

## STUDENT ASSESSMENT

The School Board, in compliance with law and rules of the State Board of Education, shall implement the Indiana Statewide Testing for Educational Progress - Plus (ISTEP+) to assess student achievement and needs in English/language arts, mathematics, social studies, science, and other designated subjects in order to determine the progress of students and to assist them in attaining Corporation and State Department goals.

Additionally, the Board shall administer any end of course exams as may be required by the State Board of Education in grades 9 through 12. The end of course examinations for algebra one and English 10 comprise the graduation examination.

The Board shall comply with the requirements of the State Board of Education in administering the Indiana Reading Evaluation and Determination (IREAD-3) Assessment to students enrolled in grade 3.

The ~~Superintendent~~ Executive Director shall develop and implement a plan which complies with guidelines established by the Department of Education.

I.C. 20-32-2 et seq., 20-32-8 et seq.

I.C. 20-32-8.5-2

511 IAC 5-2-1

511 IAC 5-2-3

511 IAC 6.2-3.1-3

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**NEW POLICY – VOL. 24, NO. 2**

**TEST SECURITY PROVISIONS FOR STATEWIDE ASSESSMENTS**

It is the intent of the Board that all staff comply with the requirements of the Indiana Department of Education (IDOE) and the Indiana Department of Workforce Development regarding test security of the statewide assessments (ISTEP+).

The Curriculum Director [position/title] is designated as the Corporation Test Coordinator (CTC). The CTC shall:

- A. inventory and track all assessment materials;
- B. control the secure storage, distribution, administration and collection of tests;
- C. ensure no tests are copied;
- D. following all procedures located in the testing manuals and those outlined by the IDOE;
- E. ensure that all appropriate staff has knowledge of the Indiana Ethical Testing Practices and Procedures and understand the procedures to secure, administer, and handle assessment materials while in their possession.

Upon receipt of assessment materials, the CTC shall provide for storage under lock and key at a central location. Assessment materials shall not be available to unauthorized parties. Teachers and other school staff members shall not have access to secure materials (except for the Examiner's Manual) more than twenty-four (24) hours in advance of test administration.

The CTC is responsible for the secure distribution of assessment materials to each school building. Secure test materials shall not be delivered to school buildings more than one (1) week in advance of the designated test window. ~~(-) Each building principal~~ (X) Curriculum Director [end of choice] is designated as the Building Test Coordinator (BTC). The BTC is responsible for security of assessment materials during the time the materials are in his/her school.

The BTC responsibilities include, but are not limited to, the following:

- A. ☒ establishing a testing schedule within the testing window;  
)

**OR**

- ( ) ~~adhering to the testing schedule established by the CTC;~~

- B. prohibiting the review of any secure test questions before, during, or after an administration session;
- C. establishing a process to ensure that all student assessment materials are secure when not being administered;
- D. establishing procedures for reviewing practices and materials used to prepare students for assessments and communicating these at least annually;
- E. informing appropriate staff of Indiana Ethical Testing Practices and Procedures;
- F. arranging for the secure transport of the assessment materials to the CTC at the conclusion of the testing window following procedures outlined in the Examiner's Manual.

Each person designated as an examiner is responsible for assuring that all assessment security provisions are met while each administration session is in progress. Additionally, each examiner is responsible for accounting for all assessment booklets by serial number. All answer documents, and other assessment materials until returned to the BTC at the conclusion of the administration session.

Each examiner, monitor, and other school personnel or adult volunteer authorized to be present in the room during an administration session shall be informed of prescribed assessment administration and assessment security procedures as well as ethical testing practices.

- | ☒ No person shall reveal, cause to be revealed, release, cause to be released, reproduce or cause to be reproduced any secure assessment materials through any means or medium including, but not limited to, electronic, photographic, photocopy, written, paraphrase, or oral.
- | ☒ Except for accommodations made in accordance with the rules adopted by the Indiana Department of Education, only materials specifically designed by the IDOE shall be provided to students or permitted in the assessment room during an administration session.
- | ☒ Violations to test security include, but are not limited to the following:
  - | ☒ giving examinees access to test questions prior to testing
  - | ☒ copying, reproducing or use in any manner any portion of any secure assessment book for any reason
  - | ☒ altering answer documents during or after a testing session
  - | ☒ sharing an actual test instrument in a public forum
  - | ☒ deviating from the prescribed administration procedures specified in the Examiner's Manual
  - | ☒ participating in, directing, aiding, counseling, assisting, encouraging, or failing to report any acts violating this policy or Indiana Ethical Testing Practices and Procedures
  - | ☒ scoring student responses on the assessment before returning the answer document for official scoring

The CTC shall establish procedures for teachers, administrators, students, parents, and other community members to voice their concerns about practices they consider inappropriate. The CTC shall investigate any complaints on inappropriate testing practices or testing irregularities. The investigation will include, but not be limited to, the following:

- A. a formal process by which all complaints are documented and can be tracked to resolution
- B. an initial inquiry to determine whether there is credible evidence that such an event occurred is to be conducted within one (1) school day of the receipt of the complaint
- C. if any evidence of an inappropriate testing practice or testing irregularity exists, a report to the IDOE Office of Student assessment must be sent within the next seven (7) calendar days
- D. protection of the integrity of any ongoing assessments
- E. a final report to the IDOE Office of Student Assessment within four (4) weeks, unless a written request for a timeline extension has been granted
- F. the final report must clearly indicate any recommendations or findings that would impact the reliability or validity of student scores and detail actions that the School Corporation recommends the State take

Before the opening of the test window for any standardized test, the IDOE requires that training of any person associated with testing has occurred. This includes, but is not limited to, the CTC, the BTC, test examiners, proctors, and any other person associated with the testing process.

**BOARD OF SCHOOL TRUSTEES  
SCHOOL CORPORATION**

STUDENTS  
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**DELETE FROM POLICY**

**REVISED POLICY VOL. 24, NO. 2**

**ASSIGNMENT WITHIN THE CORPORATION**  
**ASSIGNMENT OF STUDENTS TO SCHOOLS AND PROGRAMS**  
**WITHIN THE SCHOOL DISTRICT**

~~The School Board directs that the assignment of students to schools within this Corporation be consistent with the best interests of students and the best use of the resources of this Corporation.~~

~~Article 8, Section 1 of the Indiana Constitution establishes a right to a tuition-free education in an Indiana public school district. The Indiana Student Legal Settlement statute, I.C. 20-26-11 establishes which Indiana public school district a student has a right to attend. Attendance at a particular school or program is established by Board Policy 5120 and the administrative guideline that implements this policy.~~

~~The Board directs that the assignment of students to schools and programs within the School District be consistent with the effectiveness of the instruction of students and the best use of the Board's resources.~~

~~The Board shall determine the school attendance areas in the Corporation and the students in each attendance area shall attend the school or program designated by the Board.~~

~~When directed by the Board, the Superintendent shall review attendance areas and recommend changes as may be justified by:~~

- ~~(-) consideration of student safety, transportation, distance, and travel time;~~
- ~~(-) convenience of access to schools; the academic and career interests of students;~~
- ~~(-) financial and administrative efficiency;~~
- ~~(-) the effectiveness of the instructional program or the opportunity to bring together students who would benefit from a curricular component that can only be offered at a single or limited number of sites in the School District;~~

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**BOARD OF SCHOOL TRUSTEES  
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(-) ~~continuing a student in an elementary school to which s/he is initially assigned.~~

(-) \_\_\_\_\_

~~[ ]The Superintendent may assign a student to a school or program other than the school serving the attendance area established by the Board if the exception is consistent with the interests of the student and Corporation Board. A decision to assign a student to a school or program other than the school or program that serves the attendance area in which a student resides shall be based upon academic, safety or family considerations and shall not be made solely for participation in extracurricular activities.~~

