclusion of the student in the ADM count);

2. the student's attendance and academic record at the previous school of attendance and status regarding graduation;

3. the availability of curricular or program offerings that are specifically aligned with the student's demonstrated academic or career aspirations;

4. the student's disciplinary record at the previous school of attendance;

5. class size and program capacity of the school/grade level in which the student requests to enroll;

6. the willingness and ability of the parents, guardians, or custodians to provide transportation to and from the school and extra-curricular activities as appropriate; and

7. the compatibility of the proposed enrollment with the standards of organizations with which the School Corporation is affiliated, such as the Indiana High School Athletic Association.

The transfer shall not place an undue burden on the School Corporation.

The Superintendent ~~may~~ **shall recommend that the Board** grant or deny any and all transfer requests in accordance with the criteria herein and the established administrative guidelines.

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☒ **The Board may waive the payment of transfer tuition for students who meet all of the criteria for enrollment of a transfer student ( ) and are enrolled prior to the annual September ADM count date.**

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

[END OF OPTION #2]

[END OF OPTIONS]

I.C. 20-18-2-11; 20-33-2-12, 20-33-8-17; 20-26-11-1; 20-26-11-2; 20-26-11-2.5
I.C. 20-26-11-6(e)
~~Plyer~~ **Plyler** v. Doe, 457 U.S. 202 ~~(2004)~~**(1982)**

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BOARD OF SCHOOL TRUSTEES
_____ SCHOOL CORPORATION

REVISED POLICY – VOLUME 23, NO. 1

HOMELESS STUDENTS

Children who meet the Federal definition of "homeless" will be provided a free **and** appropriate public education in the same manner as all other students of the Corporation. **To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless and will be assigned to the school serving those non-homeless students residing in the area in which the homeless child is actually living. The Corporation shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness.** ~~and will not be stigmatized or segregated on the basis of their status as homeless. No homeless student will be denied enrollment based on a lack of proof of residency. No Board policy, administrative guideline, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless students.~~

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include those who meet any of the following criteria:

A. share the housing of other persons due to loss of housing, economic hardship, or similar reason

B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations

C. live in emergency or transitional shelters

D. are abandoned in hospitals

E. awaiting for foster care placement

F. have a primary night time residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, or

G. live in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting

Additionally, pursuant to Federal and State law, children or youth who are experiencing homelessness also include migratory children who are living in circumstances described in A-G above.

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Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs administered by the Corporation.

The Corporation shall remove barriers to the enrollment and retention of homeless students in schools in the Corporation. Homeless students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records, and other documentation.

Homeless students will be provided services comparable to other students in the Corporation, including:

A. transportation services;

~~B. educational services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs;~~

B. educational services for which the homeless student meets eligibility criteria including services provided under Title I of the Elementary and Secondary Education Act or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;

C. programs **in vocational and technical education;** ~~for children with disabilities;~~

D. programs for **gifted and talented students;**~~students with limited English proficiency;~~

E. ~~programs in vocational and technical education;~~ **school nutrition programs; and**

F. ~~programs for gifted and talented students;~~ **before-and after-school programs.**

~~G. school nutrition programs.~~

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Homeless students have the right to remain in their school of origin or the local attendance area school, according to the child's best interest. The school of origin is the school that the student attended when permanently housed or last enrolled. The local attendance area school is any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend.

Homeless students have the right to dispute their school assignment, if their assignment is other than their school of origin. In determining the best interest of the student, the Corporation shall, to the extent feasible, keep the student in the school of origin, except when doing so is contrary to the wishes of the homeless student's parent or guardian or the unaccompanied youth. If the student is sent to a school other than the school of origin or a school requested by the parent or guardian, a written explanation, including a statement regarding the right to appeal, will be provided to the homeless student's parent or guardian or the unaccompanied youth.

The School Board requires that these rights and the dispute process be communicated to the parent or guardian of the homeless student or unaccompanied youth.

In addition to notifying the parent or guardian of the homeless student or unaccompanied youth of the rights described above, the Corporation shall post public notice of educational rights of children and youth experiencing homelessness in each school.

At the request of the parent or guardian, or in the case of an unaccompanied youth, the local homeless liaison, transportation shall be provided for a homeless student to and from the school of origin as follows:

A. If the homeless student continues to live in the Corporation in which the school of origin is located, transportation will be provided in accordance with Corporation policy/administrative guidelines.

