

CHAPTER 8000

OPERATIONS

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AG 8120 **Volunteers** (revised 3/18/14) [see AG 1521]

A background check is not required for visiting high school and college students on educationally related assignments such as career day, job shadowing, or brief orientation/observations under the supervision of a teacher or university instructor. *Parents of minors will be requested to sign the hold **harmless form**, which is also to be signed by emancipated students.*

Students enrolled in public or nonpublic high schools seeking service hours through on-site observations for a limited period must be sponsored by an official of his/her high school. The sponsoring school teacher or school official is to first contact the Principal or Program Supervisor to make the initial request. The follow-up is to include a written request, e.g., e-mail to the Principal or Program Supervisor stating: student(s) name(s), dates/ time period for the observations, and the purpose of the high school students assignment. Although no background check is required, each visiting high school student is expected to bring a Student Identification Badge (added 8/1/14).

A volunteer who may be in direct contact with students will be required to submit a Limited Criminal History Record Check. The designee of the Executive Director is to inform each volunteer **other than those exempted above** that s/he:

- A. shall agree to abide by all Board policies and SSSMC guidelines while on duty as a volunteer;
- B. will be covered under the SSSMC liability policy but:
 - 1. SSSMC shall not provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, and
 - 2. the volunteer is not eligible for workers' compensation;
- C. is expected to sign a form releasing the SSSMC of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services;
- D. is required to report any personal arrests or the filing of criminal charges while serving as a volunteer.
- E. is required to protect the confidentiality of personally identifiable information concerning all students' educational records under the Family Educational Rights and Privacy Act of 1974 (FERPA).

The Executive Director or designee is to ensure that each volunteer is properly informed of the SSSMC's appreciation for his/her time and efforts in assisting the operation of the SSSMC programs and services.

AG 8121 **Contracted Services - Personal Background Check** [see AG 1521]

The Board requires an inquiry into the personal background of each employee of a contractor or sub-contractor who is likely to have direct, on-going contact with children within the scope of their employment. The contractor and sub-contractors shall conduct an inquiry into the background information of its employees that shall include the following:

- A. an expanded national criminal history check (as defined by I.C. 20-26-2-1.5) of the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or another method of positive identification;

- B. a search of the national sex offender registry maintained by the United States Department of Justice;
- C. any arrest and/or filing of criminal charges against each employee within two (2) business days of the occurrence and the disposition of such arrest or filing of charges concerning employees of contractors and sub-contractors; and
- D. verification of enrollment in and use of the federal E-Verify program to check eligibility of all employees.

Screening shall only be required one (1) time during the period of the current contract with SSSMC as long as the contractor has continuously screened new hires, and required the same of its sub-contractors, and required that these employees report arrest and the filing of criminal charges against them. Each reported arrest and/or criminal charge requires both a review and a response to the reported information as a safeguard for members of the school community.

Compliance with this requirement shall be verified by either:

- A. inclusion of the requirement as a material term of the contract with the contractor or sub-contractor; or
- B. execution of a certificate of compliance with this policy guideline, which shall be maintained with the contract in the SSSMC files.

Non-compliance with these requirements shall be a breach of a material term of any contract between a contractor/sub-contractor and the SSSMC. Failure of a contractor or sub-contractor to remove an employee from direct contact with students, upon the request of the Executive Director, shall be considered to be a material breach of the contractor's or sub-contractor's contract with SSSMC.

AG 8210 *School Calendar*

Beginning the 2012-13 school year, SSSMC launched a balanced calendar that was developed by representatives of both the administration and teachers' association. This joint committee convenes annually and drafts a balanced calendar proposal for the following school year. The proposal is presented to the Executive Director for review/revisions. The Executive Director presents a balanced calendar recommendation to the Board for its approval to be implemented the following school year.

The total number of days when the RLC will be in session for instructional purposes and receipt of State school aid will number no fewer than 180 student days. All days lost to snow, fire, epidemics, health conditions, etc. cannot be counted as part of the minimum days of instruction for State aid and must be made up unless a waiver is obtained from the State Department of Education.

The Executive Director is to submit the total number of actual instructional days to the Indiana Department of Education no later than June 15th of **each year**.

AG 8220 *School Day*

The length of the school day for students in different programs sponsored by the SSSMC may vary according to the host school building. Currently the school day for students attending the RLC is from 7:50 AM to 2:30 PM.

The Executive Director may close the RLC, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. Proper and timely notification of concerned persons in the event of any emergency closing of the RLC is accomplished through telecommunications such as the current Blackboard Connect system and/or telephone and e-mail messages.

AG 8310 *Public Records*

The Board recognizes its responsibility to maintain and protect the public records of the Board and to make these records available for inspection and the purchase of copies in compliance with the Indiana Access to Public Records Act (I.C. 5-14-3-4).

Generally speaking, our CCHA law firm reminds us to assume that every document one encounters as a Board member, administrator, or teacher is a public document. This is because the Access to Public Records Act (ARPA) defines public records very broadly as: *“any writing, paper, report, study, map, photograph, card, tape recording, or other material that is created, received, retained, maintained, used or filed by a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, electronically stored data, or any other material regardless of form or characteristics.”*

There are two sub-categories of public records consisting of records that SSSMC is not permitted to disclose or may choose not to disclose:

A. The first sub-category (disclosure not permitted) includes:

1. records that are considered confidential under a federal or state statute, agency regulation, or court order;
2. records that contain trade secrets, confidential financial information, or social security numbers;
3. medical records; and
4. grade transcripts.

B. The second sub-category (disclosure optional) includes:

1. law enforcement investigation records;
2. certain portions of employee personnel files;
3. attorney-work product and documents containing material subject to the attorney/client privilege;
4. records specifically prepared for an executive session;
5. school safety and security plans; and
6. records created by school personnel that are deliberative or advisory in nature.

SSSMC needs to be as consistent as possible in its practices regarding whether it produces records from this second sub-category above.

The public records of this Board are those records that are created, received, retained, maintained, or filed with the Board or its officers, employees, or agents in any form including on paper and in any computer readable media. Certain records covered by this definition must be maintained as confidential records pursuant to I.C. 5-14-3-4(a) unless production is ordered by a court under the rules of pre-trial discovery, while

other records covered by this definition are subject to a discretionary exemption listed in I.C. 5-14-3-4(b).

The Executive Director and Board employees having custody and supervision over public records are directed to protect the confidentiality of records that are not to be disclosed under I.C. 5-14-3-4(a) including a person's Social Security Account Number, which shall be redacted (blacked out) from any public record to be released.

The Executive Director may assert any specified or discretionary exemptions required to protect information that must be kept confidential. However, the following information from personnel files must be disclosed:

- A. the name, compensation, job title, business address and telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the Board;
- B. information relating to the status of any formal charges against a Board employee; and
- C. the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.
- D. The current or former employee shall be advised of the release of the information from their personnel file and a description of the released information. [8/27/13 revised]

If SSSMC has created a list of names and addresses of persons (directory), it must permit a requesting person to inspect and make memoranda abstracts from the lists (excluding e-mail addresses) unless access to the list is prohibited by law.

A request to inspect and/or purchase copies of an SSSMC public record may be submitted orally (in person or by telephone) to the appropriate office, or by e-mail, facsimile, or USPS mail. A requesting party shall be required to describe the records sought with reasonable specificity. If the request is too vague or unspecific, seek clarification from the requester and ask that he/she provide additional information to identify which records are being requested.

If SSSMC wishes to deny the request, the denial should be made in writing and should cite the specific exception in the Indiana Access to Public Records Act (APRA) allowing SSSMC to deny disclosure of the record. The written denial should also give the name and title of the person responsible for the denial. Legal counsel should be sought when a school is uncertain as to whether or not a record must be disclosed and on what grounds a request may be denied.

Although there is a general prohibition of asking a requesting party for the *purpose* of their request, the requesting party will be required to disclose the *proposed use* of the list in writing, before their request is considered IF the request is for:

- A. a list of all employees of the Board, the employees in a particular school, a particular program, or classification of employee;
- B. a list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution;

C. a list of students who are enrolled in SSSMC programs, or sorted by any criterion or criteria.

The request shall be **denied** if the proposed use of the list is for political or commercial purposes (see I.C. 5-14-3-3(f)).

The Public Access Officer designated by the Executive Director (Melissa Cunniff, Executive Administrative Assistant/Office Manager) will advise the requesting party whether any records specified in the request are available for inspection and copying. Denial of oral requests is to be made within 24 hours of the request. Denial of written requests by mail, e-mail or facsimile must occur no later than seven (7) days have elapsed from the date the request was received. Responses are not to cause or permit a material interference with the regular discharge of the other functions or duties of SSSMC or its employees. A best practice would be to state in the initial response:

- A. whether SSSMC is still deciding if the request is one it can grant,
- B. the status of the process of producing the records,
- C. an estimate of when the records will be produced, and/or
- D. whether it is a large request which will need more time to accommodate.

The Board does NOT authorize enhanced access to public records on its computer network. However, non-confidential records may be viewed by a requesting party in paper form printed out for inspection. SSSMC public records may be inspected without charge. Purchase of copies of public records may be made upon payment of a uniform fee which is the greater of:

- A. ten cents (\$0.10) per page for black/white standard copies or twenty-five cents (\$0.25) per page for color copies; or
- B. the actual cost (excluding labor or overhead expenses) of copying the document; and
- C. five dollars (\$5.00) for any requested certification of the document as a true and accurate copy of any original record in the custody of the SSSMC; in addition
- D. a fee will be charged for providing a duplicate of a computer tape or disc, microfilm, or similar or analogous record system containing a public record in the custody of the SSSMC not to exceed the sum of the:
 - 1. SSSMC's direct cost of supplying the information in that form; and
 - 2. standard cost of selling the same information to the public in the form of a publication if SSSMC has published the information and offered it for sale.

Agencies may also charge for direct costs of providing a "duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval" (IC 5-14-3-2) Agencies are still responsible for separating disclosable from non-disclosable information.

If all or any portion of a list of employees or students is disclosed, the party receiving the list shall be required to agree in *writing* that, as a condition of release of the information, any information provided to them will NOT be used for political or commercial purposes.

- A. A person or entity that violates such a written agreement and/or used a list obtained through them shall NOT be eligible to receive lists of persons from SSSMC in the future.

B. The Executive Director is required to provide consistent and uniform enforcement of this prohibition among all similarly situated commercial and political entities.

Access to individual student files is established by both federal and state law. The Buckley Amendment or Family Educational Rights and Privacy Act (FERPA) of 1974 gives parents and/or students access to their records and provides a means to challenge information contained within those records. Indiana state law (IC 20-10.1-22.4) gives parents (both custodial and non-custodial unless denied by court order), court-appointed guardians, or students over the age of 18 access to their student records, unless the child is still a dependent.

Indiana statute (IC 20-8.1-6.1-1) does not require legal guardianship by third parties if that third party supports, cares, and houses the student because the student's parents cannot support the student. The Custodial Agreement Form, in accordance with I.C.20-8.1-6.1-1(c), establishes that the person shall, "with respect to dealing with the school corporation ... assume all the duties and be subject to all the liabilities of the parent of the student in the same manner as if the person were the student's parent."

Schools must maintain a list of those who request access to and the disclosure of personally identifiable information from the records. However, parents, eligible students, designated school staff, or those who request directory information from student files need not be listed.

AG 8310.01 *Retention of Public Records* (revised 6/16/14)

SSSMC has a general practice of maintaining ALL public records including student specific e-mails (educational, medical, disciplinary, personnel, financial, business services, extracurricular, instructional, etc.) for a period of **seven (7) years** beyond the applicable closing or exiting date of the record. Students enrolled in SSSMC programs are resident attenders from member school corporations. Therefore, official student records are maintained by the school corporation of legal residence and any related records collected during enrollment in an SSSMC program will be forwarded to the resident corporation in a timely manner during or at the end of a school year when a student withdraws, completes and/or exits the SSSMC program. The resident school corporation is responsible for the maintenance, retention, and destruction of its student records.

The Indiana statutes are the single most important source for determining the legality of the schedules and provide the most authoritative information on care of public documents such as the guidance in the following topics:

- A. Responsibility for public school records (IC 5-15-6)
- B. Access to records (IC 5-14-3-1 to 10; IC 20-4-1-4)
- C. Confidentiality of school records (IC 5-14-3-1)
- D. Destruction of school records (IC 5-15-6-3)

Federal statutes are more complete than the State ones when pertaining to federal programs. Records which are deemed **confidential** must be treated as such in any maintenance, storage, transfer or other disposition affecting them.

I.C. 5-15-5.1 establishes the State Commission on Public Records, which has a duty of preparing, developing, and implementing record retention schedules. Download the Indiana Public Schools General Retention Schedule at <http://www.in.gov/icpr/files/schoolretentionschedule.pdf> > for time frames for retaining specific school records. Download forms from its website <http://www.in.gov/icpr2354.htm>.

According to the Commission's retention schedule special education records are maintained five (5) years beyond the provision of educational services to the student if the parents have not requested destruction of the records. The federal 34 CFR 300.573 permits parents to request the destruction of personally identifiable information on their child. The parent must be informed of the destruction option (generally at graduation). If the parents request the information be destroyed, the agency may retain a permanent record of a student's name, address, phone #, his/her grades, attendance record, classes attended, grade level, and year completed.

Special education records (even though they seem outdated) that are listed to be retained for five (5) years include:

- A. Application for federal assistance for the education of the handicapped;
- B. Application for tentative approval for annual classroom units for exceptional children;
- C. Grants – both state and federal;
- D. Needs assessment report
- E. Quarterly summary report – education of the handicapped
- F. Request for approval of replacement teacher.

Special Education reports that are listed to be **retained indefinitely** include:

- A. Educational Evaluation (Psychological) report – confidential file to be retained for length of student's enrollment plus three (3) years including non-special education
- B. Psychological data follow-up – confidential file to be retained for length of student's enrollment plus three (3) years
- C. Individual Student file, which may include:
 - 1. multidisciplinary team evaluation reports,
 - 2. case conference committee summaries,
 - 3. individualized education plans,
 - 4. transition plans,
 - 5. correspondence,
 - 6. pertinent information regarding the student's educational placement, and
 - 7. test protocol
- D. Audiometer test -- to be retained for length of student's enrollment;
- E. Medical report -- to be retained for length of student's enrollment;
- F. Oral Deaf Program report -- to be retained for length of student's enrollment;
- G. Other Speech & Hearing reports and records -- to be retained for length of student's enrollment;
- H. Other Speech & Hearing Therapy Referral sheet -- to be retained for length of student's enrollment;

- I. Psychologist (record) release letter -- to be retained for length of student's enrollment;
- J. Record release letter from Agencies -- to be retained for length of student's enrollment;
- K. Request (referral) for psychological services -- to be retained for length of student's enrollment;
- L. Agreement to safeguard information – destroy after staff member leaves program or school district employment.