~~[ ]Absent substantial considerations to the contrary, a student shall be permitted to complete their ( ) elementary, ( ) middle school, ( ) junior high, or ( ) high school education in the same school.~~

~~[ ]When in the interests of the students and Corporation, siblings shall be assigned to the same school. When consistent with the interests of the students and the Board, students living in the same household shall be assigned to the same school or program.~~

~~[ ]The Superintendent shall assign incoming students to such schools, grades, and classes schools, grades, classes, and programs that meet the student's educational needs.~~

~~[ ]A principal shall assign students in a school to grades, classes, or groups based on the needs of the student and the Corporation groups, and programs based on the needs of the students and the Board.~~

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~~If a transfer between buildings or programs is initiated by a Principal or a designee, the student's parent/guardian or a student 18 years of age or older shall be advised of the reason for the proposed change. A parent/guardian of a student or a student 18 years of age or older may appeal the transfer to the Superintendent, whose decision shall be final unless the Superintendent elects to submit the proposed change for consideration by the Board.~~

Article 8, Section 1 Indiana Constitution  
I.C. 20-26-5-4(2) and (13), (13) and (18)  
I.C. 20-26-11  
~~Parents Involved in Community Schools v Seattle, 551 U.S. 701 (2007)~~

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**REVISED POLICY—VOL. 24, NO. 2**

**WITHDRAWAL FROM SCHOOL**

~~The School Board affirms that, while Indiana Law requires attendance of each student until eighteen (18) years of age, it is in the best interests of both the students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools.~~

~~The Board directs that whenever a student, sixteen (16) to eighteen (18) years of age, wishes to withdraw from school, an exit interview will be conducted with the student, his/her parents, and the principal. The exit interview will include a determination of whether or not the student is withdrawing for reason of financial hardship, requiring the student to be employed to support the student's family or a dependent, illness, or an order by a court that has jurisdiction over the student.~~

~~During the exit interview, the principal shall provide the student and the student's parent(s) a copy of statistics concerning the likely consequences of life without a high school diploma.~~

~~The student may not withdraw from school unless the student, the student's parent or guardian, and the principal agree to the withdrawal and the parent or guardian and the principal provide written consent for the student to withdraw from school. If the principal (this duty may not be delegated to a designee) does not consent to the student's withdrawal, the student's parent may appeal the denial to the Board.~~

~~At least five (5) days before holding an exit interview, the School Corporation shall give notice by certified mail and personal delivery to the student, the student's parent(s), or the student's guardian. The student's failure to attend an exit interview or return to school if the student does not meet the requirements to withdraw from the school will result in the revocation or denial of the student's drivers license or learner's permit and employment certificate.~~

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~~The Superintendent shall develop a withdrawal form (Form 5130-F4) which is to be signed by the student, his/her parent, and the principal in accordance with this policy.~~

~~I.C. 9-24-2-1~~

~~I.C. 20-33-2-28.5~~

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**NEW POLICY – VOL. 24, NO. 2**

**STUDENT CONCUSSIONS**

It is the policy of the Board that the risk of student injury be considered and addressed in the planning and implementation of every student activity sponsored by the Board. The Board therefore directs and requires that ~~before beginning practice for a high school interscholastic and intramural sports activity, the coach/sponsor~~ Instructor of the activity provide the parent of each high school student participant and each high school student or Adult Education participant who is eighteen (18) years of age or older with the information sheet on Student Concussions and form issued by the Indiana Department of Education, and require the student's parent and any student who is eighteen (18) years of age or older to sign and return the form acknowledging the receipt of the information from the Indiana Department of Education on Student Concussions.

~~The coach/sponsor shall maintain an original of the signed acknowledgement for each student participant and shall not allow the student athlete to participate in the sport until the signed acknowledgement from the parent and any student who is eighteen (18) years of age or older is properly executed and returned.~~

~~A high school student athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of the injury and may not return to play until the student athlete has been seen and evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries, and the coach/sponsor receives a written clearance from the licensed healthcare provider who evaluated the student athlete that the student athlete can safely return to participation in the sport or activity.~~

~~A coach/sponsor shall maintain the original of the written clearance from the health care provider for the student athlete to return to play for no less than three (3) years.~~

I.C. 20-34-7

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REVISED POLICY—VOL. 24, NO. 2

PROMOTION, PLACEMENT, AND RETENTION

The School Board recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development.

[ ] Such pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

A student will be promoted to the succeeding grade level when s/he has:

- (-) completed the course requirements at the presently assigned grade;
- (-) in the opinion of the professional staff, achieved the instructional objectives set for the present grade;
- (-) demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade;
- (-) demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

[ ] A student enrolled in special education shall be promoted or retained based on the opinion of the Case Conference and the student's I.E.P.

[ ] No student who has completed a grade successfully shall be retained or allowed to repeat a grade in order to improve his/her ability or lengthen his/her eligibility to participate in extra-curricular athletic programs.

[ ] Following sound principles of child guidance, the Board discourages the skipping of grades.

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The Board will comply with the requirements of the Indiana Department of Education regarding the consequences for students in grade three who fail to pass the Indiana Reading Evaluation and Determination Assessment (IREAD-3). Accordingly, a student who does not pass the IREAD-3 assessment either during the assessment period in the school year or during the summer assessment window, in the following school year, will continue to receive instruction in grade three reading, will be officially reported as a third grader, and will fully participate in the grade three ISTEP+ assessment.

Good cause exemptions that may be considered are:

- A. a student who has been previously retained two times prior to the fourth grade;
- B. a student with disabilities whose case conference committee has determined that promotion is appropriate;
- C. an English learner student whose Individual Learning Plan (ILP) Committee has determined that promotion is inappropriate;

The Superintendent shall develop administrative guidelines for promotion, placement, and retention of students which:

- (-) require the recommendation of the professional staff for any promotion, placement, or retention;
- (-) require that parents are informed in advance of the possibility of retention of a student at a grade level;
- (-) assure that reasonable efforts be made to remediate the student's difficulties before s/he is retained;
- (-) assign to the principal the final responsibility for determining the promotion, placement, or retention of each student.

LC: 20-32-8.5  
511 IAC 6.2-3.1-3

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**BOARD OF SCHOOL TRUSTEES  
SCHOOL CORPORATION**

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DELETE POLICY

REVISED POLICY – VOL. 24, NO. 2

EARLY GRADUATION

~~The School Board acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date than their designated class.~~

~~Application for early graduation shall be in accordance with State regulations. The principal may honor this request if all conditions for graduation are met and the student fulfills the graduation requirements.~~

~~The student may participate in the graduation ceremonies with his/her designated class.~~

~~A student qualifying for early graduation by the end of grade eleven (11) is eligible for a state early graduation scholarship subject to the provisions of Indiana statutes. Any student requesting an early graduation may obtain information regarding the scholarship from \_\_\_\_\_.~~

~~I.A.C. 511-6-7-4~~

~~I.A.C. 511-6-9-3~~

~~I.C. 21-12-10~~

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**REVISED POLICY – VOL. 24, NO. 2**

**PAYROLL DEDUCTIONS**

For those employees not covered by the terms of a negotiated agreement, the School Board authorizes that certain deductions may be made from an employee's paycheck upon ~~proper authorization on the appropriate form. Deductions shall be made for receipt of proper written authorization on the appropriate form.~~ Subject to I.C. 22-2-6-2 and other applicable law, deductions may be made for:

- A. ~~Federal and State income tax;~~ Federal, State, and local income tax;
- B. Social Security ~~and Medicare (FICA);~~
- C. Indiana State Teachers Retirement Fund or Public Employees Retirement Fund;
- ☒ county local option income tax;
- ☒ Section 125 deductions (cafeteria plans);
- ~~(+) Section 401(a) deductions;~~
- ☒ Section 403(b) deductions;
- ☒ Section 457 ~~(b)~~ deductions;
- ☒ U.S. Savings Bonds;
- ~~(+) political contributions;~~
- ☒ savings in a chartered credit union;
- ☒ contributions to charitable ~~corporations not for profit and community fund organizations;~~ or nonprofit organizations;
- ☒ payment of dues to labor ~~or other organizations;~~ organizations of which the employee is a member;

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**CENTRAL NINE CAREER CENTER**

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- ( ) payment of group health or life insurance premiums, for a plan in which at least ten (10) percent of the Corporation employees participate;
- ( ) payment for benefits of part-time employees who elect to participate in benefits provided to full-time staff, purchase of merchandise from the Corporation.