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B. If the homeless student moves to an area served by another corporation, though continuing his/her education at the school of origin, the corporation of origin and the corporation in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the corporations cannot agree upon such a method, the responsibility and costs must be shared equally.

~~[]~~ ~~The name and contact information for the Liaison for Homeless Children shall be posted on the Corporation's internet website and shall be reported to the Indiana Department of Education.~~

The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths.

The homeless liaison will assist, to the extent feasible, the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained so that they are available in a timely fashion and can be transferred promptly as necessary.

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

42 U.S.C. 11431 et seq. **(McKinney - Vento Homeless Assistance Act)**

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BOARD OF SCHOOL TRUSTEES
_____ SCHOOL CORPORATION

NEW POLICY – VOLUME 23, NO. 1

EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Children of an active duty member of the United States armed services shall be entitled to all of the rights and protections afforded under the Interstate Compact on Educational Opportunity for Military Children (Compact).

The intent of this policy is to minimize the potential challenges to educational success for children because of frequent moves and deployment of their parents by:

A. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities;

B. facilitating the on-time graduation of children of military families; and

C. providing for the uniform collection and sharing of information between and among schools and military families.

The Superintendent shall be responsible for maintaining guidelines for implementation of this policy which are consistent with the Compact and State law.

The guidelines shall apply to children of military families within the state as well as between participating states.

Interstate Compact on Educational Opportunity for Military Children
I.C. 20-38-3

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BOARD OF SCHOOL TRUSTEES
_____ SCHOOL CORPORATION

REVISED POLICY – VOLUME 23, NO. 1

CREDITS **AND PLACEMENT** FROM **NONACCREDITED SCHOOLS**
~~STATE CHARTERED, SPECIAL~~
~~AND NONCHARTERED SCHOOLS~~

In recognizing its responsibility to uphold the minimum educational standards of the State of Indiana **and protect the significance of a diploma issued by** the School Board**, the Board recognizes only accreditation provided by the State of Indiana or accreditation provided by the education agency of another state that maintains educational standards for its students similar to those maintained by the State of Indiana. The Board** establishes the following policy and criteria regarding the acceptance of credits from ~~nonpublic schools whether they be State chartered, special, or nonchartered schools.~~ **nonaccredited schools, home schools, and schools not accredited by the education agency of a state (hereafter "nonaccredited schools").**

~~For credit or course work to be accepted for courses taken in such schools, either a copy of the charter or other assurance of compliance with minimum requirements established by the State must be provided.~~

Recognition of credits or course-work **earned in nonaccredited schools** ~~shall~~ **may** be granted when ~~the proper assurance and~~ the student's transcript has been received **and it is determined that the course-work was equivalent to Indiana Academic Standards**. The ~~Corporation~~ **Board** reserves the right to assess ~~such~~ transfer students **from nonaccredited schools** in order to determine proper placement and**/or granting of credit and** to be assured the student can demonstrate the learnings which are prerequisite to a placement **and/or granting of credit**.

Whenever a student seeks to transfer into the Corporation from a nonaccredited school the following procedures will be used to determine the student's proper grade placement or credits toward graduation.

- **Identify the grade level that the student's age would indicate is the likely grade placement.**
- **Review the courses of study for that grade to determine the critical learnings that would be prerequisite for success at subsequent grade levels or courses.**

(X) **Review the student's performance (if available) on tests and/or other means of assessment that were used to assess the student's learning while participating in the nonaccredited school. Determine whether the critical learnings identified in the Board's courses of study were properly assessed and, if so, how well the student has achieved each critical learning.**

(X) **If no prior assessment data is available, identify which tests (standardized or Corporation-made) as well as other means of assessment (research project, term paper, and the like) will be used to assess the student's achievement of the critical learnings. Arrange for the student to be assessed using the identified instruments.**

( ) **If the assessment so indicates, assign the student to the grade or course level suggested at the first step (with or without special assistance).**

( ) **Make arrangements for any form of special assistance that will be needed for the student to succeed at that level.**

( ) **If the assessment indicates that another grade or course level is more appropriate, register the student in that grade or course level and make whatever arrangements are necessary to provide for any needed assistance indicated by the assessment.**

The principal of the school the student will attend shall make the initial determination regarding the proper placement of the student and the extent to which any credit will be granted. The decision of the principal may be appealed to the Superintendent whose decision shall be final.

