

CHAPTER 5000

STUDENTS

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AG 5111 *Eligibility of Resident/Nonresident Students* (revised 4/17/15) [see Policy 6150 Cash Transfers]

The Board has established the following residency policy for determining eligibility to attend the schools of SSSMC:

- A. Students are eligible to attend an SSSMC school if the student has legal settlement in one of the member school corporations or,
- B. if the student has been accepted as a transfer student in one of the member corporations and the case conference committee/IEP team determines that the SSSMC school/program is the appropriate placement for the student.

A student enrolled on a cash transfer basis in accord with Board policy shall not have been expelled from another Indiana cooperative.

Students who do not have legal settlement may be enrolled in the special education program of SSSMC pursuant to the provisions of the Interlocal Cooperative agreement or Governing Board approval. Non-resident students may be accepted into a Summer School Program provided by SSSMC with Governing Board approval.

If a parent moves out of the district during the school year, the minor child may remain in the school at the parent's discretion until the end of the semester or until the end of the school year at the discretion of the school (IC 20-26-11-2(8)).

**AG 5111.01** *Homeless Students* (revised 6/11/14)

The Supervisor of Special Services is appointed as the Liaison for Homeless Children to perform the related duties as assigned by the Executive Director. SSSMC shall post a public notice of educational rights of children and youth experiencing homelessness (see language in Policy 5111.01).

- A. The Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths.
- B. The Liaison will assist, to the extent feasible, the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.
- C. Homeless students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records, and other documentation.
- D. All records for homeless students shall be maintained so that they are available in a timely fashion and can be transferred promptly as necessary.
- E. Homeless children must be accommodated and may not be removed from school for legal settlement reasons alone such as not having a stable residence.

**AG 5111.02** *Educational Opportunity for Military Children*

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

The intent of the policy and these guidelines is to minimize the potential challenges to educational success for children because of frequent moves and deployment of their parents by: a. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities; b. facilitating the on-time graduation of children of military families; and c. providing for the uniform collection and sharing of information between and among schools and military families. The guidelines apply to children of military families within the state as well as between participating states.

AG 5111.03 *Enrollment Restrictions* (added 8/20/14)

On February 19, 2013 the IDOE Chief State Attendance Officer issued a memo to school officials regarding enrollment restrictions and denial of enrollment. Students with disabilities are enrolled as resident attenders in a member corporation of SSSMC or in a transferring school corporation on a cash tuition basis.

Children cannot be denied enrollment for the following reasons:

A. Lack of a birth certificate. A student must have a birth certificate or other reliable proof of the student's date of birth. IC 20-33-2-10(a)(2). Failure to provide a birth certificate or other reliable proof of the date of birth within 30 days of enrollment may result in a report to the Indiana Clearinghouse for Missing and Exploited Children at 800/831-8953. IC 20-33-2-10(c).

B. Showing up late for the beginning of the semester. The compulsory school attendance law requires attendance and requires the school administrator to ensure that children of compulsory school attendance age are enrolled. IC 20-33-2-29.

C. Not having rental receipts, a mortgage document, driver's license, social security card, lease agreement or other forms of official identification. State law does not require any document with an address as a prerequisite to enrollment. Asking for any document to assist in determining legal settlement or right to attend school based on the location of the residence is appropriate. However, if the parent does not have documents or proof of residence a child cannot be denied attendance for that reason alone. Attendance officers [or school officials] have authority to investigate the residence of parents to ensure compliance with state law. Children may not be removed from school without due process of law. IC 20-3-8-17 and IC 20-33-8-19.

D. Not having an IEP. The student must be enrolled immediately and provided special education services. Schools must convene a case conference within 10 days to review and revise the student's IEP.

E. Not being a citizen of the country or the state. A child must be in school in Indiana if the child intends to remain in the state for at least 30 days. IC 20-33-2-3(2)(B); 511 IAC 1-7-1. Note: Enrollment must be immediate when intent to remain for 30 days is determined, without regard to legal domicile. IC 20-33-2-3.

F. Being an undocumented alien. Children of undocumented aliens must be allowed to attend public school. *Plyler v. Doe*, 457 US 202 (1982).

G. Not having a stable residence. Homeless children must be accommodated and may not be removed from school for legal settlement reasons alone.

H. If a parent moves out of the district during the school year the child may remain in the school at the parent's discretion until at least the end of the semester. IC 20-26-11-2(8).

I. Lack of immunization. Children must be enrolled in school whether or not they have required immunizations. If they do not have the required immunizations and the school refuses to grant a statutorily allowed 20 day waiver, the child may not be permitted to attend school beyond the first day of school. IC 20-34-4-5(c)(1) & (2).

J. Not speaking English. (*Lau v. Nichols*, 414 US 563 (1974)).

K. Students over 18. In Indiana, individuals have a constitutional right to attend school until they have received a high school diploma. Receipt of a GED is not equivalent to a high school diploma and does not extinguish the right to earn a high school diploma. Schools do have the right to determine the placement, so the school could determine that an older student not attend the traditional high school day but rather earn credits through online credit recovery, evening classes, etc. The student could be required to attend adult education classes rather than the high school, but cannot be denied the right to attend school and earn a diploma. Per the Compulsory School Attendance law, a student is required to attend until the age of 18. This code does not specify an age of which they can no longer attend.

The final arbiter of the right to attend school and the determination of legal settlement is the Indiana State Board of Education. IC 20-26-11-15; IC 20-33-2-45. The parent of any child denied the right to attend school or expelled due to lack of legal settlement should be advised of the right to appeal to the Board. Students who are 18 or older should also be advised of their right to request a hearing, as those rights now belong to the students (contact [cdanyluk@doe.in.gov](mailto:cdanyluk@doe.in.gov) or 317/232-9150 ).

AG 5120      *Assignment within the Cooperative*

The Board directs that the assignment of students to programs offered by SSSMC be consistent with the interests of students and the best use of the resources of SSSMC. The Executive Director shall review the location of programs within SSSMC and recommend to the Board changes in program content and location as needed. The assignment of students to programs and buildings shall be based upon the interests of the students.

AG 5130      *Withdrawal from School*

As a matter of practice all students, including those with disabilities, both enroll and withdraw from his/her respective school corporation of legal settlement consistent with its local procedures.

All students with disabilities attending SSSMC programs reside in one of its member school corporations of legal settlement (with the exception of approved cash transfers) that has the responsibility to permit the student to attend its local public schools without the payment of tuition or is financially responsible should the student attend school in another situation permitted by law (511 IAC 7-32-56).

While most students transfer from a school in a member corporation to the Rise Learning Center (RLC), there are circumstances in which it may be appropriate to enroll a *transferring* (move-in non-resident) student from a non-member school corporation on a *cash transfer basis* (See AG 2700.04 External Transitions to the RLC). A student enrolled on a cash transfer basis in accord with Policy 6150 shall not have been expelled from another Indiana school corporation or cooperative (see AG 6150).

AG 5136      *Personal Communication Devices (revised 9/25/13)*

Parent-provided Devices

A personal communication device (PCD) includes computers, tablets (e.g. iPads and similar devices), electronic readers (e.g. Kindles and similar devices), cell phones (e.g. mobile/cellular telephone, smartphones), telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type.

Parents/guardians are advised that the best way to get in touch with their child during the school day is by calling the school office. Students may use school phones to contact parents/guardians during the school day.

SSSMC intends to ensure that the teacher of the student, who brings a personal communication device (PCD) to school with parent permission and teacher approval, exercises reasonable supervision for the safeguarding of the non-school provided devices similar to procedures for school assigned devices and software. The teacher or staff person who takes reasonable efforts to ensure the supervision of such devices will face no financial penalty for the loss or breakage of these personal communication devices.

A student who violates the privacy rights of another person and/or uses a PCD to violate privacy rights of another person may have his/her PCD confiscated and held until the end of the school day and may be directed to delete the audio and/or picture/video file while the parent/guardian is present. If the violation involves potentially illegal activity the confiscated-PCD may be turned-over to law enforcement.

Students should have no expectation of confidentiality with respect to their use of PCDs on school premises/property under the following conditions:

- A. Possession of a PCD by a student at school during school hours and/or during extracurricular activities is a privilege that may be forfeited by any student who

fails to abide by the terms of this policy or otherwise abuses this privilege. A person who discovers a student in possession of or using a PCD in violation of this policy is required to report the violation to the principal or supervisor.

B. Students are personally and solely responsible for care and security of their PCDs. SSSMC assumes no responsibility for theft, loss, damage to, or misuse or unauthorized use of PCDs brought onto its property.

C. Students may use PCDs before and after school, during after school activities and at school functions. Use of PCDs, except those approved by a teacher or administrator at any other time is prohibited and each must be completely powered off and stored out of sight (unless given prior approval by the principal).

D. Students may use PCDs while riding on a school bus or Board-provided vehicle during a school-sponsored activity at the discretion of the bus driver. Distracting behavior that creates an unsafe environment will not be tolerated.

E. Except as authorized by a teacher, administrator or IEP team, students are prohibited from using PCDs during the school day, including while off-campus on a field trip, to capture, record and/or transmit the words or sounds (i.e. audio) and/or images (i.e., pictures/video) of any student, staff member or other person.

F. Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

G. Students are prohibited from using a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated (see 5517.01).

Violation of this policy and its guidelines may result in disciplinary action and/or confiscation of the PCD. The principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting).

A. Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation.

B. If the PCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned-over to law enforcement.

C. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned-over to law enforcement.

D. School officials will not search or otherwise tamper with PCDs in SSSMC custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules.

E. Any search will be conducted in accordance with Policy 5771 (Search and Seizure).

F. If multiple offenses occur, a student may lose his/her privilege to bring a PCD to school for a designated length of time or on a permanent basis.

School-assigned Devices and Software [11/14/13 SSSEA review]

Southside Special Services of Marion County (SSSMC) takes efforts to provide electronic and software (DVD's, CD's) that is appropriate to the instruction of the students. This procedure is to inform staff of the requirements for the appropriate supervision and caretaking of the above named materials. Examples of items that fall within this agreement are iPads, Laptops, communication devices owned by the school and maintained at the school, software discs whose value exceeds \$100 and training DVD's whose value exceeds \$100. The intent of this agreement is to ensure that the teacher in possession of such items takes reasonable efforts to ensure the return or inventory of the item at the end of each year.