Employees shall notify the Corporation's administrative offices in writing if they wish to participate in this payroll deduction program. Any payroll deduction agreement provided by an employee must otherwise comply with all of the provisions of applicable law and may be terminated as said law provides upon notice given in writing by either party.

To the extent permitted by law and in accordance with the procedures set forth below, the Board also declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) of the Internal Revenue Code, and in accordance with the Corporation's administrative guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds contribute such withheld amounts to an employee benefit plan described in section 403(b) or 457(b) of the Internal Revenue Code, which has been made available by the Corporation ("403(b) or 457(b) Plan"). Such contributions will be subject to the terms and conditions of the employee's salary reduction agreement and the Corporation's administrative guidelines that are adopted from time to time with respect to the 403(b) or 457(b) Plan, including the following:

- A. Amounts withheld at an employee's election for contribution to a 403(b) or 457(b) Plan will only be forwarded to a company/vendor that has been previously approved by the board and continues to remain on the Board's approved list of vendors.
- B. An employee must complete a standard salary reduction agreement that has been pre-approved by the Corporation.

**BOARD OF SCHOOL TRUSTEES**  
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- C. By providing employees with payroll deduction services for contributions to a benefit plan, the Board is not providing any financial advice to employees.
- D. The Board does not guarantee the return or quality of any tax-sheltered annuity, mutual fund, or other investment selected by an employee, and it is intended that the Board and the Corporation shall have no liability whatsoever for any investment alternative offered by an approved vendor or selected by an employee.
- E. All costs incurred in the administration of the 403(b) or 457(b) Plan and corresponding investment fees shall be paid from the assets of the applicable 403(b) or 457(b) Plan.

( ) \_\_\_\_\_ (Other)

~~In any case where the employee designates the agent, broker or company through whom the Board shall arrange for the placement or purchase of the tax-sheltered annuity, the agent, broker or company must execute a reasonable service agreement, an information sharing agreement, and/or other similar agreements as determined at the discretion of the Corporation. The service agreement shall include a provision that protects, indemnifies, and holds the Corporation harmless from any liability attendant to procuring the annuity in accordance with provisions of the Internal Revenue Code and other applicable Federal or State law.~~

- ~~H The agent, broker or company must be designated by a number of employees equal to at least one percent (1%) of the Board's full-time employees or at least five (5) employees, whichever is greater (except under no circumstances shall the agent, broker or company need to be designated by more than fifty (50) employees).~~
- ~~H The Board may waive this requirement for new employees who have already purchased annuities from an agent, broker or company, not utilized by current employees in the Corporation, while the individuals were employed by another public entity.~~
- ~~H The Board may limit the number of participating providers and select approved providers.~~

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~~The Board, by providing employees with payroll deduction services for annuities, is not providing any financial advice to employees, and is not vouching for the suitability of any investment or any annuity provider. The Corporation assumes no responsibility or liability for any investment decisions or losses with respect to employee annuity purchases.~~

~~Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the Superintendent's Office in writing if they wish to participate in such a program.~~

I.C. 22-2-6-2  
Internal Revenue Service Code Section 403(b)

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**REVISED POLICY – VOL. 24, NO. 2**

**Version # 1**

**WIRELESS COMMUNICATION ALLOWANCE AND  
STAFF USE OF WIRELESS COMMUNICATIONS DEVICES**

**Eligibility for Wireless Communication Allowance**

~~Wireless communication devices ("WCDs") (i.e. cellular and wireless telephones, pager/beepers, personal digital assistants (PDAs), Blackberries/Smartphones, WiFi-enabled or broadband access devices, etc.) enable communication whenever a situation arises necessitating immediate contact, regardless of the person's location at the time. Therefore, the Superintendent and administrators who meet one or more of the following criteria are required as a condition of employment to own a WCD and obtain an appropriate service plan so that the WCD 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 normal working hours and have regular access to telephone and/or Internet connections while outside their office or assigned work area;~~
- ~~B. their jobs require them to be accessible outside of scheduled or normal working 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 WCD 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 normal work hours;~~
- (-) ~~the employee is required to be on call 24/7;~~
- (-) ~~the employee's job requirements include critical Corporation-wide decision-making.~~

~~Administrators who are required to have a personal WCD as a condition of their employment shall receive a monthly wireless communication allowance ("allowance"), up to an amount approved annually by the School Board to compensate them for the costs associated with acquiring and utilizing a Board to reimburse them for the costs associated with maintaining and using a personal WCD 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 may consist of the following:~~

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

**OR**

- (-) ~~a monthly allowance of up to a specific dollar amount for wireless telephone service and 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 WCD ((NOTE: remember, simple wireless telephones are significantly less expensive than WCDs that include Internet/data connection ability));~~



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OR

- (-) ~~a monthly allowance up to a specific dollar amount for wireless telephone service ([NOTE: possibly including Internet/data service]) and a one time stipend to cover the employee's cost of acquiring the WCD. [NOTE: 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.]~~

~~The allowance is not intended to compensate the employee's dollar-for-dollar cost for wireless service. Under no circumstances will the monthly allowance be more than~~

- (-) ~~the cost of the employee's monthly service plan for his/her WCD, or~~
- (-) ~~the cost of the employee's monthly service plan plus an approved amount to cover the employee's cost of acquiring the device.~~

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~~The allowance shall not reimburse for employee's dollar-for-dollar costs for the wireless service, and shall not exceed the expenses the employee actually incurs in maintaining the personal WCD.~~

~~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 purpose, the employee should notify the Superintendent by submitting a new Wireless Communication Allowance Request Form.~~

~~[NOTE: START OF FIRST SET OF OPTIONS CHOOSE OPTION #1 OR OPTION #2]~~

[ ] Option #1

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

~~Version #1~~

~~{}~~ **Option #2**

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 device for business essential communications during the period of absence, and/or~~
- ~~(-) the Superintendent approves the continuation of the allowance.~~

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

~~To be eligible to receive the allowance, the employee must maintain the type of wireless telephone coverage ( ) and Internet/data plan [NOTE: end of option] 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 Superintendent a Wireless Communication Allowance Request Form, including a copy of his/her most recent monthly invoices for his/her wireless service plan to substantiate the amount of the allowance and a document identifying the telephone number of his/her WCD (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 device, the employee must also include documentation of the cost of the WCD with the Form. The employee must maintain an active wireless service contract while the allowance is being provided.~~

- ~~{}~~ ~~The Superintendent should use knowledge of each employees' employee's duties (e.g. the projected number of minutes of monthly business-related calls, and whether the employee requires 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 Superintendent may take into consideration the cost of the basic equipment, whether Internet/data service is needed, and the cost of the employee's monthly wireless service plan.~~

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~~In order to continue to receive the allowance, administrators are required to answer all business-related calls on his/her WCD and promptly respond to any messages. ( ) [Select this optional language if non-exempt (for FLSA purposes) employees receive the allowance] In order to continue to receive the allowance, non-exempt employees are required to answer all business-related calls on his/her WCD and promptly respond to any messages during his/her work hours.~~

**Allowance is Is Not Considered Taxable Income**

~~Provided the employee maintains and uses his/her personal WCD 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 yearend W-2 statement).~~

~~Staff members who receive an allowance are not required to submit a log documenting their business-related use of the WCD; however, they will be informed that the allowance is considered additional compensation for income tax purposes (i.e. the allowance will be paid through the Corporation's payroll system as taxable income and appropriate payroll taxes on the amount of the allowance will be withheld from the employee's paycheck, and the amount of the allowance paid during the calendar year will be included in the wages line on the staff members' year-end W-2 statements). Additionally, staff members who receive an allowance are not required to submit a log documenting their business-related use of the WCD. For determination of individual taxability, employees should check with their tax advisor.~~



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**Employee's Responsibilities**

The employee is responsible for choosing his/her WCD, the voice and/or data plan, and the wireless service provider. Since the WCD is the personal property of the employee, the WCD 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 WCD, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Superintendent must be notified if the employee will not be available by their WCD for a period of time.