~~Although~~ **If** credits from ~~nonpublic schools may be~~ **a nonaccredited school are** granted and placed on a student's transcript, no grades will be entered on the transcript or considered for class ranking. Only grades awarded for courses taken **in an accredited school shall be considered in class ranking and entered on the student's transcript from the Board schools.**~~at the Corporation or at a school approved or certified by a State education agency shall be considered in class ranking and for entering on the transcript.~~

BOARD OF SCHOOL TRUSTEES
_____ SCHOOL CORPORATION

NEW POLICY - SPECIAL UPDATE MAY 2010
REISSUED - SEPTEMBER 2010

(X) USE OF SECLUSION AND RESTRAINT WITH STUDENTS

OR

( ) USE OF SECLUSION, RESTRAINT, AND AVERSION WITH STUDENTS

[NOTE: If the option of including Aversion (adverse intervention) is selected, the policy title and selection of options within this policy must be consistent.]

It is the policy of the Board to limit or prohibit the use of seclusion, physical, mechanical or chemical restraint **( )**, corporal punishment **( )**, and aversion in the education and discipline of students to circumstances in which the strategy can be used safely in a manner that is in the best interests of the student and as defined in this policy.

Use of Seclusion

The use of seclusion on a student shall not be permitted except when the conditions described in this policy exist. The use of seclusion on a student with disabilities shall also be subject to any conditions in the student's IEP and any BIP established for the student in addition to the conditions established in this policy.

An enclosure used for seclusion of a student shall have the same ceiling height, lighting, ventilation, and temperature as the surrounding room or rooms. The room or enclosure shall be large enough to accommodate the student being isolated and any other person necessary to accompany that student. The room or enclosure shall not be locked or use any device that requires a key or other device or special knowledge such as a combination lock to exit from the enclosure or room. The enclosure or room shall comply with all applicable health, fire and emergency safety requirements, and the student placed in seclusion shall be included in any evacuation or safety plan or drill for the facility. The enclosure or room shall not be named, labeled, or referred to by a staff member so as to label or stigmatize a student placed in the enclosure or room.

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An enclosure or room used for seclusion must be constructed of materials or objects that cannot injure or be used by a student to injure themselves or others. It must be designed so that a student cannot climb up the walls and shall allow continuous visual monitoring and communication with the student by a staff member. The staff member's duties shall be assigned so that the staff member can supervise the isolated student and see and hear the student at all times. An enclosure or room shall still be considered to be used for seclusion if more than one student is placed in the room under circumstances that would otherwise qualify as seclusion, and if more than one student is placed in the room or enclosure, the staff member shall insure that the students do not have the potential to injure one another.

A student shall not be isolated for more than thirty (30) minutes after the student stops the specific behavior for which seclusion was imposed or any other behavior for which seclusion would be an appropriate response according to this policy. If a student with a disability is placed in seclusion pursuant to a BIP or IEP, the time limitations indentified in the BIP or IEP shall be determined and applied by the staff member immediately following placement of the student with a disability in seclusion.

Use of Physical or Mechanical Restraints

A student shall not be subjected to physical or mechanical restraint except as specifically authorized in this policy. Restraint of any kind shall not be used in any instance in which the sole justification is to punish the student for a violation of a directive from a staff member, violation of student conduct rule, the student's use of vulgar or profane language, a verbal threat, or a display of disrespect for another person. A verbal threat shall not be considered as sufficient justification for the use of physical or mechanical restraint unless a student has or has immediate access to the means of acting on the threat.

A restraint shall not be implemented with the intention of using physical pain to achieve control of a student's behavior or punish misconduct, and a restraint of any kind shall never be applied in a manner that restricts a student's blood flow or respiration. Failure of a student to complain or object to a restraint or the successful use of a restraint with another student shall not justify the use of a restraint.

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Physical or mechanical restraint shall not be used if there is a medical contraindication to its use identified for the student, and shall only be applied and supervised by a staff member who has been trained in the safe application and supervision of the specific means of restraint applied. Application of physical or mechanical restraint to a student with a disability shall take into consideration the IEP and any BIP established for the student.

Physical or mechanical restraint may be used on a student if an emergency requires the use of the restraint. As used here, "emergency" means circumstances in which a staff member reasonably believes that application of a restraint on the student is necessary in response to a physical risk of harm to the student or others.

Physical or mechanical restraint may be used to conduct a medical exam or treatment on a student that is necessary to diagnose or treat a suspected condition that if not diagnosed and treated could interfere with the student's ability to receive the benefit of the student's program of instruction or IEP.