The only Special Education report that is listed to be retained **permanently** is the Annual Data report (education of the handicapped). If placed on microfilm according to 60 IAC 2 standards, the original may be retained in the office, transferred to the County Archives, or destroyed upon receipt of written approval from the Indiana Commission on Public Records.

AG 8310.02 *Disposal of Public Records*

All records which are created by a school corporation are considered public records. Procedures for obtaining the approval to destroy school records are the same as for destroying other public records. As a state level committee, the Oversight Committee on Public Records oversees the activities of the Indiana Commission on Public Records and approves all record retention schedules of state agencies. The Indiana Commission on Public Records oversees records created by state agencies and assists local government agencies with their records program.

The Local Commission of Public Records consists of the judge of the circuit court (ex-officio), the president of the board of county commissioners, the county auditor, the clerk of the circuit court, the county recorder, the superintendent of schools of the school district in which the county seat is located, and the city controller of the county seat city.

The local commission determines the final disposition of public records of local government agencies. The county commission adopts record retention schedules for local government records. Requests for disposition of local records (destruction or transfer) not covered by a records retention schedule or exceptions to an approved retention schedule must be approved by the local commission.

Public records may be destroyed when the Marion County Commission on Public Records created pursuant to I.C. 5-15-6 has given written approval for the destruction of the record, or authority for destruction of the records is addressed by a retention schedule established and approved under I.C. 5-15-6. Under I.C. 5-15-5.1-14 "A public official or agency may not mutilate, destroy, sell, loan, or otherwise dispose of any government record, except under a record retention schedule or with the written consent of the commission". See the following website:

<<http://www.indy.gov/eGov/County/Clerk/Judiciary/Pages/Marion-County-Public-Records-Commission.aspx>>. **Confidential** records which are scheduled for destruction must be destroyed in such a manner that they cannot be read, interpreted, or reconstructed. (IC 5-15-5.1-13)

Essentially the process of destroying school records is as follows:

- A. The records coordinator (see Public Access Officer at AG 8310) collects records from staff for disposal.
- B. If the records retention schedule has been approved by the Local Records Commission and the records type is listed in the schedule, the school corporation may destroy the records in an appropriate manner.
- C. A record of the destruction (Notice of Destruction form) is made with a copy to:
 - 1. county clerk's office, and
 - 2. the State Archives via letter listing the records or by using Form PR 1, which the school must permanently retain.
- D. If a school district wants to dispose of a record type which is not listed in the retention schedule, filing Form PR 1 is required. Approval must be granted from the local commission of public records.

Download forms from the State Commission on Public Records website <<http://www.in.gov/icpr2354.htm>>.

AG 8311 *Public Access to Employee Contracts*

The contracts between the Board and its certificated employees are public records under I.C. 20-28-6-2(d) and the Indiana Access to Public Records Act, I.C. 5-14-3. Following Board approval of the Executive Director's employment contract, the Board shall direct that the provisions of that employment contract be posted on the SSSMC's Internet website.

The Executive Director shall post the provisions of each employment contract that Board has entered into with an administrator other than the Executive Director on the SSSMC's Internet website. "Administrator" as used in the policy means a certificated employee in a position outside the bargaining unit represented by a school employee organization in negotiations pursuant to I.C. 20-29-6.

Not later than fourteen (14) business days after the Board and a school employee organization have reached an agreement on a contract and ratified the proposed agreement, the Board directs the Executive Director to post the ratified collective bargaining agreement on the SSSMC's Internet website.

AG 8315 *Information Management*

The Board acknowledges its responsibility, in certain circumstances, to maintain information (both paper and electronically stored) created, maintained or otherwise stored by SSSMC outside the prescribed Records Retention Schedule through Litigation Hold procedures, which when implemented will:

- A. identify individuals in possession or custody of paper documents and/or electronically stored information including electronic media,
- B. identify third parties with custody or control over paper documents and/or electronically stored information including electronic media, and
- C. inform them of their obligation to indefinitely preserve the documents.

Under I.C. 5-14-3 keepers of public records which are in electronic form must "make reasonable efforts to provide to a person making a request copy of all disclosable data

contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system." (IC 5-14-3-2)

All information falling within a Litigation Hold, which is under the control of SSSMC, must be preserved in a readily accessible form and cannot be disposed of under the Records Retention and Disposal requirements. Failure to comply with a Litigation Hold notice may result in disciplinary action, up to and including possible termination.

When implementing a Litigation Hold, the Board or Executive Director must involve legal counsel in the implementation and to notify the Board of the reasons the Hold was instituted and its scope.

AG 8315.01 *Retention of Electronic Mail* [see AG 8310.01 and 8330]

At the CCHA School Law Seminar held on May 1, 2013 the firm's attorneys offered the following procedures as default retention periods, which apply to:

- A. all e-mail systems provided by SSSMC;
- B. all users and account holders of SSSMC e-mail accounts; and
- C. all e-mails sent or received using SSSMC e-mail systems.

All SSSMC e-mail system users are expected to:

- A. regularly check for new messages;
- B. routinely move messages with lasting value to folders (see below); and
- C. delete transitory messages as quickly as possible.

Transitory Messages are created primarily for routine communication or information exchange, e.g. personal correspondence, routine requests for information, originating office copies of letters of transmittal, quasi-official notices. These transitory messages have no administrative, legal, fiscal, or archival requirements for their retention.

Transitory messages should be either:

- A. read and promptly deleted; or
 - B. read and retained for no longer than the default retention period or until their usefulness has ended, whichever occurs first, and then promptly deleted;
- or
- C. read and moved by the recipient to a folder established by the recipient.

Lasting Value Messages exhibit one or more of the following characteristics:

- A. have operational value (needed by the recipient to perform the recipient's job) including information pertaining to a student;
- B. fall within a litigation hold or internal investigation (see below);
- C. have fiscal value (related to the financial transactions of SSSMC);
- D. have historical significance (of long-term value to document past events).

The recipient of a lasting value message should move that message to a folder maintained by the recipient.

Default Retention Period (revised 1/14/14) – SSSMC will configure its e-mail systems to automatically archive all e-mail messages including the deleted items and the sent items folders of all users every thirty (30) days or less. After deletion, the archived items will

be maintained by SSSMC for a maximum of seven (7) years. Items in a recipient's inbox or a folder created by a recipient will not be deleted but will be archived within 30 days after the end of school year. It was noted at the seminar that "student specific" e-mails should be retained for seven (7) years beyond graduation.

Litigation Hold – When litigation is pending or threatened against SSSMC or its employees, the law imposes a duty upon SSSMC to preserve all documents and records that pertain to the issues. A litigation hold directive will be issued by the Executive Director or designee and overrides all other aspects of this e-mail retention procedure.

No employee who has received a litigation hold directive may alter or delete an electronic record that falls within the scope of that hold. Those employees are required to provide access to or copies of any electronic records that they have downloaded and save, or moved to some other storage account or device.

Public Record (see AG 8310) – E-mails are not excluded and may be considered public records, if an e-mail meets the definition of a public record. As with any record the content of the e-mail will determine if it is considered a public record and whether or not it must be disclosed.

As a general rule, CCHA currently advises that one may consider e-mails in a personal e-mail account not to be public records. HOWEVER, if one sends an e-mail, for example, from a personal account to any recipient using a school provided e-mail address, the e-mail will then be received and maintained on the SSSMC server – therefore, the e-mail is now a public record by definition, which includes any electronic document that is "received, retained, maintained, used, or filed" by a public agency.

Although there is no failsafe way to prevent an e-mail one sends from becoming a part of a public document, there are certain steps one can take to reduce the risk of creating a public document when sending a personal e-mail. If you are sending e-mails concerning private or personal matters:

- A. use a personal e-mail account;
- B. do not send the e-mail while logged onto the SSSMC server;
- C. do not send the e-mail to any recipient at an SSSMC e-mail address; and
- D. ask the recipient(s) to not forward your e-mail to another recipient using an SSSMC e-mail address.

AG 8320 ***Personnel Files***

The Board delegates the maintenance of an employee personal information system to the Executive Director, Business Manager, Associate Director, HR Manager or other administrative designees. A single central file shall be maintained, and subsidiary records shall be maintained only for ease in data gathering. A Social Security Number contained in the records of SSSMC students and/or employees may not be disclosed or released by SSSMC unless the record is specifically required by a State or Federal statute or is ordered by a court under the rules of discovery.

The employee shall have access to his/her file:

- A. upon written request,

- B. knowing the review of the record is to be in the presence of the delegated administrator or designee, and
- C. under the conditions that no alterations or additions to the record may be made nor any materials removed.

Personnel wishing to appeal material in their record as to its accuracy, completeness, relevance, or timeliness shall make a written to the delegated administrator and specify:

- A. name and date,
- B. material to be appealed, and
- C. reason for the appeal.

The responsible administrator shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

The following list of items in a personnel file *must* be disclosed if a request is made:

- A. Employee's name,
- B. Compensation,
- C. Job title and job description,
- D. Business address and business telephone number,
- E. Education and training background,
- F. Previous work experience,
- G. Date employment started and ended if applicable,
- H. Status information about any formal charge against the employee, and
- I. Factual basis for any disciplinary action that resulted in the employee being suspended, demoted, or discharged.

The items of a personnel file not listed above fall within the category of public documents that a public agency may choose not to disclose. SSSMC needs to be as consistent as possible in its practices regarding whether it produces records from this second sub-category above.

Public employers are required to retain all personnel and employment records made or used (including, but not limited to, requests for reasonable accommodation, application forms submitted by applicants, and records dealing with hiring, promotion, transfer, lay-off or termination, rates of pay, compensation, tenure, selection for training or apprenticeship, or other terms of employment **for a period of two (2) years** from the date of making of the record or the personnel action involved (or from the date of involuntary termination), whichever occurs later (pursuant to regulations issued by the Equal Employment Opportunity Commission concerning Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act).

Where a charge of discrimination has been filed under Title VII or ADA, or where a civil action has been brought by the EEOC or the Attorney General, the public employer as respondent/defendant must retain all records related to the charge or action until final disposition of the charge or action. The date of final disposition means the date of expiration of the statutory period within which the aggrieved person may bring an action in court or, where such an action has been brought, the date on which such litigation is terminated, including any appeals. Effective April 3, 2012, these recordkeeping requirements have been extended to also cover records involving the Genetic Information Non-Discrimination Act of 2008 (GINA).

AG 8330 **Student Records** (revised 5/21/15) [see 8330.01, 8350, 8352]

Public school staff have a legal responsibility to protect the collection, storage, disclosure, and destruction of education records of students with disabilities as prescribed under state regulations (Article 7) and federal statutes (Individuals with Disabilities Education Act and the Family Education Rights and Privacy Act). No liability shall attach to any member, officer, or employee of SSSMC specifically as a consequence of permitting access or furnishing students' records in accordance with this policy and administrative guidelines. As a reminder many of the school records pertaining to students that SSSMC maintains cannot be released due to the Family Educational Rights and Privacy Act (FERPA).

SSSMC staff members are reminded that all original student documents are to be housed in the respective student folders of the main files at the student's resident school corporation. Staff members may maintain their respective "working documents" as secondary files not to be shared or distributed to others.

As provided for by State law, an employee or agent of the Board who:

- A. knowingly or intentionally discloses information classified as confidential by this policy commits a Class A misdemeanor; or
- B. recklessly discloses or fails to protect information classified as confidential by this policy may be disciplined or terminated.

Additionally, State law provides that a person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Class D felony unless the destruction is pursuant to a record retention schedule adopted by the County Public Records Commission.

Article 7 defines educational records as those directly related to the student and maintained by the school or by a party acting on behalf of the school. The term includes the following: IEPs, test protocols that contain personally identifiable information regarding the student, video/audio clips and scanned images, health records kept at school, and other electronically recorded or produced items. The term does not include the records of instructional, supervisory, administrative, or ancillary personnel that (1) remain in the sole possession of the maker of the record, (2) are used only as a personal memory aid, and (3) are not accessible to or revealed to any other person except a temporary substitute for the maker of the record (511 IAC 7-32-31).

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

Annually parents are to be adequately informed of their rights to:

- A. inspect and review the student's education records,
- B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights,
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except for disclosures of the type allowed even without parental consent,

- D. challenge Board noncompliance with a parent's request to amend the records through a hearing,
- E. file a complaint of SSSMC noncompliance with the USDOE,
- F. obtain a copy of the SSSMC's policy and administrative guidelines on student records.

Students *personally identifiable information* includes, but is not limited to:

- A. student's name,
- B. name of student's parent or other family members,
- C. the address of the student or student's family,
- D. a personal identifier, such as the student's social security number (SSN), student number, or biometric record,
- E. other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name,
- F. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have knowledge of the relevant circumstances, to identify the student with reasonable certainty,
- G. or information requested by a person who SSSMC reasonably believes knows the identity of the student to whom the education record relates.

A social security number of a student contained in the records of the school corporation may be disclosed if the record is specifically required by a State or a Federal Statute or is ordered by a court under the rules of discovery. Personally identifiable information concerning students shall not be left unprotected, shared or transferred from SSSMC records to any place not within the control of the SSSMC. This includes any laptop computer or portable storage medium.

Annually at the beginning of the school year the Executive Director shall provide public notice to students and their parents of SSSMC's intent to make available (approximate dates if known), upon request, certain information designated as "directory information" including: a student's name, address, telephone number, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance and graduation, grade level, participation in officially recognized activities and sports, height and weight (if a member of an athletic team), degrees, honors, and awards received. A student's SSN, in whole or part, cannot be used for this purpose.

Parents and eligible students may refuse to allow SSSMC to disclose any or all of such directory information upon written notification to the SSSMC within thirty (30) calendar days after receipt of the Executive Director's annual public notice. In the absence of previous denial notification SSSMC may disclose directory information on former students without consent of the parent(s) or eligible student. The FERPA regulations establish that parents and eligible students cannot use their right to object to the release of "directory information" about the student to prevent a school or school district from requiring the student to carry, display, or present a student ID card or badge while at school, or to be admitted to school activities.

Unless the school has received legal documentation that the court has terminated parental rights regarding educational decisions, *parents/legal guardians and students of*

legal age (unless the parents have guardianship) may access their child's educational record. The term parents includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). *Non-custodial parents* also have access rights unless the school has received legal documentation that the court has terminated parental rights regarding educational decisions. *Foster parents* have the right to review and inspect the school records of a child in their physical custody. *Surrogate parents* appointed by SSSMC have the right to review and inspect the records of their assigned student.

