

BOARD OF MANAGERS
SERVICES DISTRICT

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REVISED BYLAW 0151 - VOL. 25, NO. 1

ORGANIZATION

0151 Organizational Meeting

The School shall organize annually on or before ~~{ } January 15th~~
~~{ } July 15th~~ January February 15th at a meeting held in accordance
with law. The meeting shall be called to order by

~~{ }~~ the Director

☒ the ranking officer of the preceding Board

~~{ }~~ _____

who shall serve as presiding officer until the election of a
temporary chairperson, who shall in turn serve until the
election of a President.

I.C. 20-26-4-1

I.C. 3-5-4-11(b) and (c)

Board of Finance for Central Nine Career Center

The Board shall establish a Board of Finance consisting of the
members of the Board. The Board of Finance shall elect a President
and a Secretary from its membership. Each March, the Board may
determine whether or not a meeting of the Board of Finance is
necessary.

The function of the Finance Board will be twofold. Its first
responsibility will be to designate the depositories for the
safekeeping of Corporation funds. Such depositories must be
designated as public depositories by the State Board of Depositories
and be located within the Corporation's boundaries except in
circumstances outlined in State law.

The second function of the Board will be to review the Corporation's
investment policy, practices, and portfolio. The Corporation's
Treasurer shall provide the Board with a copy of the policy and
practices as well as a written report that summarizes the investment

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activities during the previous year.

I.C. 5-13-7-5, 5-13-7-6, 5-13-8-9

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0152

Officers

The Board shall elect from its members a President, Vice-President, and a Secretary all of whom are separate members.

The Board shall also appoint a Treasurer of the Board and of the Cooperative who is not the Director or a Board member.

Election of officers shall be by a majority of the full Board. Where no such majority exists on the first vote, a second vote shall be cast for the two (2) candidates who received the greatest number of votes.

I.C. 20-26-4-1

Officers shall serve for one (1) year and until their respective successors are elected and shall qualify. An officer may be removed for cause by a majority vote of the full Board. The Board shall fill a vacancy in either office within thirty (30) days of the occurrence of the vacancy.

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0154 **Motions**

The Board shall, at the organizational meeting:

- ☒ designate a day, place, and time for regular meetings which shall be held at least once every _____; month;
adopt existing bylaws and policies for its own operation and for operations conducted through the Corporation;
- ☐ ~~authorize the President of the Board to appoint individual Board members to any necessary committees or as representatives to various organizations;~~
- ☒ appoint a legal counsel;
appoint a Board member as legislative liaison to the Indiana School Boards Association.-

0155 **Committees**

~~Committees appointed by the Board shall, when specifically charged to do so by the Board, conduct studies, directly by the Board or the President shall constitute a "governing body" as defined in the Open Door Law. When specifically charged to do so by the Board or President, a committee shall conduct studies, receive information, make recommendations to the Board, and act in an advisory capacity, but shall not take action on behalf of the Board.~~

Meetings of Board-appointed committees shall be subject to the Open Door Law (I.C. 5-14-1.5, 5-14-1.5-2) and must abide by its provisions whenever a committee meets to receive information, deliberate, make recommendations, establish a policy, or make a decision. Meetings of committees appointed directly by the Board or its President and given authority to take official action upon public business are subject to the Open Door Law and shall give notice of meetings and hold public meetings as required by that statute. "Official action" includes receiving information, deliberating, and making recommendations. A committee subject to the Open Door Law shall keep minutes of its meetings.

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☒ [X]

Meetings of committees appointed by the Director that report to the Director shall not be subject to the Open Door Law, but records of committees appointed by the Director shall be subject to the Access to Public Records Act.

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- [] ~~The President shall, as soon after the organizational meeting as practicable, appoint:~~
 - (-) ~~members of the Board to standing committees where they shall serve a term of one (1) year.~~
 - (-) ~~Ad hoc committees may be created and changed at any time by the President~~
 - (-) ~~or a majority of the members present at any meeting at which the need for a committee becomes evident.~~
 - (-) ~~or the Director with the approval of the Board.~~
- [] ~~Members of ad hoc committees shall serve until the committee is discharged.~~
- [] ~~Committees shall consist of no more than _____ members.~~
- [] ~~A member may request (or refuse) appointment to a committee.~~
 - (-) ~~Refusal to serve on any one committee shall not be grounds for failure to appoint a member to another committee.~~

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- ~~⊞~~ Each Board committee shall be convened by a chairperson who shall report for the committee.
- ~~⊞~~ and shall be appointed by the President.
- ~~⊞~~ and shall be chosen by the committee from among its members.

I.C. 5-14-1.5-1 et seq

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I.C. 5-14-1.5-2(b) Definition of "governing body"

I.C. 5-14-3-4 Minutes required for ODL covered meetings

I.C 5-14-3 Access to Public Records Act

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MEETINGS

0161 **Parliamentary Authority**

The parliamentary authority governing the Board of Managers shall be

(X) Robert's Rules of Order, Newly Revised

(+) _____

in all cases in which it is not inconsistent with statute, administrative code, or these bylaws,

(+) ~~or the rules of order of this Board.~~

0162 **Quorum**

X [Majority of the full Board of Managers] (5 of the 8) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

0163 **Presiding Officer**

The President shall preside at all meetings of the Board of Managers. In the absence, disability, or disqualification of the President, the Vice President shall act in his/her stead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

0164 **Call**

0164.1 **Regular Meetings**

The Board of Managers shall hold a meeting on a date and at a time and place determined annually by a resolution of the Board.

In the event the date, time, or place of a meeting needs to be changed, which change is in the best interest of the Board and/or the Corporation, such change may be made by action of the Board.

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provided that the proper notice is given.

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0164.2 Special Meetings

Special meetings of the Board of Managers may be called by the President or the Director provided there is compliance with the notice provision of these Bylaws.

0164.3 Emergency Meetings

In the event of a severe and imminent threat to the health, safety, or welfare of the Cooperative Corporation, its employees, or students, any member of the Board ~~of Managers~~,

(+) ~~or the Director~~

may call an emergency session if it can be shown that delay would be detrimental to efforts to lessen or respond to the threat. No formal notice to Board members of any emergency meeting shall be required, but the press and public shall be notified.

I.C. 20-26-4-3, 5-14-1.5

0165 Notice

0165.1 Regular Meetings

The Board shall cause to be posted at the Corporation's Administrative Building, and in such other places as it may direct, a notice listing the date, time, and place of each regularly-scheduled meeting of the Board. The notice shall also contain the name and address of the Corporation and its telephone number.

The notice shall also contain the following:

"The meeting site is fully-accessible. Any person requiring further accommodation should contact the Executive Director, at the Corporation's central office."

Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the estimated reasonable cost for printing and postage of each notice as shall be determined annually by the Board, the Corporation shall send to the requesting party by first class mail a copy of any notice required by the Bylaws. The news media shall be entitled to receive, at their request, copies of such notices free of charge.

0165.2 Change of Regular Meetings

After the Board adopts a resolution changing the date, time, or place of a regularly scheduled meeting and forty-eight (48) hours, excluding weekends and holidays, prior to the date of such meeting, the meeting notice shall state the date, time, and place of the rescheduled meeting, as well as the name, address, and telephone number of the Corporation.

0165.3 **Special Meetings**

A notice of any special meeting shall be posted at least forty-eight (48) hours, excluding weekends and/or legal holidays before said special meeting at the Administrative Office Building and such other places as the Board may determine.

Said notice shall state the date, time, and place of such special meeting and the business to be transacted thereat, as well as the name, address, and telephone number of the Corporation. A copy of said notice shall be served upon each member of the Board at least seventy-two (72) hours before said meeting by delivering the notice to the member personally or sent by mail or telegram.

I.C. 20-26-4-3

0165.4 **Recess**

Public notice of the date, time, and place of any rescheduled or reconvened meeting shall be given at least forty-eight (48) hours before the meeting. This requirement does not apply to reconvened meetings where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the minutes thereof, and there is no change in the agenda.

I.C. 5-14-1.5-5

0165.5 **Series of Meetings (Gatherings)**

Members of the Board may not participate in a series of meetings (gatherings) if the series consists of at least two (2) gatherings and the series of gatherings meets all of the following criteria:

- A. one (1) of the gatherings is attended by at least three (3) Board members but less than a quorum and the other gathering includes at least two (2) Board members
- B. the sum of the number of different members attending any of the gatherings at least equals a quorum of the Board
- C. all gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days

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D. the gatherings are held to take official action on public business

A Board member attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

I.C. 5-14-1.5-3.1

0165.6

I.C. 20-26-4-3

0166

Agenda

The Executive Director shall prepare and submit to each Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting.

Individual Board members may include items on the agenda upon the concurrence of the Board President.

Each agenda shall contain the following statement:

"This meeting is a meeting of the Governing Board in public for the purpose of conducting the Corporation's business and is not to be considered a public community meeting. There will be time for public participation as indicated by agenda."

The agenda of the regular meeting and/or special meetings shall be accompanied by a report from the Executive Director on information relating to the Corporation with such recommendations as s/he shall make.

The agenda of each regular meeting shall be delivered to each Board member so as to provide proper time for the member to study the agenda. Generally the agenda should be delivered no later than seven (2) days prior to the meeting, or delivered so as to provide time for the member to study the agenda. The agenda for a special meeting shall be delivered at least two (2) days before the meeting, consistent with the provisions calling for the special meeting.

Prior to the meeting, a copy of the agenda shall be posted at the entrance to the meeting location.

The Board shall transact business according to the agenda prepared by the Executive Director and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.

I.C. 5-14-1.5-4

0166.1

Consent Agenda

The Board shall use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board.

- A. minutes of prior meetings
- B. bills for payment
- C. hiring of personnel
- D. resolutions that require annual adoption.
- E. resignations and leaves

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the Executive Director or any Board member thinks the item requires further discussion.

0167**Conduct**0167.1**Voting**

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

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

The minutes of a meeting must state each member who was physically present, each member who participated by using electronic means of communication, and each member who was absent.

Abstentions shall not be counted as votes, but shall be recorded in the minutes of a meeting and are deemed to acquiesce in the

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outcome of the vote. In the case of a tie vote in which a member abstains, the motion shall fail for lack of a majority.

All actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member be recorded. Proxy voting shall not be permitted. Any member may request that the Board be polled.

I.C. 5-14-1.5

I.C. 20-26-4-8

Revised 9/8/11

0167.2

Executive Session

The Board may meet in an executive session, one closed to the public (except the Board may admit those persons determined to be necessary to carry out the purpose of the executive session after giving proper notice, for the following purposes:

- A. where authorized by Federal or State statute
- B. discussion of strategy with respect to collective bargaining, initiation of litigation, litigation which is pending or has been threatened in writing, implementation of security systems, purchase or lease of real property, or school consolidation, providing that the strategy is necessary for bargaining or competitive reasons, and the meeting does not include the competitive bargaining adversaries.
- C. for discussion of the assessment, design, and/or implementation of school safety and security measures, plans, and systems
- D. to receive information about, and interview, prospective employees
- E. with respect to any individual over whom the Board has jurisdiction, receive information concerning the individual's alleged misconduct, and to discuss, prior to determination, that individual's status as an employee, student, or independent contractor who is a physician or a school bus driver

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- F. discussion of records classified as confidential by Federal or State statute
- G. discussion, before any placement decision, of an individual student's abilities, past performance, behavior, and needs
- H. discussion of an employee's job performance evaluation

- I. when considering the appointment of a public official, to develop a list of prospective appointees, to consider applications and make one (1) initial exclusion of prospective appointees from further consideration
- J. training of Board members by an outside consultant on performance of their role as public officials and/or discussion with or between county officials, Board members, and an outside consultant concerning the performance of Board members

In keeping with the confidential nature of executive sessions, no member of the Board shall disclose the content of discussions that take place during such sessions.