Employees should contact the carrier through which they purchased their WCD and purchase their wireless service for support.

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

**Changing or Ending a Wireless Service Contract Early**

If prior to the end of a wireless service contract, a personal decision by the employee results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the employee's misconduct, or misuse of the WCD, results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

**Version # 1**

~~If prior to the end of a wireless 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 WCD 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 wireless service contract, the employee should take into consideration the length of his/her Board-approved employment contract and not select a duration of the wireless service contract that exceeds the employment contract. If the employee is nonrenewed or voluntarily resigns while the wireless 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 WCD remains the employee's personal property. However, upon termination, nonrenewal or resignation, the Board will immediately discontinue the monthly allowance.~~

**Safe Use of Wireless Communications Devices**

~~Employee safety is a priority of the Board, and responsible use of WCDs includes safe use.~~

~~Version #1~~

~~[NOTE: START OF SECOND SET OF OPTIONS -- CHOOSE OPTION #1 OR  
OPTION #2 OR OPTION #3]~~

~~[H] Option #1~~

~~[H] Employees whose job responsibilities include regular or occasional driving and who use a personal WCD 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. 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 with the WCD or using the WCD in its entirety while driving).~~

~~[H] 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.~~

~~[H] Option #2~~

~~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 personal WCDs 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.~~



**Version #1**

**[H] Option #3**

~~Using a WCD 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 with the WCD or using the WCD in its entirety while driving).~~

**[NOTE: END OF SECOND SET OF OPTIONS]**

**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 WCDs.~~

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

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

**Version #1**

~~Except in emergency situations, employees are prohibited from using WCDs to capture, record or transmit the words (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, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal or Superintendent.~~

~~[NOTE: START THIRD SET OF OPTIONS—CHOOSE OPTION #1 OR OPTION #2 OR OPTION #3 OR OPTION #4]~~

**Privacy Issues**

**[ ] Option #1**

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

**[ ] Option #2**

~~The use of WCDs in locker rooms, classrooms, bathrooms and/or ( ) swimming pool is prohibited.~~

**[ ] Option #3**

~~WCDs, including but not limited to those with cameras, may not be possessed, 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 locker rooms, shower facilities, restrooms, ( ) classrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a WCD is absolutely prohibited.~~

**~~Version #1~~**

**~~{}~~ **Option #4****

~~The use of WCDs that contain built-in cameras is prohibited in school, on school property, during after school activities, and at school related functions.~~

**~~[END OF THIRD SET OF OPTIONS]~~**

**Personal Use of WCDs While at Work**

**~~[NOTE: START OF FOURTH SET OF OPTIONS—CHOOSE OPTION #1 OR OPTION #2]~~**

**~~H~~ **Option #1****

~~During work hours personal communications made or received, regardless of whether on a WCD, or a regular telephone or network computer can interfere with employee productivity and distract others. Employees are expected to use discretion in using WCDs 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.~~

**~~H~~ **Option #2****

~~Board employees may carry personal WCDs with them while at work ( ) including while operating Board equipment, but are subject to the following restrictions:~~

- ~~A. Excessive use of a WCD 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 personal WCDs. The Board assumes no responsibility for theft, loss, damage, or vandalism to WCDs brought onto its property, or the unauthorized use of such devices.~~

**~~[NOTE: END OF FOURTH SET OF OPTIONS]~~**

~~At no time may any WCD be utilized by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.~~



**Version # 1**

**Potential Disciplinary Action/Termination of the Allowance**

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

**{ } Reimbursement for Business Calls on a Personal WCD**

~~If a Board employee's job duties do not include frequent need for a WCD, the employee is not eligible for a wireless communication allowance or a Board provided WCD. Such employees, however, may request reimbursement for the actual extra expenses of business cell phone calls. Reimbursement for per minute "air time" charges is limited to the total coverage 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 wireless 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 personal WCD.~~

**Version #1**

**[OPTIONAL ADDITION]**

**Employee Use of Board-Owned WCDs**

The Corporation will provide Board-owned WCDs to certain employees who require specific equipment or similar technology to perform Corporation functions (e.g., school safety, physical plant maintenance, etc.) and never expect to use these devices for personal use. The Superintendent 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 WCD 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 WCD is Internet/data-enabled, a statement that all use of the Internet/data capabilities of the device were 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 WCD.

**[SELECT ONE OF THE FOLLOWING]**

- ☐ If a personal call inadvertently occurs, restitution must be made to the Corporation.
- ☐ If the employee uses the WCD 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 Corporation for a prorated portion of that month's bill, which is related to the employee's personal use of the device.

**[END OF OPTIONS]**

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

**REVISED POLICY – VOL. 24, NO. 2**

**Version # 2**

**STAFF USE OF WIRELESS COMMUNICATION DEVICES**

The Board of School Trustees ~~will~~may provide wireless communication devices ("WCDs") (i.e. cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs) BlackBerries/Smartphones, WiFi-enabled or broadcast access devices, etc.) 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. WCDs are provided as a tool to conduct Board business and to enhance business efficiencies. WCDs 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 wireless services plan are billed on a time-used basis, Board-owned WCDs 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 #1 OR OPTION #2]**

**Option #1**

**[SELECT ONE]**

☐ ~~The Superintendent will recommend and the Board will approve the staff members who will be issued a Board-owned WCD and provided with a wireless service plan.~~

☒ The ~~Superintendent~~Executive Director is authorized to designate those staff members who will be issued a Board-owned WCD and provided with a wireless service plan.

**[END OF SELECTIONS]**

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

- A. the need for each Board-owned WCD and wireless service plan is clearly justified for Board business purposes;
- B. alternative solutions for work production and communication are



**BOARD OF SCHOOL TRUSTEES**  
**SCHOOL CORPORATION**  
considered;

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- C. employees provided with wireless service plans are notified of the purpose and limitations of usage;

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- D. wireless 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 WCD is returned and the corresponding wireless 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.