Reasonable supervision of items such as iPads would include assigning specific iPads to specific students, having a check-out system, and doing regular (daily) counts of Pads. Breakage or loss of iPads when such supervision is in place would not create a financial responsibility for the teacher or staff.

Reasonable supervision of other electronic devices would include a daily check on the return of the device and may include an assigned area for the storage of the device that facilitates supervision of the device.

Reasonable supervision of software or other media would include maintaining an area for the storage of the media, a paper trail if the media is loaned to others (including the signature of the person borrowing the media).

The teacher or staff person who takes reasonable efforts to ensure the supervision of such items as listed above will face no financial penalty for the loss or breakage of the items. If the teacher or staff person does not ensure adequate or reasonable supervision, SSSMC may require the repayment of a portion or the full amount of the replacement cost of the item(s). (Extenuating circumstances may be considered by the Executive Director in determining the degree of responsibility of the teacher or staff).

All items under this procedure will be returned annually or inventoried with the appropriate supervisor.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5200**      **Attendance** (revised 4/17/15)

These guidelines on Attendance are to be made available to all parents and adult students. Attendance means to be physically present in a school owned or operated by the SSSMC or at another location where the student's IEP is being implemented during regular school hours on a day in which the educational program is being offered to the enrolled student unless the student's IEP provides otherwise.

Attendance is required of all students attending schools owned or operated by the SSSMC except those exempted under other provisions of State law and students whose IEP provides otherwise, during the days and hours that school is in session. Students

absent for any excusable reason are to be given an opportunity to make up work they missed.

Unless an allowable exception or exemption the Executive Director shall require, from the parent or each student or from an adult student who has been absent for any reason, a written of the cause for such absence. By authority of the Board the Executive Director reserves the right to verify such statements and to investigate the cause of each:

1. single absence;
2. prolonged absence;
3. absence of more the three (3) days duration;
4. repeated unexplained absence and tardiness.

An unexcused absence is any absence not covered under the definition of excused absence or an exception to compulsory attendance.

1. an out-of-school suspension shall not be considered an unexcused absence;
2. repeated instances of unexcused absences may result in disciplinary action up to suspension or expulsion of a student.

Truancy is defined as an absence from school without permission of the parent. The Executive Director (or an attendance officer having jurisdiction) shall report a child who is habitually absent from school to an intake officer of the juvenile court or the Department of Child Services.

The keeping of accurate attendance records in accordance with State law and the rules of the State Board will include the reporting of unexcused absences, habitual absences, and truancy to the student's home school corporation.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

#### AG 5230 *Late Arrival and Early Dismissal*

Although a student is expected to be in attendance throughout the school day in order to benefit fully from the educational program at the RISE Learning Center, from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

- A. The Board's policy requires that school officials be notified in advance of such absences by written request of the student's parent or guardian. The written notification shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the Building Administrator.
- B. If one parent has been awarded custody of the student by the courts, the parent-of-custody shall provide the school with a copy of the custody order and inform the school in writing of any limitations in the rights of the non-custodial parent. Absent such notice, the school will presume that the student may be released in the care of *either* parent.
- C. No student who has a medical disability, which may be incapacitating, may be released without a person to accompany him/her.



D. No student shall be released to anyone or excused from school unless the authorizing signature is on file in the building.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5310      *Health Services***

If SSSMC chooses to provide health screenings or nonemergency physical examinations, parents are to be directly notified at least annually at the beginning of the school year of the approximate or specific date, if known, when the screening or physical exam is scheduled or expected to be scheduled and under what conditions:

- A. required as a condition of attendance;
- B. administered by the school and scheduled by the school in advance; and
- C. not necessary to protect the immediate health and safety of a specific student, or other students.

Unless the physical examination or screening is permitted or required by an applicable State law, parents may refuse to allow SSSMC to administer a nonemergency, invasive physical examination or screening upon written notification to the building principal within ten (10) school days after receipt of the annual public notice.

*Students attending SSSMC sponsored, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5320      *Immunizations***

Children must be enrolled in school whether or not they have required immunizations. If they do not have the required immunizations and the school refuses to grant a statutorily allowed 20 day waiver, the child may not be permitted to attend school beyond the first day of school. IC 20-34-4-5(c)(1) & (2).

Under I.C. 20-34-4-5 students may not be permitted to attend school beyond the first day unless they have:

- A. a written statement including DOB and dates of each of the student's immunization, accompanied by the physician's certificate or other documentation, unless a written statement of this nature is on file with the school; or
- B. documentation of religious objection (which does not relieve a parent from the reporting requirements); or
- C. a physician certifies immunization is medically contraindicated for a specified period of time and the reasons for the medical contraindications.

The physician's or parent's statement is to be kept by the school as part of the student's immunization record, which shall include the date (month/year) of each individual immunization. If a student transfers to another school, a copy of this record shall be sent to the new school with twenty (20) days. The principal shall make immunization records available for inspection by authorized representatives of the State Department of Health.

The following documents will be accepted as evidence of a student's immunization history provided they comply with State requirements and contain the date (month/year) when each immunization was administered:

- A. an official school record from any school, or
- B. a record maintained by the parent, or
- C. a certificate record signed by a licensed physician or clinic

Although State law requires documentation for all immunizations by only month and year, documentation by month/day/year is preferred in order to be certain that there has been proper spacing between inoculations. If it cannot be determined whether a dose was given at the proper time from the month/year information only, then the dose cannot be counted as part of the required number of doses.

If there is no documentation provided by the opening day of school, schools may grant a parent of student a waiver for provisional admission (20 days). A student may be admitted to school on a provisional basis if a physician or health department indicates that immunization of the student has been initiated and that the student is in the process of complying with all immunization requirements. A schedule of proposed immunizations must be on record at the school office.

For children who have delayed immunizations, school officials should refer to the 2014 CDC 2014 "Catch-up Immunization Schedule" to determine adequately immunizing doses consistent with minimum intervals and ages for each vaccination. These guidelines can be found at <[www.cdc.gov/vaccines/schedules/](http://www.cdc.gov/vaccines/schedules/)>.

Minimum immunization requirements for school entry effective at the beginning of school year 2015-16 are as follows:

- A. Three (3) to five (5) year old Pre-school children
  - 3** – Hepatitis B (Hep B) – the minimum age for the third dose of Hepatitis B is twenty-four (24) weeks of age.
  - 4** – Diphtheria, Tetanus and Pertussis (DTaP)
  - 3** – Inactivated Polio – three (3) doses of polio vaccine are acceptable for all grade levels if third dose was administered on or after the child's fourth birthday and at least six (6) months after the previous dose with only one (1) type of vaccine used (all OPV or all IPV)
  - 1** – Measles, Mumps and Rubella (MMR)\*
  - 1** – Chickenpox (Varicella) – physician documentation of disease history (including month/year) is proof of immunity for children entering preschool through Grade 6. A signed statement from the parent/guardian indicating history of disease is acceptable for Grades 7 through 12
- B. Kindergarten and Grade 1
  - 3** – Hep B
  - 5** – DtaP
  - 4** – Polio
  - 2** – MMR\*
  - 2** – Varicella\*
  - 2** – Hepatitis A (Hep A)
- C. Grades 2 through 5
  - 3** – Hep B
  - 5** – DTaP

- 4 – Polio
  - 2 – MMR\*
  - 2 – Varicella\*
- D. Grades 6 through 11
- 3 – Hep B
  - 5 – DTaP
  - 4 – Polio
  - 2 – MMR\*
  - 2 – Varicella\*
  - 1 – Tdap (Tetanus and Pertussis)
  - 1 – MCV4 (meningococcal conjugate)
- E. Grade 12
- 3 – Hep B
  - 5 – DTaP
  - 4 – Polio
  - 2 – MMR\*
  - 2 – Varicella\*
  - 1 – Tdap
  - 2 – MCV4

\*Live vaccines (MMR, Varicella and LAIV) that are not administered on the same day must be administered a minimum of twenty-eight (28) days apart. The second dose should be repeated if the doses are separated by less than twenty-eight (28) days.

Information concerning meningococcal disease (meningitis) shall be provided to students and parents at the beginning of the school year by the Executive Director or designee. In addition, information shall be provided to the parent of each female student who is entering Grade 6 concerning the link between cervical cancer and the human papillomavirus (HPV) infection and that an immunization against the HPV infection is available as prescribed by the State Department Health.

Within twenty (20) school days after the first day of school, the parent of a Grade 6 female student shall provide a written statement as prescribed by the State Department of Health stating that:

- A. the parent has received the information required, and
- B. the female student has received or is receiving the immunization, or
- C. the parent has decided not to have the female student immunized, or
- D. the parent chooses not to provide the information to the school concerning whether the student was immunized.

No student may be prevented from enrolling in, attending, or graduating from school for the sole reason that the student's parent has not provided the written statement regarding the HPV information.

A report of the immunization status of all students shall be sent each year by the principal to the Immunization Department on report forms provided by the State Department of Health. The report is to indicate:

- A. the number of students who have and who have not documented immunity against each disease specified by the Department of Health;

- B. the number of children who have been found positive for sickle cell anemia and lead poisoning; and
- C. the number of female students in Grade 6 who have or will have immunization against HPV infection and the number who have not be so immunized as well as the number of parents who chose not to provide the HPV immunization information to the school.

For newly-enrolled students or when additional immunizations have been required, the report is to be sent within sixty (60) days.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5330      *Use of Medications* (revised 5/19/15)**

For purposes of this policy/AG, medication is defined to include all medicines including those prescribed by a physician and any non-prescribed (over the counter) drugs, preparations, and/or remedies. Treatment refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization or intravenous or intramuscular injection.

Board policy allows the administration of prescribed and/or medically-prescribed treatments to a student during school hours only: (a) when failure to do so would jeopardize the health of the student, (b) the student would not be able to attend school if the medication or treatment were not made available during school hours, or (c) the child has a disability for which the student requires medication to benefit from his/her educational program.

Before any **prescribed** medication or treatment may be administered to any student during school hours, the following requirements apply:

- A. the written prescription signed and dated from the child's physician accompanied by a written authorization signed and dated by the parent;
- B. the parent's written authorization is valid only for the period specified on the consent form and never longer than the current school year;
- C. the above noted documentation must be kept on file in the RISE Learning Center (RLC) office of the school nurse and made available to the person(s) authorized to administer medication or treatment (school nurse, consulting nurse, school secretary);
- D. the prescription must be in its original container, labeled with the student's name and the exact time/dosage;
- E. at no time is the school to administer a dosage other than that authorized by the physician's prescription; and
- F. if the medication is to be terminated prior to the date on the prescription, the written and dated authorization from both the physician and written/dated consent of the parent is required.