I.C. 5-14-1.5-5/6, 5-14-1.5-6.1

0165.1

Regular Meetings

~~Within _____ days after the organizational Board of Managers meeting, the Board shall cause to be posted at the Cooperative's Administrative Building, and in such other places as it may direct, a notice listing the date, time, and place of each regularly scheduled meeting of the Board. The notice shall also contain the name and address of the Cooperative and its telephone number.~~

~~Upon the written request of an individual, organization, firm, or cooperative, and upon the requesting party's payment of a yearly fee of not more than the estimated reasonable cost for printing and postage of each notice as shall be determined annually by the Board, the Cooperative shall send to the requesting party by first class mail a copy of any notice required by the Bylaws. The news media shall be entitled to receive, at their request, copies of such notices free of charge.~~

0165.2

Change of Regular Meetings

~~Within forty eight (48) hours after the Board of Managers adopts a resolution changing the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, and place of the rescheduled meeting, as well as the name, address, and~~

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~~telephone number of the Cooperative. Said notice shall be posted at the Administrative Office Building and such other place(s) as the Board may determine.~~

0165.3

Special Meetings

~~A notice of any special meeting shall be posted at least forty eight (48) hours before said special meeting at the Administrative Office Building and such other places as the Board of Managers may determine. Said notice shall state the date, time, and place of such special meeting and the business to be transacted thereat, as well as the name, address, and telephone number of the Cooperative. A copy of said notice shall be served upon each member of the Board at least seventy two (72) hours before said meeting by delivering the notice to the member personally or sent by mail or telegram.~~

~~I.C. 20-26-4-3~~

0165.4

Recess

~~Public notice of the date, time, and place of any rescheduled or reconvened meeting shall be given at least forty eight (48) hours before the meeting. This requirement does not apply to reconvened meetings where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the minutes thereof, and there is no change in the agenda.~~

~~I.C. 5-14-1.5-5~~

0165.5

Series of Meetings (Gatherings)

~~Members of the Board of Managers may not participate in a series of meetings (gatherings) if the series consists of at least two (2) gatherings and the series of gatherings meets all of the following criteria:~~

- ~~A. one (1) of the gatherings is attended by at least three (3) Board members but less than a quorum and the other gathering includes at least two (2) Board members~~
- ~~B. the sum of the number of different members attending any of the gatherings at least equals a quorum of the Board~~

- ~~C. all gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days~~
- ~~D. the gatherings are held to take official action on public business~~

~~A Board member attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.~~

~~I.C. 5-14-1.5-3.1~~

~~[] 0165.6~~

~~**Waiver of Notice**~~

~~If notice of a meeting is required and each member of the Board of Managers has waived notice of the meeting, notice of the meeting to members of the Board is not required. Waiver of notice of a meeting by a Board member is provided by:~~

- ~~A. the presence of the Board member at the meeting; or~~
- ~~B. the execution of a written notice by the Board member waiving the necessity of notice. The waiver may be executed before or after the meeting. If the waiver is executed after the meeting, the waiver must state the purpose of the meeting in general terms.~~

~~I.C. 20-26-4-3~~

~~[NOTE: This option may only be applied to waiver of notice to members of the Board. It is not possible to waive notice to the media or to the public.]~~

0166

Agenda

~~The Director shall prepare and submit to each Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting.~~

- ~~{ } Individual Board members may include items on the agenda upon the concurrence of the Board President.~~

~~Each agenda shall contain the following statement:~~

~~"This meeting is a meeting of the Board of Managers in public for the purpose of conducting the School Cooperative's business and is not to be considered a public community meeting. There will be time for public participation as # _____." indicated by agenda item~~

~~The agenda of the regular meeting and/or special meetings shall be accompanied by a report from the Director on information relating to the Cooperative with such recommendations as s/he shall make.~~

~~The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda.~~

~~Generally, the agenda should be mailed no later than _____ days prior to the meeting, or delivered so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least _____ days before the meeting, consistent with provisions calling for special meetings.~~

~~A copy of the agenda shall be posted at the entrance to the meeting location prior to the meeting.~~

~~The Board shall transact business according to the agenda prepared by the Director and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.~~

0166-1

~~Consent Agenda~~

~~The Board of Managers shall use a consent agenda to keep routine matters within a reasonable time frame.~~

~~The following routine business items may be included in a single resolution for consideration by the Board.~~

- ~~A. minutes of prior meetings~~
- ~~B. bills for payment~~
- ~~C. hiring of personnel~~
- ~~D. resolutions that require annual adoption, such as bank signatories, Indiana High School Athletic Association membership, etc.~~
- ~~E. resignations and leaves~~
- ~~F. _____~~

~~A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the Director or any Board member thinks the item requires further discussion.~~

0167 Conduct**0167.1 Voting**

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

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

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

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~~Abstentions shall not be counted as votes, but shall be recorded in the minutes of a meeting and are deemed to acquiesce in the outcome of the vote. In situations in which a specific number of affirmative votes are required and abstentions have been recorded, the motion shall fail if the specified number of affirmative votes have not been cast. In the case of a tie vote in which a member abstains, the motion shall fail for lack of a majority.~~

All actions requiring a vote

~~(-) shall be conducted by roll call~~

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

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

~~I.C. 5-14-1.5~~

~~I.C. 20-26-4-8~~

0167.2

Executive Session

~~The Board of Managers may meet in an executive session, one closed to the public, (except the Board may admit those persons determined to be necessary to carry out the purpose of the executive session) after giving proper notice, for the following purposes:~~

A. ~~where authorized by Federal or State statute~~

B. ~~discussion of strategy with respect to collective bargaining, initiation of litigation, litigation which is pending or has been threatened in writing, implementation of security systems, purchase or lease of real property, providing the strategy is for bargaining or competitive reasons or school consolidation, providing that the strategy is necessary for bargaining or competitive reasons, and the meeting does not include the competitive bargaining adversaries.~~

- ~~C. for discussion of the assessment, design, and/or implementation of school safety and security measures, plans, and systems~~
- ~~D. to receive information about, and interview, prospective employees~~
- ~~E. with respect to any individual over whom the Board has jurisdiction, receive information concerning the individual's alleged misconduct, and to discuss, prior to determination, that individual's status as an employee, student, or independent contractor who is a physician or a school bus driver~~
- ~~F. discussion of records classified as confidential by Federal or State statute~~
- ~~G. discussion, before any placement decision, an individual student's abilities, past performance, behavior, and needs~~
- ~~H. discussion of an employee's job performance evaluation~~
- ~~I. when considering the appointment of a public official, to develop a list of prospective appointees, to consider applications and make one (1) initial exclusion of prospective appointees from further consideration.~~
- ~~J. training of Board members by an outside consultant on performance of their role as public officials and/or discussion with or between county officials, Board members, and an outside consultant concerning the performance of Board members.~~
- ~~(+) In keeping with the confidential nature of executive sessions, no member of the Board shall disclose the content of discussions that take place during such sessions.~~

~~I.C. 5-14-1.5 5/6-5-14-1.5-6.1~~

0167.3**Public Participation at Board Meetings**

The Board of Managers recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on Cooperative matters.

☒ Any person or group wishing to place an item on the agenda shall register their intent with the Director no later than 10 days prior to the meeting and include:

☒ name and address of the participant;

☒ group affiliation, if and when appropriate;

☒ topic to be addressed.

Such requests shall be approved by the Director and the Board President.

To permit fair and orderly public expression, the Board may provide a period for public participation

☒ at every regular meeting of the Board

☒ at those public meetings of the Board during which action may be taken

and publish procedures to govern such participation in Board meetings.

The presiding officer of each Board meeting at which public participation is permitted shall administer the procedures of the Board for its conduct.

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The presiding officer shall be guided by the following rules:

- (X) Public participation shall be permitted
 - () ~~only as indicated on the order of business.~~
 - () ~~before the Board takes official action on any issue of substance.~~
 - (X) at the discretion of the presiding officer.
- (+) ~~Anyone having a legitimate interest in the actions of the Board may participate during the public portion of a meeting.~~
- (X) Participants must be recognized by the presiding officer.
 - () ~~and must preface their comments by an announcement of their name,~~
 - (+) ~~address.~~
 - (+) ~~group affiliation, if and when appropriate.~~
- (X) Each statement made by a participant shall be limited to 4 minutes duration.
 - () ~~No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.~~
 - () ~~All statements shall be directed to the presiding officer; no person may address or question Board members individually.~~

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- (X) The presiding officer may:
 - (X) prohibit public comments which are frivolous, repetitive, or harassing;
 - (X) interrupt, warn, or terminate a person's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
 - (X) request any individual to leave the meeting when that person behaves in a manner that is disruptive of the orderly conduct of the meeting;
 - (X) request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
 - (X) call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
 - (X) waive these rules.
 - (X) with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.
- (+) ~~The portion of the meeting during which the participation of the public is invited shall be limited to _____, unless extended by a vote of the Board.~~

I.C. 5-14-1.5-1

0167.4 Adjournment

The Board of Managers may at any time recess or adjourn to an adjourned meeting at a time, date, and place announced before the adjournment takes place. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon. However, a meeting may not be recessed or adjourned for the purpose of conducting an executive session.

0167.5 Use of Cooperative Electronic Mail by Board Members

Each Board member shall have the option to be assigned a Cooperative e-mail address for their use in communicating about Cooperative business. A Cooperative e-mail account shall not be used in a manner which suggests Board or school cooperative endorsement of the content of the message and may not be used to communicate concerning a campaign for partisan or Cooperative office.

Board members may include their Cooperative e-mail address in communications with the public about matters of Cooperative business but shall not be used to support a campaign for election/re-election to the Board.

A list of students, employees, parents, voters, or persons expressing interest in favor or in opposition to any action by the Board shall not be passed on to a non-school user or used for commercial or campaign purposes. As used in this bylaw, "campaign purposes" includes messages in support of or opposition to a school referendum.

If a Board member sends an e-mail message to a School Cooperative employee, the Director shall be sent a copy of the message at the time the original message is sent.

E-mail messages to and from Board members using their School Cooperative e-mail account are subject to production in response to an Indiana Access to Public Records Act ("APRA") request and each e-mail message from a Board member using their Cooperative account shall include a warning that messages to and from Board members using a Cooperative e-mail address shall be subject to production in response to a request under that Act.

Information about a specific identified or identifiable student such as information concerning an appeal of an expulsion

() shall not

(X) may be

sent in or attached to a message to Board members.

0168 Minutes

0168.1 Open Meeting

The Board of Managers shall designate a person to keep minutes of each meeting showing the date, time, place, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. The minutes shall also state the name of each member who was physically present at the meeting, was not present at the meeting but participated by using a form of communication described in Bylaw 0167.1, or was absent. These minutes must be approved by the Board and endorsed by the Secretary at the next meeting. The minutes shall include all votes taken at the meeting. Proposed minutes shall be available for public inspection within a reasonable period of time after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. The minutes shall be available for inspection at the Director's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The official minutes shall be bound together by years and kept in the office of the Board.