A mechanical restraint may be used on a student if the student's treating physician has authorized the use of the mechanical restraint before the restraint is applied or not later than thirty (30) minutes after the mechanical restraint is first applied. A mechanical restraint shall be applied and supervised by a staff member who is trained and competent to apply and supervise the specific mechanical restraint utilized. If a mechanical restraint is used pursuant to this provision, the physician who authorized or approved the restraint or an attending physician must examine the student as soon as practicable following application of the restraint. A student who has been mechanically restrained must be given the opportunity to move and exercise the body parts that are restrained at least ten (10) minutes every sixty (60) minutes of restraint unless ordered otherwise by the physician who authorized or approved the mechanical restraint. If a mechanical restraint is used pursuant to this provision, a staff member shall loosen or discontinue the restraint every fifteen (15) minutes to determine if the restraint is still necessary and its implementation is not endangering the student's health. A mechanical restraint shall be stopped immediately if a staff member determines that the student will stop or control his/her inappropriate behavior without the use of the restraint, the restraint restricts the student's respiration or blood flow, or the degree of the student's resistance to the mechanical restraint is likely to result in serious bodily injury to the student.

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While a student is subject to a mechanical restraint, a staff member shall continuously monitor the student and the impact of the mechanical restraint on the student. A mechanical restraint shall only be used as necessary to contain the behavior of the student until the student is no longer an immediate threat of causing physical injury to himself/herself or others or causing severe property damage.

Mechanical restraint may only be used on a student with disabilities in circumstances other than the conditions described above if the mechanical restraint is used to address the medical needs of the student, protect a student who is known to be at risk of injury to himself/herself because of a lack of coordination or frequent loss of consciousness, provide proper body alignment to a student, or position a student who has physical disabilities in a manner prescribed in the student's IEP.

In determining whether a student who is being physically or mechanically restrained should be moved from the area where the need was first noted or the restraint was first applied, the supervising staff member shall consider the potential for injury to the student, the educational and emotional well-being of the restrained student and other students who would observe the application of the restraint, and any requirements of a BIP or IEP established for a student with a disability.

If physical or mechanical restraint is utilized in compliance with this policy on a student whose primary mode of communication is sign language, the student shall be permitted to have his/her hands free of restraint for brief periods unless the supervising staff member determines that such freedom is likely to result in harm to the student or others.

A physical or mechanical restraint shall be used no longer than necessary to contain the behavior of the student so that the student is no longer an immediate threat of causing physical injury to himself/herself or others or causing severe property damage. The use of force in the application of the restraint shall not exceed the force that is reasonably necessary in the circumstances justifying the use of the restraint.

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A student shall be released from physical or mechanical restraint immediately upon a determination by the supervising staff member administering or overseeing the use of restraint that the circumstances permitting the use of restraint in this policy no longer exist.

If physical or mechanical restraint is used on a student, the use of the restraint shall be noted in writing in the student's cumulative record and a confidential file maintained for the student not later than one (1) working day after the restraint is used. The confidential file on the student shall include a notation that confirms the facts necessary to determine if this policy was fully implemented. A copy of the report shall be provided to the Superintendent, the student's individualized education program team, and the parent/guardian of the student.

Use of Chemical or Drug Restraint

The administration of drugs prescribed by a physician for the student shall be in accordance with the terms of the prescription established by the physician, the written consent of the parent/guardian, Board Policy 5330, and the rules of the Indiana State Board of Education. (511 IAC 7-36-9) However, a parent/guardian shall not be required to obtain a prescription for medication for a student as a condition for attending school, receiving an educational evaluation under 511 IAC 7-40, or receiving special education or related services.

The administration of drugs prescribed by a physician for the purpose of responding to acute or episodic aggressive or destructive behavior by a student shall be limited to those circumstances when alternative intervention techniques have failed to effectively limit or control the acute or episodic aggressive or destructive behavior. This limitation does not apply to the administration of drugs prescribed by a physician to treat the symptoms of mental, physical, emotional or behavioral disorders that assist a student with a disability in gaining self-control over impulses.

[ ] Use of Aversion, Corporal Punishment, Electric Shock, or Verbal or Mental Abuse

Adverse intervention, electric shock, and verbal or mental abuse shall not be utilized with a student. Corporal punishment shall only be utilized in compliance with Policy 5630, and shall not be utilized with a student with a disability unless it is specifically authorized in the student's IEP or BIP.

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Mandatory Training for Staff

No employee of the Board, or person in a Corporation facility shall be permitted to use seclusion, physical, mechanical, or chemical restraint **( )**, or aversion until the person has received sufficient training in the use of the strategy or procedure to allow the person to utilize the measure safely and in compliance with any IEP or BIP established for a student with a disability.