*A new physician's order will be required for each school year and with each medication change thereafter.*

Medication (**both prescribed and non-prescribed as defined**) for administration during school hours and/or at school functions must be brought to school by the parent/guardian in its original container and will **not** be sent home with a student. Medication in possession of school officials for administration during school hours or at school functions (for students in grades K-8) may only be released to the student's parent or to a named individual (18 years of age or older), who has been designated, in writing, by the student's parent to receive the medication.

A school owned or operated by the SSSMC may fill a prescription for auto-injectable epinephrine and store it in a safe place at the school if a licensed health care provider writes the prescription. Parents of students have the obligation of supplying auto-injectable epinephrine at their discretion during school/work hours consistent with these guidelines.

Students attending the RLC, who may require administration of an emergency medication, may have such medication stored in the office of the school nurse to be administered in accordance with these guidelines. A school nurse may administer auto-injectable epinephrine if provided by the parent with a written prescription from the child's physician and written authorization signed and dated by the parent. The school will store the auto-injectable epinephrine as supplied by the parent in a safe location in which only school personnel have access.

Before any non-prescribed medication or treatment may be administered, prior written consent from the parent is required and is to be kept on file in the RLC office of the school nurse. *Over-the-Counter Medications such as Acetaminophen, Ibuprofen, and Benadryl or other anti-histamines will **NOT** be administered without the parent providing **BOTH**: (1) a written signed/dated consent naming the medication with dosage, AND (2) a container of the medication. Over-the-counter (non-prescribed) medications are to be supplied by the parent.*

Except in case of authorized self-medication, all forms of medication must be administered by the designated representatives of SSSMC. Both the parent and the prescribing physician must also authorize any self-medication by the student (see AG 5330.01).

No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered a violation of the Student Discipline Code (see AG 5530).

Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).

AG 5330.01 *Self-Administered Medication* (revised 4/23/15)

Both the parent and the child's physician must authorize any self-medication by the student. When proper authorization for self-medication has been provided by both the parent and a physician, the student may retain possession of the self-administered medication (unless RLC school building procedures disallow such practice).

A student attending the RISE Learning Center (RLC) may not possess and self-administer medication for chronic diseases unless:

- A. the student's parent files a written authorization with the principal;
- B. the written authorization must be filed annually; and
- C. a physician's written statement must be included with the parent's annual authorization and include the following information:
  - 1. an acute or chronic disease or medical condition exists for which the medication is prescribed;
  - 2. the student has been given instruction as to how to self-administer the medication; and
  - 3. the nature of the disease or medical condition that may require emergency administration of the medication.

The SSSMC and its Board are not liable for civil damages as a result of a student's self-administration of medication for an acute or chronic disease or medical condition except for an act or omission amounting to gross negligence or willful and wanton misconduct.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

5330.02            *Care of Students with Diabetes* [see Policy language]

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

5335                *Care of Students with Chronic Health Conditions* [see Policy language]

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

5340                *Student Accidents* [see Policy language]

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5341            *Emergency Medical Authorization***

Whenever it may be necessary for staff members to use emergency procedures in order to care properly a student, they are to follow the RLC procedures and are not to abide by any "Do Not Resuscitate" (DNR) agreement that may exist for a student, unless ordered to do so by a court of law.

The principal of the RISE LEARNING CENTER (RLC) will annually distribute the Emergency Medical Authorization form to parents or guardians of all students attending the RLC.

The completed Emergency Medical Authorization form is to be kept in a separate, easily accessible file in the RLC during the school year. In the event that emergency medical

treatment for a student is necessary, the attending staff member(s) are to adhere to the instructions on the authorization form.

Any time the student is taken out of the building individually or in a group of students to participate in any school related event, the staff member in charge of the event must take the Emergency Medical Authorization for the student(s). This does not include student spectators at events.

*Staff assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5350      *Student Suicide***

All school personnel should be alert to the student who exhibits signs of unusual depression or who threatens or attempts suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness. Unusual depression or threats or attempts at suicide should be immediately reported to RLC trained personnel such as either the school psychologist or school social worker. This guideline needs to be implemented to allow staff members to understand how to use an intervention procedure which includes the following:

- Step 1 – Stabilization
- Step 2 – Assessment of the Risk
- Step 3 – Use of Appropriate Risk Procedure
- Step 4 – Follow-up
- Step 5 -- Documentation

Throughout any intervention, it is essential that both the Board policies and Administrative Guidelines (AGs) regarding confidentiality be observed at all times.

*Staff assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5410      *Promotion, Placement, and Retention***

The Board's policy is that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development. Such pattern should coincide with the system of grade levels established by the Board and the instructional objectives for each (see language in the Policy).

A. A student enrolled in special education shall be promoted or retained based on the recommendation of the Case Conference and the student's IEP, which is considered among three good cause exceptions (see Policy).

B. This guideline emphasizes:

1. a requirement for the recommendation of the professional for any promotion, placement, or retention;
2. a requirement that parents are informed in advance of the possibility of retention of a student at a grade level;
3. assurance that reasonable efforts be made to remediate the student's difficulties before s/he is retained; and

4. designation that the principal has the final responsibility for determining the promotion, placement, or retention of each student through the case conference proceedings.

- C. A student will be promoted to the succeeding grade level when she/he has:
1. completed the course requirements at the presently assigned grade;
  2. achieved the instructional objectives set for the present grade in the opinion of the professional staff;
  3. demonstrated sufficient proficiency to permit him/her to move ahead in the education program of the next grade; and
  4. exhibited the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

*Staff assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5420      *Reporting Student Progress***

The system of reporting student progress is to include written reports and all staff members are required to comply with such a system as part of their professional responsibility. The student progress reporting system is to:

- A. ensure that both student and parent receive ample warning of any situation that would adversely affect the student's status;
- B. enable the scheduling of parent-teacher conferences at such times and in such places as will ensure the greatest degree of participation by parents; and
- C. ensure a continual review and improvement of methods of reporting student progress to parents.

*Staff assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5460      *Graduation/Program Completion Requirements***

Students who have successfully completed an instructional program appropriate to the achievement of SSSMC/RLC goals and objectives as well as personal proficiency are to be awarded either a Diploma or Certificate of Achievement or Certificate of Completion at appropriate graduation ceremonies. Commencement exercises at the RISE Learning Center will include those students who are eligible for a Certificate of Achievement or Certificate of Completion as certified by the principal.

The Board shall award:

- A. a certificate of achievement to a student who is on a non-diploma track as determined by that student's Individualized Education Program;
- B. a certificate of course completion to a student who completes the minimum courses required for high school graduation but does not meet the Graduation Qualifying Examination requirement;
- C. a high school equivalency certificate to any individual who meets the criteria established by State law.



*Schools are required to develop a transition IEP for students when they enter high school. The transition IEP is to specify the type of diploma and the courses the student is required to earn the diploma. Beginning in the ninth grade, the student's TOR must communicate with the parent on the student's progress toward the diploma at least once each grading period (added 7/2/2015).*

Students who expect to graduate with a diploma are required to meet:

- A. the academic standards tested in the graduation examination;
- B. the Core 40 course and credit requirements adopted by the IDOE (unless the student's parents request an exemption under certain conditions);
- C. any additional graduation requirements established by the Board.

No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

A student enrolled in an SSSMC sponsored program and earns the credits and meets the requirements necessary for graduation is to be awarded a regular high school diploma from his/her school corporation of residence *or the host school corporation for an SSSMC sponsored program*. Denying participation in commencement exercises to students with disabilities who have completed their program violates 511 IAC 7-27-9(b).

In Indiana, individuals have a constitutional right to attend school until they have received a high school diploma. Receipt of a GED is not equivalent to a high school diploma and does not extinguish the right to earn a high school diploma. Schools do have the right to determine the placement, so the school could determine that an older student not attend the traditional high school day but rather earn credits through online credit recovery, evening classes, etc. The student could be required to attend adult education classes rather than the high school, but cannot be denied the right to attend school and earn a diploma. Per the Compulsory School Attendance law, a student is required to attend until the age of 18. This code does not specify an age of which they can no longer attend.

AG 5464        *Early Graduation* [see Policy language]

The superintendent of the school corporation of legal settlement may honor any such requests if all conditions for graduation are met and the student fulfills the graduation requirements.

**AG 5500        *Student Conduct/Weapon/Interim Alternative Educational Setting*** [see 5600, 5610.01, 5610.02, 5610.03, 5630.01]

It is the responsibility of students, teachers and administrators to maintain a classroom environment that:

- A. allows teachers to communicate effectively with all students in the class;
- B. allows all students in the class the opportunity to learn;
- C. has consequences that are fair, and developmentally appropriate;
- D. considers the student and circumstances of the situation; and
- E. enforces the Student Code of Conduct/Student Discipline Code, which shall be reviewed periodically.

This guideline identifies the dangers of weapons which require students to report knowledge of such weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject the student to immediate suspension and potential expulsion from school.

Under Article 7 (511 IAC 7-32-106) a “weapon” has the meaning given:

- A. a “dangerous weapon” under 18 U.S.C. 930(g)(2), means a weapon, device, an instrument, a material, or a substance which is animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury (except that the term does not include a pocketknife with a blade of less than two and one-half (2½) inches in length);
- B. “deadly weapon” under IC 35-41-1-8; and
- C. “firearm” means any weapon that is capable of expelling, or designed to expel, or that may readily be converted to expel a projectile by means of an explosion as noted under IC 35-47-1-5.

“Illegal drug” means a controlled substance, but does not include a substance that is legally possess or used under (1) the supervision of a licensed health care professional or (2) any other authority un the Controlled Substances Act (21 U.S.C. 812 (c)) or under any other provision of Federal law.

“Controlled substance” means a drug or other substance identified under Schedule I, II, III, IV, or V in subsection 292(c) of the Controlled Substances Act or I.C. 35-48-2.

“Serious bodily injury” (SBI) has the meaning given the term under 18 U.S.C 1365(h)(3). The term means bodily injury that involves:

- A. a substantial risk of death;
- B. extreme physical pain;
- C. protracted and obvious disfigurement; or
- D. protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Interim Alternative Educational Setting (IAES) [see 511 IAC 7-44-6] – The principal or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student’s disability, if the student while at school, on school premises, or at a school function under the jurisdiction of the department of education or a public agency:

- A. carries a weapon to school or possesses a weapon;
- B. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
- C. has inflicted serious bodily injury upon another person.