Minutes of the preceding meetings shall be approved by the Board as its first order of business at regular meetings.

The minutes shall show only action taken.

I.C. 5-14-1.5-4

0168.2**Executive Session**

The minutes of an executive session shall show the date, time, and place of the session; the members either present or absent; and the identification of the subject matter considered by specific reference to the enumerated instance(s) for which public notice was given. The Board of Managers shall certify in the minutes that it discussed no subject matter in the executive session other than the subject matter specified in the public notice.

BOARD OF MANAGERS
SERVICES DISTRICT

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REVISED POLICY – VOL. 25, NO. 1

NONDISCRIMINATION AND
ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship, and/or personal sense of self worth. The Board of Managers does not discriminate on the basis of religion, race, color, national origin, sex, disability, age, or genetic information in its programs, activities or employment.

As such, the School Board of Managers does not discriminate on the basis of race, color, national origin, sex (X) (including sexual orientation or transgender identity) [end of option], disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

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

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this Cooperative. Educational programs shall be designed to meet the varying needs of all students.

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In order to achieve the aforesaid goal, the ~~Board directs the Director to:~~Director shall:

A. Curricula Content

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

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of ~~racial, sexual, religious, national, or cultural or other bias~~bias based upon the Protected Classes in all aspects of the program;

C. Student Access

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

2. verify that facilities are made available, in accordance with Board Policy 7510 – Use of Cooperative Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

D. Cooperative-Corporation Support

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

E. Student Evaluation

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

BOARD OF MANAGERS**SERVICES DISTRICT**PROGRAM
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The Executive Director shall appoint and publicize the name of the compliance officer ~~whose responsibility it will be to ensure that Federal and State regulations are complied with and that any inquiries or complaints regarding discrimination or equal access are dealt with promptly in accordance with law.~~ officer(s) who is/are responsible for coordinating the Cooperative's efforts to comply with applicable Federal and State laws and regulations, including the Cooperative's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act, as amended, Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public.

I.C. 20-33-1-1

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 U.S.C. Section 794, Rehabilitation Act of 1973

29 C.F.R. Part 1635

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 CFR Part 110 (7/27/93)

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

Title III of the No Child Left Behind Act of 2001

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REVISED POLICY – VOL. 25, NO. 1

FIELD AND OTHER COOPERATIVE-SPONSORED TRIPS

The School Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program. Properly planned and executed field trips should:

- (X) supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;
- (X) arouse new interests among students;
- (X) help students relate school experiences to the reality of the world outside of school;
- (X) bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience;
- (X) afford students the opportunity to study real things and real processes in their actual environment.

For purposes of this policy, a field trip shall be defined as any planned journey for one or more students away from the premises of the Cooperative, which is under the supervision of a professional staff member and an integral part of an IEP.

Other Cooperative-sponsored trips shall be defined as any planned student travel activity which is approved as part of the Cooperative's total educational program.

The ~~Board of Managers~~School Board shall:

- () ~~approve all proposed field trips;~~
- () ~~consider field trips which are included in curriculum guides to have been approved in advance. All field trips not listed in the curriculum guide must each be approved by the Board;~~
- () ~~annually approve a list of potential field trips. All proposed field trips not so listed must each be approved by the Board;~~

BOARD OF MANAGERS

SERVICES DISTRICT

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- | ☒ approve those field trips and other Cooperative-sponsored trips which
- | ☒ take students out of State.
- | ☒ keep students out of the Cooperative overnight or longer.
- | The Executive Director shall approve all other such trips.
- | ☐ ~~The Board shall assume the costs of field trips.~~
- | ☒ Students may be charged reasonable fees for field trips.
- | ☒ but no student shall be denied participation for financial inability, nor shall nonparticipation be penalized academically.
- | ☒ Students on all Cooperative-sponsored trips remain under the supervision of this Board and are subject to the Cooperative's administrative guidelines.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the Cooperative who takes students on trips not approved by the Board or Director. No staff member may solicit students of this Cooperative for such trips within the facilities or on the school grounds of the Cooperative without the Director's permission. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the Cooperative's Administrative Guidelines for Extended Trips.

- | The Executive Director shall prepare administrative guidelines for the operation of both field and other Cooperative-sponsored trips, including athletic trips, which shall ensure that:
 - | ☒ the safety and well-being of students is protected at all times;
 - | ☒ parental permission is sought and obtained before any student leaves the Cooperative on a trip;
 - | ☒ the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;

BOARD OF MANAGERS

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- | ☒ each trip is properly monitored;
 - | ☒ student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;
 - | ☒ a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge.
 - | ☒ A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled.
 - | ☒ or where changes or substitutions beyond his/her control have frustrated the purpose of the trip.
- In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.
- | ☒ Pursuant to State law, school ~~vehicles-buses~~ may be used if the trip does not involve more than 200 miles out of state.

I.C. 20-27-9-3
511 I.A.C. 6-2-1.1(e)

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BOARD OF MANAGERS

SERVICES DISTRICT

PROFESSIONAL STAFF

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REVISED POLICY – VOL. 25, NO. 1

**NONDISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY**

~~The Board of Managers does not discriminate on the basis of religion, race, color, national origin, sex, disability, age, marital status, genetic information, or any other legally protected characteristic. The Board of Managers does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (X) (including sexual orientation and transgender identity) [end of option], disability, age, religion, military status, ancestry, genetic information (collectively, "Protected Classes"), or any other legally protected category, in its programs and activities, including employment opportunities.~~

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BOARD OF MANAGERS**SERVICES DISTRICT****PROFESSIONAL STAFF**

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~~The Director shall appoint a compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to staff members and the general public. The Director shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Cooperative's collectively bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.~~

I.C. 20-33-1-6

I.C. 20-28-10-12

I.C. 20-28-10-13

20 U.S.C. 1681 et seq., Title IX

29 U.S.C. 701 et seq., Rehabilitation Act of 1973

~~42 U.S.C. 1981 et seq.~~~~42 U.S.C. 2000e et seq., Civil Rights Act of 1964~~

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. ~~12101 et seq., 12112~~, Americans with Disabilities Act of 1990~~42 U.S.C. 2000 et seq., Civil Rights Act of 1964~~

29 U.S.C. 623 et seq., Age Discrimination in Employment Act of 1967

U.S. Constitution, XIV Amendment

29 C.F.R. Part 1635

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SERVICES DISTRICT

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REVISED POLICY – VOL. 25, NO. 1

NONDISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY

~~The Board of Managers does not discriminate on the basis of religion, race, color, national origin, sex, disability, age, marital status, genetic information, or any other legally protected characteristic.~~ The Board of Managers does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (X) (including sexual orientation and transgender identity) [end of option], disability, age, religion, military status, ancestry, genetic information (collectively, "Protected Classes"), or any other legally protected agency in its programs and activities, including employment opportunities.

BOARD OF MANAGERS
SERVICES DISTRICT

SUPPORT STAFF
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~~The Director shall appoint a compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to staff members and the general public. The Director shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the Cooperative's efforts to comply with applicable Federal and State laws and regulations, including the Cooperative's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Cooperative's collectively bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.~~

I.C. 20-33-1-6

I.C. 20-28-10-12

I.C. 20-28-10-13

20 U.S.C. 1681 et seq., Title IX

29 U.S.C. 701 et seq., Rehabilitation Act of 1973

~~42 U.S.C. 1981 et seq.~~

42 U.S.C. 2000e et seq., Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. ~~12101~~ 12112, et seq., Americans with Disabilities Act of 1990, as amended

~~42 U.S.C. 2000 et seq., Civil Rights Act of 1964~~

~~29 U.S.C. 623 et seq., Age Discrimination in Employment Act of 1967~~

~~U.S. Constitution, XIV Amendment~~

29 C.F.R. Part 1635

REPLACEMENT POLICY - VOL. 25, NO. 1

PERSONAL COMMUNICATION DEVICES

[SELECT OPTION A OR OPTION B OR OPTION C OR OPTION D]

OPTION A

~~[] While students may possess personal communication devices (PCDs) in school, on school property, during after school activities (e.g., extra-curricular activities) and at school-related functions, they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight during school hours () during after school activities (e.g., extra-curricular activities), () and on school buses or other Board provided vehicles.~~

[END OF OPTION A]

OPTION B

[X] Students may use personal communication devices (PCDs) before and after school, ~~() during their lunch break, (X)~~ in between classes as long as they do not create a distraction, disruption or otherwise interfere with the educational environment, **(X)** during after school activities (e.g., extra-curricular activities) **(X)** at school-related functions. Use of PCDs, except those approved by a teacher or administrator, at any other time is prohibited and they must be ~~powered completely off (i.e., not just placed into vibrate or silent mode) and~~ stored out of sight.

[END OF OPTION B]

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OPTION C

~~[] In order to avoid disruption of the educational environment and protect students' right of privacy, student use of personal communication devices (PCDs) is prohibited on school grounds during school hours, () at after school activities (e.g., extra-curricular activities), and on school buses or other Board provided vehicles.~~

~~() Technology including, but not limited to, PCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) will be permitted, as approved by the classroom teacher or the building principal. () However, the use of a PCD to engage in non-education related communications is expressly prohibited.~~

[END OF OPTION C]

OPTION D

~~[] Students may not possess telephone paging devices (e.g., beepers or pagers) on school grounds, at school sponsored events, and on school buses or other Board provided vehicles. Students may not use personal communication devices (PCDs), during the school day () while on school property, () or during after school activities (e.g. extra-curricular activities).~~

~~When use of PCDs is prohibited the devices must be powered completely off (i.e. not just placed in vibrate or silent mode) and stored out of sight.~~

[END OF OPTION D]

For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), ~~() telephone paging devices (e.g., beepers or pagers), (X)~~ and/or other web-enabled devices of any type. Students may not use PCDs on school property or at a school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school. **[IF SCHOOL VEHICLES WAS NOT SELECTED IN OPTION A, INCLUDE THE FOLLOWING: (X)** Students may use PCDs while riding ~~to and from school on a school bus or other Board provided vehicles ()~~ or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, ~~(X) classroom teacher () sponsor/advisor/coach~~. Distracting behavior that creates an unsafe environment will not be tolerated. **[THIS LANGUAGE MAY ALSO BE USED IF OPTION B WAS SELECTED.]**

Also, during after school activities, PCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

Under certain circumstances, a student may keep his/her PCD "On" with prior approval from the building principal.

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. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. ~~(X)~~ Students who violate this provision and/or use a PCD to violate the privacy rights of another person () shall () may have their PCD confiscated and held until ~~(X)~~ the end of the school day ~~() a parent/guardian picks it up, (X)~~ 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.

CHOOSE OPTION #1, OPTION #2 OR OPTION #3

OPTION #1

- ☐ The use of PCDs that contain built-in cameras (i.e., devices that take still or motion pictures, whether in a digital or other format) is prohibited in ☐ classrooms, ☐ gymnasiums, locker rooms, shower facilities, rest/bathrooms ☐ and/or swimming pool.

[END OF OPTION #1]

OPTION #2

- ☐ The use of PCDs in ☐ classrooms, ☐ gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or ☐ swimming pool is prohibited.

[END OF OPTION #2]

OPTION #3

- ☒ PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, ☒ classrooms, ☐ gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Executive Director and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

[END OF OPTION #3]

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Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use 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 Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

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.

| Possession of a PCD by a student at school during school hours (☒) and/or during extra-curricular 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.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. The building principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). 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. 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. 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. School officials will not search or otherwise tamper with PCDs in Cooperative custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – Search and Seizure. 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.