The Superintendent shall require that staff members responsible for implementing this policy receive training that includes:

A. positive methods to modify the environment of students to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

B. methods to teach skills to students with disabilities so that the students can replace inappropriate behavior with adaptive behavior;

C. methods to enhance the independence and quality of life for students with disabilities;

D. the use of least intrusive methods to respond to and discourage inappropriate behavior of students while reinforcing positive behavior of students, and;

E. a process for designing interventions based upon the student's needs that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the student.

The Superintendent shall also require that appropriate training is provided for the immediate supervisors of Corporation employees who are authorized to supervise the use of seclusion, physical, mechanical, or chemical restraint **( )**, or aversion to provide that those measures are only implemented as permitted in this policy.

Report of Violations and Corrective Plan Requirement

The principal of a school where a violation of this policy occurs shall report the violation in writing to the Superintendent not later than twenty-four (24) hours after the violation occurs, or as soon thereafter as the violation is discovered. The Superintendent shall take corrective action as necessary to address the circumstance that led to the violation.

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Disciplinary Action for a Violation of This Policy

In addition to any penalty prescribed by law, the Superintendent is directed by this policy to see that a Board employee who intentionally, knowingly or recklessly violates this policy is subject to correction or disciplinary action as necessary to prevent a reoccurrence of the violation. A Board employee engages in conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct "knowingly" if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct "recklessly" if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.

Discipline of a staff member for violation of this policy shall take into account the degree to which the violation risked serious bodily injury to a student and the staff member's history of compliance with this policy and other Board policies.

Retaliation for Fully Implementing or Reporting Violations

No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions in violation of this policy or providing information regarding a violation of this policy.

Definition of Terms

The following definitions apply in this policy regardless of the term(s) used to describe the conduct when it occurs.

( ) "**Aversion or Aversive Intervention**" means any of the following actions if used to attempt to address, eliminate, reduce or discourage maladaptive behavior of a student through:

1. the use of noxious odors and/or tastes, water and other mists or sprays, blasts of air, electric shock, corporal punishment, verbal or mental abuse;

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2. requiring a student to perform exercise under forced conditions if the student is required to perform the exercise because s/he exhibited a behavior that is related to a disability; the exercise is harmful to the health of the student, or the nature of the exercise or a student's disability prevents the student from safely engaging in the exercise; or

3. depriving the student of necessities needed to sustain the health or comfort of a student, regardless of the length of the deprivation, including the denial or substantial delay in the provision of food or liquid at a time when it is customarily served.

B. "**Behavioral Intervention Plan" or "BIP"** has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 7-32-10)

C. "**Case Conference Committee**" has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 7-32-12)

D. "**Chemical Restraint**" means the administration of drugs for the specific purpose of controlling an acute or episodic aggressive behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional, or behavioral disorders, to assist a student in gaining self-control over his/her impulses.

( ) "**Corporal Punishment**" means the intentional infliction of physical pain including, without limitation, hitting, pinching, punching, striking, striking the back of the hand, or paddling.

F. "**Electric Shock**" means the intentional application of electric current to a student's skin or body. The term does not include electroconvulsive therapy administered by or pursuant to the order of a physician.

G. "**Emergency**" means a situation in which immediate intervention is necessary to protect the physical safety of a student or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.

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H. "**Individualized Education Program" or "IEP**" has the meaning given to it in the rules of the Indiana State Board of Education. (511 IAC 7-32-18)

I. "**Seclusion**" means isolated time-out or the confinement of a student outside the presence of other students or staff in a time-out room or other enclosure.

J. "**Mechanical Restraint**" means the use of devices including, without limitation, mittens, straps, belts, or restraint chairs to limit a student's movement or hold a student immobile.

K. "**Physical Restraint**" means the use of physical contact by a person to limit a student's movement or hold a student immobile.

L. "**Physician**" means a person holding an unlimited license to practice medicine in Indiana, and includes an M.D. (medical doctor) and a D.O. (osteopathic physician).

M. "**Serious Bodily Injury**" means injury to a person that creates a substantial risk of death or that causes permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

N. "**Verbal or Mental Abuse**" means actions or utterances that are intended to cause and actually cause severe emotional distress to a student.

Administrative Guidelines and Forms

The Superintendent is authorized to issue administrative guidelines, directives, and forms as needed to fully implement this policy and document compliance.