The State of Indiana requires that SSSMC student records include in the official high school transcript for each high school student the following information:

- A. attendance records,
- B. the students' latest ISTEP/GQE test results,
- C. any secondary level and postsecondary level certificates of achievement earned by the student,
- D. immunization information from the student's immunization record as well as,
- E. observations and ratings of individual students by professional staff members acting within their sphere of competency,
- F. samples of student work,
- G. information obtained from professionally acceptable standard instruments of measurement such as
 - 1. interest inventories and aptitude tests,
 - 2. vocational preference inventories,
 - 3. achievement tests,
 - 4. standardized intelligence tests.
- H. verified reports of serious or recurrent behavior patterns,
- I. rank in class and academic honors earned,
- J. psychological tests, and
- K. custodial arrangements.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials and designated school personnel, who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. Legitimate educational interest is defined as a direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of SSSMC or if the record is necessary in order for the designated school personnel official to perform an administrative, supervisory or instructional task for SSSMC or to perform a service or benefit for the student or the student's family.

When the parent/guardian or student of legal age make a request to inspect and review the student's educational record, the school must provide access:

- A. without any unnecessary delay;
- B. before any meeting regarding an IEP, manifest determination, or interim alternative educational setting;
- C. before a resolution session or any due process hearing; and

D. within a reasonable period of time but not more than 45 calendar days of the request.

Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

SSSMC shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate: (1) the student, (2) person viewing the record, (3) information disclosed, (4) date of disclosure, and (5) date parental/eligible student consent was obtained (if required).

If information in the requested student record contains references to another student, the parent may only review the data pertaining to his/her child. Information on other students that cannot be isolated will require a designee from the school to verbally inform the parent of what is written in the record. Parents have a right to:

- A. have information interpreted and explained by school personnel based upon reasonable requests,
- B. receive a copy for use in a pending due process hearing, and
- C. submit a written request to the school that the record be amended if they believe information is inaccurate or misleading.

Generally, the school must obtain signed consent from either parent (or student of legal age) in the absence of a court order to the contrary before disclosing personally identifiable information. Directory information about a student or from the student's record that would not generally be considered harmful or an invasion of privacy may be disclosed without parent consent in accordance with board policy.

SSSMC staff members who are responsible for the instruction and well-being of an individual student may access student records. The school is to keep a record of those persons, except parents and authorized employees, who obtain access to a student's record including names, dates, and purposes for the access. Educational records are maintained for at least three (3) years after the student exits the program.

SSSMC may forward student records including disciplinary records with respect to suspensions and expulsions upon request to a private or public school or school corporation in which a student of SSSMC seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that: (1) the parent or eligible student, upon request, receives a copy of the record; (2) the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record; and (3) a reasonable attempt is made to notify the student's parent or eligible student of the transfer. NOTE: the parental notification is not necessary if SSSMC's **annual notification** includes *a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.*

Furthermore, SSSMC may forward student records to:

A. provide “personally-identifiable” information to appropriate parties, including parents of a eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;

B. request each person or party seeking access to a student’s record abide by the Federal regulations concerning the disclosure of information to a third party;

C. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student’s special education and disciplinary records to the authorities for their consideration;

D. disclose personally identifiable information from education records, **without consent**, to organizations conducting studies for, or on behalf of SSSMC for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction. A written agreement with SSSMC is to be prepared with the recipient organization specifying the purpose of the study and must include:

1. specification of the purpose, scope, duration of the study ,and the information to be disclosed,
2. a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study,
3. a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests, and
4. a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information will be destroyed.

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students’ names and social security identification numbers to reduce the risk of unauthorized disclosure.

E. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities. A written agreement between the parties is required under an audit exception (see Policy language for details).

F. disclose or report educational records to a State or local juvenile agency when the disclosure or reporting relates to the ability of the juvenile justice system to serve before adjudication, the student whose records are being released. NOTE: any confidentiality order does not prohibit the school from forwarding the juvenile records to another school or person **if** a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person.

Finally, SSSMC through its Executive Director or designee shall request student records and progress information for school-funded, out-of-district or private placements on

behalf of its member school corporations and/or school corporations participating in SSSMC programs. The record request will be dated and submitted to the out-of-district or private entity by e-mail with a delivery receipt and by U.S. mail with a certified/return receipt option at the discretion of the SSSMC officials. If there is no reply from the entity after a period 10 instructional days, or insufficient or partial educational records or progress information are received, at least one (1) follow-up request by either e-mail or U.S. postal service will be submitted to the same entity by the Executive Director or designee (added 3.27.14).

AG 8330.01 *Records Request* (revised 5/21/15) [see AG8330]

Article 7 defines educational records as those directly related to the student and maintained by the school or by a party acting on behalf of the school. The term includes the following: IEPs, test protocols that contain personally identifiable information regarding the student, video/audio clips and scanned images, health records kept at school, and other electronically recorded or produced items. The term does not include the records of instructional, supervisory, administrative, or ancillary personnel that (1) remain in the sole possession of the maker of the record, (2) are used only as a personal memory aid, and (3) are not accessible to or revealed to any other person except a temporary substitute for the maker of the record (511 IAC 7-32-31).

Student records shall be available only to students and their parents, eligible students, designated school officials and designated school personnel, who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. Legitimate educational interest is defined as a direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of SSSMC or if the record is necessary in order for the designated school personnel official to perform an administrative, supervisory or instructional task for SSSMC or to perform a service or benefit for the student or the student's family.

When the parent/guardian or student of legal age make a request to inspect and review the student's educational record, the school must provide access:

- A. without any unnecessary delay;
- B. before any meeting regarding an IEP, manifest determination, or interim alternative educational setting **but no later than three (3) business days prior to a case conference;**
- C. before a resolution session or any due process hearing; and
- D. within a reasonable period of time but not more than 45 calendar days of the request.

Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

SSSMC shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate: (1) the student, (2) person viewing the record, (3) information disclosed, (4) date of disclosure, and (5) date parental/eligible student consent was obtained (if required).

SSSMC staff members are reminded that all original student documents are to be housed in the respective student folders of the main files at the student's resident school corporation. Staff members may maintain their respective "working documents" as secondary files not to be shared or distributed to others.

NOTE (added 6/2/15): In a May 29, 2015 Director's Update from Dr. Pam Wright she noted that it is the Department's (IDOE) position that emails related to a student are *not* considered a student record and therefore are not subject to a request for educational records, *unless the School has designated emails to be included in a student's educational record*. The U.S. Supreme Court held that "educational records" are institutional records kept by a single central custodian, such as a registrar. Educational records are not "every single record kept by any individual related to a student" (*Owasso Independent School District v. Falvo*, 534 U.S. 426, 434-35 (2002)). Please note, however, e-mails can be subpoenaed, or requested in a separate discovery motion.

AG 8350 *Confidentiality* (revised 9/2/14) [see AG 8352]

This policy applies only to identified confidential information received from a public agency. However, under the Family Educational Rights Privacy Act (FERPA), anything that is made part of the student's records will be sent to a receiving school district **with** notice to the parent through its obligation to provide annual notification (§99.7) of their rights under this Act. Unless the disclosure is initiated by the parent or eligible student, FERPA authorizes disclosure without consent when the disclosure meets one or more of the conditions noted such as:

- A. the disclosure is to other public school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests (§99.31); and
- B. the annual notification includes a notice that the agency or institution forwards education records to other public agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer (§99.34).

In order to prohibit the unauthorized disclosure of information identified as confidential by the sending public agency, the Board may seek to obtain Court protection by:

- A. denying requests for release of such information absent subpoena or court order;
- B. pursuing motions to quash or protective orders to prohibit unauthorized disclosure.

When possible, the Board will attempt to notify the sending public agency of the request for release of such information prior to complying with the request.

The Family Educational Rights and Privacy Act of 1974 (FERPA) was signed into law by President Ford on August 21, 1974, and became effective on November 19, 1974. FERPA is administered by the Family Policy Compliance Office (FPCO) in the U.S. Department of Education. The FPCO's website includes updated regulations as well as sample forms and suggested content for annual notices required by FERPA <http://www2.ed.gov/policy/gen/guid/fpc/index.html>.

The most recent changes to the FERPA regulations became effective January 3, 2012. The amendments recognize the trend to track individual students for program and staff evaluation purposed by establishing standards for sharing data with state and federal educational agencies and contractors retained to evaluate the effectiveness of programs and instructional strategies. School districts are to require data recipients sign written agreements about how student personally identifiable information (PII) will be stored, protected, used, and disposed.

In addition, the FPCO encourages school districts to properly designate “directory information” exceptions so that traditional school activities such as publishing yearbooks or creating graduation programs are allowable. Furthermore, the new FERPA regulations clarify that parents and eligible students cannot use their right to object to the release of “directory information” about the student to prevent a school or school district from requiring the student to carry, display, or present a student ID card or badge while at school, or to be admitted to school activities.

In a 9.2.14 memo our CCHA law firm noted that cloud-based products and services are being widely adopted by schools because they can lower costs and increase productivity. However, any third-party operation and control of school data can raise important regulatory compliance, data breach, and practical privacy issues.

Schools need to be aware that FERPA generally requires a cloud service provider that has access to students’ personally identifiable information to be under the “direct control” of the school (34 C.F.R. § 99.31(a)(1)(i)(B)(2). Any software service that could have access to student data must be approved by the administration before it is used in the classroom.

Teachers should not unilaterally accept “click through” agreements for any software that could have access to student data. “Free” cloud-based products often do not charge money because they utilize data mining and advertising to profit from the data uploaded to the product in ways that may violate FERPA standards.

AG 8351 Security Breach

If an employee suspects, discovers and/or determines that a security breach has occurred, the employee shall promptly notify his/her immediate supervisor and the Executive Director in writing. The Executive Director will determine and implement the steps necessary to correct the unauthorized access and necessary notification to those individuals whose personal information may have been compromised.

For purposes of this policy, personal information, when not encrypted, redacted, or altered by any method or technology to be effectively obscured or unreadable, means an individual’s name (first name or first initial and last name), in combination with and linked to any of or more of the following:

- A. Social Security number;
- B. driver’s license number or State identification card number; and/or
- C. account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual’s financial account.

A security breach means the unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information owned or licensed by SSSMC and that *causes a material risk of (or is reasonably believed to have caused or is reasonably believed will cause) identity theft or other fraud to the person or property of a resident of the State.*

Unauthorized access of information is not considered a security breach if:

- A. the employee or agent acted in good faith in accessing the data;
- B. the access was related to the activities of SSSMC or the employee's or agent's job-related duties;
- C. the employee or agent did not use the personal information for an unlawful purpose or subject the information to further unauthorized disclosure; and
- D. the acquisition of personal information is pursuant to a search warrant, subpoena, or other court order or pursuant subpoena, order or duty of a regulatory State agency.

AG 8352 Data Privacy and Transparency (new 9/9/14)

The U.S. Department of Education established the Privacy Technical Assistance Center (PTAC) as a "one-stop" resource for education stakeholders to learn about data privacy, confidentiality, and security practices related to student-level longitudinal data systems and other uses of student data. PTAC provides timely information and updated guidance on privacy, confidentiality, and security practices through a variety of resources, including training materials and opportunities to receive direct assistance with privacy, security, and confidentiality of student data systems. More PTAC information is available on <http://ptac.ed.gov>.

The document, Transparency Best Practices for School Districts (PTAC-CL-5, July 2014), developed by the Privacy Technical Assistance Center (PTAC) is intended to assist elementary and secondary schools and local educational agencies (LEAs or "districts") in achieving greater transparency with respect to their data practices. It informs schools and districts of the basics of legal compliance, but encourages educational organizations as a best practice to go beyond the minimum notifications required under federal law. While the primary intended audience for this document is K-12 institutions and agencies, many of the recommendations apply equally to educational organizations at other levels. For more information, check out the Privacy Technical Assistance Center at <http://ptac.ed.gov>.

Why is Transparency Important?

Schools and districts across the country need to collect data about students, including their test scores, grades, credits earned, and other related information, such as demographics, enrollment, discipline, and special education status. Educational agencies and institutions use these data to foster students' academic achievement by identifying students' talents and special requirements, monitoring their academic progress, and developing successful teaching and learning strategies. Schools and districts often have legitimate educational reasons to authorize third-parties to access these student data, for purposes such as communicating with parents, improving the effectiveness of education programs, to identify gaps in student services, and reasons as simple as providing secure data storage.

Parents expect their children's well-being to come first when children attend school. This includes the expectation of respect for students' privacy and adequate protection of the confidentiality of children's personal information. To that end, parents expect openness and transparency from schools and districts about their data practices, so that parents can evaluate whether a school's or district's protection of children's personal information meets those expectations.

Consequently, it is important that schools and districts communicate what student information they collect, why they collect it, how they use it, and to whom they disclose it. The U.S. Department of Education encourages schools and districts to take a proactive approach in communicating with parents, as greater understanding of the schools' and districts' data privacy policies and practices will help alleviate confusion and misunderstandings about students' data use.

Required Privacy Rights Notifications

A. The Family Educational Rights and Privacy Act (FERPA), a federal law administered by the Department (20 U.S.C. § 1232g; 34 CFR Part 99), affords parents and "eligible students" (students who are at least 18 years old, or, in attendance at a postsecondary institution at any age) certain rights with respect to education records, such as the right to consent to the disclosure of personally identifiable information (PII) from the education records (except in certain circumstances).

FERPA requires schools and districts to *provide annual notification* to parents and eligible students of their rights under FERPA, including the:

1. right to inspect and review their education records, the right to seek to amend those records, the right to consent to disclosure of PII from those records (unless an exception applies), and the right to file a complaint with the Department regarding an alleged FERPA violation;
2. procedure for exercising the right to inspect and review education records as well as the procedure for requesting amendment of those records; and
3. school's or district's criteria for determining who constitutes a "school official" and what constitutes a "legitimate educational interest", which is essential if disclosing information to third-party cloud service providers.
4. Additionally, if a school or district has a policy of disclosing "directory information" under FERPA, it must provide public notice to parents and eligible students of that policy.

"Directory information" means information about a student that would not generally be considered harmful or an invasion of privacy if disclosed, such as name, address, and telephone number; many schools adopt directory information policies in order to include this information in yearbooks, concert programs, student/parent directories, etc. (See 34 CFR § 99.3 "Directory information" for additional examples of data elements commonly designated as directory information). If a school or district elects to disclose directory information, the directory information notice must include:

1. the types of PII that the district or school has designated as directory information;
2. an explanation of the right of parents and eligible students to request that the information about the student not be disclosed as directory information;
3. a specified period of time within which a parent or eligible student may notify the school or LEA in writing that they do not want any or all of the information disclosed as directory information. (There are two exceptions to the ability to opt out set forth in § 99.37(c).); and
4. (optional) if the school or district has chosen to adopt a “limited directory information policy,” the limited parties or purposes for which directory information may be disclosed. (See <http://www.ed.gov/fpco> for more information on limited directory information policies.)