A person who discovers a student using a PCD in violation of this policy is required to report the violation to the building principal.

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

- | ☒ | 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.

BOARD OF SCHOOL TRUSTEES
SERVICES DISTRICT
RECOMMENDED TO NOT ADOPT INTO POLICY

STUDENTS
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NEW POLICY -- VOL. 25, NO. 1

RETAKING A CLASS

~~The Board of Managers acknowledges that at times it may be necessary for a student to retake a class or a student may desire to retake a class. The Board authorizes the Director to devise a system for considering a student request to retake a class.~~

~~A class may be retaken only if one or more of the following conditions exist:~~

- ~~(+) The student received a grade of F in the class.~~
- ~~(+) The student received a grade of C or below and wishes to better master the content.~~
- ~~(+) The student received a grade of C or below and wishes to meet the grade requirements for an Academic Honors Diploma.~~
- ~~(+) The student has not passed at least one of the end of course exams required for graduation and seeks to become eligible for waiver consideration.~~

~~A student seeking to retake a class will make an application with the guidance department. The student shall state the reason for the requested retake on the application. The guidance department will review the application. The principal shall have the authority to grant final approval for a student to retake a class.~~

~~The following conditions apply to retaking a class:~~

- ~~(+) A student who is allowed to retake the second semester of a two-semester class may also retake the first semester on an audit basis (no credit), with permission of the department chairperson.~~
- ~~(+) A student may retake one class (one semester only) to improve a grade during his/her high school career and it must be within one year after receiving the semester grade of the class being retaken (may not be done after graduation).~~
- ~~(+) No online classes will be accepted in replacement of high school courses used for an Academic Honors Diploma without administrative approval.~~

BOARD OF SCHOOL TRUSTEES
SERVICES DISTRICT

STUDENTS
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- (-) ~~When retaking a class for no credit, the word "audit" will be placed on the student's transcript next to the original grade and this will not be figured into the student's grade point average (GPA).~~
- (-) ~~The grade earned (either higher or lower) when the class is retaken will be placed on the transcript and replace the original grade in the calculation of the GPA.~~
- (-) ~~The grade earned in the retake class will be averaged with the grade originally earned and included in the calculation of the student's GPA.~~
- (-) ~~The grade that is earned in the retake class will be used in the calculation of the GPA, but the new GPA shall render the student ineligible for such awards as () valedictorian, (salutatorian, () top ten award, () _____ (others).~~

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REVISED POLICY – VOL. 25, NO. 1

DRUG PREVENTION

The ~~Board of Managers~~School Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community. As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

For purposes of this policy, "drugs" shall mean:

- ☒ all dangerous controlled substances as so designated and prohibited by Indiana statute;
- ☒ any synthetic drug or derivative thereof defined as a controlled substance by Indiana statute;
- ☒ all chemicals which release toxic vapors;
- ☒ all alcoholic beverages;
- ☒ tobacco and tobacco products;
- ☒ any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- ☐ anabolic steroids;
- ☒ any "look-alike" substances;
- ☒ any other illegal substance so designated and prohibited by law.

The Board prohibits the use, possession, concealment, or distribution of any drug and any drug-related paraphernalia at any time on Cooperative property or at any school-related event. It further establishes a drug-free zone within 1000 feet of any facility used by the Cooperative for educational purposes.

The Director shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

- A. emphasize the prevention of drug use;
- B. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:
 - 1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
 - 2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
 - (X) assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
 - (X) promotes positive emotional health, self-esteem, and respect for one's body;
 - (X) meets the minimal objectives as stated in the essential performance objectives for health education as established by the State's Department of Education;
- C. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- D. provide 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;

- E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;
 - [X] The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.
- F. provide 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;
- G. require 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;
- H. require the notification to parents and students that compliance with the standards of conduct is mandatory;
- I. provide a biennial review of the Cooperative's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
- () ~~provide for a student assistance program which includes guidelines for prevention activities and programs, for referrals of students to outside treatment providers, and for cooperative follow up after treatment has been provided;~~

- (X) establish means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensure that the Cooperative's policy and administrative guidelines on Search and Seizure are complied with fully.

(+)

The Director shall establish administrative guidelines necessary to implement this policy.

I.C. 20-30-5-11

[I.C. 35-41-1-26.3](#)

[I.C. 35-48-2-4](#)

20 U.S.C. 3171 et seq., Drug-Free Schools and Communities Act of 1986

20 U.S.C. 3224A

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REVISED POLICY – VOL. 25, NO. 1

**USE OF FORCE AND CORPORAL PUNISHMENT IN THE COURSE OF STAFF
SUPERVISION OF STUDENTS**

~~While recognizing that students may require disciplinary action in various forms, the Board of Managers cannot condone the use of unreasonable force and fear as an appropriate procedure in student discipline.~~

~~Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to removal of the student from the classroom or school through suspension or expulsion procedures.~~

~~Professional staff as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self defense, or for the protection of persons or property.~~

The Limited Use of Force

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 circumstances, the staff member shall use no more force than the force that is necessary to accomplish the objective of the use of force **(X)** and shall not use force for the purpose of deterring or punishing misconduct.

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~~When an employee inflicts unnecessary, unreasonable, irrational, or inappropriate force upon a student, s/he may be subject to discipline by this Board and criminal assault charges as well.~~

~~Corporal punishment shall not be permitted. If any employee threatens to inflict, inflicts, or causes to inflict unnecessary, unreasonable, or inappropriate force upon a student, s/he may be subject to discipline by this Board of Managers and possibly criminal assault charges or be reported to authorities for child abuse. This prohibition applies as well to volunteers and those with whom the Cooperative contracts for services.~~

Corporal Punishment

As used here, "corporal punishment means the intentional infliction of mild temporary physical discomfort for the purpose of addressing misconduct." Corporal punishment () shall (X) shall not [end of option] be used by the Board's employees.

~~The Director shall establish guidelines which include alternatives to the use of corporal punishment.~~

I.C. 20-26-5-4

I.C. 20-33-8-8 to 11

General Assembly Resolution, March, 1993

Ingraham v. Wright, 430 U.S. 651 (1977)

State v. Fettig, 884 N.E. 2d 341 (Ind. App. 2008)

Barocas V. State, 949 N.E. 1256 (Ind. App. 2011)

Littleton v. State, 954 N.E. 2d 1070 (Ind. App. 2011)

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REVISED POLICY – VOL. 25, NO. 1

USE OF TOBACCO ON SCHOOL PREMISES GROUNDS AND BUSES

The Board ~~of Managers~~ recognizes that the use of tobacco presents a health hazard which can have serious consequences ~~both~~ for the user and the nonuser and is, therefore, of concern to the Board. Central Nine Career Center is a tobacco-free environment.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including a 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 and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by visitors in school buildings at all times. Such prohibition also applies~~

- ~~(-) on school grounds~~
- ~~(-) on school buses~~
- ~~(-) at any school-related event~~
- ~~(-) except at designated times~~
- ~~(-) and in designated areas.~~

~~Tobacco may be used at noncooperative special events held during nonschool hours with no students present and with the permission of the Director. The special events supervisor shall submit a written request and justification to permit smoking at the event. The Director may deny permission.~~

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In order to protect students and staff from the adverse impact of tobacco smoke on indoor air quality and encourage students to not use tobacco in any form, the Board prohibits the use of tobacco in school buildings, on school grounds, at school activities, and on school busses at all times. At the direction of the Director, staff shall remove ashtrays and other materials that support the use of tobacco from the Board's facilities, and, when necessary, post signs stating that smoking and any other use of tobacco is prohibited by State law.

I.C. 7.1-5-12 Prohibition of Smoking in Public Places and on School Buses
I.C. 16-41-37.5 Indoor Air Quality in Schools
20 U.S.C. 6081 et seq-6083(a) Nonsmoking Policy for Children's Services
U.S.D.O.E. Memorandum, 1995

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REVISED POLICY - VOL. 25, NO. 1

FACILITY SECURITY PROGRAM

~~[[Buildings constitute the greatest financial investment of the Cooperative. It is in the best interest of the Board of Managers to protect the Cooperative's investment adequately. The buildings and equipment owned by the Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.~~

Construction and maintenance of safe and secure facilities to support the instruction of students by the Board's staff involves a substantial investment of public funds. It is therefore in the interest of the school community that the Board protect its investment in facilities by implementing a security program.

The Director shall develop and supervise a program for the security of the Cooperative's students, staff, visitors, school buildings, school grounds, and school equipment in compliance with State and Federal law. Such a program may include the use of video surveillance and electronic monitoring equipment in appropriate public areas in and around the schools and other Cooperative facilities, and on school buses. The Director shall develop and supervise a program for the security of the Cooperative's students, staff, visitors, buildings, grounds and equipment. This program may include the use of video and audio monitoring and recording equipment on the Board's grounds and in the Board's vehicles.

The Board directs the Director to identify persons who knowingly or negligently damage property or expose persons to the risk of harm in the course of Cooperative activities. If persons responsible for harm or risk of harm to a person or property damage are identified, the Board directs the Director and staff to cooperate in the prosecution of these persons and to pursue recovery of the cost of repair or replacement of damaged property. Every effort shall be made to apprehend those who knowingly cause serious physical harm to students, staff, visitors, and Board property and to require prosecution of those who bring harm to persons and/or property. The Board will seek repair to rectify the damage or payment of a fee to cover the cost of repair or replacement from the person(s) responsible. A reward may be offered for apprehending such persons.

In implementing the security program required by this policy, the Board authorizes the Director to direct a person to not come on or leave Cooperative property or not attend a Cooperative activity when the Director determines that the person's presence endangers others. Where a person does not comply with such a directive, the Board authorizes the Director to seek arrest of the person by a law enforcement officer and prosecution of the person for the Class D felony of Criminal Trespass on School Property, as found at I.C. 35-43-2-2(a)(1) or (2). A decision by a designee of the Director may ask that the Director review and modify the designee's decision.

~~[] — Appropriate authorities may be contacted in the case of serious offenses.~~

[X] The Director is authorized to install metal detectors and video and audio monitoring equipment on school property in order to protect the health, welfare, and safety of students, staff, visitors, and Board property. The Director is also authorized to deploy other security devices that would assist in the detection of contraband such as weapons or drugs. The Director is authorized to install metal detectors and video surveillance/electronic monitoring equipment on school property in order to protect the health, welfare and safety of students, staff, visitors and Board property, and other security devices that would assist in the detection of guns and dangerous weapons:

- [X] in school buildings;
- [X] on Cooperative property;
- [X] at Board-sponsored/controlled events at school activities held off site.

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- | X | The Director shall report to the Board, ~~no later than the next Board meeting,~~ any significant incident involving vandalism, theft, personal safety, or other security risk and the measures being taken to address the situation.

| I.C. 20-26-5-4(2) and (4)
I.C. 20-33-8-1 et seq.

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REVISED POLICY - VOL. 25, NO. 1

VIDEO SURVEILLANCE AND ELECTRONIC MONITORING AND RECORDING

- [X] ~~(-) In order to promote student and staff safety, and deter unauthorized access and destructive acts (e.g., theft and vandalism), [END OF OPTION]~~
(X) In order to protect Board property, promote security and protect the health, welfare and safety of students, staff and visitors, [END OF OPTION] the Board of Managers authorizes the use of video surveillance and electronic monitoring equipment on school property, and in school buildings and school buses. Information obtained through video surveillance/electronic monitoring may be used to identify intruders and persons breaking the law, Board policy, or the Student Code of Conduct (i.e., it may be used as evidence in disciplinary actions and criminal proceedings). the Board authorizes the use of video and audio monitoring equipment on Board property, and on school buses. Information obtained through video and audio monitoring may be used to identify intruders and persons violating the law, Board policy, or the Student Code of Conduct.