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BOARD OF SCHOOL TRUSTEES
_____ SCHOOL CORPORATION

REVISED POLICY – VOLUME 23, NO. 1

WEAPONS

The School Board prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Corporation for the purpose of school activities approved and authorized by the Corporation including, but not limited to, property leased, owned, or contracted for by the Corporation, a school-sponsored event, or in a Corporation vehicle.

~~(1) without the permission of the Superintendent.~~

The possession of a firearm in or on school property, in or on property that is being used by a school for a school function, or on a school bus is a felony (I.C. 35-47-9-2) and is prohibited by Board policy. Possession includes storing the firearm in a personal vehicle while on school property. This prohibition applies to all students including those who have a personal protection permit to carry a handgun.

The term "weapon" means any object which, in the manner in which it is used, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health ~~and~~ **or** safety of persons. Weapons include, but are not limited to, firearms, **tasers, handguns, stun guns,** guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, **chemical weapons,** metallic knuckles, martial arts weapons, ammunition, and ~~explosives.~~ **destructive devices (bombs, incendiary, grenade, Molotov cocktail, rocket with a propellant charge of more than four (4) ounces, etc.).** A "knife" is defined as "an instrument that: 1) consists of a sharp edge or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and 2) is intended to be used as a weapon." I.C. 35-47-5-2.5(a)

This policy will also encompass such actions as possession of look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

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☒ The Superintendent is authorized to establish administrative guidelines on weapons which require students to immediately report knowledge of weapons and threats of violence by students ☒ and staff to the building principal. Failure to report such knowledge may subject the student to immediate suspension and potential expulsion from school.

The Superintendent will ~~refer~~ **report** any student who violates this policy to the student's parents or guardians and to the ~~criminal justice or juvenile delinquency system.~~ **law enforcement agency having jurisdiction over the property where the offense occurs.** The student also may be subject to disciplinary action, up to and including expulsion.

☒ Items pre-approved by the building principal as part of a class or individual presentation or a theatrical prop used under adult supervision, if used for the purpose and in the manner approved, would be an exception to this policy. (Working firearms and any ammunition will never be approved as part of a presentation.)

I.C. 20-33-8-16
I.C. 20-33-9-1 et seq.
I.C. 35-41-1-8
I.C. 35-47-5-2.5
I.C. 35-47-9
I.C. 35-41-1-4.3
20 U.S.C. 7151

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TEMPLATES

BOARD OF SCHOOL TRUSTEES
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REVISED POLICY – VOLUME 23, NO. 1

ENROLLMENT OF STUDENTS ON A CASH TRANSFER BASIS

The School Board shall assess cash transfer tuition in accord with I.C. 20-26-11-6 as a condition for the enrollment of a student in the School Corporation on a cash tuition basis. Each application for enrollment of a student on a cash tuition basis shall be evaluated by the Superintendent utilizing criteria established by the Superintendent, and submitted with the Superintendent's recommendation for the consideration of the Board.

~~N~~ **The Board may waive the payment of transfer tuition for students who meet all of the acceptance criteria for enrollment of a transfer student (~~N~~and are enrolled prior to the annual September ADM count date.**

Cash transfer tuition shall be computed in accord with I.C. 20-26-11-6-(b) and shall be paid in a lump sum or on an installment schedule of payments recommended by the Superintendent and approved by the Board. An installment payment schedule approved by the Board shall provide for the payment in full of the cash transfer tuition amount before the last student day of the school year. Failure to make a transfer tuition installment payment pursuant to the installment schedule approved by the Board may be the basis for the expulsion of a student enrolled on a cash tuition basis.

~~A student enrolled on a cash transfer basis in accord with this policy shall not have been expelled from another Indiana public school corporation.~~

I.C. 20-26-11-6
I.C. 20-33-8-30
511 IAC 1-6

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REVISED POLICY - VOLUME 23, NO. 1

WEAPONS

The School Board prohibits visitors from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Corporation for the purpose of school activities approved and authorized by the Corporation including, but not limited to, property leased, owned, or contracted for by the Corporation, a school-sponsored event, or in a Corporation vehicle.

~~(1) without the permission of the Superintendent.~~

The possession of a firearm in or on school property, in or on property that is being used by a school for a school function, or on a school bus is a felony (I.C. 35-47-9-2) and is prohibited by Board policy. Possession includes storing the firearm in a personal vehicle while on school property. This prohibition applies to all persons including those who have a personal protection permit to carry a handgun.