The school or district may also want to include in the annual notification that it routinely discloses students’ education records to other schools in which the student seeks or intends to enroll.

B. Protection of Pupil Rights Amendment (PPRA) is another federal law that applies to recipients of funds under any program administered by the U.S. Department of Education. In many instances, schools or districts must also provide notice under the Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98). The PPRA only applies to elementary and secondary schools (not to higher education institutions), and addresses, among other matters, the use of personal information collected from students for marketing purposes, and the administration of certain surveys and evaluations to students.

Subject to limited exceptions, the PPRA requires a school or district that receives funds under any applicable USDOE program to develop and adopt certain policies in consultation with parents, and to provide parents with notice of those policies and their rights under PPRA at least annually (at the beginning of the school year), and within a reasonable period of time after any substantive change is made to those policies. The complete PPRA requirements regarding these policies, and the instances in which direct notification is required, can be found at 20 U.S.C. § 1232h(c)(1-2), and the exceptions to these requirements can be found at 20 U.S.C. § 1232h(c)(4). For additional information about required notices under FERPA and PPRA, go to the Family Policy Compliance Office (FPCO) website, at <http://www.ed.gov/fpco>.

Best Practice Recommendations for Improving Transparency

Beyond FERPA and PPRA notification requirements, the USDOE recommends a number of best practices for improving the transparency of schools’ and districts’ data practices. These recommendations can be divided into three main categories: (A) what information to communicate to parents; (B) how to convey that information; and (C) how to respond to parent inquiries about student data policies and practices.

A. Recommendations on What to Communicate to Parents -- In addition to the mandatory information outlined above that schools and districts are legally required to include in notices to parents and eligible students, as a best practice also provide parents with the following information about your school’s or district’s data and privacy practices:

1. *What information are you collecting about students?*

- a.) develop and publish a data inventory listing the information that you collect from or about your students. A best practice is to provide this information at the data element level.
- b.) Note: the first step in protecting sensitive information is knowing what information you have.

2. *Why are you collecting this information?*

- a.) Explain why you collect student information (e.g., for state or federal reporting, to provide educational services, to improve instruction, to administer cafeteria services, etc.). A best practice is to provide this information at the data element level.
- b. Note: If you cannot provide a good reason for why you are collecting a particular data element, you may want to reconsider collecting it.

3. *How is the information protected?*

- a.) Explain your institution's information technology (IT) security and data protection policies (both for paper records and for digital information).
- b.) Describe your school's or district's policies governing access and use of students' PII.
- c.) Explain your data retention policies, and whether you retain records in identifiable, minimized/redacted, or de-identified form. (See "Minimizing Access to PII: Best Practices for Access Controls and Disclosure Avoidance Techniques.")
- d.) If you publish aggregate data on your website (or if you provide it to the media or the general public), explain the privacy protections you apply to protect against disclosure of students' PII in "small cells." (See "Frequently Asked Questions—Disclosure Avoidance.")
- e.) Note: It is important to regularly your faculty and staff on these IT security and data protection policies.

4. *Do you share any personal information with third parties? If so, with whom, and for what purpose(s)?*

- a.) If you contract for services that require you to share student information, consider posting those contracts online.
- b.) Provide parents with a list of online educational services or "apps" that are approved for use in the classroom.
- c.) If you share student information with external researchers (e.g., under FERPA's "studies" or "audit and evaluation" exceptions – see "FERPA Exceptions Summary"), show parents the research findings and identify if you made any changes to curriculum, policies, or programs as a result.
- d.) Note: Parents care about who has access to and uses their children's information. Let them know the reasons you are sharing student data with a third party and explain the legal, contractual, and policy protections in place to safeguard the data.

5. *Who should parents contact if they have questions about your data practices?*

- a.) Display contact information prominently on your website, so that it is clear whom parents can contact if they have questions, comments, or suggestions.
- b.) Note: Posting information on a website is not enough – ask for constructive feedback from parents and students to ensure that the policies and practices are truly transparent.

B. Recommendations on How to Communicate about Data Practices -- When communicating with parents about the school's or district's data practices, consider the following best practices to improve accessibility and clarity of the messages:

1. *Use your website as part of a multi-layered approach to communication*

- a.) Layer the sophistication of the message to the medium. For example, shorter documents or announcements, such as a letter to parents, student handout, newsletter item, or a blog post could contain a very simple message, supplemented by a link to additional, more in-depth information for those who are interested.
- b.) Post electronic copies of your required FERPA and PPRA notices on your website as a reference for parents and students to consult later.

2. *Make your website user-friendly, searchable, and easy to navigate*

- a.) When possible, consolidate information about data practices and privacy protections into a single page or section on your website.
- b.) Clearly label the data practices/student privacy section and ensure that users can quickly navigate to it from the homepage with just one or two mouse clicks.
- c.) Add a "Search" tool to your website so that visitors can easily find relevant information on data practices using common keywords.

3. *Be clear and consistent*

- a.) Use plain language whenever possible (avoid legal or technical jargon).
- b.) Provide examples to illustrate complex concepts or ideas.
- c.) Include a glossary with definitions and links to relevant privacy laws, regulations, or policies.
- d.) Make sure that your website's data practices section is accessible to persons with disabilities.
- e.) Consider translating the data practices section and any related student privacy information on your website into other languages commonly spoken in your community.
- f.) Maintain consistency across communication mediums (i.e., between written letters and website pages).

4. *Have members of the community regularly review your website for usability, comprehension, and completeness*

- a.) Follow up with parents and students to ensure that they can easily find and understand the data and privacy practices information posted on your website.
- b.) Solicit feedback from parents and students on recommended improvements to your website or for additional information to include about your data and privacy practices.

C. Recommendations for Responding to Parent Inquiries -- Sometimes parents or students will contact you wanting additional information. ED encourages schools and districts to handle parental and student inquiries about data privacy in a responsive and meaningful fashion. The best practices include:

1. *Keep the lines of communication open*

- a.) Be available to answer questions from parents and students regarding student data.
- b.) Provide parents and students with multiple easy ways to reach staff for questions, concerns, or suggestions.
- c.) Parents and students should be able to reach out for help in ways that are convenient to them.
- d.) When appropriate, use online systems that grant parents access to their children's information so that parents can learn more about their children's progress and activities in school.

2. *Review parental inquiries, concerns, and suggestions in a thoughtful and careful manner*

- a.) Don't dismiss inquiries, concerns, or suggestions without sufficient consideration.
- b.) Acknowledge parents' concerns about their child's well-being.
- c.) Make the effort to properly understand the question, concern, or suggestion and relevant circumstances—follow-up to obtain additional information if necessary.
- d.) Respond in a clear, respectful, and meaningful fashion to minimize confusion.

3. *Respond to parental or student inquiries in a timely manner.*

- a.) Notify the parent or student about the expected turn-around time and explain the logistics of the response process; this information can be posted on the school's or district's website, communicated directly to the requester, or both.
- b.) If additional time is required to address the inquiry, follow up with the parent or student to keep him or her informed about the delay and the reason for it.

4. *Periodically review old inquiries and resolutions to evaluate and improve your communication and transparency efforts*

- a.) Evaluate your effectiveness by reviewing changes in the relevant measures over time. Some useful indicators include the

number of privacy concerns, response turn-around time, and feedback from parents and students.

b. Review and modify privacy policies and procedures, including the content of privacy notices and modes of communication, at least annually.

Additional Resources

For additional information on the topics and best practice recommendations discussed above, please visit the FPCO website, which provides detailed guidance on legal requirements under FERPA and PPR. The PTAC website provides guidance documents, trainings, checklists, frequently asked questions, and other resources relating to best practices for data privacy and security.

Ø Family Policy Compliance Office (FPCO), U.S. Department of Education:
www.ed.gov/fpc

Ø Privacy Technical Assistance Center (PTAC), U.S. Department of Education:
<http://ptac.ed.gov>

AG 8353 Data Privacy – Third Party Vendors (added 9/11/14) [see AG 8352]

Student Data Privacy and Cloud Computing in Schools were addressed in a memo (9/2/14) from the law firm of Church Church Hittle & Antrim. Recent technological developments have made available to schools many technology services that third-party service providers operate “in the cloud” rather than the school operating on its own computers and servers.

Schools that are not careful can fall short of federal privacy standards and community expectations for student privacy, and can expose themselves to liability for data breaches. Any third-party operation and control of school data can raise important regulatory compliance, data breach liability, and practical privacy issues that schools need to address.

Cloud-based products and services are widely used by schools because they can lower costs and increase productivity (e.g. Google Apps, electronic student record systems, online learning tools). Some cloud-based services are even available without monetary payment for teachers to deploy directly in their classrooms without formal approval by a school district. As schools adopt cloud-computing services, they may unknowingly transfer large quantities of student information to third-party providers, without requiring basic privacy protections such as strong data security measures and limitations on commercial data mining.

Regulatory Background -- The Family Educational Rights and Privacy Act (FERPA) prohibits the unauthorized disclosure of personally identifiable information contained in students’ education records. The U.S. Department of Education has taken the position that the handling or storage of a school’s personally identifiable student educational record information by a service provider (e.g. a school email provider, mobile-app, or web-based tool) *is generally a disclosure under FERPA* that requires parental consent or application of a FERPA exception. One FERPA exception provides that a school may disclose “directory information” that would not generally be considered harmful or an

invasion of privacy if disclosed, such as student's name, address, photograph, or grade level, without obtaining consent.

FERPA's "school official" exception allows disclosure of education records without consent to any "school official" with a legitimate educational interest in the student, *including contractors and providers of services for which the school would otherwise use its own employees*. This exception requires that a cloud service provider that has access to educational records be under the "direct control" of the school (34 C.F.R. § 99.31(a)(1)(i)(B)(2)).

Thus, schools that outsource information technology services should make clear in written agreement or contract that the outside party may not use or allow access to personally identifiable information from education records, except as allowed by the school and in accordance with FERPA. Technology contracts and terms of service should also require that student data be returned or destroyed at the end of the agreement and that the school be notified of any data breach involving its data.

FERPA also requires that parents be given access to their student's records upon request. If the district provides data constituting a student education record to a third-party technology provider, school officials should make sure that the provider is able to provide that data back to the school in a usable format, should a parent request to review the records.

The Children's Online Privacy Protection Act (COPPA) requires that operators of commercial websites, mobile apps, and online services for children under 13 years of age obtain parental consent before collecting any personal information from the children under the age of 13. According to Federal Trade Commission Guidance, if a school wants to offer a third-party online service to students under the age of 13, it may provide consent for the service in place of the parents *only if* the operator collects personal information from students for the use and benefit of the school, and for no other commercial purpose. If information is used for any other commercial purpose, the operator must obtain actual parental consent.

Data Breaches-- Data breaches are another growing area of concern for schools. All schools should be aware of the potential liability associated with their technology contracts and should seek to provide some liability protection in agreements with companies that have access to sensitive school data. Additionally, schools should ensure that they have in place best practices including secure storage in for password use and protection, and for ensuring that the most sensitive data, such as social security numbers, financial account numbers, driver's license numbers, and passcodes.

Compliance Checklist

A. Ensure that teachers are not unilaterally providing third-party tools with FERPA-protected information.

1. Many third-party tools are available for use in the classroom including some which are free-of-charge. For example, www.todaystarget.com provides an online tool for monitoring individual student progress, with the basic version available for free to anyone who signs up on the

website. “Free” cloud-based products often do not charge a fee because they are able to capitalize on data tracking, profiling and advertising.

2. Any third-party service that is given access to FERPA protected “student education records” should have a written agreement with the school controlling how that student data will be used.

3. Teachers should not sign up for any third-party tool that will have access to FERPA-protected “student education records” without first having an agreement in place and approved by school administration that controls how the third party will be able to use student data.

B. Review new and existing technology contracts to ensure that they sufficiently address data privacy and data breach concerns.

1. The default terms of service and contract terms for most technology contracts are typically not favorable to schools. These terms usually provide that the other party is not liable for any data loss or data breach, and do not sufficiently guarantee that the school’s data will remain confidential and will not be used for any other purposes, such as marketing.

2. Schools should make sure those contracts with providers who will have access to student or other sensitive data:

- a.) define customer data broadly and state that the school retains ownership of the data;
- b.) require that the data be returned and copies destroyed when the agreement ends;
- c.) limit the use of school data to the purposes for which it was provided
- d.) require that the school be notified of any data breach or loss; and
- e.) address warranties, liability, and procedures for data loss, disclosure, or theft.

C. Keep technology policies up to date and be transparent with parents and others about school use of data.

1. As technology changes rapidly, school policies and procedures need to be updated to keep pace. School technology policies should reflect how student data should be used and protected. Schools should implement best practices for technological security measures for data.

2. In addition, schools should consider ways to be transparent with parents about what student information they collect, why they collect it, how they use it, and to whom they disclose it.

Reference: The U.S. Department of Education has recently encouraged schools to take a proactive approach in communicating data privacy policies and practice to alleviate any confusion and misunderstandings about the use of student data.

See <http://ptac.ed.gov/document/Transparency-Guidance>.

AG 8390 ***Animals on Cooperative Property*** [11/14/13 SSSEA Review]

This guideline applies to all animals (living creatures other than a plant or human) on SSSMC property, including service animals (trained and providing services constituting a

reasonable accommodation to a person with a disability as broadly defined under I.C. 16-32-3-1.5).

A “service animal” is an animal especially trained as a hearing, guide, assistance, seizure alert, mobility, psychiatric service or autism service animal. It also means an animal that an impaired person relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person’s medical condition.

A “companion animal” is an animal that provides solely emotional support, well-being, comfort, or companionship and does not meet the definition of a disability dog or a service animal.

A “disability dog” is a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. A “disability dog” only includes dogs and excludes any other species of animal.

Vaccination, Licensing and/or Veterinary Requirements

All animals, including service and companion animals, admitted or housed on SSSMC property or brought on SSSMC property on a regular basis must meet every health and inoculation requirement set forth in State law and local regulation or ordinance, including but not limited to a current rabies vaccination.

The principal will be responsible for reviewing and determining whether the required documentation has been provided for a student’s service animal. Services to a student shall not be suspended or withheld pending receipt of the requisite documentation until the student or a parent/guardian has been given a reasonable period of time to submit the required documentation for the service animal.