OR

- [] ~~The Board of Managers authorizes the use of video surveillance and electronic monitoring equipment at various school sites throughout the Cooperative and on school buses. The video surveillance/electronic monitoring equipment shall be used to protect Board property and assets from theft and vandalism, through deterrence and video documentation. The system is not designed nor intended to protect individuals from being victims of violent or property crimes, nor to detect other potentially illegal and undesirable activities that may occur, although information may be used as evidence in such cases. The Board authorizes the use of video and audio monitoring equipment on Board property and on buses. The monitoring equipment shall be used to protect Board property and assets from theft and vandalism, through deterrence and documentation. No representation shall be made that the monitoring system is capable of insuring protection of persons or property.~~

[X]

~~The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance/electronic monitoring systems serve to complement other means being employed in the Cooperative to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus security.~~The monitoring of the conduct of persons on Board property is intended to assist students, staff, and visitors in protecting themselves and their property. Video and audio monitoring is to complement other means being employed by the Board and staff to provide a safe and secure working and learning environment for students and staff.

The Director is responsible for approving where and when to install and operate fixed-location monitoring equipment. The building principals and administrators responsible for other facilities shall be responsible for recommending use of monitoring in those facilities. Monitoring equipment may be placed in common areas in Board facilities. Common areas include hallways, entryways, offices where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries, parking lots and other outside areas, and in school buses. Except in extraordinary circumstances such as a response to possible bullying, hazing, harassment, personal injury, property damage, or theft, and only with the written authorization of the Director, monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas). In assessing whether extraordinary circumstances exist, the Director shall consult with Cooperative legal counsel before authorizing placement of monitoring equipment in private areas in which privileged communications occur (unless there is express consent give by the office occupant), or conference/meeting rooms, or in individual classrooms during instructional times. Access to live monitoring or recordings made in private areas will be based on the need for access to respond to the information obtained. () Board employees are authorized to carry and use video and audio recording equipment when video and audio documentation would assist in performing the duties of their position. () The Board authorizes security personnel to use body-worn monitoring equipment while on duty.

The Director is responsible for approving where and when to install and operate fixed-location video surveillance/electronic monitoring equipment in the Cooperative. The building principals and administrators responsible for other facilities shall be responsible for recommending use of video surveillance/electronic monitoring. The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a nondiscriminatory manner. Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings (e.g., school hallways, entryways, the front office where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), the school parking lots and other outside areas, and in school buses. Except in extraordinary circumstances and with the written authorization of the Director, video surveillance/electronic monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas). The Director shall carefully consider and consult with Cooperative legal counsel before authorizing placement in private offices (unless there is express consent given by the office occupant), or conference/meeting rooms, or in individual classrooms during instructional times. () Security staff and administrators are authorized to carry and use portable video cameras when responding to incidents. () The Board authorizes security personnel to use body worn video cameras while on duty, but prohibits them from being operated while the individual is routinely patrolling restrooms and locker rooms, unless the staff member is responding to a specific incident.

Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action. A person who blocks, moves, or alters the location or viewing angle of monitoring equipment, or attempts to do so shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use. Signs shall be reasonably designed to notify people that their actions/behavior are being monitored/recorded. Additionally, the Director is directed to annually notify parents and students via school newsletters and the Student Handbook, and staff via the Staff Handbook, of the use of video surveillance/electronic monitoring systems in their schools. Signs shall be placed at the main entrance to buildings in which monitoring equipment may be deployed. These signs shall notify people entering through that entrance that their communication and actions may be monitored and recorded in the facility they are entering. Students and staff shall also be advised of the use of monitoring the recording equipment in Board facilities and on Board property.

~~Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the School Cooperative's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceeding or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file. Information obtained from monitoring and recording may be used to support the safe and orderly operation of the Cooperative's schools and facilities. This includes providing access to monitoring or recordings to law enforcement officers when proper authority in support of the requested access is provided. Records obtained through the use of monitoring equipment installed and operated in compliance with this policy may be authenticated and used as evidence in any forum in which its use would assist in the search for the truth concerning the recorded event. Recording that focuses on and follows a specific student or staff member may become a part of the student's education record of the staff member's personnel file.~~

~~Monitoring and recording equipment capability shall not be used to intercept or record communication between persons unless at least one of the participants is aware of the possibility of monitoring and recording. The results of monitoring or recording shall not be used for any tortious or criminal purpose and shall never be used in violation of the rights of the persons whose communication is monitored or recorded.~~

[SELECT OPTION #1 OR OPTION #2]

OPTION #1

☒ ~~Video recordings will be totally without sound. Not all monitoring will result in recording of what is monitored. Where a recording is made, not all recordings will include both audio and video, and the quality of recorded audio or video is not warranted to always be intelligible. Where audio or video records are made, they may be destroyed if a timely request is not made pursuant to this policy.~~

Option #2

- [] ~~Ordinarily video surveillance/electronic monitoring equipment will not be used to make an audio recording of conversation occurring on school grounds or property. Monitoring equipment will not be used to make a recording of the results of monitoring except as authorized by the Director.~~

[END OF OPTIONS]

- [] ~~Monitoring and recording equipment will not be used for the purpose of routine staff appraisal/evaluation.~~

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~~The Board will not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring.~~

~~Recordings of students will be treated as confidential, to the extent allowed by law. Copies of video recordings containing personally identifiable information about students shall not be released except as required or authorized by law. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any other students whose images appear on the recording). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any students whose images appear on the recording). Absent a clear legal obligation, confidential recordings will only be released through subpoena or court order.~~

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Recordings containing personally identifiable information about a student shall not be released except as required or authorized by the Family Educational Rights and Privacy Act ("FERPA"). A parent or guardian of a student, and a student who is eighteen (18) years of age or older shall have access to relevant portions of any video or audio recording related to disciplinary charges against the student. Upon written request to the building principal, if the requested access does not violate State and/or Federal law (i.e., the privacy rights of any other student whose images appear on the recording), a recording may be exhibited to a parent/guardian and an eligible student. However, the parent/guardian and student will not be given a copy of the recording.

School personnel with responsibility for the program of a student may have access to relevant portions of a recording related to the services they delivered to the student and any disciplinary charge against the depicted student.

The Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to view a recording under this policy must be made within ~~seven (7) to thirty (30)~~ days of the event/incident. Unless an investigation is being conducted, recordings shall be destroyed after ~~seven (7) to thirty (30)~~ days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken. () Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes. The Board shall maintain monitoring recordings for a limited period. Any request to view a recording under this policy must be made within ~~7~~ seven (7) to thirty (30) days of the event/incident. Unless an investigation is being conducted, or the school attorney advises that specific recordings must be preserved pursuant to a "litigation hold" notice, recordings may be destroyed after ~~10~~ seven (7) to thirty (30) days. If, however, action is taken by the Board/administration based upon recorded events, the recordings shall be kept for a minimum of two (2) years from the date of the action taken. () Recordings may also be kept beyond the normal retention period if they are going to be used for training purposes. This policy shall not be interpreted to guarantee the destruction of a recording after any specific length of time.

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~~This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional and/or research purposes is permitted and is not addressed by this policy. With the knowledge of the persons depicted, students, staff or a parent/guardian may record a school event open to the public such as a play, music performance, athletic contest, graduation, or Board meeting. Instruction may be recorded for staff evaluation or educational or research purposes.~~

~~The Director is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring~~may develop administrative guidelines consistent with this policy to address the use of monitoring and recording equipment in school buildings, school buses and on property owned and/or operated by the Board.

~~Video surveillance is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.~~

~~{ } Annually, { } Quarterly, { } Monthly, { } _____ [insert interval], the Director shall conduct a review to verify that this policy and its implementing guidelines are being adhered to, and report to the Board on the use of video surveillance/electronic monitoring equipment in the Cooperative.~~

~~Monitoring is to be implemented in accordance with this policy and the Director's guidelines. The use of monitoring and recording equipment in violation of this policy will result in disciplinary action.~~

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FERPA, 20 U.S.C. 1232g
34 C.F.R. 99.1-99.67
Title I of the Electronic Communication Privacy Act of 1986
18 U.S.C. 2510-2521

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CELL PHONE ALLOWANCE

Eligibility for Cell Phone Allowance

Mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.), () telephone paging devices (e.g., beepers and pagers)) (collectively, "cell phones") enable communication whenever a situation arises necessitating immediate contact, regardless of the person's location at the time. The Director and the administrators who meet one or more of the following criteria are required as a condition of employment to personally own a cell phone and obtain an appropriate service plan so that the cell phone is available for use for business-related communications:

- A. their jobs require them to spend a considerable amount of time outside of their assigned office or work area during regular work hours and have regular access to telephone and/or Internet/data connections while outside their office or assigned work area;
- B. their jobs require them to be accessible outside of scheduled or regular work hours or to be contacted and respond in the event of an emergency;
- C. their jobs consistently require timely and business critical two (2) way communication for which there is no reasonable alternative technology;

(This is not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home.)

- (+) safety requirements indicate having a cell phone is an integral part of meeting the requirements of the employee's job description;
- (+) more than fifty percent (50%) of the employee's work is conducted outside the employee's assigned office or work area;

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- (-) ~~the employee is required to be contacted on a regular basis outside regular work hours;~~
- (-) ~~the employee is required to be on call 24/7;~~

~~Administrators who are required to have a personally owned cell phone as a condition of their employment shall receive a monthly cell phone allowance ("allowance"), up to an amount approved annually by the Board of Managers to reimburse them for the costs associated with maintaining and using the personally owned cell phone for business purposes. Additionally, other staff members who believe that they meet the above identified criteria may apply for an allowance.~~

Amount of the Allowance

~~{ } The allowance shall consist of the following:~~

- (-) ~~a monthly allowance of up to a specific dollar amount for cellular telephone service;~~

OR

- (-) ~~a monthly allowance of up to a specific dollar amount for cellular telephone service and a wireless Internet/data connection;~~

OR

- (-) ~~a monthly amount [as set forth in either of the two (2) preceding options] plus a prorated amount (i.e., usually spreading the cost of the device over twenty four (24) months) to cover the cost of the cell phone [Comment: Remember, simple cellular telephones are significantly less expensive than smartphones that include a wireless Internet/data connection];~~

OR

- (-) ~~a monthly allowance up to a specific dollar amount for cellular telephone service [possibly including wireless Internet/data service] and a one time stipend to cover the employee's cost of acquiring the cell phone. [Comment: If either of the latter options is selected, include language limiting the equipment allowance to no more than once every two (2) years, or some other reasonable period of time.]~~

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~~The allowance shall not reimburse the employee's dollar for dollar costs for the cellular telephone service, and shall not exceed the expenses the employee actually incurs in maintaining his/her personally owned cell phone.~~

~~The allowance shall not serve as a substitute for a portion of the staff member's regular wages, and does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades or benefits based on a percentage of salary, etc. The Board will pay only the Board approved allowance even if actual monthly costs exceed the allowance. If the amount of the allowance needs to be changed because of documented business purposes, the employee should notify the Director by submitting a new Cell Phone Allowance Request Form (Form 7530.01 F1).~~