On the day that the principal or his/her designee makes the decision to place the student in a forty-five (45) school day IAES, if possible, but no later than the next business day by mail, a copy of the Notice of Procedural Safeguards must be provided to the student’s parents. A CCC must be convened as soon as possible but no later than ten (10) school days after the decision to place the student in an IAES to determine

whether the student's behavior is a manifestation of his/her disability. However, regardless of the outcome of the manifestation determination, the student will remain in the forty-five (45) school day IAES. The CCC must determine the IAES and appropriate services to allow the student to:

- A. continue to participate in the general curriculum, although in another setting;
- B. progress toward the goals in his/her IEP; and
- C. receive an FBA and/or BIP to address the behavior violation so that it does not re-occur.

A manifestation determination must be conducted as specified in 511 IAC 7-44-5. However, if the student's conduct is determined to be a manifestation of his/her disability, the student remains in the interim alternative education setting.

A student who is considered to be substantially likely to injure himself/herself or others may be placed in a forty-five (45) school day IAES by an Independent Hearing Officer (IHO) pursuant to 511 IAC 7-44-7, but only after an expedited special education due process hearing has been held to determine whether maintaining the current placement of the student is substantially likely to result in injury to the student or to others. If the IHO decides that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, the IHO may order a change of placement to an appropriate forty-five (45) school day IAES. Such an expedited hearing should be requested by the Executive Director.

**AG 5512**      *Use of Tobacco* [see Policy language]

SSSMC and the RLC are tobacco-free environments. The principal of the RLC will take appropriate action in cases involving students who use and/or possess tobacco in violation of this policy. The use of tobacco means all uses of tobacco, including cigar, cigarette, pipe, snuff, or any other matter or substance that contains tobacco, as well as electronic, "vapor", or other substitute forms of cigarettes.

In order to protect students who choose to use tobacco from an environment that might be harmful to them, the Board prohibits the use and/or possession of tobacco by students at all times within or on the campus of any facility owned or leased or contracted for by the Board including, but not limited to, practice fields, playgrounds, football/baseball/softball/soccer fields, pool areas, tennis courts, and all open areas. Furthermore, the Board prohibits the use and/or possession of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, special purpose buses, vans, trucks, and cars.

*Staff and students assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5513**      *Care of School Property* [revised 3/10/15]

All incidents involving the destruction of property by students are to be reported to the Board with the following potential consequences:

- A. Students who cause damage to school property shall be subject to disciplinary measures and restitution for damages.

- B. The recovery of costs related to the loss, damage, or destruction of school equipment, apparatus, musical instruments, library materials, textbooks, and for damage to school buildings is authorized by the Board.
- C. The Executive Director is authorized to report to the juvenile authorities any student whose damage of school property has been serious or chronic in nature.
- D. The program manager or supervisor is to determine actual costs for materials and labor with the Business Manager when preparing a billing statement for loss, damages, or destruction of property as noted in Item B. above.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5517      *Anti-Harassment*** [see Policy language and AG 3362]

An SSSMC employee who directly observes unlawful harassment of a student is obligated, in accordance with Board policy, to report such observations to one of the Compliance Officers with two (2) business days.

The SSSMC Anti-Harassment Compliance Officers are Dr. Scott Carson, Associate Director and Pamela Johnson, HR Manager.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5517.01      *Bullying*** (revised 5/20/14) [see Policy language and AG 3362]

The Board and SSSMC administrators will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. Engaging in bullying behavior through the use of data or computer software that is accessed through a computer, computer system or computer network also is prohibited. Bullying behavior (physical, verbal, psychological) toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. If warranted, bullying acts shall be immediately reported to law enforcement officials.

This policy applies when a student is on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity function, or event; traveling to or from school or a school activity, function, or event; or, using property or equipment provided by the school.

Additionally, this policy applies regardless of the physical location when:

- A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are student attending a school within SSSMC; and
- B. the bullying behavior results in a substantial interference with school discipline or an unreasonable threat to the rights of others to a safe and peaceful learning environment.

Bullying as defined in State law means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student and create for the targeted student an objectively hostile school environment that:

- A. places the targeted student in reasonable fear of harm to the targeted student's person or property;
- B. has a substantially detrimental effect on the targeted student's physical or mental health;
- C. has the effect of substantially interfering with the targeted student's academic performance; or
- D. has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws (See Policy and AG 3362).

Bullying is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation and may involve: a. teasing; b. threats; c. intimidation; d. stalking; e. cyberstalking; f. cyberbullying; g. physical violence; h. theft; i. sexual, religious, or racial harassment; j. public humiliation; or k. destruction of property.

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

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

If, during an investigation of a reported act of bullying and/or harassment under Policy 5517.01, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment such act must be reported to a Compliance Officer who shall investigate the allegation.

Dr. Scott Carson, Associate Director, and Pamela Johnson, HR Manager, are designated as the Anti-Harassment Compliance Officers with whom complaints of sexual and other forms of unlawful harassment (bullying) should be filed. All complaints about bullying behavior that may violate this policy shall be promptly investigated.

Indiana law exempts the following from the definition of “bullying”:

- A. participating in a religious event;
- B. acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger;
- C. participating in an activity consisting of the exercise of a student’s rights protected under the First Amendment to the U. S. Constitution or Article I, Section 31 of the Constitution of the State of Indiana, or both;
- D. participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults;
- E. participating in an activity undertaken at the prior written direction of the student’s parent;
- F. engaging in interstate or international travel from a location outside Indiana to another location outside Indiana

Every student is encouraged, and every staff member is required, to report any situation that they believe to be bullying behavior directed toward a student. Staff members who fail to report bullying or who fail to conduct an investigation when assigned that duty are subject to disciplinary action, up to and including discharge.

If, during an investigation of reported acts of bullying and/or harassment, the investigator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the investigator will report the act of bullying/harassment to one of the Compliance Officers so that it may be investigated in accordance with the Anti-Harassment procedures (see AG 3362).

If the investigator finds an instance of bullying behavior has occurred, prompt and appropriate action or responses shall be taken to address the bullying behavior wherever it occurs including, as appropriate, disciplinary action, up to and including:

- A. expulsion for students,
- B. discharge for employees,
- C. exclusion for parents, guests, volunteers, and contractors, and
- D. removal from any official position, and/or
- E. a request to resign for Board members.

The parents of the targeted student and the reported bully shall be notified of:

- A. the alleged bullying incident at the beginning of the investigation,
- B. the findings of the investigation at the conclusion of the investigation, and, as appropriate,
- C. any remedial action that has been or will be taken to the extent disclosure is permitted by law.

In addition to discipline, remedial action may include support services for the targeted student and bullying education for the bully.

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

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Any such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and making intentional false reports may result in disciplinary action as indicated above.

Both Informal and Formal processes for making a charge of harassment are available including processes for investigating a claim and rendering a decision whether or not the claim was substantiated. [See Anti-Harassment provisions in AG 3362]. In accordance with State law (I.C. 5-2-10.1-12) there shall be a Safe School Committee in the RISE Learning Center (see Policy 8400 – School Safety).

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5530      *Drug Prevention* [revised 4/23/15]**

The Board prohibits the use, possession, concealment, or distribution of any drug and any drug-related paraphernalia at any time on SSSMC property or at any school-related event in connection with a school owned or operated by the SSSMC. It further establishes a drug-free zone within 1000 feet of the RISE Learning Center.

Refer to Policy language for the definition of “drugs”. This guideline is to emphasize the identification, amelioration, and regulation of drug use in the schools by:

- A. emphasizing the prevention of drug use;
- B. including a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- C. providing standards of conduct that are applicable to all students which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;
- D. including a clear statement that disciplinary sanctions, up to and including expulsion *by the student’s home school district of legal settlement* and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions, which may include together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment by qualified and properly licensed individuals or programs.

- E. providing information about any drug and alcohol counseling and rehabilitation and re-entry programs available to students and provide procedures to direct students and their parents to the appropriate programs;
- F. requiring that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;
- G. requiring the notification to parents and students that compliance with standards of conduct is mandatory; and
- H. providing a **biennial review** of the SSSMC's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced.
- I. providing a student assistance program which includes guidelines for prevention activities and programs, for referrals of students to outside treatment providers, and for collaborative follow-up after treatment has been provided; and
- J. establishing means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensuring that the SSSMC's policy and administrative guidelines on Search and Seizure (5771) are complied with fully.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5540      *The Schools and Governmental Agencies***

When Child Protective Services or a law enforcement agency states a legitimate purpose for questioning or examining a student while the student is entrusted to the SSSMC/RLC, the Executive Director or Principal or representative shall:

- A. request that the agency inform a parent unless the parent is the target of the investigation;
- B. be present throughout the proceedings, unless ordered otherwise by the agency or court;
- C. shall notify the student's parents when an agency removes a student from school before the time the student would normally arrive home on that day; and
- D. obtain written parental permission prior to any student being released to any agency, other than a law enforcement agency or Child Protective Service, except in the event of emergency or for the protection of life or property.

*Staff assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5600      *Disciplining Special Education Students*** [see AG 5500, 5605, 5530, 5630.01]

Discipline of students who are eligible for special education and related services under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act of 1973 must be done in accordance with 511 IAC 7-29 and the applicable Federal regulations.



Indiana's Teacher Protection Act enacted in 2009 provides public school teachers the right to take any disciplinary action necessary and appropriate under the rules of the school board to promote appropriate student conduct and to maintain order in the classroom. Indiana Code 4-6-2-1.5 took effect July 1, 2009 and provides qualified immunity for teachers acting in good faith to maintain discipline. The Act is found on the Attorney General's website at: <http://www.in.gov/attorneygeneral/2467.htm>

Teachers and other employees of SSSMC having authority over students are allowed to take such means as may be necessary to control any disorderly conduct of students:

- A. in all situations and in all places where such students are within the jurisdiction of SSSMC;
- B. in accordance with the student's behavioral intervention plan, if any (defined at 511 IAC 7-32-10);
- C. when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

General Rules for consideration in disciplining students in special education are as follows:

- A. Short-term removal of a student from his/her current placement pursuant to the student's IEP is not a suspension.
- B. Part of a day suspension is considered a full day of suspension.
- C. A suspension is a removal.
- D. No services are required unless the student already has been suspended for ten (10) cumulative days in that school year.
- E. No manifestation determination conference is required with ten (10) cumulative days or less of suspension.
- F. No functional behavioral assessment (FBA) or behavioral intervention plan (BIP) is required with ten (10) cumulative days or less of suspension.