**H** ~~In deciding which staff members should receive a Board-owned WCD, 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 normal working hours and have regular access to telephone and/or Internet connections while outside their office or assigned work area;~~
- ~~B. require them to be accessible outside of scheduled or normal working 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 not 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 WCD 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 normal work hours; or~~
- (-) ~~the employee is required to be on-call 24/7; or~~
- (-) ~~the employee's job requirements include critical Corporation-wide decision-making.~~

~~[END OF OPTION #1]~~

**Option #2**

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

- (-) ~~assistant superintendent(s): \_\_\_\_\_~~
- (-) ~~Corporation-level administrators: \_\_\_\_\_~~
- (-) ~~supervisors: \_\_\_\_\_~~
- (-) ~~principals: \_\_\_\_\_~~
- (-) ~~bus drivers: \_\_\_\_\_~~
- (-) ~~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.]~~

~~H Since the staff members listed above are expected to be readily accessible day and night, seven (7) days a week during the course of their employment, the Board considers WCDs to be essential equipment for the performance of their duties, and determines that the provision of WCD to the above mentioned staff members serves a valid public purpose.~~

~~H Accordingly, the individual employment contracts of these staff members shall affirm that the staff member shall be provided with a WCD, 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]~~

~~[X] Board-owned WCDs and/or their related wireless service plan are to be used only to place calls, access the Internet, or receive/send e-mails, instant messages or text messages for Corporation-related business.~~

~~[ ] Furthermore, Board-owned WCDs 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.~~

Wireless service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The wireless 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 wireless 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 Superintendent's recommendation regarding the type and level of wireless service appropriate for each staff member listed above. In all cases, the Superintendent 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 Corporation's wireless service plans are the most economical and responsible available. Additionally, at least once annually, the Superintendent 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 WCD and/or selection of a different wireless 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 devices and/or service plans shall be presented to the Board for consideration and approval.

Possessing a Board-owned WCD is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost effectiveness of WCD use by utilizing assigned landline and/or designated computers as available and appropriate. Employees should know that using a WCD 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 WCD, staff members are required to answer all calls on his/her WCD and promptly respond to any messages.

]] ~~{Select this alternative language if non-exempt (for Fair Labor Standard Act ("FLSA")) purposes employee's receive the Board-owned WCD} In order to continue to receive the Board-owned WCD, non-exempt employees are required to answer all calls on his/her WCD and promptly respond to any messages during his/her work hours.~~

Employee safety is a priority of the Board, and responsible use of WCDs includes safe use.

~~Version #2~~

~~[NOTE: START OF SECOND SET OF OPTIONS — CHOOSE OPTION #1 OR  
OPTION #2 OR OPTION #3]~~

~~Option #1~~

- ~~[ ] Employees whose job responsibilities include regular or occasional driving and who are issued a Board-owned WCD for business use are expected to refrain from using the 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. 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 discussion of complicated or emotional topics, and keep their eyes on the road. Additionally, 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 with the WCD or using the WCD in its entirety while driving).~~
- ~~[ ] In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment may be provided to facilitate the provisions of this policy.~~

~~Option #2~~

- ~~[ ] 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 WCDs 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.~~

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**Option #3**

- ☒ Using a WCD while operating a vehicle is strongly discouraged. Employees should plan accordingly so that calls are placed, text messages, instant messages or e-mails sent/read, 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 with the WCD or using the WCD in its entirety while driving).

**[NOTE: END OF SECOND SET OF OPTIONS]**

**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 WCDs.

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

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

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Except in emergency situations, employees are prohibited from using WCDs to capture, record or transmit the words (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, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal or Superintendent.

At no time may any WCD be utilized by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

**Employee's Responsibilities**

Employees are responsible for the safekeeping, care and custody of the WCDs assigned to them. Further, employees are responsible for the cost of misuse, intentional damage or reckless loss of the WCDs provided to them. The Corporation does not provide or purchase insurance to allow for loss or damage to its WCDs.

Reasonable precautions should be taken to prevent unauthorized use/access to, or loss, damage, theft and/or vandalism to said devices. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the WCD 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) **(X)** 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 WCD is required to keep a log documenting the calls made, e-mails, instant messages or text messages sent/receive, or Internet sites accessed with a notation of the purpose of each action.~~

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**Version # 2**

Each employee issued a Board-owned WCD 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 Superintendent within six months—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 WCD, 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 WCD to send/receive personal e-mails, text messages, or instant messages, shall be subject to disciplinary action. Use of a Board-owned WCD by an employee to access a personal e-mail account or connect to the Internet for personal business is strictly prohibited.

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

☒ Cellular telephone numbers provided by the Board, via contract with a wireless service provider/vendor, are considered business numbers of the Corporation 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 cellular telephone number to a Board-owned WCD.

The Board reserves the right to audit all Board-owned WCDs, 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 WCDs as well as invoices and payment documents related to these accounts are public records and, as such, may be subject to disclosure and review.

Version # 2

Privacy Issues

[NOTE: START OF THIRD SET OF OPTIONS - CHOOSE OPTION #1 OR OPTION #2 OR OPTION #3 OR OPTION #4]

**Option #1**

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

**Option #2**

- ☐ The use of WCDs in locker rooms, classrooms, bathrooms and/or ( ) swimming pool is prohibited.

**Option #3**

- ☐ WCDs, including but not limited to those with cameras, may not be possessed, activated or utilized at any time in any school situation where reasonable expectation of personal privacy exists. These locations and circumstance include but are not limited to locker rooms, shower facilities, restrooms, ( ) classrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a WCD is absolutely prohibited.

**Option #4**

- ☒ The use of WCDs that contain built-in cameras is prohibited in school, on school property, during after school activities, and at school-related functions without the permission of the Executive Director.

[NOTE: END OF THIRD SET OF OPTIONS]

Version # 2

**Use of Board-owned WCDs for Personal Calls**

The Board recognizes that in rare circumstances it may be necessary for an employee to use a Board-owned WCD 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 WCD for personal business will result in disciplinary action.

**[NOTE: START OF FOURTH SET OF OPTIONS - CHOOSE OPTION #1 OR OPTION #2]**

**Option #1**

☒ If unforeseen circumstances develop where employees must use their Board-issued WCD for personal reasons (i.e. to let family know that the employee will be home late, etc.) it is up to the Superintendent or his/her designee to determine whether the employee should reimburse the Board.

☐ ~~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 ensure 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.~~

Version # 2

Option #2

- [H] ~~WCDs provided by the Board are a public resource and may be used for Board business only. Employees are advised to obtain and carry their own WCD for personal use at their own expense. Board owned WCDs 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 WCDs should not be misused for personal business. If an employee determines the need to make or receive a personal call on a Board owned WCD, 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 business and personal communications made on the Board owned WCD, 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.~~
- [H] ~~The Board reserves the right to withhold any unreimbursed amount from the employee's wages.~~
- [H] ~~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 FOURTH SET OF OPTIONS]



Version # 2

Use of a Personal WCD While at Work

[NOTE: START OF FIFTH SET OF OPTIONS - CHOOSE OPTION #1 OR OPTION #2]

Option #1

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

Option #2

~~[X]~~ Board employees may carry personal WCDs with them while on Board time and/or while operating Board equipment, but are subject to the following restrictions:

- A. Excessive use of a WCD for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.
- 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 WCDs while operating such vehicles or equipment.
- C. Employees are personally and solely responsible for the care and security of their personal WCDs. The Board assumes no responsibility for theft, loss, damage, or vandalism to WCDs brought onto its property, or the unauthorized use of such devices.

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- D. When authorized in writing by the Superintendent the cost of using a personal WCD for official business may be reimbursed to the employee. Having a personal WCD 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.

**[NOTE: END OF FIFTH SET OF OPTIONS]**

Version # 2

**Potential Disciplinary Action/Cancellation of Board-Owned WCD**

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

**H ~~Reimbursement for Business Calls on Personal WCD [NOTE: This language may be used in place of Paragraph D in the preceding set of options.]~~**

~~If a Board employee's job duties do not include frequent need for a WCD, the employee is not eligible to receive a Board-owned WCD. Such employees, however, may request reimbursement for the actual extra expenses of business cell phone calls. 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 wireless 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 personal WCD.~~

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**REVISED POLICY – VOL. 24, NO. 2**

**STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY**

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The School Board is pleased to provide Internet services to its students. The Corporation's Internet system has a limited educational purpose. The Corporation's Internet system has not been established as a public access service or a public forum. The Corporation has the right to place restrictions on its use to assure that use of the Corporation's Internet system is in accord with its limited educational purpose. Student use of the Corporation's computers, network and Internet services ("Network") will be governed by this policy and the related administrative guidelines, and the Student Code of Conduct. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have a limited privacy expectation in the content of their personal files and records of their online activity while on the Network.