~~[NOTE: START OF FIRST SET OF OPTIONS CHOOSE OPTION A OR OPTION B]~~

~~[] Option A~~

~~No allowance will be paid when the employee is on an unpaid leave status, or is on an extended paid leave during which timely, essential business communications are not likely to be necessary.~~

~~[] Option B~~

~~If an employee is absent for more than _____ [insert time frame e.g. thirty (30)] days on either a paid or unpaid leave of absence, the allowance will be temporarily discontinued (i.e. it will be prorated during the period of absence) unless~~

- ~~(+) the employee can demonstrate s/he needs the cell phone for essential business communications during the period of absence, and/or~~
- ~~(+) the Director approves the continuation of the allowance.~~

~~[NOTE: END OF FIRST SET OF OPTIONS]~~

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~~To be eligible to receive the allowance, the employee must maintain the type of cellular telephone coverage () and wireless Internet/data plan that is reasonably related to his/her job responsibilities. Beginning no later than _____ [insert month] annually, each covered administrator and staff member making application for the allowance, must submit to the Director a Cell Phone Allowance Request Form (Form 7530.01 F1), including a copy of his/her most recent monthly invoices for his/her cellular telephone service plan to substantiate the amount of the allowance and a document identifying his/her cell phone number (including any pin number associated with a BlackBerry device) so that the employee may be contacted as the need arises. () If the employee receives either a one-time equipment allowance or a part of his/her monthly allowance is attributable to the cost of acquiring the cell phone, the employee must also include documentation of the cost of the cell phone with the Form. The employee must maintain an active cellular telephone service contract while the allowance is being provided.~~

~~[] _____ The Director should use knowledge of each employee's duties (e.g., the projected number of minutes of monthly business-related calls, and whether the employee requires wireless Internet/data service) and budget considerations to determine the amount of monthly allowance to recommend to the Board for each employee. In determining the amount of the allowance to recommend to the Board, the Director may take into consideration the cost of the basic equipment, whether wireless Internet/data service is needed, and the cost of the employee's monthly cellular telephone service plan.~~

~~In order to continue to receive the allowance, administrators are required to answer all business-related calls on his/her cell phone and promptly respond to any messages. () [Select this optional language if non-exempt employees (for Fair Labor Standard Act ("FLSA") purposes) receive the allowance. See Policy 6700.] In order to continue to receive the allowance, non-exempt employees are required to answer during their regular work hours all business-related calls on his/her personally owned cell phone and promptly respond to any messages. Non-exempt employees are not permitted to work remotely via their personally owned cell phone outside regular work hours without prior authorization from their supervisor. In other words, unless they are directed to provide an immediate response, all e-mails/texts/calls should be responded to only during regular work hours. Non-exempt employees must maintain a written record of all time spent preparing and/or responding to e-mails/texts and placing and/or answering calls outside regular work hours.~~

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Allowance Is Not Considered Taxable Income

~~Provided the employee maintains and uses his/her personally owned cell phone for business purposes as described herein, the allowance should not be considered additional income to the employee (i.e., the allowance will be treated as a non-payroll reimbursement of a business expense similar to mileage reimbursements and no payroll taxes will be withheld from the employee's paycheck for the amount of the allowance and the amount of the allowance will not be reported as wages on the employee's year-end W-2 statement). Additionally, staff members who receive an allowance are not required to submit a log documenting their business-related use of the cell phone; non-exempt employees, however, must comply with the timekeeping requirements set forth above. For determination of individual taxability, employees should check with their tax advisor.~~

Employee's Responsibilities

~~The employee is responsible for choosing his/her cell phone, the voice and/or wireless data plan, and the service provider. Since the cell phone is the employee's personal property, the cell phone may be used for personal calls (see below concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e., the employee may also, at his/her own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the cell phone, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Director must be notified if the employee will not be available by his/her cell phone for a period of time.~~

~~Employees should contact the vendor/carrier through which they purchased their cell phone and their cellular telephone service (including wireless Internet/data service, if applicable) for support.~~

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~~[] Employees may contact the Cooperative's IT Department/Support Staff for consultation on the type of equipment to purchase if they are obtaining wireless Internet/data service in order to enable e-mail and calendar support through the Cooperative's servers (e.g., through Microsoft Exchange, Novell GroupWise, etc.) and to obtain assistance in setting up their device to connect to the Cooperative's servers. The Cooperative's IT Department/Support Staff will assist employees who have wireless Internet/data service with e-mail and calendar functionality.~~

Changing or Ending a Cellular Telephone Service Contract Early

~~If prior to the end of a cellular telephone and/or wireless Internet/data service contract, a personal decision by the employee results in the need to end or change the contract, the employee will bear the costs of any fees associated with the change or cancellation.~~

~~If prior to the end of a cellular telephone and/or wireless Internet/data service contract, the employee's misconduct, or misuse of the cell phone, results in the need to end or change the contract, the employee will bear the costs of any fees associated with the change or cancellation.~~

~~If prior to the end of a cellular telephone and/or wireless Internet/data service contract, the Board determines to reduce or cancel (unrelated to employee misconduct) the employee's monthly allowance, the Board will bear the cost of any fees associated with the change or cancellation. For example, if the employee is reassigned and/or his/her duties are changed, and the cell phone is no longer needed for business purposes, if the employee does not want to retain the current contract, changes or cancellation fees will be reimbursed by the Board.~~

~~When selecting the duration of his/her cellular telephone and/or wireless Internet/data service contract, the employee should take into consideration the length of his/her Board-approved employment contract and not select a duration of the service contract that exceeds the employment contract. If the employee is non-renewed or voluntarily resigns while the service contract is still in effect, the Board will not be responsible for any fees associated with the employee's decision to subsequently change or cancel the contract.~~

~~Once the allowance is given to the employee to purchase a device, the cell phone remains the employee's personal property. However, upon termination, nonrenewal or resignation, the Board will immediately discontinue the monthly allowance.~~

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Safe and Appropriate Use of Cell Phones

~~Employee safety is a priority of the Board, and responsible use of cell phones, requires safe use. See Policy 7530.02 Staff Use of Personal Communication Devices.~~

~~Employees may not use a cell phone in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.~~

Duty to Maintain Confidentiality of Student Personally Identifiable Information Public and Student Record Requirements

~~Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their cell phones. See Policy 7530.02 Staff Use of Personal Communication Devices.~~

Potential Disciplinary Action/Termination of the Cell Phone Allowance

~~Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a cell phone in any manner contrary to local, State or Federal laws will constitute misuse, and will result in immediate termination of the allowance.~~

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{ } Reimbursement for Business-Related Calls on a Personally-Owned Cell Phone

{ } If a Board employee's job duties do not include frequent need for a cell phone, the employee is not eligible for a cell phone allowance or a Board-provided cell phone. Such employees, however, may request reimbursement for the actual extra expenses of business-related calls that are made/received on their personally owned cell phones. Reimbursement for per-minute "air time" charges is limited to the total overage charge shown on the invoice; expenses for minutes included in the employee's personal plan will not be reimbursed. The employee should make personal payment to the provider, and then submit a request for reimbursement, which details the date/time of the call, to whom the call was placed or from whom the call was received, and a brief description of the purpose of the call. A copy of the employee's cellular telephone service bill must be attached to the request for reimbursement (the employee { } may { } should redact any personal calls from the bill prior to submitting it). Business-related calls made on school property should be made from traditional land line phones, when readily accessible, and therefore will not be reimbursed if made on a personally owned cell phone.

{ } When authorized in writing by the Director the cost of using a personally-owned cell phone for official business may be reimbursed to the employee. Having a personally-owned cell phone is a choice the employee makes, and if the device is used for business purposes, any reimbursement will be for reasonable costs in excess of the base service plan plus any additional charges such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instances will the employee be reimbursed more than the monthly cost to the employee. To receive the reimbursement, the employee must document the inbound/outbound telephone number, name of person called, texted, or e-mailed or the individual who called, texted or e-mailed the employee, and the date and purpose of the communication along with the original service plan bill.

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{ } — Employee Use of Board Owned Cell Phones

~~The Board will provide Board owned cell phones to certain employees who require specific equipment or similar technology to perform Cooperative functions (e.g., school safety, physical plant maintenance, etc.) and expect never to use these devices for personal use. The Director must approve such exceptions. Employees who qualify for this exception must submit to the Treasurer's Office monthly documentation in the form of a copy of their respective cell phone usage logs, verifying business use. The log must note the date/time of the phone call, to whom the call was placed or from whom the call was received, a brief statement of the purpose of the call, { } and if the cell phone has wireless Internet/data service, a statement that all use of the wireless Internet/data service was business related. The employee's immediate supervisor will be required to approve all charges, attesting that all calls were business related, by initialing the copy of the usage logs. If an employee fails to keep current with this documentation requirement, s/he will be required to return the Board owned cell phone.~~

[SELECT ONE OF THE FOLLOWING]

- ~~{ } — If a personal call inadvertently occurs, restitution must be made to the Cooperative.~~
- ~~{ } — If the employee uses the Board owned cell phone for personal business,~~
- ~~{ } a prorated portion of that month's bill, which is related to the employee's personal use of the device, will be treated as compensation for the employee.~~
- ~~{ } — The employee will be required to reimburse the Cooperative for a prorated portion of that month's bill, which is related to the employee's personal use of the device.~~

[END OF OPTIONS]

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~~The Board reserves the right to switch an employee to the cell phone allowance program if excessive calls are made or if required documentation is not submitted in a timely manner.~~

~~I.R.S. Notice 2011-72 (effective December 31, 2009)~~

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BOARD-OWNED PERSONAL COMMUNICATION DEVICES

~~The Board of Managers will provide personal communication devices ("PCDs") to employees who by the nature of their job have a routine and continuing business need for the use of such devices for official Board business. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], () telephone paging devices [e.g., beepers or pagers]), () and/or other web-enabled devices of any type. PCDs are provided as tools to conduct Board business and to enhance business efficiencies. Board-owned cell phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost effective means to conduct Board business (i.e., because some cellular telephone services plan are billed on a time used basis, Board owned cell phones should not be used if a less costly alternative method of communication is safe, convenient and readily available).~~

[NOTE: START OF FIRST SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

Option A

[SELECT ONE]

- ~~[] — The Superintendent will recommend and the Board will approve the staff members who will be issued a Board-owned cell phone and provided with a cellular telephone and/or wireless Internet/data service plan.~~
- ~~[] — The Superintendent shall designate those staff members who will be issued a Board-owned cell phone and provided with a cellular telephone and/or wireless Internet/data service plan.~~

[END OF SELECTIONS]

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~~The Superintendent or his/her designee is responsible for verifying:~~

- ~~A. the need for each Board owned cell phone and related service plan is clearly justified for Board business purposes;~~
- ~~B. alternative solutions for work production and communication are considered;~~
- ~~C. employees provided with cellular and/or wireless Internet/data service plans are notified of the purpose and limitations of usage;~~
- ~~D. cellular telephone and wireless Internet/data service plan invoices outlining the details of usage are received and reviewed for conformance with this policy;~~
- ~~E. employees reimburse the Board for non-business use; and~~
- ~~F. a Board owned cell phone is returned and the corresponding cellular telephone and/or wireless Internet/data service plan is terminated when it is no longer justified by business requirements, the employee leaves the Board's employment, and/or when the employee has demonstrated a disregard for the limitation of this policy.~~