Nothing in IDEA or Article 7 prohibits the school from seeking injunctive relief from a State court to:

- A. provide short-term removal of a student from his/her current placement pursuant to the student's IEP, which is not a suspension; or
- B. change a student's current educational placement if the school believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or others.

When the behavior of a student eligible under IDEA and Article 7 is such to justify serious disciplinary action, six (6) possible courses of action may be available depending upon the nature and severity of the behavioral problem as follows:

- A. The first is an in-school suspension that does not constitute a change of placement.
- B. The second is an out-of-school suspension for less than ten (10) consecutive school days that does not constitute a change of placement.
- C. The third is an out-of-school suspension for less than ten (10) consecutive school days that constitutes a change of placement.
- D. The fourth is an Interim Alternative Education Setting (IAES) for forty-five (45) school days for the carrying or possession of a weapon, the possession or

sale of illegal drugs or a controlled substance, or the infliction of serious bodily injury (SBI) at school, on school premises, or at a school function.

E. The fifth is a forty-five (45) school day IAES imposed by an Independent Hearing Officer (IHO) when a student is substantially likely to injure himself/herself or others.

F. The sixth is expulsion from school.

Within ten (10) instructional days of any decision to change the placement of a student with a disability for violating a code of student conduct, the Case Conference Committee (CCC) must meet to determine whether the student's behavior is a manifestation of the student's disability in accordance with 511 IAC 7-44-5.

Under Article 7 "manifestation determination" means an evaluative process conducted by the student's Case Conference Committee to determine whether the conduct in question was:

A. caused by or had a direct and substantial relationship to the student's disability; or

B. the direct result of the public agency's failure to implement the student's IEP.

1. If either of the above conditions are determined by the CCC to have been met, the CCC must conduct a functional behavioral assessment (if none exists) and implement a behavioral intervention plan (or modify an existing one).

2. If the CCC determines that the conduct is not a manifestation of the student's disability, school personnel may apply the relevant disciplinary to the student in the same manner and for the same duration as those procedures would be applied to students without disabilities.

a. however, the student must, during any removal that is ordered, continue to receive appropriate services although in another setting;

b. continue to participate in the general education curriculum;

c. progress toward meeting the goals set out in the student's IEP; and

d. receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Special transportation that is in a student's IEP is, by definition, part of a free appropriate public education (FAPE). Discipline on member corporation vehicles is the responsibility of the school corporation driver on regular bus runs. Suspensions from a school bus that result in deprivation of a FAPE do count toward the ten (10) day limit per school year.

However, when member corporation vehicles are used for field trips and other SSSMC/RLC activities:

A. the teacher, coach, or advisor is responsible for student discipline; and

B. if a student becomes a serious discipline problem on the vehicle, the Principal may suspend the transportation privileges of the student, provided such

suspension conforms with due process and does not result in a deprivation of a free appropriate public education.

*Staff and students assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5601      *Disciplining a Section 504 Student***

If a student with a disability who has a Section 504 service plan violates the code of conduct and is subject to suspension that results in a change of placement or expulsion, a meeting of student's Section 504 team will be convened to determine whether the student's behavior is a manifestation of the student's disability.

Prior to such a team meeting the designee of the Superintendent of the resident school corporation shall ensure that a recent evaluation (not more than one (1) year old) is available for use by the team members to help them make a manifestation determination. If no recent evaluation is available, then one is to be completed prior to the conference.

If the Section 504 team determines that the student's behavior is a manifestation of the student's disability, then the student may not be suspended or expelled and must be returned to the student's placement prior to the removal.

If the Section 504 team determines a causal relationship between the behavior and the disability, then the student may not be suspended for more than ten (10) days in a school year or expelled.

When the current placement presents a substantial likelihood of resulting in injury to the student or others, emergency removal of a student with a Section 504 plan from his/her current placement may take place through parental agreement to an interim placement or through court relief.

*Staff and students assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5605      Suspension and Expulsion of Students with Disabilities [see AG 5600]**

In matters related to the discipline of students with disabilities, the Board shall abide by Federal and State laws and regulations regarding suspension and expulsion.

Manifestation Determination Checklist [Added 8/12/14]

\_\_\_ Contact Melissa Cunniff to schedule (317/789-1662) and assign a chairperson

\_\_\_ Have critical info ready to share because it can affect scheduling

\_\_\_ How many OSS days does student have to date? (ISS counts unless SPED services were provided; bus suspensions count)

- Drugs, weapon or serious bodily injury? If knife, what is length of blade?
  - Student currently in OSS? If not, what?
  - Is there an open reevaluation pending?
- \_\_\_\_\_ Begin working on FBA/BIP requirement for CC, no matter which finding may result:
- NOT RELATED: The student must receive, as appropriate, a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) including services and modifications that are designed to address the behavior violation so that it does not recur.
  - RELATED: The student's CCC must either conduct a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP), or review and revise previous BIP as necessary, to address the recent misconduct.
- \_\_\_\_\_ Carefully review the student's file in order to identify 'all relevant information,' including patterns of behavior over time and setting.
- \_\_\_\_\_ Provide to the chairperson as quickly as possible:
- Misconduct information:
    - current discipline report, including student statement
    - previous reports
  - Last evaluation report
  - All relevant information
- (No need to provide current IEP or CC Notice – chairperson has access to IIEP)
- \_\_\_\_\_ Start IEP process in IIEP
- Select "Manifestation Determination" as the Purpose of the CC in IIEP
  - Include the chairperson on CC Notice as "SSSMC Manifest Facilitator"
- \_\_\_\_\_ Do **not** plan to finalize the IEP at the CC. Following the CC, the chairperson will send the TOR a word doc of notes to copy into the IEP prior to finalizing.

#### AG 5605.01 *Out-of-School Suspension*

##### Out-of-School Suspension that is NOT a Change of Placement

The principal may remove a student from his/her current placement for an out-of-school suspension up to a cumulative total of ten (10) school days during a school year without convening a manifestation determination case conference or providing educational services. Such short-term suspensions from a program are not considered a change of placement and the procedural safeguards associated with a change of placement are not required.

Once a student has been removed for a total of ten (10) cumulative school days of suspension in any school year, for any subsequent suspensions of ten (10) days or less, the principal must determine whether a change of placement has occurred. The principal makes this determination on a case-by-case basis. In determining whether a change of placement has occurred, the principal must determine whether the series of removals constitutes a pattern because:

- A. the series of removals cumulate to more than ten (10) school days in a school year;
- B. the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and of such additional factors as the:
  1. length of each removal;

2. cumulative amount of time the student has been removed; and
3. proximity of the removals to one another.

If the principal determines that a change of placement has not occurred, then no manifestation determination case conference is required. However, the student must receive educational services for each day of removal beyond ten (10) cumulative school days in any school year. School personnel, in consultation with at least one of the student's teachers, must determine the extent to which services are needed to allow the student to (1) continue to participate in the general curriculum, although in another setting; and (2) progress toward meeting the goals set forth in the IEP. These services may be provided in an interim alternative educational setting (IAES), which is not the same as a forty-five school day IAES for drugs, weapons, or serious bodily injury.

#### Out-of-School Suspension that IS a Change of Placement

An out-of-school suspension that is determined by the principal to result in a change in placement will trigger the need to provide the student's parents a copy of the Notice of Procedural Safeguards. Such notice must be provided on the date of the decision to make a removal that will result in a change of placement, if possible, but no later than by mail the next business days. It also will trigger the need to convene a manifestation determination case conference within ten (10) school days of the decision to remove the student to determine if the student's behavior that led to the removal is a manifestation of his/her disability.

At the manifestation determination case conference, the case conference committee (CCC) must review:

- A. all relevant information in the student's file;
- B. the student's IEP;
- C. any teacher observations;
- D. any relevant information provided by a parent; and then determine if the conduct was:
  1. caused by or had a direct and substantial relationship to the student's disability; or
  2. the direct result of the school's failure to implement the IEP.

If the answer to either of the above two questions is yes, then the conduct is a manifestation of the student's disability. If the student's conduct was the result of the school's failure to implement the IEP, the school must take immediate steps to remedy those deficiencies.

If the conduct is a manifestation of the student's disability, the CCC must:

- A. conduct a functional behavioral analysis (FBA), unless such was previously completed, and develop a Behavior Intervention Plan (BIP) if a current one is not completed;
- B. review/modify the BIP as necessary to address the behavior; and
- C. return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the BIP.

If the conduct is not a manifestation of the student's disability, then school personnel may apply the relevant disciplinary procedures to the student in the same manner and

for the same duration as non-disabled students. However, during any removal, the student must receive services. The CCC must determine the appropriate services to enable the student to:

- A. continue to participate in the general education curriculum, although in another setting;
- B. progress toward meeting the goals in the student's IEP;
- C. receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so it does not re-occur.

These services may be provided in an interim alternative educational setting as decided by the CCC.

*Staff and students assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

#### AG 5605.02 *In-School Suspension*

The availability of in-school discipline options is dependent upon the financial ability of the Board to support such programs as an alternative to out-of-school suspensions. In-school suspensions are to be offered at the discretion of the principal for offenses found in the Student Code of Conduct.

Although a suspension is considered a removal, an in-school suspension is not considered a removal for purposes of Article 7 (7-44-1) if, during the period of suspension, the student has the opportunity to:

- A. receive services to allow the student to progress appropriately in the general education curriculum;
- B. receive the special education services specified in the student's IEP; and
- C. participate with nondisabled students to the extent the student would have in the student's current placement.

The third criterion above means that if the student's placement ordinarily is in the general education classroom, then the in-school suspension room must be open to both students with disabilities and non-disabled students.

A disciplinary change of place (7-44-2) is triggered by a removal or a series of removals from a student's current educational placement results in a change of placement in the following situations if:

- A. the removal is for more than ten (10) consecutive instructional days;
- B. the student is subjected to a series of removals that constitute a pattern because:
  - 1. the series of removals cumulate to more than ten (10) instructional days in a school year;
  - 2. the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
  - 3. of such additional factors as the:
    - a. length of each removal;

- b. cumulative amount of time the student has been removed;
- and
- c. proximity of the removals to one another.