The Board encourages students to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The instructional use of the Internet will be guided by the Corporation's policy on instructional materials.

The Internet is a global information and communication network that provides students and staff with access to up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.



First, and foremost, the Corporation may not be able to technologically limit access, to services through the Corporation's Internet connection, to only those that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, will open classrooms and students to electronic information resources which have not been screened by educators for use by students of various ages.

The Corporation has implemented the use of technology protection measures which are specific technologies that will protect against (e.g. filter or block) access to visual displays/depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Corporation or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measures may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The ~~Superintendent or~~ Executive Director or the Technology Director may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

The Corporation utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. Nevertheless, parents/guardians are advised that a determined user may be able to gain access to services on the Internet that the Corporation has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents/guardians may find inappropriate, offensive, objectionable or controversial. Parents/Guardians assume risks by consenting to allow their child to participate in the use of the Internet. Parents/Guardians of minors are responsible for setting and conveying the standards that their children should follow when using the Internet. The Board supports and respects each family's right to decide whether to apply for independent student access to the Internet.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the dangers inherent with the online disclosure of personally identifiable information; and,
- C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by students online; and
- D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while in school.

[X] Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Internet. All Internet users (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Students and staff members are responsible for good behavior on the Corporation's computers/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Corporation does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

**[NOTE: If language about social media is added to Policy 7540, it is recommended that this language be added to this policy.]**

**[X ]** Students shall not access social media for personal use from the Corporation's network, **(X )** but shall be permitted to access social media for educational use in accordance with their teacher's approved plan for such use.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the Board's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this Board policy and its accompanying guidelines.

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The Board designates the ~~Superintendent and the \_\_\_\_\_~~ Executive Director and the Technology Director as the administrator responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of the Network.

P.L. 106-554 (2000), Children's Internet Protection Act  
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)  
18 U.S.C. 1460  
18 U.S.C. 2246  
18 U.S.C. 2256  
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)  
20 U.S.C. 6777, 9134 (2003)  
76 F.R. 56295, 56303

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**REVISED POLICY – VOL. 24, NO. 2**

**STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY**

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The School Board is pleased to provide Internet service to its staff. The Corporation's Internet system has a limited educational purpose. The Corporation's Internet system has not been established as a public access service or a public forum. The Corporation has the right to place restrictions on its use to assure that use of the Corporation's Internet system is in accord with its limited educational purpose. Staff use of the Corporation's computers, network and Internet services ("Network") will be governed by this policy and the related administrative guidelines, and any applicable employment contracts and collective bargaining agreements. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have a limited privacy expectation in the content of their personal files and records of their online activity while on the Network.

The Corporation encourages staff to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet will be guided by the Corporation's policy on Instructional Materials.

The Internet is a global information and communication network that provides students and staff with access to up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

First, and foremost, the Corporation may not be able to technologically limit access to services through the Corporation's Internet connection to only those that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, will open classrooms and students to electronic information resources which have not been screened by educators for use by students of various ages.

The Corporation has implemented the use of technology protection measures, which are specific technologies that will protect against (e.g. filter or block) access to visual displays/depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Corporation or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The technology protection measures may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The ~~Superintendent or~~ Executive Director or the Technology Director may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. ~~X The Superintendent or~~ Executive Director or the Technology Director may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

The Corporation has implemented technology protection measures which block/filter Internet access to visual displays that are obscene, child pornography or harmful to minors. The Corporation utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors.

The ~~Superintendent or~~ Executive Director or the Technology

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| Director may disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online; and;
- C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by students online; and
- D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security and specified above, and staff members will monitor students' online activities while at school.

X | Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Internet. All Internet users are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Staff members are responsible for good behavior on the Corporation's computers/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature.

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[NOTE: If language about social media is added to Policy 7540, it is recommended that this language be added to this policy.]

[X] Staff members shall not access social media for personal use on the Corporation's network, and shall access social media for educational use only after submitting a plan for that educational use and securing the principal's approval of that plan in advance.

[ ] ~~Staff members shall not access social media from the Corporation's network for either personal or educational use.~~

General school rules for behavior and communication apply. The Board does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines. Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the Board's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and the \_\_\_\_\_ Executive Director or the Technology Director as the administrator responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of the Network.

**[Optional]**

[X] Social Media Use

An employee's personal or private use of social media, such as Facebook, Twitter, MySpace, blogs, etc., may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the Corporation's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without

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parent consent (see Policy 8330). Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential student or employee information may be disciplined.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

P.L. 106-554 (2000), Children's Internet Protection Act  
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)  
18 U.S.C. 1460  
18 U.S.C. 2246  
18 U.S.C. 2256  
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)  
20 U.S.C. 6777, 9134 (2003)

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**REVISED POLICY – VOL. 24, NO. 1**

**PUBLIC RECORDS**

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

"Public Records" Defined and Mandatory and Discretionary Exemptions

~~The public records of this Corporation include any record that has been required by law to be made, maintained, or kept on file by this Board or its officials, but does not include certain records described under I.C. 5-14-3-4, including the disclosure or use of any list of Corporation employees for commercial purposes nor any record or part of a record the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. The public records of this Board are those records that are created, received, retained, maintained, or filed with the board or its officers, employees, or agents in any form including on paper and in any computer readable media. Certain records covered by this definition must be maintained as confidential records pursuant to I.C. 5-14-3-4(a) unless production is ordered by a court under the rules of pre-trial discovery, while other records covered by this definition are subject to a discretionary exempted listed in I.C. 5-14-3-4(b).~~

Protection of Public Records

~~A person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Class D felony in violation of I.C. 5-15-6-8. Public records may be destroyed when the Johnson County Commission on Public Records created pursuant to I.C. 5-15-6 has given written approval for the destruction of the record, or authority for destruction of the records is addressed by a retention schedule established and approved under I.C. 5-15-6.~~

Protection of Confidential Information in Public Records

~~As used in this policy, the term "redact" means to black out or cover with a permanent opaque material so that the content cannot be readyread. Where~~

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redaction is necessary, sufficient content shall be redacted so that the redacted content cannot be identified from the context.



A social security number contained in the records of the school corporation (student or employee) may not be disclosed or released by the school corporation unless the record is specifically required by a State or a Federal Statute or is ordered by a court under the rules of discovery. The Board directs the Superintendent and Board employees having custody and supervision over public records to protect the confidentiality of records that are not to be disclosed under I.C. 5-14-3-4(a). This includes a person's Social Security Account Number ("SSAN") which shall be redacted from any public record released unless the SSAN is specifically required to be disclosed by a State or a Federal law or is ordered by a court under the rules of discovery.

Other information that must be kept confidential includes personally identifiable information about a student protected by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g and 34 CFR Part 99, medical or genetic information about an employee, and information containing a trade secret as defined in I.C. 24-2-3-2.

#### Authorization to Assert Mandatory and Discretionary Exemptions

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Given the time limitations established for compliance with a response to a request for records under the APRA, the Board directs the Superintendent to assert any exemption required to protect information that must be kept confidential pursuant to I.C. 5-14-3-4(a); and the Board authorizes the Superintendent to assert any discretionary exemption to the APRA found in I.C. 5-14-3-4(b) including: records that are intra-agency or inter-agency advisory or deliberative material; diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal; files of applicants for Board employment, and personnel files of Board employees, except that the following information from personnel files must be disclosed:

- A. the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the Board;
- B. information relating to the status of any formal charges against a Board employee; and
- C. the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

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If personnel file information about a current or former employee is disclosed, the current or former employee shall be advised of the release of the information from their personnel file and a description of the released information.