~~{ } In deciding which staff members should receive a Board owned cell phone, the Superintendent will consider whether their jobs:~~

- ~~A. require them to spend a considerable amount of time outside of their assigned office or work area during regular work hours and have regular access to telephone and/or Internet/data connections while outside their office or assigned work area;~~
- ~~B. require them to be accessible outside of scheduled or regular work hours or to be contacted and respond in the event of an emergency; or~~
- ~~C. consistently require timely and business critical two (2) way communication for which there is no reasonable alternative technology;~~

~~(This is not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home).~~

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- ~~(+) safety requirements indicate having a cell phone is an integral part of meeting the requirements of the employee's job description;~~
- ~~(+) more than fifty percent (50%) of the employee's work is conducted outside the employee's assigned office or work area;~~
- ~~(+) the employee is required to be contacted on a regular basis outside regular work hours; or~~
- ~~(+) the employee is required to be on call 24/7.~~

[END OF OPTION A]

Option B

~~[+] The School Board requires the staff members listed below to be accessible by telephone for Board business and exigencies when and if need arises. Cell phones enable individuals to be reached whenever a situation arises necessitating immediate contact, regardless of the person's location at that time. Therefore, a Board owned cell phone () may () shall be issued to the Superintendent () as well as the following staff members:~~

- ~~(+) assistant superintendent(s): _____~~
- ~~(+) Cooperative level administrators: _____~~
- ~~(+) supervisors: _____~~
- ~~(+) principals: _____~~
- ~~(+) bus drivers (for use during work hours only): _____~~
- ~~(+) teachers (specify): _____~~
- ~~(+) coaches and/or extra-curricular activity advisors: _____~~
- ~~(+) _____ (other)~~

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[NOTE: ~~SELECT THE FOLLOWING PARAGRAPH(S) IF ONLY ADMINISTRATORS/SUPERVISORS ARE SELECTED ABOVE.~~

~~{ } Since the staff members listed above { } (with the exception of bus drivers and _____) are expected to be readily accessible day and night, seven (7) days a week during the course of their employment, the Board considers cell phones and/or other PCDs to be essential equipment for the performance of their duties, and determines that the provision of a cell phone and/or other PCD to the above mentioned staff members serves a valid public purpose.~~

~~{ } Accordingly, the individual employment contracts of these staff members () (with the exception of bus drivers and _____) shall affirm that the staff member shall be provided with a Board owned cell phone, describe the permissible and impermissible uses of that device, and describe the staff member's financial obligations, if any, for the service.~~

[NOTE: ~~END OF FIRST SET OF OPTIONS~~

~~{ } Board owned cell phones and/or their related service plans are to be used only to place calls, access the Internet, or receive/send e-mails, instant messages or text messages for Board business purposes.~~

~~{ } Furthermore, Board owned cell phones are not to be used to place calls or send/receive e-mails, instant messages or text messages of a personal nature, or access the Internet for personal business.~~

~~Cellular and wireless Internet/data service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The service plan that is selected for an employee should be the one that provides a combination of services including number of minutes, coverage, and local call zone most nearly matching the employee's recurring business needs as well as whether or not the service plan includes text messaging, instant message and/or e-mail capability, and ability to access the Internet. If the service plan is based on minutes used for calls made or includes a charge regarding e-mail or instant messages, the smallest plan available to accommodate the particular business need shall be utilized.~~

~~The Board shall approve the Director's recommendation regarding the type and level of cellular telephone and wireless Internet/data service appropriate for each staff member listed above. In all cases, the Director shall take the steps necessary to secure the most economical and responsible service available.~~

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~~Thereafter, an annual review of the service plans available shall be made to determine if the Cooperative's plans are the most economical and responsible available. Additionally, at least once annually, the Director shall review the employee's actual usage (i.e., type and level of service) with the employee and, if warranted, authorize the acquisition of a different cell phone and/or selection of a different service plan that more nearly matches the employee's recurring business needs. Any such change in provider and/or necessary adjustments to individual staff member's device and/or service plan shall be presented to the Board for consideration and approval.~~

~~Possessing a Board owned cell phone and/or other PCD is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost effectiveness of their cell phone and/or PCD use by utilizing assigned landline and/or designated computers as available and appropriate. Employees should know that using a cell phone to place calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges, and that the Board is charged for both outgoing and incoming calls.~~

~~In order to continue to be eligible to receive a Board owned cell phone, staff members are required to answer all calls on his/her Board owned cell phone and promptly respond to any messages.~~

[] ~~[Select this alternative language if non exempt employee(s) (for Fair Labor Standard Act ("FLSA") purposes) receive Board owned cell phones or other PCDs. See Policy 6700.] In order to continue to receive a Board owned cell phone and/or other PCD, non exempt employees are required during his/her regular work hours to answer all calls on his/her cell phone and promptly respond to any messages. Non exempt employees are not permitted to work remotely via their Board owned PCD outside regular work hours without prior authorization from their supervisor. In other words, unless they are directed to provide an immediate response, all e mails/texts/calls should be responded to only during regular work hours. Non exempt employees must maintain a written record of all time spent preparing and/or responding to e mails/texts and placing and/or answering calls outside regular work hours.~~

Safe and Appropriate Use of Board Owned PCDs, Including Cell Phones

~~Employee safety is a priority of the Board, and responsible use of Board owned PCDs, including cell phones, requires safe use. See Policy 7530.02 Staff Use of Personal Communication Devices.~~

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~~Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.~~

Duty to Maintain Confidentiality of Student Personally Identifiable Information; Public and Student Record Requirements

~~Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their Board-owned PCDs. See Policy 7530.02 Staff Use of Personal Communication Devices.~~

~~When the Board intends to dispose of, or otherwise stop using, a Board-owned PCD on which an employee has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the Cooperative's IT department/staff shall verify such records are properly transferred to an alternative storage device, before disposing of, or otherwise ceasing to use, the PCD. The IT department/staff is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the Board-owned PCD. The IT department/staff is responsible for maintaining documentation concerning the actions it takes to comply with this requirement.~~

Employee's Responsibilities

~~Employees are responsible for the safekeeping, care and custody of the Board-owned PCDs assigned to them. Further, employees are responsible for the cost of misuse, intentional damage or reckless loss of the Board-owned PCDs provided to them. (-) The Board does not provide or purchase insurance to cover loss or damage to its PCDs.~~

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~~Reasonable precautions should be taken to prevent theft, loss or damage to, or misuse or unauthorized use/access to, Board owned PCDs. Upon resignation or termination of employment, or at any time upon request, an employee may be asked to produce the Board owned PCD issued to him/her for return or inspection. Employees unable to present the device in good working condition within the time period requested (e.g., twenty-four (24) hours) () might () will be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.~~

~~() Each employee issued a Board owned PCD is required to keep a log documenting the calls made, e-mails, instant messages or text messages sent/received, or Internet sites accessed with a notation of the purpose of each action.~~

~~Each employee issued a Board owned cell phone will receive a detailed monthly statement for all charges. The employee must review the monthly statement for billing accuracy, then sign and date it verifying the employee's review and attesting that there are no charges for personal calls, text messages, instant messages or e-mails. A copy of the signed and dated statement is to be submitted to the Director within ____ days of receipt of it by the employee. In the event that a personal call is inadvertently made or received, or a text message, instant message or e-mail of a personal nature is sent or received on the employee's Board owned cell phone, the employee shall be billed for the actual cost of the personal calls made or received, or the text messages, instant messages or e-mails sent or received. In addition, the employee shall also be charged a portion of the monthly service fee. If the employee's service plan is all-inclusive and charges are not assessed for individual calls, text messages, instant messages or e-mails, then the employee will be charged a pro-rated share of the monthly charge. Any amount owed will be deducted from the employee's paycheck in the following pay cycle.~~

~~Any employee who regularly places or receives personal calls, or uses his/her Board owned cell phone to send/receive personal e-mails, text messages, or instant messages, shall be subject to disciplinary action. Use of a Board owned PCD by an employee to access a personal e-mail account or connect to the Internet for personal business is strictly prohibited.~~

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~~PCDs may not be transferred to any other employee without prior notification and approval of the Director. Employees provided with a PCD understand that the PCD is owned by the Board. Any alteration or switching of PCDs must be approved in advance by the Director.~~

~~{ } Cell phone numbers provided by the Board, via contract with a cellular telephone service provider/vendor, are considered business numbers of the Cooperative which shall remain and belong to the Board for its use, unless otherwise changed by the service provider/vendor or as mandated by the Federal Communications Commission. { } Employees are not allowed to transfer/port a previous personal cell phone number to a Board owned cell phone.~~

~~The Board reserves the right to audit all Board-owned cell phones, which will include, but not be limited to, a review of the detailed monthly statement upon submission after the requisite review by the employee. The detailed monthly service statements for all Board-owned cell phones, as well as invoices and payment documents related to these accounts, are public records and, as such, may be subject to disclosure and review.~~

Use of Board-owned Cell Phones for Personal Calls

~~The Board recognizes that in rare circumstances it may be necessary for an employee to use a Board owned cell phone for personal business. The Board generally prohibits such conduct as emphasized by this policy, but realizes there may be limited situations when such use is justified. Employees are advised not to take advantage of this provision and that repeated use of a Board owned cell phone for personal business will result in disciplinary action.~~

~~[NOTE: START OF SECOND SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]~~

~~Option A~~

~~{ } If unforeseen circumstances develop where employees must use their Board issued cell phone for personal reasons (e.g., to let family know that the employee will be home late, etc.) it is up to the Director or his/her designee to determine whether the employee should reimburse the Board.~~

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- ~~[]~~ — Employees are responsible for maintaining a log/record of the telephone numbers dialed or calls received and/or e-mails, text messages or instant messages sent or received, and names of persons or businesses that were contacted, or who contacted the employee for personal reasons and provide a copy of the records to _____.
- ~~[]~~ — The Board will routinely audit the phone log/record provided by employees to confirm that no personal calls were made and/or to verify that the costs associated with any personal calls made by the employee (including the employee's pro rata share of the monthly service charge) are timely reimbursed to the Board.

Option B

- ~~[]~~ — Board owned cell phones are a public resource and may be used for Board business only. Employees are advised to obtain and carry a personally owned cell phone for personal use at their own expense. Board owned cell phones may not be used for personal uses, except in clearly urgent situations, when no other telephone is readily available, and the call is related to the conduct of official business. Thus, calls, e-mails, text messages, or instant messages home notifying family of the employee's whereabouts, etc. when required to work extended hours shall be considered business-related. Such communications should be kept brief and to the point. Board owned cell phones should not be misused for personal business. If an employee determines the need to make or receive a personal call on a Board owned cell phone, or send or receive a text message, instant message or e-mail of a personal nature then the employee is required to pay the Board the full cost related to such activity, including the pro rata amount of the monthly service charge. Employees in such circumstances are responsible for generating their own log/record of personal communications made on the Board owned cell phone, reviewing the monthly statement to differentiate between business-related and personal calls, and remitting the full amount owed for personal calls within thirty (30) days of the receipt of the monthly statement. The Board will engage in a mandatory monthly audit of the employee's records and the monthly statement to verify that reimbursements are both accurate and timely made, and to verify that the employee is charged the appropriate pro rata amount of the monthly service charge. Failure to reimburse the Board within the specified period may result in deduction of the amount due from the employee's paycheck, or final check upon termination of employment, or garnishment of wages if the employee has received his/her final check upon termination of employment.