*Staff and students assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

#### AG 5605.03     *Expulsion*

If the principal decides that the student should be expelled from school, the decision to recommend expulsion automatically results in a change of placement because an expulsion is a removal for more than ten (10) consecutive school days. Therefore it will trigger the need to provide a copy of the Notice of Procedural Safeguards to the student's parents. Such notice must be provided on the date of the decision to recommend expulsion of the student, if possible, but no later than by mail the next business day. It also will trigger the need to convene a manifestation determination case conference within ten (10) school days of the decision to recommend expulsion of the student to determine if the student's behavior that led to the recommendation for expulsion is a manifestation of his/her disability.

At the manifestation determination case conference, the case conference committee (CCC) must review:

- A. all relevant information in the student's file;
- B. the student's IEP;
- C. any teacher observations;
- D. any relevant information provided by a parent; and then determine if the conduct was:
  - 1. caused by or had a direct and substantial relationship to the student's disability; or
  - 2. the direct result of the school's failure to implement the IEP.

If the answer to either of the above two questions is yes, than the conduct is a manifestation of the student's disability. If the student's conduct was the result of the school's failure to implement the IEP, the school must take immediate steps to remedy those deficiencies.

If the conduct is a manifestation of the student's disability, the CCC must:

- A. conduct a functional behavioral analysis (FBA), unless such was previously completed, and develop a Behavior Intervention Plan (BIP) if a current one is not completed and review/modify the BIP as necessary to address the behavior; and
- B. return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the BIP.

If the conduct is not a manifestation of the student's disability, then school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as non-disabled students. The principal would then submit the recommendation for expulsion to the Superintendent of the resident school corporation, who would decide whether to appoint an expulsion examiner. If an

expulsion examiner is appointed, s/he must be provided copies of the student's special education and discipline records. The expulsion examiner will notify the student and his/her parents of the right to an expulsion meeting. The normal procedure for an expulsion will then continue.

If the parent challenges the manifestation determination, the student does not return to his/her previous placement. However, during any removal, the student must receive services. The CCC must determine the appropriate services to enable the student to:

- A. continue to participate in the general education curriculum, although in another setting;
- B. progress toward meeting the goals in the student's IEP;
- C. receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so it does not re-occur.

These services may be provided in an interim alternative educational setting as decided by the CCC.

*Staff and students assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5611**      ***Due Process Rights*** [see IDOE Notice of Procedural Safeguards effective August 2010]

The parent of a student with a disability who disagrees that the student's conduct was not a manifestation of the student's disability may request the following:

- A. Mediation in accordance with 511 IAC 7-45-2.
- B. A due process hearing in accordance with 511 IAC 7-45-3 or 511 IAC 7-45-10.
- C. Simultaneously, mediation and a due process hearing.
  - 1. Upon a parent's request for a due process hearing, the IDOE shall arrange for an expedited hearing under 511 IAC 7-45-10.
  - 2. In reviewing a decision with respect to the manifestation determination, an independent hearing officer may return the student with a disability to the placement from which the student was removed if the hearing officer determines that the student's conduct was a manifestation of the student's disability.

**AG 5630**      ***Corporal Punishment*** [see 5610.02 and 5630.01]

Corporal punishment means the intentional infliction of mild temporary physical discomfort on a student for the purpose of addressing misconduct and shall not be used by the Board's employees.

The Board recognizes that there are likely to be occasions in which a staff member must use limited physical force in the supervision of students in order to:

- A. prevent a student from injuring him/herself or others including self-defense and the defense of others by a staff member;
- B. stop a student from damaging the property of the Board or others; or



C. end the disruption of an educational function or prevent interference with a school activity.

In these above noted circumstances, the staff member shall use no more force than the force that is necessary to accomplish the objective of the use of force. The staff member shall not use force for the purpose of deterring or punishing misconduct.

*Staff assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5630.01 Use of Seclusion and Restraint with Students** (revised 6/10/14)

I. OVERVIEW

Indiana's new restraint and seclusion law gives the Commission on Seclusion and Restraint in Schools authority to regulate the use of restraint and seclusion in Indiana's Schools and requires schools to adopt a restraint and seclusion plan that goes into effect July 1, 2014. Although the plan is to be approved by the Board for submission to IDOE, it does not need to be a school board policy. This plan shall be included in the student handbook and/or parents are to be given a link to the plan on the SSSMC website.

The first and foremost responsibility of all schools is to ensure the safety and security of the students. Members of the Governing Board of Southside Special Services expect that all students will be treated with dignity and respect and that appropriate student behavior will be modeled and taught.

Members acknowledge that restraint or seclusion may be utilized by all staff in both general and special education. Procedures and training about proper application need to involve a broader array of educators than solely those in special education.

These Guidelines do not apply to Student Resource Officers (SROs) who may need to restrain or seclude a student while performing law enforcement duties. SROs will follow their own procedures and training when performing law enforcement duties.

II. STATEMENT

It is the policy of that all students are to be treated with dignity and respect and to be free from abuse. The Board supports the promotion and training of appropriate student behavior as part of the SSSMC's curriculum.

Furthermore, it is the Board's policy to use prevention, positive behavior intervention and support, and conflict de-escalation to eliminate or minimize the need for the use of seclusion or restraint with students. This policy applies to all students, regardless of the existence of a disability. As needed to fully implement this policy and document compliance the Executive Director is authorized to issue administrative guidelines, directives, and forms including, but not limited to, the Incident Report and the Staff Processing of Seclusion or Restraint Form.

III. GENERAL GUIDELINES

Student handbooks must include a statement similar to the following:

*“a student will not be subject to seclusion or restraint unless the student’s behavior poses an imminent risk of injury to the student or others. However, significant violations of the law, including assaults on students and staff, will be reported to the police. As soon as possible after any use of seclusion or restraint, the student’s parent or guardian will be informed and provided with a detailed account of the incident, including the circumstances that led to the use of seclusion or restraint.”*

Any behavioral interventions must be consistent with a student’s right to be treated with dignity and respect and to be free from abuse. Any behavioral intervention used must be consistent with the student’s most current individualized education program (IEP) and with the student’s behavior intervention plan (BIP), if applicable.

Every effort must be made to eliminate or minimize the need for the use of seclusion or restraint with a student, including the use of prevention, positive behavior intervention and support, and conflict de-escalation prior to the use of seclusion or restraint, except in the case of an emergency, as defined below.

- A. Seclusion and restraint may never be used in a manner that restricts a child’s breathing and are only to be used:
  - 1. as a last resort safety procedure employed after another, less restrictive procedure has been implemented without success; and
  - 2. when there is an imminent risk of injury to the student, other students, school employees, or visitors to the school, and
  - 3. for a short period of time or until the imminent risk of injury has passed and
  - 4. when monitored by a staff member at all times to ensure the appropriateness of its use and the safety of the student or others.
- B. Seclusion and restraint must not be used as a means of punishment or discipline, coercion or retaliation, or as a matter of convenience.

#### IV. TRAINING OF STAFF

Regular training of appropriate school employees/staff members on the proper use of effective alternatives to seclusion and physical restraint and the safe use of seclusion and physical restraint in situations involving imminent danger or serious harm to the student, school employees or others is required.

SSSMC officials will determine a specific curriculum and method of providing training related to the safe use of seclusion and restraint for incidents involving imminent harm to the student, school employees, or others. A core group of appropriate school building personnel will be trained in crisis intervention techniques to include seclusion and restraint procedures.

The training protocol is to include the following:

- A. positive supports and behavioral intervention techniques,
- B. conflict de-escalation techniques,
- C. the safe use of seclusion and restraint,
- D. steps to avoid the use of seclusion and restraint, and
- E. de-briefing practices and procedures.

Consideration will be given to available school resources and the time commitments of school employees.

SSSMC designees will provide all staff members, who may be differentiated by levels, assignments, and training needs, with basic training about:

- A. conflict de-escalation procedures,
- B. the safe use and dangers of seclusion and restraint in cases of imminent danger of serious physical harm,
- C. the appropriate use of effective alternatives to physical seclusion and restraints, such as positive behavioral interventions and supports, and
- D. procedures for contacting fully trained and certified staff when behavioral crises occur.

The training is to be recurrent on a regular basis *every two (2) years* and to be provided annually to new staff.

Volunteers, consultants, or any other agents of SSSMC will be trained in the Restraint and Seclusion protocol if they are in regular, daily and direct contact with students. University students-in-training will be trained in the Restraint and Seclusion protocol if assigned daily (not weekly) to a program at the RISE Learning Center for a period of eight (8) weeks or longer.

SSSMC will maintain documentation that includes:

- A. name and position of each person who has completed training,
- B. name and position of those who provided the training, i.e., any person who is trained in the current best practices of the required protocol,
- C. when the training was completed, and
- D. what protocol and techniques were included in the training

#### V. USE OF SECLUSION

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

- A. Seclusion may be used only when a student is displaying behavior that presents an imminent risk of injury to the student or others.
- B. Seclusion may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success.
- C. Seclusion may be used only as long as necessary and must be discontinued when the student is no longer an imminent threat to others
- D. Seclusion may be employed only by staff members who have received specific SSSMC approved crisis intervention training in the use of seclusion procedures.
- E. Seclusion may be used only when the student can be transported safely to the seclusion environment by trained staff members using appropriate techniques based on crisis intervention training.
- F. All seclusion environments must:
  - 1. be of reasonable size to accommodate the student and at least one (1) adult,

2. be of reasonable size to permit students to lie or sit down,
  3. have adequate ventilation, including heat and air conditioning as appropriate,
  4. have adequate lighting,
  5. be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass,
  6. permit direct continuous visual and auditory monitoring of the student,
  7. permit automatic release of any locking device if fire or other emergency in the school exists,
  8. if locked, be released automatically after five (5) minutes or with any building-wide alarm, such as a fire, tornado or code red alarm, and
  9. meets current fire and safety code.
- G. Seclusion may not be used when the student's known medical or physical condition would make the use of seclusion dangerous for that student.
  - H. Seclusion must not be used unless a staff member can continuously monitor the student for visual or auditory signs of physiological distress and can communicate with the student.
  - I. During the seclusion, student must be permitted to use the restroom upon request and be escorted to and from the restroom.
  - J. During the seclusion, students must be provided water on request.
  - K. Seclusion must never be used as a means of punishment or to force compliance with staff commands.
  - L. Time-out procedures that do not constitute seclusion, as defined above, are permitted in school. A time-out must be both developmentally and behaviorally appropriate and must be short in duration.