Limited Access to Requests for Lists of Persons

Notwithstanding any other provisions of law or this policy, in compliance with I.C. 5-14-3-4(f), the Board will not create a new list or provide a copy of an existing list that includes the names and addresses of persons (including e-mail addresses) in response to a request unless the Board is required by law to publish and disseminate the list to the public.

However, if the Board has created a list of names and addresses of persons, it will permit a person to inspect and make memoranda abstracts from the list, excluding e-mail addresses unless access to the list is prohibited by law.

**(X ) OPTIONAL [NOTE: The section below is optional.]**

Requests for Lists of Employees or Students for Commercial or Political Purposes

When a list of employees and/or students is requested from the Corporation, notwithstanding the general prohibition of asking a requesting party for the purpose of their request, the requesting party will be required to disclose the proposed use of the list in writing, before their request is considered.

If the request is for:

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

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- C. A list of students who are enrolled in the Corporation, or sorted by any criterion or criteria;

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

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For purposes of this policy, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question, or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question and "commercial purposes" means promotion of a product or service available from a business.

If all or any portion of a list of employees or student is disclosed, the party receiving the list shall be required to agree in writing that as a condition of release of the information, any information provided to them will not be used for political or commercial purposes. A person or entity that violates such a written agreement and any person or entity that used a list obtained through them shall not be eligible to receive lists of persons through the Board in the future. The Superintendent is directed to provide for consistent and uniform enforcement of this prohibition among all similarly situated commercial and political entities.

**[NOTE: End of optional section.]**

**Lists of Students for Use by Official Recruiting Representative of Armed Forces**

Notwithstanding any policy to the contrary, a request for a list containing "directory information" as defined at I.C. 20-33-10-3 and the Family Rights and Privacy Act ("FERPA") from an official recruiting representative of an armed force of the United States pursuant to I.C. 20-33-10 and/or 9528 of the ESEA (20 U.S.C. 7908), as amended by the No Child Left Behind Act of 2001 (P.L. No. 107-110), shall not be denied. However, an official recruiting representative may be required to pay a fee that represents the actual costs of copying and mailing the student directory information to the recruiter.



This information shall not be provided if a high school student or the parent of a high school student submits a signed, written request at the end of the student's sophomore year that states that the student or the parent of the student does not want the student's directory information to be provided to official recruiting representatives of the armed forces of the United States. Notice of the right to object to the release of student directory information generally under FERPA, and to official recruiting representatives of the armed forces of the United States, specifically, shall be provided in annual notices given to all high school students and their parents, guardian, or custodian.

A written request to inspect and copy by hand the public records of this Corporation may be made during the regular business hours of the office in which such records are maintained, provided that advance notice of such intended inspection has been given the custodian of the records not less than one (1) working day before the inspection. The Superintendent is authorized to grant or refuse access to the records of this Corporation in accordance with the intent of this policy. A request to inspect and/or purchase copies of a public record in the custody of the Board may be submitted orally during the regular business hours in the office in which such records are maintained. A written request to inspect and make notes from public records in the custody of the Board may be submitted by e-mail, facsimile, or USPS mail. Such a request submitted outside of the regular business hours in the office in which such records are maintained, shall be received at the beginning of the next regularly scheduled work day in that office.

A requesting party shall be required to describe the records sought with reasonable particularity.

The Board Public Access Officer ("PAO") designated by the Superintendent or a Board employee acting at the discretion of the PAO will advise the requesting party whether any records specified in the request are available for inspection and copying. When the person making the request is physically present in a Board office makes the request by telephone, or requests enhanced access to a record, a denial of disclosure occurs at the earlier of the time an employee of the Board refuses to permit inspection and copying of the requested record; or twenty-four (24) hours elapse after the request is received. When a request is made by mail, e-mail, or by facsimile, a denial of the request occurs at the earlier of the time a Board employee refuses to permit inspection and copying of the requested record or when seven (7) days have elapsed from the date the request was received by the Corporation.



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The initial response to a request required by these time limitations does not need to be the final response of the Board to a request, but the initial response shall at least acknowledge receipt of the request and provide an initial assessment of the existence of records covered by the request. In preparing a final response of the Board following the initial response, the PAO shall comply with I.C. 5-14-3-7 and shall take into account the other duties to be performed by Board employees with custody of the requested record and shall not cause or permit a material interference with the regular discharge of the other functions or duties of the Corporation or its employees.

~~Purchase of copies of the Corporation's public records may be made upon payment of a fee. No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.~~

Enhanced Access to Corporation Records

**[NOTE: Choose Option #1 or Option #2.]**

**( ) Option #1**

As used in this policy, "enhanced access" means the inspection of a public record by a person other than a governmental entity by means of an electronic device other than an electronic device provided by the Corporation, or requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

~~The Board authorizes the Superintendent to provide, upon written request, enhanced i.e. immediate access to any public record which the Corporation has stored in an electronic database and is not confidential or exempt from disclosure by State or Federal statute. Such a record may be provided by means of a computer disk provided by the requestor, electronic mail, or a modem providing the requestor has paid the fee established for such transmission. The Board authorizes the Superintendent to provide enhanced access to any public record the Board has stored in an electronic database that is not confidential or exempt from disclosure. Enhanced access may be provided by means of copying on to an electronic data storage device a transmission attached to an e mail or direct access to the Board network through a temporary and limited access portal.~~

~~The Superintendent shall establish a fee for enhanced access that does not exceed the Corporation's "direct cost", i.e. one hundred five percent (105%) of the sum of the initial development of a program, if any, the labor required to retrieve electronically stored data and any medium used for electronic output for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval.~~

**[END OF OPTION # 1]**

**(X) Option #2**

~~The Board chooses not to provide for enhanced access to any of its public records. In order to assure the integrity of the data maintained on the Corporation's computer network, and protect the confidentiality of protected information maintained by the Corporation, the Board will not authorize enhanced access to public records on its computer network. However, records that are not confidential may be viewed by a requesting party in paper form printed out for inspection on paper by the PAO or a Board employee acting at the direction of the PAO.~~

~~Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this Corporation, except student records and certain portions of personnel records.~~

**[END OF OPTION # 2]**

**Fees for Purchasing Copies of Public Records**

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~~The Board establishes the following fee schedule for public records. These fees will be uniform through the Corporation and uniform to all purchasers. Board public records may be inspected without charge. Purchase of copies of public records may be made upon payment of a fee. The Board establishes the following fee schedule for purchase of a copy of public records. These fees will be uniform at all purchasers.~~

Copies shall be prepared by a Corporation employee and provided to a requesting party upon payment of a fee which is the greater of:

**A. — Copies**

~~The greater of:~~

- ~~1-A.~~ ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or
- ~~2-B.~~ the actual cost of copying the document.

"Actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs.

- ~~B-C.~~ Certification of document as a true and accurate copy of an original record in the custody of the Corporation, five dollars (\$5.00).

~~C-D.~~ Other

~~The Corporation may charge a fee for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the Corporation or entrusted to it that does not exceed the sum of:~~The Board will charge a fee for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing a public record in the custody of the Corporation. The fee shall not exceed the sum of the:

1. Corporation's direct cost of supplying the information in that form; and
2. standard cost of selling the same information to the public in the form of a publication if the Corporation has published the information and made the publication available for sale.

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~~(+) — Enhanced Access~~

~~The Corporation may charge a reasonable fee for providing enhanced access to public records. [NOTE: This choice is only needed if enhanced access is offered earlier in this policy.]~~

I.C. 5-14-3, 5-15-6, 20-33-10

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**REVISED POLICY – VOL. 24, NO. 2**

**STUDENT RECORDS**

In order to provide appropriate educational services and programming, the School Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable information.