An employee with a disability using a service animal while on duty will be required to provide a current satisfactory animal health certificate or report of examination from veterinarian for the service animal within a reasonable time period.

If a visitor with a disability will attend a regularly scheduled series of events with his/her service animal, the individual will be required to provide a satisfactory health certificate or report of examination from a veterinarian for the animal, which is required for all animals by Board policy.

Animals in the School and Elsewhere on SSSMC Property

Under the teacher’s supervision, students may handle the animal in the classroom after being given instruction on proper techniques for handling the animal, as well as proper hand washing techniques after handling the animal. When appropriate, students may feed the animal under the supervision of the teacher. In advance of the animal being brought to school, a notification will be sent home with students in that class informing parents of the type of animal that will be coming into the classroom.

Other than a service animal and fish in an aquarium, all other animals shall be limited to those necessary to support specific curriculum-related projects and activities. An animal

that is poisonous, a bite risk, or is otherwise dangerous to persons shall be housed and maintained in a manner so as to eliminate a risk of injury to a person.

The risk of injury shall take into account that a student may not follow safety directives established for the handling of the animal. The risk assessment by the building principal may result in a decision that despite the education value of the animal's presence, the educational value does not outweigh the risk of injury to a person.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the principal may permit animals, other than service animals, to be present in the RLC school to support curriculum-related projects and activities only under the following conditions:

A. The staff member seeking approval to have an animal in his/her classroom shall:

1. provide a satisfactory health certificate or report of examination from a veterinarian for the animal;
2. take precautions deemed necessary to protect the health and safety of students and other staff;
3. ensure that the animal is treated humanely (adequate food and fresh water), keeping it in a healthy condition and in appropriate housing, e.g. a cage or tank, that is properly cleaned and maintained; and
4. keep the surrounding areas in a clean and sanitary condition at all times.

B. Other staff members and parents/guardians of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

C. If a parent responds with a concern regarding a possible allergic reaction to the animal,

1. the principal and teacher shall discuss options that may be considered, and
2. the name of the student with the allergy shall remain confidential (although it may be prudent to inform the school nurse).

D. With the exception of a service animal, the principal shall disallow the presence of an animal if documented health concerns of a student or a staff member cannot be otherwise accommodated.

Live animal presentations and assemblies under the supervision and control of a trained professional may at times have more unique animals that may not be allowed in the classrooms. Owners of pets and service animals brought on school property are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.

Service Animals for Students

A student's need for and use of the service animal must be addressed in the student's individual education plan (IEP) and/or Section 504 Plan. A service animal is the personal property of the student and/or parent/guardian. By admitting a service animal to SSSMC property:

- A. neither the Board nor SSSMC administration and staff assume any responsibility for training, daily care, or healthcare of a student's service animal;
- B. the Board assumes no responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on SSSMC property or at SSSMC-sponsored events.
- C. the Board, SSSMC administration and staff presume the service animal is under the full control of a student or the service animal's handler.

A service animal shall be permitted to accompany the disabled student anywhere on the school campus where students are allowed to be.

SSSMC is not responsible for the care or supervision of a disability dog. A person accompanied by a service animal is liable for any damage done by the service animal. An individual with a disability may be charged for damage caused by his/her disability dog.

As specifically required by the regulations of the Rehabilitation Act and the Americans with Disabilities Amendments Act, SSSMC will make a case by case assessment of requests for using a *miniature horse* with an individual with a disability. Such requests can be made to the Executive Director or designee.

Removing and/or Excluding a Student's Service Animal

The principal will be responsible for documenting aberrant behavior and for determining that the service animal is to be removed and/or excluded from SSSMC property in such instances as demonstrating that:

- A. it is not under the control of the student or handler;
- B. it is not housebroken;
- C. it is infested with fleas, ticks, etc.

The principal shall notify the Executive Director in writing, e.g. e-mail, if a service animal has been removed and/or excluded, and shall include documentation for the reasons for the removal or exclusion.

The principals' decision may be appealed in accordance with complaint procedure for nondiscrimination set forth in AG 2260 and outlined in AG3362 (Anti-harassment). Since the principal is designated as the Complaint Investigator, a formal complaint investigation may be conducted by an external person at the discretion of the Executive Director.

The Complaint Process is not intended to interfere with the rights of SSSMC members or third parties to pursue a complaint of unlawful harassment with the USDOE Office of Civil Rights, the Indiana Civil Rights Commission, or the Equal Employment Opportunity Commission.

Eligibility of a Student's Service Animal for Transportation

In some cases, as identified on the student's IEP or Section 504 Plan, there may be a need for a student with a disability and his/her accompanying service dog (and handler if applicable) to be transported off-site during a school related activity.

Before a service animal is permitted to ride during the school day on a school bus owned or leased by a member school corporation for the first time, the student and his/her parents/guardians, or eligible student and the handler, shall comply with the following:

- A. The principal and staff member sponsoring/hosting the off-site school activity shall schedule a meeting so that to meet with the driver and bus assistant if applicable
- B. The student, parent/guardian, and handler if applicable are responsible for providing information regarding critical commands needed for daily interaction and emergency/evacuation of the student and service animal.
- C. The principal shall make arrangement for the student, parent/guardian, and handler if applicable to provide an orientation for students (and staff) who will be riding the bus with the service animal regarding the service animal's functions and how other students (and staff) should interact with the service animal.
- D. The service animal must participate in bus evacuation drills with the student.

The service animal shall board the bus by the steps with the student, not a lift, unless the students uses the lift to enter and exit the bus. While the bus is in motion the service animal shall remain positioned on the floor at the student's feet. The principal and/or a representative of the transportation office of the transporting member school corporation will meet with the student and his/her parents/guardians or eligible student and handler to determine whether the service animal should be secured on the bus with a tether or harness.

Suspension of Transportation Privileges

Prior to the scheduled day of transportation to an off-site school activity, an eligible student or his/her parents/guardians shall be informed by the principal in writing of the types of service animal behaviors that could result in suspension of transportation privileges for the service animal.

If the student or handler does not control the service animal's behavior in cases of transportation to an off-site school activity resulting in a threat to the health or safety of others or the service animal urinates or defecates on the bus suspension of transportation privileges may be warranted. Furthermore, unless the behavior that results in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

If it is necessary to suspend transportation privileges for the service animal, the decision may be appealed to the Executive Director who may consult with the transportation manager of the transporting school corporation. If transportation is suspended for a student's service animal, it remains the responsibility of the member school corporation of residence to ensure that the student is transported to the off-site school activity.

Service Animals for Employees/Vendors/Visitors

An employee with a disability may request authorization to use a service animal while on duty as a reasonable accommodation. Employees shall be encouraged to engage in a

continuous interactive dialogue with their supervisor concerning their utilization of a service animal.

Food service employees who use a service animal shall be required to comply with the standards applicable to food preparation and food service set out in FDA Food Code Section 2-403.11.

Employees of vendor shall be accommodated as employees of SSSMC as long as this accommodation does not cause undue hardship for the SSSMC or a direct threat to the employees or others. Employees of a specific vendor shall be permitted to have access to all areas of the SSSMC facility as necessary to perform their assigned duties unless the service animal's presence constitutes a safety risk or direct threat to others' health.

Visitors with disabilities accompanied by a service animal shall be encouraged to contact the principal before their visit but neither the visitor nor the service animal will be turned away because of failure to give advance notice of their visit. Visitors with service animals shall have access to all areas of the SSSMC facility where members of the public are permitted to go consistent with AG 9150 (School Visitors).

An individual with a disability who attends a school event will be permitted to be accompanied by a service animal in accordance with AG 9160 (Public Attendance at School Events).

Service Animals and Disability Dogs vs. Companion Animals

[The following are additional considerations from CCHA sent in an 8/11/11 e-mail from Seamus Boyce]

As specifically required by the regulations of the Rehabilitation Act and the Americans with Disabilities Amendments Act, SSSMC permits the use of a disability dog by an individual with a disability. Individuals with disabilities are permitted to be accompanied by their disability dogs in all areas of SSSMC facilities where the individual is otherwise permitted to be. The work or tasks performed by the disability dog must be directly related to the individual's disability. Prior to working with or performing tasks directly related to the individual's disability, the individual with a disability or his/her parents must explain to the Executive Director or designee that the disability dog is required because of a disability and what work or task the disability dog has been trained to perform. SSSMC requests that the individual with a disability or his/her parents provide documentation supporting that the disability dog is required because of a disability and supporting that the dog has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

Disability dogs are excluded from SSSMC facilities if the disability dog is not housebroken or it is out of control and the handler does not take effective action to control it. A disability dog must be under the control of its handler. The disability dog must have a tether, unless either the handler is unable because of a disability to use a tether, or the use of a tether would interfere with the disability dog's safe, effective performance of work or tasks, in which case the disability dog must be otherwise under the handler's control.

All persons are prohibited by Indiana Code 16-32-3 from refusing access or charging an access fee to a person who is totally or partially blind, has a hearing impairment, has a physical or mental disability, or who is engaging in the training process of a service animal because the person is accompanied by a service animal especially trained for its purpose.

All persons are prohibited by Indiana Code 35-46-3-11.5 from knowingly or intentionally interfering with the actions of a service animal or striking, tormenting, injuring or otherwise mistreating a service animal while the service animal is engaged in assisting an impaired person in navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.

AG 8400 **School Safety** [see Bullying/Safe School Committee 5517.01]

Accordance with State law, the RISE Learning Center (RLC) as the school within SSSMC has established a *Safe School Committee*, the composition of which is as follows:

- A. SSSMC personnel, B. RLC staff, C. SSSEA representative(s), and D. PTA member(s)

The *School Safety Committee* may seek input from all relevant representatives and resources in fulfilling its responsibility for developing a plan for the RLC that addresses the following:

- A. Unsafe conditions, crime prevention, school violence, bullying, and other issues that prevent the maintenance of a safe school;
- B. Professional development needs for faculty and staff to implement methods that decrease problems identified above;
- C. Methods to encourage involvement by the community and students, development of relationships between students and school faculty and staff, and use of problem solving teams; and
- D. A caution that SSSMC shall not disclose any record or part of any record if the disclosure of which would have a reasonable likelihood of threatening public safety by compromising the security of the SSSMC/RLC.

This committee is to provide a copy of the floor plans for each building that clearly indicates: (1) each exit, (2) the interior rooms and hallways, and (3) the location of any hazardous materials located in the building to the local law enforcement agency and the fire departments that have jurisdiction over the SSSMC/RLC.

As an Interlocal district with a single school building it appears that State and Federal law requires that SSSMC annually report to IDOE incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity for purposes of determining if the school is considered "persistently dangerous" as defined by State policy.

In the unlikely scenario that the RLC that the number of reportable incidents of violent criminal offenses exceed the threshold number established by State policy, the Executive Director is to request the *School Safety Committee* a corrective action plan to reduce the number of incidents in the subsequent year. Any such plan is to be presented to the Board for approval and adoption.

AG 8405 ***Environmental Health and Safety Issues*** [Service Animals see new AG 8390]

As required by policy, the Executive Director has appointed James Gross, Operations Supervisor, as the Coordinator for Indoor Air Quality (IAQ). The IAQ Coordinator is to serve as the lead contact person for matters related to indoor air quality in the facilities operated by SSSMC with contact information made available to:

- A. all students, parents, employees, and visitors on the SSSMC website and school handbooks; and
- B. the Indiana State Department of Health (ISDH) by notification of name and contact information.

SSSMC is to develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities with SSSMC, and promotes and incorporates the following:

A. Procedures describing a hazard identification and abatement program that requires the

- 1. periodic inspection of SSSMC facilities,
- 2. implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and
- 3. development of a district-wide hazard reporting procedure that enables employee/stakeholder participation including procedures for
 - a. identifying and responding to hazards that are created by outside entities,
 - b. inspecting activities of contractors, and
 - c. inspecting new facilities to determine whether or not appropriate requirements for environmental health and safety have been met.

B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not limited to, the establishment of:

- 1. RLC and SSSMC safety committees, and
- 2. a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through mediums available to SSSMC.

C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during school-related activities including, but not limited to:

- 1. promoting bus safety for students,
- 2. assessing the safety of school traffic patterns,
- 3. operating school clinics,
- 4. administering medications and medical treatment,
- 5. promoting laboratory and shop safety,
- 6. promoting safety in sports and other outdoor activities,
- 7. inspecting playground equipment and promoting safety on playgrounds, and
- 8. assessing environmental exposure.

D. Procedures related to SSSMC employee health and safety issues that include, but are not limited to:

1. provision of work areas free from recognized hazards and OSHA-related programs that are required by Federal and State law, such as employee safety and health training and training in hazard recognition, and
 2. defining employer and employee responsibilities and expectations related to health and safety.
- E. Procedures describing an accident reporting and investigation that:
1. provides for identification of root causes,
 2. determines remedial and programmed corrective actions, and
 3. provides communication about accidents to employees and stakeholders.
- F. Procedures that detail plans for foreseeable emergencies and fire prevention.

Indoor Air Quality

SSSMC and the RLC is to meet established criteria (see expectations outlined in the policy) established by the Indiana State Department of Health. An ISDH inspector will investigate any condition that is or could be contributing to poor air quality including, but not limited to, the following: carbon dioxide levels, humidity, evidence of mold or water damage, and excessive dust.

The written procedure for routine maintenance, as well as a log verifying the maintenance was completed in a timely manner including the logging of cleaning and filter changes of the HVAC system, *shall be made available for the state inspector's review and maintained for a minimum of three (3) years.*

School Bus and Other Vehicle Idling (also see Policy/AG 8615)

In accordance with the Indiana State Department of Health regulations, the Board endeavors to limit vehicle emissions that may be introduced into the SSSMC/RLC facilities harming the indoor quality. The staff, parents, and students are to be informed of this policy at the start of each school year at annual orientations or through student/parent handbooks.

SSSMC shall determine areas where idling is prohibited and post signs. Drivers of all public and private vehicles are to turn off the engine if the vehicle is to be stopped for more than five (5) minutes in locations where the vehicle exhaust may be drawn into the building or while on school grounds.

Pollution Control and Prevention

In an effort to comply with environmental policy and applicable regulations, SSSMC shall develop and implement procedures designed to prevent air and water pollution, minimize or eliminate waste streams where possible, and identify possible sources of air and water pollution.