#### VI. USE OF RESTRAINT

The use of restraint with a student shall not be permitted except when the conditions described in this guideline exist. The use of restraint with a student with a disability also is subject to any conditions in the student's IEP and any BIP established for the student in addition to the following conditions established in this guideline:

- A. Restraint may be used only when a student is displaying behavior that presents an imminent risk of injury to the student or others.
- B. Restraint may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success.
- C. Restraint may be employed only by staff members who have who have received crisis intervention training by the school in the use of restraint procedures with the following exception: other school personnel may employ restraint procedures in an emergency, as defined below, when fully trained school personnel are not immediately available. Untrained staff must request assistance from trained staff as soon as possible.
- D. Restraint may last only as long as is necessary for the student to regain behavioral stability and the risk of injury has ended, usually a matter of minutes.
- E. The degree of restriction employed must be in proportion to the circumstances of the incident, the size and condition of the student, and the potential risks for injury to the student.
- F. Mechanical restraints and chemical restraints are not authorized in school.

- G. Restraint must never be used in a manner that restricts a student's breathing.
- H. Every instance in which restraint is used must be carefully, continuously and visually monitored to ensure the appropriateness of its use and safety of the student, other students, teachers, and other personnel.
- I. A verbal threat or verbally aggressive behavior does not itself constitute an imminent risk of injury and does not warrant the use of restraint.
- J. Destruction of or damage to property does not constitute an imminent risk of injury warranting the use of restraint unless in the course of such behavior a risk of injury to the student or others is created.
- K. Restraint may not be used when the student's known medical or physical condition would make the use of restraint dangerous for that student.
- L. Restraint must never be used as a means of punishment or to force compliance with staff commands.

#### VII. DOCUMENTATION AND RECORDING REQUIREMENTS

Any instance of seclusion or restraint must be documented in accordance with the plan as indicated below.

- A. A student's parent or guardian must be notified by the building administrator or designee as soon as possible but no later than the end of the school day or as soon as practical when an incident involving the student and the use of seclusion or restraint occurs, and
- B. After every instance of a seclusion or restraint, a copy of an incident report prepared by staff must be sent to the student's parent or guardian as soon as practical.
- C. Immediately after the student has regained emotional and behavioral control following the use of seclusion or restraint, a staff member not involved with the incident must:
  1. ascertain if the student has sustained any injury during the seclusion or restraint, and
  2. document such injury or the lack thereof in the incident report;
  3. if the student has sustained an injury, the staff member must seek appropriate treatment of the student for the injury.
- D. Staff will assist the student to process the event at the earliest appropriate time after the student has regained emotional and behavioral control.
- E. The school administrative assistant will place one copy of restraint/seclusion documentation in the student file and maintain a file with all such documents for one school year.

#### VIII. INCIDENT REPORT

Staff involved in the use of seclusion or restraint must complete an "Incident Report" as soon as practical after the use of seclusion or restraint. The following data should be included in the incident report if known:

- A. the student's name
- B. the date and time of the incident
- C. the duration of any seclusion or restraint; or the beginning and ending times of the seclusion or restraint or both.
- D. a description of:

1. the incident or student behavior that resulted in implementation of seclusion or restraint
  2. any relevant events leading up to the incident
  3. any interventions used prior to the implementation of the seclusion or restraint
  4. the imminent risk of injury which resulted in the use of the seclusion or restraint
  5. any injuries (to the student, other students, staff, or others) or property damage
- E. a log of the student's behavior during the seclusion or restraint, including a description of any restraint technique(s) used and any other interaction between the student and staff
  - F. a list of the school personnel who participated in the implementation, monitoring, and supervision of the seclusion or restraint and whether they had training related to seclusion or restraint
  - G. the date and time on which the parent or guardian was notified of the seclusion or restraint
  - H. the student's type of disability (IDEIA or Section 504)

As a follow-up to the incident and subsequent interventions the building administrator or designee must:

- A. send a copy of the incident report to the parent or guardian and place a copy of the report in the student's confidential file
- B. also send a copy of the incident report to an SSSMC administrator designated by the Executive Director, who is to maintain records of all such incident reports
- C. provide support to staff members involved by determining if any staff member has suffered an injury, seek appropriate treatment for that staff member, and determine when the staff member can return to his/her duties [**NOTE:** an injured staff member is go to the Human Resources office and complete the Indiana Worker's Compensation First Report of Employee Injury/Illness (State Form 34401)]
- D. ensure that each staff member involved in an incident engages in a de-briefing or processing session(s) in order to determine:
  1. whether proper restraint and seclusion procedures were followed,
  2. what could have been done to prevent the use of seclusion or restraint in this incident and
  3. how to avoid the need for seclusion or restraint in the future for this student specifically and for other students in similar situations.
- E. If the de-briefing cannot occur immediately following the incident, it may occur later if the need of the student or other students take precedence or the staff member has suffered an injury requiring treatment.
- F. The building administrator must complete an "RLC Restraint/Seclusion and Debriefing Documentation" form that summarizes the de-briefing process and file it with the designated SSSMC administrator who is maintain records of all such forms.

- G. A staff member, appropriate to the student's age and developmental ability, may be assigned to discuss the behavior(s), if any, with the student that may have precipitated the use of restraint and/or seclusion.
- H. The building administrator or designee is to offer the parent or guardian the opportunity to request a meeting regarding the incident of restraint or seclusion.
- I. The building administrator may conclude the necessity to convene a Case Conference to review the student's IEP and/or BIP.

#### IX. EXCEPTIONS

While transporting a student on a moving vehicle, a bus harness or other safety equipment may be required and is permissible for safety purposes. The use of any bus harness or safety equipment that is used to restrain a student during transportation must be documented in the student's IEP (proposed IDOE regulation 513 IAC 1-2-5).

Mechanical restraint does not include a mechanical device, or a material, or equipment that is used as prescribed by a licensed physician or other qualified health care professional (IC 20-20-40-4). *Prohibition of restraints does not apply to techniques under the control of law enforcement personnel.*

#### X. ANNUAL REVIEW, PLANNING PROCESS AND OVERSIGHT

The Executive Director has designated the Associate Director to serve as coordinator of data, planning, and oversight of the use of seclusion and restraint procedures in SSSMC programs. The coordinator is to maintain records of the use of seclusion and restraint in SSSMC programs and serve as the chair of the committee to annually review all individual and program-wide data related to the plan for purposes of improvement and revision. The committee must review the following components related to the use of restraint:

- A. incident reports,
- B. procedures used during restraint, including the proper administration of specific restraint techniques approved by SSSMC officials,
- C. preventative measures or alternatives tried and techniques or accommodations used to avoid or eliminate the need for future use of restraint,
- D. documentation and follow-up of procedural adjustments made to eliminate the need for future use of restraint,
- E. injuries incurred during a restraint,
- F. notification procedures,
- G. staff training needs,
- H. specific patterns related to staff or student incidents, and
- I. any environmental considerations, including physical space, student seating arrangements, and noise levels.

Upon review of the data, the committee must identify any issues or practices that require attention and provide written recommendations to the Executive Director for changes in SSSMC policies, procedures, or practices. The committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the SSSMC training program. In its annual performance report SSSMC

will document the number of instances in which either seclusion or restraint was used as required (IC 20-20-8-3).

#### XI. DEFINITION OF TERMS

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

- A. Behavioral Intervention Plan (BIP) has the meaning given it in the rule of Indiana State Board of Education. (511 IAC 7-32-10)
- B. Case Conference Committee (CCC) has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 7-32-12).
- C. Chemical Restraint means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment and dosage for the student's medical or psychiatric condition. The term does not include the administration of prescription medication pursuant to the orders of a student's physician that is a standard treatment and dosage for the student's medical or psychiatric condition (513 IAC 1-1-3).
- D. Crisis Intervention Training refers to training provided to selected staff members that addresses how to deal with aggressive, violent, or out of control behaviors including specific techniques for seclusion and restraint (IC 20-20-40).
- E. De-escalation means causing a situation to become more controlled, calm, and less dangerous, thus lessening the risk for injury to someone (IC 20-20-40).
- F. Emergency means a situation in which immediate intervention is necessary to protect the safety of a student or others from an imminent threat of physical injury to the student or others and when staff trained in crisis intervention are not present to assist.
- G. Individualized Education Program (IEP) has the meaning given to it in the rules of the Indiana State Board of Education. (511 IAC 7-32-48).
- H. Imminent means likely to happen right away, within a matter of minutes (513 IAC 1-1-8).
- I. Mechanical Restraint means the use of a mechanical device, material or equipment attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or a part of the student's body or restricts normal access to the student's body. The term does not include mechanical devices, a material or equipment used as prescribed by a physician or other qualified health care professional (513 IAC 1-1-10) or other qualified health professional.
- J. Physical Restraint means physical contact between a school employee and a student in which the student unwillingly participates and that involves the use of a manual hold to restrict freedom of movement of all or a part of a student's body or to restrict normal access to the student's body. The term does not include:
  - 1. briefly holding a student without undue force in order to calm or comfort the student or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
  - 2. physical escort; or



3. physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one area to another (513 IAC 1-1-12).
- K. Physician means a person holding an unlimited license to practice medicine in Indiana a medical doctor (M.D.) and an osteopathic physician (D.O.)
  - L. Positive behavior intervention and support means a systematic approach that uses evidence based practices and data driven decision making to improve school climate and culture and includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior to achieve improved academic and social outcomes and increase learning for all students (513 IAC 1-1-13).
  - M. Prone physical restraint refers to when a person is being held face down on a horizontal surface as a floor (513 IAC 1-1-15).
  - N. Restraint encompasses chemical restraint, physical restraint, and mechanical restraint (513 IAC 1-1-16).
  - O. Seclusion means the confinement of a student alone or in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's IEP, in which an adult is continuously present in the room with the student (513 IAC 1-1-19).
  - P. Substantial risk means a situation where there is serious, imminent threat of bodily harm and the immediate ability to enact such harm (513 IAC 1-1-21).
  - Q. Time-out means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted (513 IAC 1-1-23).

*Staff assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5722**      *School-Sponsored Publications and Productions (Student Photographs)*

The Board intends that all school-sponsored student media (publications and productions) to be nonpublic forums and therefore subject to routine prior review and restraint if necessary.