The term "weapon" means any object which, in the manner in which it is used, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health ~~and~~ **or** safety of persons. Weapons include, but are not limited to, firearms, **tasers, handguns, stun guns,** guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, **chemical weapons,** metallic knuckles, martial arts weapons, ammunition, and ~~explosives.~~**destructive devices (bombs, incendiary, grenade, Molotov cocktail, rocket with a propellant charge of more than four (4) ounces, etc.** A "knife" is defined as "an instrument that: 1) consists of a sharp edge or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and 2) is intended to be used as a weapon." I.C. 35-47-5-2.5(a)

The Superintendent will ~~refer~~ **report** a visitor who violates this policy to law enforcement officials and may take any necessary steps to exclude the visitor from Corporation property and Corporation sponsored events.

This prohibition does not apply to weapons under the control of law enforcement personnel.

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Exceptions to this policy include:

- ☒ items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)
- ☒ theatrical props used in appropriate settings;
- ☒ starter pistols used in appropriate school related sporting events.

~~Staff members must report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.~~

I.C. 20-33-9-1
I.C. 34-28-7-2(b)
I.C. 35-41-1-8
I.C. 35-47-5-2.5
I.C. 35-47-9
I.C. 35-41-1-4.3

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BOARD OF SCHOOL TRUSTEES
_____ SCHOOL CORPORATION

REVISED POLICY – VOLUME 23, NO. 1

CONTROL OF CASUAL-CONTACT, COMMUNICABLE DISEASES

The School Board recognizes that control of the spread of communicable disease spread through normal school contact is essential to the well-being of the school community and to the efficient Corporation operation.

For purposes of this policy, "casual-contact, communicable disease" shall include

- (X) diphtheria,
- (X) scarlet fever and other strep infections,
- (X) whooping cough,
- (X) mumps,
- (X) measles,
- (X) rubella,
- (X) others designated by the Indiana Department of Public Health.

In order to protect the health and safety of the students, Corporation personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations which pertain to immunization and other means for controlling **casual-contact** communicable disease spread through normal interaction in the school setting.

If a student exhibits symptoms of a casual-contact communicable disease, the principal will isolate the student in the building and contact the parents/guardians. Protocols established by the County Health Department shall be followed.

~~On the recommendation of the _____, the teacher may remove from the classroom and the building administrator may exclude from the building or isolate in the school any student who appears to be ill or has been exposed to a communicable disease, except that the teacher or principal may act independently if the _____ is not present in the building when the decision needs to be made.~~

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The Superintendent shall develop administrative guidelines for the control of communicable disease which shall include:

( ) instruction of professional staff in the detection of these common diseases and measures for their prevention and control;

( ) removal of students from Corporation property to the care of a responsible adult;

( ) preparation of standards for the readmission of students who have recovered from casual-contact, communicable diseases;

( ) filing of reports as required by statute and the State Department of Health.

I.C. 20-34-3-9

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BOARD OF SCHOOL TRUSTEES
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REVISED POLICY – VOLUME 23, NO. 1

PUBLIC ATTENDANCE AT SCHOOL EVENTS

The School Board welcomes the attendance of members of the community at athletic and other public events held by the schools in the Corporation, but the Board also acknowledges its duty to maintain order and preserve the facilities of the Corporation during the conduct of such events.

The Board holds the legal authority to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators have the authority to call law enforcement officials if a person violates posted regulations or does not leave school property when requested. They are also authorized to use detectors and other devices to better ensure the safety and well-being of participants and visitors.

If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

X The Board directs that no alcoholic beverage or other controlled substance be possessed, consumed, or distributed

X nor any betting occur

X at any function sponsored by the Corporation.

X at any function occurring on Corporation premises.

X Raffles and similar forms of fund-raising by Corporation-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - Corporation Support Organizations and Policy 9700 - Relations with Special Interest Groups.

~~Guide dogs~~ **Service dogs** used by persons requiring this type of assistance shall be permitted in all Corporation facilities and at all school events. The person may be asked to provide evidence of the dog's certification for that purpose.

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The Board is aware of the increasing desire of many parents and other members of an audience to ~~use "cam-corders" and other audio/visual devices at~~ **make audio and/or video recordings of** school events. ~~It has no objection, providing their use neither interferes with the conduct of the particular activity nor impinges on the enjoyment of the event by other members of the audience. The Board authorizes the Superintendent to establish rules and procedures governing the use of noncorporation audio/visual devices and equipment at any Corporation-sponsored event or activity, particularly athletic events, dramatic presentations, and graduation ceremonies. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to the activity.~~

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the Corporation. If the performance is of copyrighted material and the necessary license has not been secured in advance by the Corporation, the audience shall be advised before the performance begins that audio and/or video recordings that will be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of noncorporation audio/visual recording equipment at any Corporation-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

Any person or organization seeking to film students or a school activity which is not a public event shall obtain prior permission from the Superintendent.