See the following related policies/AGs

- Emergency Evacuation of Schools (8420)
- Chemical Management and Preparedness for Toxic Hazard or Asbestos Hazard (8431)
- Pest Control and Use of Pesticides (8432)
- Reporting Accidents (8442)

- Control of Casual-Contact Communicable Diseases (8450)
- Control of Noncasual-Contact Communicable Diseases (8453)
- Control of Blood-Borne Pathogens (8453.01)
- Idling School Buses and Other Idling Vehicles on School Property (8615)

AG 8410 ***Crisis Intervention*** [see Bullying/Safe School Committee 5517.01]

The Board has developed various policies related to conduct in the school setting as well as those that address various crisis situations. This guideline is to address procedures for:

- A. responding to a crisis situation – see AG 8400 (School Safety)
- B. developing a prevention plan – see AG 8400 (School Safety)
- C. providing effective intervention for students who may show warning signs that relate to violence or other troubling behaviors – (see AG 5630.01 regarding Use of Seclusion and Restraint with Students)

AG 8420 ***Emergency Evacuation of Schools*** [see AG 8400 – School Safety]

All threats to the safety of SSSMC facilities shall be identified by appropriate personnel and responded to promptly in accordance with a plan for emergency preparedness.

The Board authorizes a system for emergency preparedness which is to ensure that:

- A. the health and safety of students and staff are safeguarded;
- B. minimum disruption to the educational program occurs;
- C. students are helped to learn self-reliance and trained to respond sensibly to emergency situations.

Procedures need to be developed for handling of emergencies which include a plan for the prompt and safe evacuation of the RLC/SSSMC building.

AG 8420.01 ***Utility Loss or Failure***

General Procedures [3/8/13]

Utility failure is the loss or interruption of electric power, natural gas, water or sewage services to the school. The most common utility failure results from power outages throughout the year. In certain situations, students may need to be relocated until the power is restored or released early.

- A. Upon notice of loss of utilities, the Executive Director or designee will initiate appropriate immediate response actions, which may include SHELTER-IN-PLACE or EARLY DISMISSAL. The IT personnel will be directed to start the battery backup for the phone system (battery backup system will work for approximately 45 min, at this time the Executive Director or designee will notify the parents of the EARLY DISMISSAL due to UTILITY LOSS or FAILURE.)
- B. The Executive Director or designee will contact the Custodian to contact the proper utility company and determine the duration of the outage.
- C. In the event of a gas leak, the Executive Director or designee will direct the appropriate staff to call 911, giving the name of the school and the location, announce that the school will be evacuating to the Fire Station at Shelby and Thompson and provide the location of the evacuation site.

The Executive Director or designee will make the announcement to EVACUATE and OPEN ALL WINDOWS.

- A. If a Gas Leak NO ONE will be allowed to re-enter the building until safety authorities have given approval.
- B. Media spokesperson will be the Executive Director.
- C. With an all clear, personnel will be allowed to re-enter the building once it has been deemed safe.
- D. The designee will complete an incident report and give to the Executive Director at the earliest opportunity.

Technology Department Procedures [4/11/13 from previous Technology Manager]

When electrical service is disrupted to SSSMC campus, for a duration longer than 5 minutes, the following procedure will be followed to preserve data center battery power for telephone system with which to notify parents.

- A. Turn off internal and external DVRs in data center rack, using DVR shutdown option within the administrative menu on each DVR.
- B. Shut down the following servers using VCENTER
 1. APPS01 – this will end use of ADM software, Board Maker software
 2. BES01
 3. DC2
 4. HVAC01
 5. KOMP01 – this will end use of Komputrol software
 6. RISE-DESTINY – this will end use of Destiny software
 7. VEEAM01
 8. WEB01
 9. WSUS01
 10. ZCM01
- C. Move remaining active servers to 10.54.1.10, using VCENTER
- D. Shut down 10.54.1.11 and 10.54.1.12
- E. Monitor UPS unit battery percentage. When reaches 75%, shut down the following servers:
 1. EXCH01 – this will end use of email system
 2. FILES/PRINT -- this will end use of FILES server and any document printing
- F. Monitor UPS unit battery percentage. When reaches 50%, shut down the following servers
 1. BSEC01
- G. Monitor UPS unit battery percentage. When it reaches 30%, shut down the following servers
 1. VCENTER – this will end use of VCENTER server as master control; will need to use vSphere Client on laptop to access servers, by IP address.
- H. At this juncture, the only server still running is PHONE01.
- I. Monitor UPS unit battery percentage. When it reaches 15%, give warning to Assistant Director that phone system shutdown is impending within the next few minutes.
- J. Monitor UPS unit battery percentage. When it reaches 10%, advise Assistant Director phone system shutdown is beginning. This will entail shutting down PHONE01 server.
- K. Once PHONE01 server is shut down, shut down 10.54.1.10 server.
- L. At this juncture, the data center is completely dark.

M. Wait until electrical service is restored.
Once electrical service is restored bring up 10.54.1.10, 10.54.1.11 & 10.54.1.12 using vSphere Client on laptop. Once these 3 physical servers are up, bring up the virtual servers, starting with VCENTER, DC1, DC2.

AG 8431 *Preparedness for Toxic and Asbestos Hazards*

As required by policy, the Executive Director has appointed James Grass, Operations Supervisor, as the Toxic Hazard Preparedness (THP) Officer who shall oversee the implementation of the SSSMC's Chemical Management/Toxic Hazards Plan.

I. Chemical Management/Toxic Hazards

These hazards exist in chemicals and other substances used in the school setting such as laboratories, science classrooms, kitchens, in the cleaning of school buildings, buses, and equipment, and the maintaining of school grounds. The plan *may* include:

- A. provisions to ensure when chemicals are used during a class that appropriate ventilation in proper working order must be used to minimize potential exposure to these chemicals. Either the National Institute for Occupational Safety and Health (NIOSH) or the Occupational Safety and Health Administration (OSHA) guidelines for evaluating student exposure must be used;
- B. identification of potential sources of toxic hazard in cooperation with material suppliers who shall supply the THP Officer with Material Safety Data (MSDs) sheets, which provide directions for proper use of materials to be implemented by all SSSMC employees using said materials;
- C. maintenance of an SSSMC-wide inventory of toxic chemicals and a file of MSDs for all toxic chemicals on SSSMC property;
- D. a purchasing procedure which requires the purchase of the least toxic chemical which will effectively do the job and provisions to avoid over stocking toxic chemical materials;
- E. a storage protocol which provides for safe storage and ensures that all incoming materials, including portable containers, are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party;
- F. a written communication program which:
 - 1. details the methods used to inform staff and students of the hazards, and
 - 2. describes the methods used to inform contractors and their employees of any hazardous substances to which they may be exposed and of any corrective measures to be employed.
- G. a training program for all SSSMC employees to include such topics as:
 - 1. detection of hazards,
 - 2. explanation of the health hazards to which they could be exposed in the work environment, and
 - 3. the SSSMC's plan for communication, labeling, etc.
- H. a disposal procedure which adheres to State environmental protection guidelines; and
- I. a protocol which address actions to be taken in the event of a spill of toxic chemicals or other potential accidents.

In fulfilling these responsibilities, the THP Officer may enlist the assistance of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

II. Phased Out/Banned Products

The Executive Director shall require that any chemicals, insecticides, or other materials that the Federal government is phasing out and/or banning by a certain date be immediately banned from use on SSSMC property.

III. Asbestos

The Toxic Hazard Preparedness (THP) Officer is also appointed to develop and implement the SSSMC's Asbestos-Management Plan which will ensure proper compliance with Federal and State laws and the appropriate instruction of staff and students.

The full text of the Management Plan outlined below is available in the office of the THP Officer during normal business hours. SSSMC employees, as appropriate, shall receive awareness training pursuant to the OSHA Standard. Re-inspection and assessment of the building shall be performed periodically (5 years) to review the condition of any ACM being maintained in-place.

In its efforts to comply with the Asbestos Hazard Emergency Response Act (AHERA), the Board recognizes its responsibility to:

- A. inspect all SSSMC buildings for the existence of asbestos or asbestos-containing materials;
- B. take appropriate actions based on the inspections;
- C. establish a program for dealing with friable asbestos, if found (when conducting any necessary asbestos abatement projects, each contractor engaged by the SSSMC must be licensed pursuant to the regulations of the Indiana Department of Health;
- D. maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos; and
- E. comply with EPA regulations governing the transportation and disposal of asbestos and asbestos-containing materials.

Nothing in this policy and guideline should be construed in any way as an assumption of liability by the Board or SSSMC administration for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of its officers and employees.

General Provisions of the Management Plan

This Asbestos Management Plan was developed in accordance with the United States Department of Labor, Occupational Safety and Health Administration's (OSHA) Asbestos Standards (29 CFR 1910.1001'1926.1101). These regulations place a burden of asbestos management on the owner and operators of the facilities that may contain asbestos-containing materials (ACM's), as well as employers whose employees may be expected to work near or with ACM's. As SSSMC is the employer and MSD Perry Township is the owner, both parties have responsibilities in both aspects of the standards. These responsibilities include identification of potential asbestos exposure hazards,

notification of employees of the presence of ACM, employee awareness and operational training, recordkeeping, and management of renovations and maintenance operations.

In general, the management plan development process shall consist of:

- A. a review of available documents, such as blueprints, construction specifications;
- B. a visual inspection of building areas and elements to locate suspect ACM; sampling of suspect ACM as required: and assessment of the physical condition of the ACM;
- C. analysis of the collected samples to confirm the suspected material as ACM;
- D. meetings with the designated representatives of SSSMC and MSD Perry Township to discuss prioritization of confirmed ACM areas relative to the asbestos management of the facility, resources, schedule, and building specific issues;
- E. assignment of required and appropriate response actions for all ACM identified; and
- F. development of an Operations and Maintenance Program to institute appropriate controls for the management of ACM remaining in-place.

The objective of this Management Plan is to allow the continuation of normal building maintenance and service activities while limiting the potential exposure of the building occupants, maintenance workers, and outside service personnel to airborne asbestos fibers. The program's policies and work procedures have been specifically designed to meet the needs of the facility and the community at-large.

This Management Plan is guided by four (4) specific procedural statements:

- A. Asbestos-containing materials identified at SSSMC's facilities are to be maintained under an Operations and Maintenance program to be instituted by the Maintenance and Custodial Supervisor. Members of the SSSMC staff are expected to comply with this Management Plan relative to operations that they may undertake.
- B. Under this Management Plan, to the extent that the objective of the Management plan is not compromised, intact ACM will not be removed until a condition arises pursuant to procedural statement (C) below.
- C. Instances and conditions which would motivate removal of some portion of the ACM in the facility include:
 - 1. When it is determined that ACM will be disturbed by repair, renovation or demolition activity; or
 - 2. Where a response to damaged ACM is necessary, and it is determined that a removal is either the only acceptable response or the most cost effective response relative to all factors considered.
- D. Repair is the minimally necessary response action to damaged ACM that is removed.

Program Management shall originate from the Operations Supervisor/THP officer, which shall be approved by the Director or Associate Director of SSSMC. The supervisor shall delegate, as necessary, oversight and review of the Plan to appropriate personnel and consultants.

Notification of the development of this Plan shall be made in writing to management representatives in the departments of SSSMC and MSD Perry Township. The departments of Facilities Management, Information Systems, and MSD Perry Township police shall be required to designate a Plan contact person (or persons) whom the supervisor may approach regarding the Plan implementation issues. The Supervisor shall meet with these persons to discuss the elements of this Plan.

Operations and Maintenance Program

Program Management shall originate from the Operations Supervisor/THP officer, with oversight and review of work locations and procedures being performed by the person (s) designated by the Supervisor. This Plan shall apply to all spaces and building elements at the location containing ACM and shall not apply to areas where ACM is not present.

The **non-friable ACM** (resilient asbestos floor tiles, floor tile mastic) is to be cleaned by non-abrasive cleaning agents and methods only. Mild detergents applied by soft mops and/or rags are an acceptable practice. No special personal protective equipment is required for this work. ACM is never to be sanded, chipped, gouged, broken, or otherwise made to break down and become friable.

Non-friable ACM that has loosened and is to be removed shall be removed in intact sections whenever possible. Removed sections shall be stored and disposed of. No special personal protection equipment is required for this work.

Non-friable ACM that has been broken shall be removed by wetting the broken pieces and the surrounding area with an amended water solution and placing the broken pieces in approved disposal bags. The area from which the pieces were removed, and the surrounding areas, is then to be cleaned using a HEPA filtered vacuum. Personal protective equipment shall be required.

Should the need arise to remove intact no-friable ACM for renovation or other purposes; it shall be removed by methods that will not cause the ACM to break down and become friable. Removal of more than three square feet or three linear feet of ACM shall be accomplished by a licensed asbestos abatement contractor in a manner specified by an asbestos abatement project designer.

Repair or emergency removal of **friable ACM** shall consist of small scale, short duration renovation and maintenance activities including:

- A. removal or repair of ACM pipe insulations;
- B. replacement or repair of ACM gasket, hot water tank, or duct insulation;
- C. removal of less than three square feet of ACM plaster;
- D. installation of electrical conduits through or near ACM; and
- E. Cleanup of decontaminated fireproofing lying on top of ceiling tiles or other surfaces.

All such work shall be in strict accordance with the OSHA Standards. Personnel involved in work with friable or damaged non-friable ACM shall use, as a minimum, the following

personal protective equipment and procedure: A. an appropriate respirator, B. disposable protective clothing, and C. personal decontamination.

Renovation and/or demolition projects may motivate re-inspection of certain building spaces and/or invasive inspection of such spaces as enclosed bathrooms cores and columns at the Supervisors discretion. The owner will utilize the services of an accredited inspector to perform these invasive inspections.

All employees whose work requires them to come into contact with or handle ACM shall be furnished with a minimum of fourteen (14) hours of Operations and Maintenance Training, including specific work practices and safety procedures. The Safety Director is required to attend this training. Training shall be provided prior to or at the time of initial assignment and at least annually thereafter. Operations and Maintenance Training shall be provided by a qualified training agency.

All employees (custodians, maintenance, information system technicians) who perform housekeeping operations in an area which contains ACM shall be provided an asbestos awareness training course, which shall at a minimum contain the following elements: health effects of asbestos, locations of ACM in the building, recognition of ACM damage and deterioration, and proper response to fiber release episodes. Each employee shall be trained at least once per year.

AG 8432 *Pest Control and Use of Pesticides*

While pesticides protect students and staff members from pests that may be found in the school and its surrounding grounds, under some circumstances the insecticides may pose a hazard.

Teresa Ruark (317/789-1622), Administrative Assistant at the RLC, serves as the contact person for information regarding this policy to ensure that:

- A. parents and staff members are informed annually of SSSMC's pest control policy at the time of student registration by a separate memorandum or as a provision in the staff and/or student handbook to include her name and telephone number as the person to contact for information regarding pest control;
- B. a registry of parents, guardians, and staff members is maintained for those who want to receive advance notice of all pesticide use, and, provide such notice at the start of each school year and during the school year when a student enrolls in or transfers into a school;
- C. the notice is to include an invitation that those interested parties may be added to the registry at any time upon their request;
- D. advance notice of planned pesticide applications to parents and employees who have requested such notice is provided;
- E. written/printed/electronic records (electronic log) are maintained for two (2) years of any pesticide applications; and
- F. these records are available to anyone for inspection and copying upon request.