SSSMC may disclose appropriately designated "directory information" without parent consent, unless the parent/guardian has advised school officials to the contrary in accordance with SSSMC procedures. The primary purpose of directory information is to allow SSSMC to include this type of information from a student's education record in certain publications such as school plays, annual yearbook, recognitions, sports rosters, graduation. Directory information is generally not considered harmful or an invasion of privacy if released (unless parents/guardians have advised school officials that they do not want their student's information disclosed without their prior written consent).

Regardless of their status as nonpublic or limited purpose forums, the Board prohibits publications, productions, and advertisements that:

- A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;
- B. fail to identify the student or organization responsible for the publication/performance;
- C. solicit funds for non-school organizations or institutions when such solicitations have not been approved by the Executive Director or designee.

School sponsored media may not be published/performed outside the school community. Publication/performance is limited to students, staff, and parents/family members except with prior written approval of the Principal.

The Board is not restricted in its duty to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech (defamatory, libelous, obscene, likely to cause substantial disruption or interference, infringes on the privacy of others, violates copyright, promotes illegal activities or products or services, and that otherwise violates school policy or State or Federal law).

The Board permits advertising in school-sponsored student publications/productions with prior approval by an SSSMC official. Advertisements submitted for publication or inclusion in a production shall be reviewed the activity sponsor and Principal for determination that they are appropriate for juveniles.

The Executive Director retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser.

There may be occasions when SSSMC staff members take photographs of students for building or district publications, media (newspaper, television, etc.), presentations, or the district website. No personally identifiable information (name, home school district, or birth date, etc.) will be shared or posted. Parents/guardians will be asked by school officials to give permission to grant or opt-out of such student photographs by completing a photo release form. (See AG 8330 – Student Records and AG 8350 – Confidentiality)

*Staff and students assigned to SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

#### AG 5751      *Married or Pregnant Students*

The Board's responsibility for the education of all school-age children includes the education of pregnant students, whether married or unmarried. Any variation from continuing regular and special school classes shall be based upon the assessed needs of such students. School officials may request medical verification of a student's ability to continue in all classes in his/her program.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5771      *Search and Seizure***

The Board recognizes its obligation to balance the privacy rights of its students with its responsibility to provide students, faculty, and authorized visitors with a safe, hygienic, and alcohol/drug-free learning environment. In balancing these competing interests, the board directs the Executive Director to utilize the following principles:

- A. School Property – Students shall not have an expectation of privacy in any facility provided by the school and shall not be permitted to deny entry to an SSSMC administrator to lockers or desks by the use of a lock or other device.
- B. Student Person and Possession – Prior to a search of a student’s person and personal items in the student’s immediate possession, consent of the student shall be sought by the administrator. If the student does not consent:
  - 1. such a search shall be permitted based only upon the administrator’s individualized reasonable suspicion to believe that the search will produce evidence of a violation of a law, school rule, or a condition that endangers the safety or health of the student or others.
  - 2. searches of the person of a student shall be conducted and witnessed by a person of the same gender as the student and shall be conducted in a private place.
  - 3. the student shall be given the option of selecting a witness from the faculty members on the school premises at the time of the search.
  - 4. a searched student’s parent or guardian shall be notified of the search within twenty-four (24) hours if possible.
- C. Students shall have no expectation of privacy in any vehicle or in the contents of any vehicle operated or parked on school property.

Searches, pursuant to this policy, shall also be permitted in all situations in which the student is under the jurisdiction of the Board as defined in IC 20-33-8-14. The Executive Director may request the assistance of a law enforcement agency in implementing any aspect of this policy. Any such requested search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to such officers. Administrators are authorized to arrange for the use of both breath-test instruments (zero tolerance for alcohol use) and specially-trained dogs to detect the presence of drugs or devices as warranted.

The Executive Director shall promptly make a written recording of the following information for each search pursuant to this policy:

- A. the information upon which the search was based;
- B. the time, date, location, students, or places searched, and persons present;
- C. a description of any item seized and its disposition;
- D. the time and date of notice to the parent or guardian in the case of the search of the person of a student.

Anything found in the course of a search pursuant to this policy which constitutes evidence of a violation of a law or a school rule or which endangers the safety or health of any person shall be seized and utilized as evidence if appropriate.

*Staff and Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5772      *Weapons*** [see AG 5500]

Students are prohibited from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of SSSMC for the purpose of school activities approved and authorized by SSSMC including, but not limited to property leased, owned, or contracted by SSSMC, a school-sponsored event, or in an SSSMC vehicle.

Generally, the student possession of a firearm in or on school property or property being used for a school function or on a school bus or stored in a personal vehicle on school property is a felony (IC 35-47-9-2) and is prohibited by Board policy. However, State law permits a person who may legally possess a firearm to maintain that firearm if it is locked in the person's trunk, kept in the glove compartment of the person's locked vehicle, or stored out of plain sight in the person's locked vehicle.

**The above noted exception does not apply to students** unless it is a high school student who is a member of a shooting sports team and he principal has approved the student keeping a firearm concealed in the student's motor vehicle on days the student is competing or practicing as a member of a shooting sports team. This exception also does not apply to former students if the person is no longer enrolled in school due to a disciplinary action within the previous twenty-four (24) months.

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

Students are required to immediately report knowledge of weapons and threats of violence by students and staff to the Principal. Failure to report such knowledge may subject the student to immediate suspension and potential expulsion from school. Items pre-approved by the Principal as part of a class or individual presentation or a theatrical prop used under adult supervision, if used for the purpose and in the manner approved, would be an exception to this policy with the exception of working firearms and any ammunition.

The principal or other school official receiving a report of weapon possession shall have the option of conducting a search for the weapon and/or contacting the designated school resource officer or the local law enforcement agency.

The Executive Director will report any student who violates this policy to the student's parents or guardians and to the law enforcement agency having jurisdiction over the property where the offense occurs. The student may also be subject to disciplinary action up to and including expulsion.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5830      *Student Fundraising*** (New 4/23/15)

In its policy the Board acknowledges that the solicitation of funds by or from students must be limited since compulsory attendance laws make the student a captive donor and may also disrupt the SSSMC's educational programs. For purpose of this policy "student fundraising" includes the solicitation and collection of money by or from students for any purpose and shall include the collection of money in exchange for tickets, papers, or any other goods or services for approved student activities.

Fundraising by approve SSSMC support organizations may be permitted on premises by the building administrator. Any such fundraising off-premises may be permitted by the Executive Director. The Board permits student fundraising by students in schools owned or operated by the SSSMC, on SSSMC property, or at any SSSMC sponsored event only when the profit therefrom is to be used for educational purposes or for an activity connected with the schools owned or operated by the SSSMC.

The Board requires that for any fundraiser by student clubs and organizations, as well as by SSSMC support organizations, which involve the sale to students of food items and/or beverages to be consumed on campus the food and/or beverage items to be sold comply with the USDA Dietary Guidelines for Americans. Further, if approved, fundraisers that involve the sale to students of food items or beverages to be consumed on campus are conducted only from thirty (30) minutes following the close of the last lunch period until thirty (30) minutes after the end of the school day.

In compliance with IC 4-32.2-5-21, no student under the age of eighteen (18) may play or participate in any of the following types of fund-raising events: bingo games, charity game nights, raffles, door prizes, fundraising festivals, activities related to pull tabs, punch-boards, tip-boards, and the like. No student under the age of eighteen (18) may sell tickets for any of the above noted types of fundraising events. *However, students, even those under eighteen (18) years of age, may sell tickets or chances for a raffle.*

Games of Chance (Raffles)

The Board permits fundraising that involves any games of chance, such as bingo games, charity game nights, raffles, door prizes, fundraising festivals, activities related to pull tabs, punch boards, tip-boards, and the like. However, any fundraiser involving games

of chance must comply with Indiana law, including obtaining the appropriate license or permits.

A raffle is considered a form of gaming and is regulated by the Indiana Gaming Commission, pursuant to IC 4-32.2-2. In order to be eligible to apply for a charity gaming license, a non-profit organization must be deemed a qualified organization under IC 4-32.2.2-24 and must:

- operate without profit to the organization's members;
- be a member-based organization;
- be exempt from taxation under Section 501 of the Internal Revenue Code; and
- have been continuously in existence in Indiana for at least three (3) years or affiliated with a parent organization that has been in existence in Indiana for at least three (3) years.

Before applying for any type of license, the organization must get certified as a qualified organization by submitting a Qualification Application available at <http://www.in.gov/igc/2482.htm>.

There are many types of licenses, which may be found at [http://www.in.gov/igc/files/Licences\\_Types.pdf](http://www.in.gov/igc/files/Licences_Types.pdf). Each license requires a separate form and fee. For example, the **Raffle License** allows an organization to conduct the following activities under that license:

- conduct raffle drawings
- conduct door prize drawings
- sell pull-tabs, punchboards, and tip boards

Although there is no limit to raffle prize pay-outs, the total value of all door prizes may not exceed \$1,500. Only one raffle event may be held at only one time and location.

For example, in the case of the RLC Parent Teacher Association (PTA) status quo events, the largest event is currently the Breakfast with Santa, which includes a pancake breakfast, photo with Santa, etc. paid through cash transactions for an approximate total of \$1,000. The raffle is limited to chances on winning a basket with themed items, which generates \$2,000 or less in total.

SSSMC legal counsel advises school officials (3/24/15 e-mail from Amy Matthews) that the limit for license-exempt raffles is based on the *value of the prizes*. The PTA should be informed that if its prize values are over the following amounts, it would need to get a license:

- A. if the total raffle prize(s) values are more than \$1,000; or
- B. if the PTA has other raffles and the total annual prize value limit of \$3,000 comes into play;
- C. if the PTA holds more than one (1) raffle annually it needs to give notice to the Gaming Commission even if a license is not required.

If prize values are over the amounts noted above, the PTA would need to obtain a license. Regardless, the PTA needs to keep good records should the Gaming Commission ever question its compliance.

AG 5870            *Student Production of Goods and Services* [see Policy language]  
*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 5895            *Student Employment*** (revised 4/15/14)

Any allowed student employment must comply with Indiana laws enforced by the Indiana Department of Labor/Bureau of Child Labor (317/232-2655) [www.in.gov/dol/childlabor.htm](http://www.in.gov/dol/childlabor.htm). Students seeking work permits must apply through their school corporation of residence. Students 14 and 15 years old may not work on a school day after 7:30 AM and before 3:30 PM. Students 16 and 17 years old may only work during school hours if the employer has written permission issued by the school that the minor attends. All students employed in out-of-school jobs must be closely monitored by staff regarding school attendance and achievement in order to determine the effects on school performance of the students.

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