The Superintendent shall ensure that all notices, signs, schedules, and other communications about school events contain the following language: "The activity site is fully-accessible. Any person requiring further accommodation should contact principal or designee, at the School Corporation's central office."

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For any school-related activity at which tickets for admission are sold, the Superintendent is authorized to allocate a certain number of tickets to be available

( ) at no charge

(X) at a reduced fee determined by the Superintendent

for use by

(X) Board members,

(X) members of the staff,

(X) senior citizens who are residents in the Corporation.

( ) _____.

Such tickets shall be distributed on

( ) a first-come, first-served basis.

(X) priority basis established by the Superintendent.

I.C. 20-26-8-1, 20-26-5-5

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BOARD OF SCHOOL TRUSTEES
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REVISED POLICY – VOLUME 23, NO. 1

EQUIVALENT ~~EDUCATION OUTSIDE THE SCHOOLS~~ **INSTRUCTION FOR COMPULSORY ATTENDANCE COMPLIANCE PURPOSES** (HOME SCHOOLING **AND NONACCREDITED SCHOOLS**)

~~The School Board encourages the enrollment of all school-age children resident in this Corporation in public schools or in approved parochial or private schools so that they may enjoy the benefits of a well-planned, educational program and the socialization possible in a group environment.~~

The School Board offers tuition free enrollment to all school-age children with legal settlement within the School Corporation's legal boundaries. In order to comply with the Indiana Compulsory Attendance law, the parent/guardian of a child between the age of 7 and 18 must be enrolled in an accredited school or be provided with instruction that is equivalent to the instruction made available by the Board.

~~All requests to educate a child in an equivalent education (home-schooling) program are to be submitted to the Superintendent.~~ **If a parent/guardian does not enroll a child in an accredited school, the parent/guardian shall inform the Superintendent.** ~~S/He~~ **The Superintendent** shall inform the parents that later enrollment of the child in any of the Corporation's schools will be in accordance with Board Policy 5463 - Credits **and Placement** from ~~State-Chartered, Special, and Nonchartered~~ **Nonaccredited** Schools and the administrative guidelines associated with that policy.

[Option #1]

☒ The Board shall not allow a **resident** student who is being educated at ~~home~~ **a nonaccredited** ~~**or home**~~ **school to participate in any of the Corporation's** ~~**co-curricular or**~~ **extra-curricular activities.**

~~(-) or at a noncorporation school~~

~~to participate in any of the Corporation's co-curricular or extra-curricular activities.~~

A resident student may, however, enroll in one or more academic courses with the approval of the Superintendent. Such enrollments will be submitted to the State for funding purposes.

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[Option #2]

[ ] The Superintendent may allow a **resident** student who is being educated at ~~home~~ **a nonaccredited or home school but taking one (1) or more courses at a Corporation school to participate in one or more of the Corporation's co-curricular or extra-curricular activities providing s/he meets the eligibility criteria established for the activity. The student may also enroll in one or more academic courses with the approval of the Superintendent. Such enrollments will be submitted to the State for funding purposes.**

~~(1) or at a noncorporation school~~

~~but taking one (1) or more courses at a Corporation school to participate in one or more of the Corporation's co-curricular or extra-curricular activities providing s/he meets the eligibility criteria established for the activity. The student may also enroll in one or more academic courses with the approval of the Superintendent. Such enrollments will be submitted to the State for funding purposes.~~

[Option #3]

[ ] The Superintendent may allow a resident student who is not enrolled in any classes in the Corporation's schools, but is receiving instruction in a nonaccredited or home school to participate in one or more co-curricular or extra-curricular programs.

[Option #4]

[ ] The Superintendent may deny the enrollment of a resident student from a nonaccredited or home school in less than a full time schedule unless an IEP is in effect. Students denied enrollment shall not be eligible for participation in co-curricular or extra-curricular programs of the School Corporation.

I.C. 20-33-2-27, 20-33-2-4 thru 9, **20-33-2-12**
Indiana State Board of Education v. Brownsburg Community School Corporation, 865 N.E. 2d 660 (Ind. App. 2007)

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