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- ~~() — The Board reserves the right to withhold any unreimbursed amount from the employee's wages.~~
- ~~() — Employees will be expected to sign an agreement that allows the Board to deduct the cost of unpaid calls from the employee's paycheck.~~

[NOTE: END OF SECOND SET OF OPTIONS]

Potential Disciplinary Action/Cancellation of Board-Owned PCD

~~Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of the Board-owned PCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in the Board canceling the employee's privilege to use the PCD and requiring the employee to immediately return the device.~~

[OPTIONAL ADDITION]

Employee Use of Board-Owned Cell Phones

~~The Board will provide Board owned cell phones to certain employees who require specific equipment or similar technology to perform Cooperative functions (e.g., school safety, physical plant maintenance, etc.) and expect never to use these devices for personal use. The Director must approve such exceptions. Employees who qualify for this exception must submit to the Treasurer's Office monthly documentation in the form of a copy of their respective cell phone usage logs, verifying business use. The log must note the date/time of the phone call, to whom the call was placed or from whom the call was received, a brief statement of the purpose of the call, () and if the cell phone has wireless Internet/data service, a statement that all use of the wireless Internet/data service was business-related. The employee's immediate supervisor will be required to approve all charges, attesting that all calls were business related, by initialing the copy of the usage logs. If an employee fails to keep current with this documentation requirement, s/he will be required to return the Board owned cell phone.~~

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[SELECT ONE OF THE FOLLOWING]

- ~~[] If a personal call inadvertently occurs, restitution must be made to the Cooperative.~~
- ~~[] If the employee uses the Board owned cell phone for personal business,
 - ~~() a prorated portion of that month's bill, which is related to the employee's personal use of the device, will be treated as compensation for the employee.~~~~
- ~~[] The employee will be required to reimburse the Cooperative for a prorated portion of that month's bill, which is related to the employee's personal use of the device.~~

[END OF OPTIONS]

- ~~[] Reimbursement for Business Calls on Personally Owned Cell Phone
[NOTE: SELECT ONE OF THE TWO OPTIONS OFFERED BELOW.]~~

- ~~[] If a Board employee's job duties do not include frequent need for a cell phone, the employee is not eligible to receive a Board provided cell phone. Such employees, however, may request reimbursement for the actual extra expenses of business-related calls that are made/received on their personally owned cell phone. Reimbursement for per minute "air time" charges is limited to the total overage charge shown on the invoice; expenses for minutes included in the employee's personal plan will not be reimbursed. The employee should make personal payment to the provider, and then submit a request for reimbursement, which details the date/time of the call, to whom the call was placed or from whom the call was received, and a brief description of the purpose of the call. A copy of the employee's cellular telephone service bill must be attached to the request for reimbursement (the employee () may () should redact any personal calls from the bill prior to submitting it). Business calls made on school property should be made from traditional land line phones, when readily accessible, and therefore will not be reimbursed if made on a personally owned cell phone.~~

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- ~~[] When authorized in writing by the Director the cost of using a personally owned cell phone for official business may be reimbursed to the employee. Having a personally owned cell phone is a choice the employee makes, and if the device is used for business purposes, any reimbursement will be for reasonable costs in excess of the base service plan plus any additional charges such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instances will the employee be reimbursed more than the monthly cost to the employee. To receive the reimbursement, the employee must document the inbound/outbound telephone number, name of person called, texted, or e mailed or the individual who called, texted or e mailed the employee, and the date and purpose of the communication along with the original service plan bill.~~

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NEW POLICY - VOL. 25, NO. 1

STAFF USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices ("PCDs") has become pervasive in the workplace. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], ~~(-) telephone paging devices [e.g., beepers or pagers]~~, **(X)**) and/or other web-enabled devices of any type. Whether the PCD is Board of Managers-owned and assigned to a specific employee, or personally-owned by the employee (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee on a per use basis for their business-related use of his/her PCD, or the employee receives no remuneration for his/her use of a personally-owned PCD), the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones

[NOTE: START OF FIRST SET OF OPTIONS - CHOOSE OPTION A AND/OR OPTION B OR OPTION C]

OPTION A

~~{ } — Employees whose job responsibilities include regular or occasional driving and who use a PCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message or e mail, or browsing the Internet using a PCD while driving is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).~~

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~~[] In situations where job responsibilities include regular driving and accepting of business calls, the employee should consider the use of hands-free equipment to facilitate the provisions of this policy.~~

~~OPTION B~~

~~[] Employees are responsible for operating Board owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees are prohibited from using PCDs while operating such vehicles or equipment. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.~~

OPTION C

[X] Using a cell phone or other PCD while operating a vehicle is strongly discouraged. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/e-mails read and/or sent, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).

[NOTE: END OF FIRST SET OF OPTIONS]

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records if the content of the message concerns Cooperative business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with Cooperative requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

[NOTE: START OF SECOND SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

OPTION A [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01 V1]

~~At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for verifying all public records, student records and ESI subject to a Litigation Hold that are maintained on the employee's PCD are transferred to the Cooperative's custody (e.g., server, alternative storage device). The Cooperative's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the Cooperative's custody, the employee is required to delete the records/ESI from his/her PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the Cooperative's custody and deleted from his/her PCD.~~

~~Similarly, if an employee intends to dispose of, or otherwise stop using, a personally owned PCD on which s/he has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the employee must transfer the records/ESI to the Cooperative's custody before disposing of, or otherwise ceasing to use, the personally owned PCD. The employee is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally owned PCD. Failure to comply with these requirements may result in disciplinary action.~~

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OPTION B [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01-V2]

~~At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for informing the Director or his/her designee of all public records, student records and ESI subject to a Litigation Hold that is maintained on the employee's Board-owned PCD. The Cooperative's IT department/staff will then transfer the records/ESI to an alternative storage device.~~

~~[] If the employee also utilized a personally owned PCD for work-related communications, and the device contains public records, students records and/or ESI subject to a Litigation Hold, the employee must transfer the records/ESI to the Cooperative's custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment. The Cooperative's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the Cooperative's custody, the employee is required to delete the records/ESI from his/her personally owned PCD.~~

[NOTE: END OF SECOND SET OF OPTIONS]

If a PCD is lost, stolen hacked or otherwise subjected to unauthorized access, the employee must immediately notify the Director so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Director shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

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~~The Board prohibits employees from maintaining the following types of records and/or information on their () PCDs () cell phones:~~

- ~~(+) social security numbers~~
- ~~(+) driver's license numbers~~
- ~~(+) credit and debit card information~~
- ~~(+) financial account numbers~~
- ~~(+) student personally identifiable information~~
- ~~(+) information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)~~
- ~~(+) personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)~~
- ~~(+) _____~~

~~(+) If an employee maintains records and/or information on a () PCD () cell phone that is confidential, privileged or otherwise protected by State and/or Federal law, the employee is required to encrypt the records and/or information.~~

~~(+) It is () required () suggested that employees lock and password protect their PCDs when not in use.~~

- [☒] Employees are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Director or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs 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 in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

[NOTE: START THIRD SET OF OPTIONS - CHOOSE OPTION A OR OPTION B OR OPTION C]

☒ ——— OPTION A

~~The use of PCDs that contain built-in cameras (i.e., devices that take still or motion pictures, whether in a digital or other format) is prohibited in () classrooms, () gymnasiums, locker rooms, shower facilities, rest/bathrooms () and/or swimming pool.~~

☒ ——— OPTION B

~~The use of PCDs in () classrooms, () gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or () swimming pool is prohibited.~~

☐ ——— OPTION C

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, (X) classrooms, () gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Director and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

~~[NOTE: END OF THIRD SET OF OPTIONS]~~

Personal Use of PCDs While at Work

[NOTE: START OF FOURTH SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

[] ——— OPTION A

~~During work hours personal communications made or received, regardless of whether on a PCD or a regular telephone or network computer, can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.~~

[X] ——— OPTION B

Board employees may carry (X) PCDs (X) cell phones with them while at work () including while operating Board equipment, but are subject to the following restrictions:

- A. Excessive use of a (X) PCD (X) cell phone for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.
- B. Employees are personally and solely responsible for the care and security of their personally-owned PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, personally-owned PCDs brought onto its property, or the unauthorized use of such devices.

[NOTE: END OF FOURTH SET OF OPTIONS]

Potential Disciplinary Action

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws may also result in disciplinary action up to and including termination.

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REPLACEMENT POLICY - VOL. 25, NO. 1

**ACCESS TO COOPERATIVE TECHNOLOGY RESOURCES FROM PERSONAL
COMMUNICATION DEVICES**

OPTION #1

~~The Board of Mangers prohibits individuals from using their personal communication devices (PCDs) to access the Cooperative's technology resources (e.g., networks, servers, projectors, printers, etc.) while on-site at a Cooperative facility. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e readers"; e.g., Kindles and similar devices), Cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), () telephone paging devices (e.g., beepers or pagers), () and/or other web-enabled devices of any type.~~

~~() Exceptions to this policy must be approved in advance, in writing, by the Director.~~

[END-OF-OPTION #1]

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OPTION #2

The Board permits

- | ☒ employees,
- | ☒ students,
- | ☒ Board members,
- | ☒ guests,
- | ☒ , as well as
- | ☒ contractors,
- | ☒ vendors,
- | ☒ agents,

to use their personal communication devices ("PCDs") to wirelessly access the Cooperative's technology resources (guest or business networks, servers, projectors, printers, etc.) while they are on-site at any Cooperative facility. Access to the business/guest network shall require authentication.

For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phone (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, etc.), ☒) and/or other web-enabled devices of any type.

| ☒ If the user wants to access the Cooperative's technology resources through a hard-wired connection, the user's PCD must first be checked by the Technology Director to verify it meets the established standards for equipment used to access the network.

| Technology Director is charged with developing [or, is directed to develop] the necessary standards for connecting PCDs to the Cooperative's technology resources. The standards shall be available upon request.

The standards shall be designed and enforced to minimize the Board's exposure to damages, including, but not limited to, the loss of sensitive Cooperative data, illegal access to confidential data, damage to the Cooperative's intellectual property, damage to the Cooperative's public image, and damage to the Cooperative's critical internal systems, from unauthorized use.

The use of PCDs must be consistent with the established standards for appropriate use as defined in Policy 7540.03 and AG 7540.03 – Student Network and Internet Acceptable Use and Safety, Policy 7540.04 and AG 7540.04 – Staff Network and Internet Acceptable Use and Safety, Policy 5136 and AG 5136 - Personal Communication Device, Policy 7530.02 - Staff Use of Communication Devices. When an individual connects to and uses the Cooperative's technology resources, s/he must agree to abide by all applicable policies, administrative guidelines and laws (e.g., the user will be presented with a "splash screen" that will set forth the terms and conditions under which s/he will be able to access the Cooperative's technology resource(s); the user will need to accept the stated terms and conditions before being provided with access to the specified technology resource(s)).

In order to comply with the Children's Internet Protection Act ("CIPA"), the Board has implemented technology protection measures that protect against (e.g., filter or block") access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors. The Board also utilizes software and/or hardware to monitor online activity to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors.

Any user who violates the established standards and/or the Board's Acceptable Use policy, or who accesses the Cooperative's technology resources without authorization may be prospectively denied access to the Cooperative's technology resources. If the violation is committed by a contractor, vendor or agent of the Cooperative, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by a student or employee.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on Board property. This provision applies to everyone, regardless of their affiliation or connection to the Cooperative.

[END OF OPTION #2]