Advance notice to those in the registry is:

- A. to be provided at least forty-eight (48) school days prior to the date and time the pesticide application is to occur unless an emergency is declared;
- B. to include the date and time of the pesticide application;
- C. the general area where the pesticide is to be applied; and
- D. the telephone number to contact for more information.

In case of emergency pesticide applications, because of immediate threat to the public health, SSSMC will give written notice as soon as possible.

AG 8442 *Reporting Accidents*

Any accident that results in an injury, however slight, to a student, an employee, or a visitor must be reported promptly to the principal or supervisor and in writing to the SSSMC HR Office as soon as possible following the occurrence of the injury.

Staff members are to seek immediate care within the building that may first include the school nurse before proceeding to the HR Office to file a ***First Report of Employee Injury*** on the Workers Compensation form (unless the injury warrants a 911 emergency medical call). Otherwise the HR Office may refer the staff member to the HSBT Health Center for medical attention or emergency room for treatment.

The injured employee or visitor or the staff member responsible for an injured student shall complete a form available in the HR Office that documents:

- A. the date, time, and place of the incident;
- B. the names of persons involved;
- C. the nature of the injury to the extent that it is known; and
- D. a description of all relevant circumstances.

Injuries of any degree that may be considered insignificant are to be reported to the HR Department for Worker Compensation documentation. The failure of an employee to comply with this reporting mandate may result in disciplinary action.

AG 8450 *Control of Casual-Contact Communicable Diseases*

For the purposes of this policy, “casual-contact communicable disease” includes diphtheria, scarlet fever and other strep infections, whooping cough, mumps, measles, rubella, and others designated by the Indiana Department of Health.

The Board follows 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 Marion County Health Department shall be followed including the:

- A. removal of the student(s) from SSSMC property to the care of a responsible adult;
- B. standards for the readmission of students who have recovered from the casual-contact communicable diseases are available from the RLC school nurse who sends disease specific notifications to the parent; and

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

Hand washing is important and is the single most effective means of preventing the spread of infections. Many diseases, such as the common cold, influenza (flu), ear infections, strep throat, diarrhea, and other intestinal infections, can be spread by unwashed or improperly washed hands.

Bacteria and viruses that cause disease can get on your hands in many ways, such as handling food or animals, touching doorknobs, shaking hands, using phone receivers or computer keyboards, and using the toilet. You can reduce the spread of many bacteria and viruses by properly washing your hands with soap and water.

Proper hand washing is everyone's responsibility. Keeping your hands clean is one of the most important ways you can avoid getting sick and spreading germs to others. Germs that cause colds, eye

infections, and other illnesses can spread to the hands by sneezing, coughing, or rubbing the eyes and then can be transferred to others. Food-borne illness outbreaks often are caused by poor hygiene, usually unwashed or poorly washed hands on the part of the food handler. Many diarrheal illnesses, such as: salmonellosis, hepatitis A, and shigellosis can be spread from person to person when someone does not wash their hands after using the toilet and then passes the bacteria or virus by handling food, shaking hands, or touching other objects. If the bacteria or virus gets into another person's mouth then that person becomes sick. Unwashed or poorly washed hands are responsible for 1 in 4 food-borne illnesses.

Properly wash your hands as follows:

- Wet hands with running water
- Lather hands with soap
- Wash the palms, back of hands, between fingers, and under fingernails for at least 15 seconds (about the time it takes to sing "Happy Birthday" twice)
- Rinse with running water
- Pat hands dry, beginning at the wrist and moving downward
- Turn off water by using a disposable paper towel

For more information, please refer to: Centers for Disease Control and Prevention

<http://www.cdc.gov/cleanhands>

AG 8451 *Head Lice (Pediculosis)* [added 4/15/15]

Whenever a student attending the RISE Learning Center is found to be infested with head lice, his/her parent/guardian will be notified of the infestation and requested to pick up the student immediately. When the parent/guardian picks up the student, the parent/guardian will be informed that the student needs to be treated before he/she returns to school. The student will be permitted to return to school after it is confirmed that the child is free of any live lice.

AG 8452 *Automatic External Defibrillators*

School safety is enhanced by the placement of Automatic External Defibrillators (AED) throughout the SSSMC/RLC building. An AED is a medical device that contains a heart

monitor and defibrillator that is used to administer an electric shock through a person's chest wall to the heart. The built-in computer system of the AED

- A. assesses the patient's heart rhythm,
- B. determines whether defibrillation is needed, and
- C. then administers a shock, if necessary.

Audible and/or visual prompts guide the user through the process of using the AED.

The consulting school nurse currently conducts the AED training in conjunction with the CPR courses twice annually. A physician from the HSBT Health Center would be available for consultation with the school nurse and/or Executive Director as necessary.

AG 8453 *Control of Non-casual Contact Communicable Diseases*

The ISDH Communicable Disease Guide (2012 edition) is a comprehensive infectious disease school health manual that provides the most current information related to infectious diseases and guidance for communicating disease issues to students, parents and staff. In particular, the manual identifies situations in which infected or exposed students or staff should be excluded from school-based activities.

For the purposes of this policy, "noncasual-contact communicable disease" includes:

- A. AIDS (Acquired Immune Deficiency Syndrome;
- B. ARC (AIDS Related Complex);
- C. HIV (human immunodeficiency) infected persons;
- D. Hepatitis B; and
- E. other like diseases that may be specified by the Indiana State Board of Health (ISDH).

The Communicable Disease Guide can be found on the ISDH website at <http://www.in.gov/isdh/23291.htm> . The reference guide includes chapters on:

- A. Diseases and Conditions
- B. Blood-borne Pathogens
- C. Conditions of the Skin
- D. Gastrointestinal Illness
- E. Other Conditions
- F. Vaccine Preventable Diseases
- G. Communicable Disease Summary Table
- H. Rash Illness Information
- I. Websites
 - 1. Legal Requirements
 - 2. Hand Washing
 - 3. Immunization
 - 4. Blood-borne pathogens
- J. School Nurse Immunization Resource Packet

When the Executive Director learns that a student or SSSMC employee may be infected with a noncasual-contact communicable disease, the Executive Director shall consult with the infected person's physician and/or the Marion County Health Department to determine if the initial evidence warrants exclusion. If the County Health Officer

determines the evidence indicates person should be excluded from the school or work position, the person shall be temporarily excluded.

SSSMC shall provide an alternative education program such as Homebound Instruction for any student removed from school setting as a consequence of the health officer's decision. The exclusion of any staff member from SSSMC by the County Health Officer's decision will be done in accord with relevant sections of Indiana Statutes concerning sick leave.

Lacking sufficient evidence the student or employee shall remain in his/her current school or work position. All students and staff members are expected to maintain normal contact with an affected student or staff member whose continued presence in the school/work setting has been determined by this process.

Management of Selected Casual-Contact Diseases

Staff members are reminded to wear gloves provided for their protection. The following are a few of the Casual Contact Diseases to be aware of in the classroom.

Chicken Pox---Slight to High fever---lesions appear in bunches teardrop shaped blisters

Fifth Disease---Rash begins as solid red areas on cheeks spreading to upper arms, and legs

Influenza---starts with chills and fever, muscle ache and coughing

Scarlet Fever---Begins with fever and sore throat, rash appears as pink red flush looks like sunburn

Spinal Meningitis---sudden fever, headache, stiff neck, delirium, stupor or coma

Strep Throat---similar to scarlet fever but no rash, sore throat and fever most pronounced

Roseola---high fever 104-105 degrees, rash small rose pink spots appear on chest

Whooping Cough---coughing, sneezing, series of short convulsive like coughs and a high pitched gasp of air

Below are the RLC school specific procedures that staff members are to follow when a student is ill. Many of our students have special health concerns, therefore, they are more susceptible to illness. If parents are called to pick up their child, they are asked to do so in a timely manner to avoid the possibility of passing illnesses to others. Parents are requested to keep their child home the next day if they have a fever, diarrhea, or vomiting.

A. FEVER

- Children with a temperature over 100 degrees will be sent home from school.
 - In most 2-5 day childhood illnesses, fever is lowest in the morning, rises in the afternoon, and is highest in the evening and nighttime. As the child begins to recover, morning temperature may be normal, with fever still presenting later in the daytime.
 - May return to school if free of fever without fever-reducing medications, such as Ibuprofen or Tylenol, for **24 hours and symptoms have subsided**. *** PLEASE DO NOT GIVE CHILDREN ASPIRIN***
 - All symptoms should be considered: cough, nasal congestion, stomachache, vomiting, or diarrhea.

B. DIARRHEA

- Students with diarrhea will be sent home from school.

- Diarrhea is considered to be watery stools, and is usually caused by a virus or bacterial infections.
- Student may return to school when they are **symptom-free for 24 hours**.
- Practice good hand-washing to prevent spread to others.

C. VOMITING

- Students who are vomiting will be sent home from school.
- Student may return to school when they are **symptom-free for 24 hours**.

D. SKIN RASH OR SORE

- Students who have an unidentified rash or skin sore may have a communicable disease that could be passed on to others.
- Students need to be excluded from school until the rash or sore has cleared up, or a physician's note states that the student is not contagious.
- When the student returns to school, the open wound must be covered with a bandage.

E. STREP THROAT/SCARLETINA (SCARLET FEVER)

- Sore throat and fever and possibly a rash.
- Student may return to school **after treated with an antibiotic for 24 hours and fever-free without fever-reducing medications.** Remember to complete the entire course of antibiotics to avoid complications.

F. PINK EYE (CONJUNCTIVITIS)

- Redness in eyes, crust formed on eyelid, blurred vision, eye pain, sensitivity to light, increased tearing, itching eyes, gritty feeling in the eyes
- Student may return to school after treated with an antibiotic for 24 hours. Remember to complete the entire course of antibiotics to avoid complications.

AG 8453.01 Control of Blood-borne Pathogens

Bloodborne Pathogens means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV). *Exposure Incident* means a specific eye, mouth, other mucous membrane, non-intact skin, or skin/membrane contact by piercing with blood or other potentially infectious materials during the performance of an employee's duties.

These guidelines are to protect staff members who may be exposed to blood pathogens and other potentially infectious materials in their performance of assigned duties by:

- identifying those categories of employees, such as the school nurse and custodians, whose duties create a reasonable anticipation of exposure to blood and other infectious materials;
- providing for inoculation of the Hepatitis B vaccine at no cost to the staff member and in accordance with Federally-mandated scheduling;
- ensuring proper training in the universal precautions against exposure and/or contamination including the provision of appropriate protective supplies and equipment (NOTE: annual staff training is provided via a computer-based module provided by the liability insurance carrier);
- establishing appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of exposure;
- providing for record-keeping of all of the above which complies with both Federal and State laws; and
- developing an exposure control plan (see School Safety Plan and Custodian Manual).

The Exposure Control Plan is to:

- A. Reflect changes in technology which eliminate or reduce exposure to bloodborne pathogen;
- B. Document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure; and
- C. Solicit and document input from non-managerial employees responsible for direct care and instruction of students in the identification, evaluation, and selection of effective procedures and work practice controls for the Exposure Control Plan (see School Safety Plan and Custodian Manual).

Universal Precautions are an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

Disposable (single use) gloves shall not be washed or decontaminated for re-use. When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

AG 8462 *Child Abuse and Neglect*

Each SSSMC staff member is obligated to confirm that any instance whether ascertained or suspected, of abuse, abandonment, cruelty, or neglect resulting in physical or mental injury to a student by other than accidental means is immediately reported in every case. At the RLC an administrator or designee shall immediately call the Marion County Division of Child Services or the respective local law enforcement agency, in the presence of the witnessing staff member if possible, and shall secure prompt medical attention for any such injuries reported.

General Information for Indiana Reporting

- A. If you think there could be abuse, but are unsure you should file (gray area). Let Child Protective Services (CPS) decide.
- B. Individuals cannot be told they are not allowed to file a CPS report, they are legally obligated.
- C. Situations involving guns and drugs are weighted very heavily.

- D. If a child is present while domestic violence occurs you should report.
- E. You may collect information, but do not investigate. It is not your responsibility to determine if the incident has actually occurred.
- F. Reporting in “good faith” means not knowingly providing false or misleading information maliciously.
- G. In regards to hygiene, consider the age of the child, if the child is capable of cleaning themselves, and document how many times you’ve spoken to the parent.
- H. When talking to the child attempt to make sure another staff member is present.
- I. If more than one staff member has different information in regards to abuse, they should both file a CPS report separately.
- J. It is unnecessary to take pictures, because CPS has to take their own pictures.
- K. When a child is unable to go home, contact law enforcement.

RISE Learning Center: Abuse Reporting Protocol

- A. Staff member has initial concern and
 - 1. collects supporting information,
 - 2. records/documents supporting information,
- B. Once staff member has “reason to believe” abuse or neglect is occurring:
 - 1. data is to be recorded with concise and clear bulleted information,
 - 2. concerns are to be discussed with the school’s administrator or designee (school social worker).
- C. All available information is to be reviewed:
 - 1. The school administrator or designee may speak with the student in the presence of the staff member who has documented the concern,
 - 2. The school nurse is to document any physical indicators on an incident report.
- D. The staff member who has initiated the abuse or neglect action is to:
 - 1. complete the CPS form with the school nurse’s incident report attached with the awareness of the obligation to file the report,
 - 2. file the report in the presence of the administrator or designee if possible and appropriate;
 - 3. keep a copy and give a copy of the report to the administrator or designee, and
 - 4. be reminded that the information is strictly confidential.

Duty to Report -- Any individual who has reason to believe that a child is a victim of child abuse or neglect **must make a report**. In agencies in which there are established reporting protocols, the report may be made to the individual in charge or another designated agent, who also becomes responsible to report or cause a report to be made. This does not relieve individuals who make a report to another staff person of their own obligation to report directly to child protection services or law enforcement unless a report has already been made by the agency liaison. Anonymous reports are accepted. Failure to make a report can be a Class B misdemeanor (IC 31-33-5-1, IC 31-33-5-2, IC 31-33-5-3).

Confidentiality-- All reports made to CPS are confidential and will only be released to CPS workers, police, prosecutors, doctors, or other authorized personnel (IC 31-33-18-1).

Immunity from Liability -- Any person, other than the accused, who reports child abuse or neglect or is involved in the investigation or disposition of child abuse or neglect report is immune from criminal or civil liability, unless the person acted maliciously or in bad faith (IC 31-33-6-2, IC 31-33-6-3).

Standards for Making a Report -- Typically, **a report must be made when the reporter, in his or her official capacity, suspects or has reasons to believe that a child has been abused or neglected.** Another standard frequently used is when the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child. Permissive reporters follow the same standards when electing to make a report (U.S Dept. of Health and Human Services, 2011).

According to Indiana Child Protective Services (2011) investigations of abuse or neglect may be substantiated or unsubstantiated. The child's safety is the paramount concern for child protective staff conducting assessments. Families receive services based on the severity of the abuse or neglect, an assessment of the child's and the family's needs, and an assessment of the relative safety and risk to the child in the home. Substantiated Facts from investigation provide evidence that child abuse or neglect has occurred. (IC 31-9-2-123)

The Children's Law Center of Indiana-- In Indiana any person who has reason to believe that a child is a victim of child abuse or neglect has an affirmative duty to make a report to Child Protective Services or to law enforcement. A person who fails to make a report, in fact, may be charged with Failure to Report Child Abuse, a Class B misdemeanor that could result in a \$1,000 fine and 180 days in jail (2003).

Reporters of abuse or neglect can remain anonymous and are immune from all civil and criminal liability, provided they have made the report in good faith.

Summary -- In Indiana every individual, not just service professionals, are mandated by law to file a report with CPS if they have reason to believe or suspect child abuse or neglect. Teachers, social workers and administrators are all liable to make sure that a report is filed if they believe in good faith that an abusive situation may be occurring.

In agencies in which there are established reporting protocols, the report may be made to the individual in charge or another designated agent, who also becomes responsible to report or cause a report to be made. This does not relieve individuals who make a report to another staff person of their own obligation to report directly to child protection services or law enforcement unless a report has already been made by the agency liaison.

The administrator or designee does not have to personally file a CPS report, however the staff member who has reason to believe is still obligated by law to file. An administrator cannot assume responsibility or absolve the individual from following

through on filing a report. There is a protocol to filing within an agency not a hierarchy of authority.

A person who fails to make a report, in fact, may be charged with Failure to Report Child Abuse, a Class B misdemeanor that could result in a \$1,000 fine and 180 days in jail. Child abuse is a serious threat and must be reported when suspected in good faith.

All reports made to CPS are confidential and will only be released to CPS workers, police, prosecutors, doctors, or other authorized personnel. Breaking confidentiality to those that are not authorized personnel is a serious violation of safety and may be punishable by law.

Information concerning alleged child abuse of a student is confidential information and is not to be shared with anyone other than the administration or the reporting agency. A staff member who violates this policy may be subject to disciplinary action.

Administrators should be mindful of the possibility of physical or mental abuse inflicted by a staff member. Any such instances, alleged or real, would require the Executive Director or designee to call the Marion County Division of Child Services or the respective local law enforcement agency. Any disciplinary action will be guided by the outcome of the county agency investigation.

AG 8500 *Food Services*

The operation and supervision of the food service program at the RISE Learning Center is the responsibility of the SSSMC and is currently being fulfilled by a vendor contract with MSD Perry Township, which ensures a wholesome, nutritious food service program that complies with Federal and State regulation. The vendor is responsible to prepare administrative guidelines for the conduct of the school food-service program. A periodic review of the food-service accounts will be made by the vendor. Any surplus funds from the National School Lunch Program will be used to reduce cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods may accrue to the food service program, the school, or a student activity funds.

SSSMC assists the program by furnishing available space, initial major equipment, and utensils. Food services are operated on a self-supporting basis primarily with revenue from students, staff, Federal reimbursements, and surplus food. Lunches sold by the school may be purchased by students, staff members and community residents in accordance with procedures established by the vendor and Executive Director.

The **RLC Office Clerk** serves as the designee of the Executive Director to see that the vendor takes such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year to be conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report is to be made available upon request.

Substitutions to the standard meal requirements shall be made, at no additional charge, for students who are certified by a licensed physician to have a disability that restricts his/her diet. The medical certification must identify:

- A. the student's disability and the major life activity affected by the disability;
- B. an explanation of why the disability affects the student's diet; and
- C. the food(s) to be omitted from the student's diet and the food or choice of foods that must be substituted, e.g. caloric modifications or use of liquid nutritive formula.

AG 8510 **Wellness** (revised 9/3/14)

The Executive Director may appoint an SSSMC/RLC wellness committee that includes parents, students, representatives of the school food authority, educational staff (including physical education teachers), school health professionals, members of the public, and school administrators to oversee the development, implementation, evaluation, and periodic update, if necessary of the well policy. As the designee of the Executive Director, the Supervisor of Special Services is charged with the operational responsibility for measuring and evaluating SSSMC's implementation and progress under this policy.

In accordance with Policy 8510 (Wellness), the school's food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well. SSSMC has a current agreement for an annual fee (\$5,000) with MSD Perry Township, as the vendor, to supply meals to students attending the school, RISE Learning Center (RLC). The vendor agrees to the provisions of the school breakfast program and the national school lunch program regulations.

The vendor further assures SSSMC that meals meet the minimum meal pattern requirements as to the nutritive value and content; the vendor will maintain full and accurate records that the food service agreement will need to meet program requirements including the following:

- A. meals records supported by delivery tickets, purchase orders, production records for this agreement or other evidence for inspection and reference to support payments;
- B. the food based meal plan will be followed for the child and adult care food program and necessary modifications will be made for special diets as outlined in each student's Individual Education Plan (IEP);
- C. The food service department of MSD Perry Township (vendor) agrees to retain all records required under the preceding clause for a period of three (3) years after the end of the fiscal year to which the records pertain and, upon request, to make available all accounts and records pertaining to the food service program;
- D. The food service department of the vendor owns all stock and small wares including point of sale record storage. No one is to have access to these items without prior approval.
- E. SSSMC owns equipment in the kitchen and assumes the responsibility to repair and replace equipment as required;
- F. SSSMC will pay for electric, phone, gas, pest control, heating and cooling costs, which are not be passed on to the vendor;

- G. The food service department of the vendor will deliver meals to the RISE Learning Center in the amounts ordered by the designated time. Meal payment will be turned into the food service department personnel assigned to SSSMC for deposit;
- H. The effective dates of the food service agreement (SFA) are to mirror the school year calendar of the RISE Learning Center. The agreement may be terminated by either party giving written notice to the other party at least sixty (60) days prior to the termination or ten (10) days prior to the end of the first semester.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the students and it sets the following goals:

- A. With regard to nutrition education, such shall be integrated into other subject areas of the curriculum, when appropriate, to complement but not replace, the standards and benchmarks for health education.
- B. Staff responsible for providing instruction in nutrition education shall regularly participate in professional development activities designed to better enable them to teach the benchmarks and standards.
- C. The school may demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their eligible children in Medicaid or in other children's health insurance programs for which they may qualify.
- D. With regard to other related school-based activities the SSSMC shall:
 - 1. provide at least twenty (20) minutes daily for students to eat,
 - 2. schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events, and
 - 3. provide attractive, clean environments in which the students eat.

In addition the school may provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas.

With regard to nutrition promotion, the SSSMC shall:

- 1. discourage students from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets,
- 2. encourage students to increase their consumption of healthful foods during the school day, and
- 3. be served with consideration for promoting student health and well-being for all foods available to students in SSSMC programs.

The school shall encourage families to provide physical activity outside the regular school day, such as outdoor play at home, participation in sports sponsored by community agencies or organizations, and in lifelong physical activities like bowling, swimming, or tennis. All before/after-school programs shall provide developmentally appropriate physical activity for the students who participate.

- A. With regard to physical activity, the physical education curriculum shall:
1. exhibit a sequential, comprehensive physical education program for students K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State,
 2. include planned instruction in physical education sufficient for students to achieve a proficient level with regard to the standards and benchmarks adopted by the State,
 3. provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity,
 4. stress the importance of remaining physically active for life,
 5. provide opportunities for students to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity;
 6. integrate physical activity and movement, when possible, across the curricula and throughout the school day, and
 7. include instruction in physical education as well as opportunities to participate in competitive and non-competitive team sports to encourage lifelong physical activity.
- B. Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate motor skills and social skills as well as knowledge. Planned instruction in physical education shall:
1. teach cooperation, fair play, and responsible participation,
 2. meet the needs of all students, including those who are not athletically gifted,
 3. be presented in an environment free of embarrassment, humiliation, shaming, taunting, bullying, or harassment of any kind,
 4. include cooperative as well as competitive games, and
 5. take into account gender and cultural differences.
- C. Physical activity should not be employed as a form of discipline or punishment.

AG 8540 ***Vending Machines*** (added 9/3/14)

Food and beverages not associated with the food-service program may be vended subject to the limitations of State law. Only those foods or beverages associated with the food-service program are to be sold during food-service hours. *Food items/drinks associated with the Positive Behavior Intervention Supports (PBIS) system are integral to the school-wide rewards (non-cash) program separate from the contracted food services.*

The Board authorizes the use of vending machines in SSSMC facilities provided that the following conditions are satisfied:

- A. the installation, servicing, stocking, and maintenance of each machine is contracted for with a reputable supplier;
- B. the SSSMC's share of the revenues is managed by the Treasurer in accordance with relevant Board policies and administrative guidelines;

- C. no products are vended which would conflict with or contradict information or procedures contained in the SSSMC's educational programs on health and nutrition; and
- D. food items and beverages available for sale to students in vending machines for consumption on campus shall comply with the current USDA Dietary Guidelines for Americans.

AG 8615 *Idling School Buses and Other Idling Vehicles on School Property*

James Grass, Operations Supervisor, is the point of contact for this guideline. The purpose of this policy (also see AG 8405) is to limit vehicle emissions and reduce exposure and to improve indoor air quality. SSSMC shall determine areas where idling is prohibited and post signs. **[NOTE: SSSMC administrators have determined that there are no prohibited zones to be restricted on the SSSMC/RLC grounds 9/17/13].**

The staff, parents, and students are to be informed of this policy at the start of each school year at annual orientations or through student/parent handbooks. Exceptions to this policy include, but are not limited to:

- A. Safety of children or emergencies
 - 1. use of lift equipment during loading of students with special needs,
 - 2. use of defroster, heater, air conditioning, or other equipment during loading or unloading for health or safety concerns,
 - 3. use of bus headlights or flasher warning lights for safety or visibility purposes, and
 - 4. other safety or emergency issues.
- B. Weather Related
 - 1. during hot weather and bus the bus has air conditioning to keep students cool while on the bus,
 - 2. during cold weather to warm the bus (this should be done outside of the school zone).
- C. Maintenance operations
 - 1. buses may idle as necessary as part of a pre-safety inspection, or
 - 2. if necessary to make emergency repairs to vehicles.

Drivers of all public and private vehicles are to turn off the engine if the vehicle is to be stopped for more than five (5) minutes in locations where the vehicle exhaust may be drawn into the building or while on school grounds.

AG 8660 *Transportation by Private Vehicle* [11/14/13 SSSEA review]

The Board authorizes the transportation by private vehicle of students in SSSMC programs. Any such transportation must be approved in advance and in writing by the Executive Director who, in behalf of the Board, may also withdraw the authorization of any private vehicle driver.

The written request to transport students by private vehicle must set forth the following:

- A. date, time, and reason for the transportation,
- B. places from and to which the student(s) will be transported,
- C. name and address of the driver,

- D. driver's license number and expiration date of the valid license to operate a motor vehicle in the State of Indiana,
- E. description of the driver's vehicle and valid license plate number,
- F. name of the student(s) to be transported,
- G. name of the insurance carrier for the vehicle,
- H. assurance of adequate automobile and personal injury insurance as noted below, and
- I. driver's signature and date of written request.

The responsibility of professional staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are classified/non-certified personnel are expected to report any student misconduct to the building principal.

Persons approved for the transportation of students in a private vehicle shall:

- A. be an employee of SSSMC,
- B. hold a currently valid license to operate a motor vehicle in the State of Indiana,
- C. hold automobile liability and personal injury insurance in the amount not less than \$100,000 per person and \$300,000 each accident for Bodily Injury and \$100,000 each accident for Property Damage. A single limit of \$300,000 for Bodily Injury and Property Damage combined is also permissible.
- D. be reimbursed by claim at the approved mileage rate and upon presentation of receipts for tolls and parking fees.

Upon request, the parent of a participating student will be given the name of the driver.

8710 *Insurance* [see Policy language]

8740 *Bonding* [see Policy language]

AG 8750 *Defense and Indemnification of Board Members and Employees* [see Policy language]

The intent is to hold any SSSMC employee harmless from any liability, cost, or damage in connection with any suit arising out of the performance of duties including but not limited to the payment of any legal fees, except where such liability, cost, or damage is predicated on, or arises out of, the bad faith of such employee or is a claim or judgment based on his/her malfeasance in employment.

AG 8800 *Religious/Patriotic Ceremonies and Observances*

The flags of the United States and of Indiana shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The flags shall be raised before the opening of school and taken down at its close every day. *The flag on SSSMC property is in an illuminated area. A staff member will also monitor the website <halfstaff.org>.*

The United States flag shall be displayed in each classroom of every school in the SSSMC. Each classroom teacher and building administrator may post the national motto "In God We Trust" in their classroom or building in an historic and/or patriotic context,

but not in a religious setting. Whenever possible, the motto should be placed near the American flag.

The Board shall establish the daily observance of a moment of silence in each classroom or on school grounds in order that the right of each student to the free exercise of religion is guaranteed within the school and the freedom of each student to either engage in or refrain from religious observation on school grounds is subject to the least possible coercion from the State.

The free, individual, and voluntary exercise or expression of the individual's religious beliefs may be limited to lunch periods or other non-instructional time periods when individuals are free to associate. However, an individual who is required by his/her religious beliefs to engage in religious exercise, e.g. a formal prayer during the school day, will be accommodated unless such accommodation would disrupt the educational function.

Staff members of SSSMC shall not use prayer, religious reading, or religious symbols as a devotional exercise or in an act of worship or celebration. SSSMC shall not act as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on SSSMC property by any party shall be in accordance with Policy 7510 (Use of School Facilities) and Policy 9700 (Relations with Special Interest Groups).

Observance of religious holidays through devotional exercise or acts of worship is also prohibited. Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities:

- A. are strictly voluntary,
- B. do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and
- C. do not interfere with the regular school program.

Acknowledgement of, explanation of, and teaching about religious holidays of various religions is encouraged.

8810 *Display of the Ten Commandments* [see Policy language]

8900 *Anti-Fraud* [see Policy language]