Student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the Corporation reasonably believes knows the identity of the student to whom the education record relates.

A social security number of a student contained in the records of the school corporation may be disclosed if the record is specifically required by a State or a Federal Statute or is ordered by a court under the rules of discovery.

Personally identifiable information concerning students shall be protected against theft, unauthorized access, alteration, disclosure, misuse, or invasion of privacy. Unless specifically authorized by the Superintendent or produced pursuant to a request under the Indiana Access to Public Records Act, personally identifiable information concerning students shall not be left unprotected, shared or transferred from School Corporation records to any place not within the control of the School Corporation. This includes any laptop computer or portable storage medium.



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The School Board is responsible for maintaining records of all students attending schools in this Corporation. In addition to records mandated by the Federal Government, the State of Indiana requires that the School Corporation record or include in the official high school transcript for each high school student the following information:

- A. attendance records
- B. the students' latest ISTEP/GQE test results
- C. any secondary level and postsecondary level certificates of achievement earned by the student
- D. immunization information from the student's immunization record

The Board also authorizes the collection of other student information including, but not limited to:

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency;
- B. samples of student work;
- C. information obtained from professionally acceptable standard instruments of measurement such as:
  - 1. interest inventories and aptitude tests,
  - 2. vocational preference inventories,
  - 3. achievement tests,
  - 4. standardized intelligence tests,
  - 5. \_\_\_\_\_;
- D. verified reports of serious or recurrent behavior patterns;
- E. rank in class and academic honors earned;

- F. psychological tests;
- G. custodial arrangements.

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

Student records shall be available only to students and their parents, eligible students, designated school officials and designated school personnel, who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" includes any student who is eighteen (18) years of age or older, or who is enrolled in a postsecondary institution regardless of his/her age.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student's educational records unless stated otherwise by court order. In the case of an eligible student, that is a student who is eighteen (18) years of age or older, parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under Section 152 of the Internal Revenue Code.

A "school official" is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, or medical consultant); school psychologist, a contractor, consultant, volunteer or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g. a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers). "Designated school personnel" could include, but not be limited to agents of an insurance carrier providing a defense to the Corporation or its employees or agents.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the Corporation" or if the record is necessary in order for the designated school personnel official to perform an administrative, supervisory or instructional task for the Corporation or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records including disciplinary records with respect to suspensions and expulsions upon request to a private or public school or school corporation in which a student of this Corporation seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
  - 1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification – Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
  - 2. the parent or eligible student, upon request, receives a copy of the record; and
  - 3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;

- B. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- C. request each person or party requesting access to a student's record to abide by the Federal regulations concerning the disclosure of information to a third party;
- D. report a crime committed by a child ~~with a disability to appropriate authorities and to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to~~ transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
- E. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the Corporation for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative(s) of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the Corporation will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) ~~While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.~~

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[Districts without administrative guidelines should include the following paragraph]

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

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

- F. request each person or party requesting access to a student's record to abide by Federal regulations and State laws concerning the disclosure of information; disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities. The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal requirements related to those education programs. A written agreement between the parties is required under this exception (see Form 8330 F16).



**[NOTE: CHOOSE OPTION A OR OPTION B.]**

**[X] Option A [NOTE: The follow sentence should be selected by corporations with administrative guidelines.]**

The Corporation will verify that the authorized representative complies with FERPA regulations.

~~[ ] Option B [NOTE: The following two paragraphs should be selected by corporations without administrative guidelines.]~~

~~This written agreement must include: (1) designation of the receiving entity as an authorized representative; (2) specification of the information to be disclosed; (3) specification that the purpose of the disclosure is disclosed; (4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; (5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed; and (6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.~~

~~Under the audit exception, the District will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the Corporation will verify, to the greatest extent practical, that the personally identifiable information is used only for the audit, evaluation or enforcement of a government supported educational program. The Corporation will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the District will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the District will verify that the information is destroyed when no longer needed for the audit, evaluation, or compliance activity.~~

- G. disclose or report educational records to a State or local juvenile agency when the disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released; and the juvenile justice agency receiving the information certifies, in writing, that the agency or individual receiving the information has agreed not to disclose it to a third party, other than other juvenile justice agency, without the consent of the child's parent, guardian, or custodian.

A disclosure or reporting of educational records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the agency provides documentation to the School Corporation that the agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to the supervision of the child as an adjudicated delinquent child.

The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if the Superintendent submits a written request establishing that the juvenile court records are necessary for the school to serve the educational needs of the child whose records are requested or to protect the safety or health of a student, an employee, or a volunteer at the school.

The school shall keep the records confidential. However, the confidentiality order does not prohibit the school from forwarding the juvenile records to another school or a person if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person.

The Corporation will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

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

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Corporation's policy and administrative guidelines and/or those specified in the law.

**DIRECTORY INFORMATION**

Each year the Superintendent shall provide public notice to students and their parents of the Corporation's intent to make available, upon request, certain information known as "directory information". The Board designates as student "directory information": a student's name; address; telephone number; photograph; date and place of birth; major field of study; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; awards received; or

- |                    ☒ listing on an honor roll;
- |                    ☒ scholarships;
- |                    ☐ \_\_\_\_\_

Directory information shall not be provided to any organization for profit-making purposes. The Superintendent may allow access to a school campus or give students' directory information to organizations that make students aware of educational or occupational options.

In accordance with Federal and State law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request that the student's name, address, and telephone listing not be released without prior consent of the parent(s)/eligible student. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces". The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer.

The Corporation shall notify parents and students that they may request that the information not be released by the Corporation to the military recruiting representatives. This notification is to include the process necessary to request that the student not be identified to a military recruiter.

The parent or student must make the request in writing at the end of the student's sophomore year in high school. This is a one-time opt-out opportunity. If the student opts-out in his/her sophomore year and later changes his/her mind a revocation may be made.

Parents and eligible students may refuse to allow the Corporation to disclose any or all of such "directory information" upon written notification to the Corporation within       10       days after receipt of the Superintendent's annual public notice.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of directory information, either parent may provide such consent unless specifically stated otherwise by court order.

The Corporation may disclose "directory information" on former students without consent of the parent(s)/eligible student, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

**Disclosure of Lists of Students for Political or Commercial Purposes**

It is the policy of the Board to not release the lists of students for commercial or political purposes. This policy shall be equally applied to similarly situated organizations and persons. (I.C. 5-14-3-3 (f))

**Inspection of Information Collection Instrument**

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least ~~10~~ 5 business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within 5 business days of the principal receiving the request.

The ~~Superintendent~~ Executive Director shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment
- B. book clubs, magazine, and programs providing access to low-cost literary products
- C. curriculum and instructional materials used by elementary and secondary schools
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments



- E. the sale by students of products or services to raise funds for school-related or education-related activities
- F. student recognition programs

| The ~~Superintendent~~ Executive Director shall prepare procedures to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except disclosures allowed without parental consent;
- D. challenge Board noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint of Corporation noncompliance with the United States Department of Education;
- F. obtain a copy of the Corporation's policy and administrative guidelines on student records.

| The ~~Superintendent~~ Executive Director shall also develop procedural guidelines for:

- | ☒ ) the proper storage and retention of records including a list of the type and location of record;
- | ☒ ) informing Corporation employees of the Federal and State laws concerning student records.

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

No liability shall attach to any member, officer, or employee of this Corporation specifically as a consequence of permitting access or furnishing students' records in accordance with this policy and administrative guidelines.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the time frame for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Violation of this Policy

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

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

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

I.C. 31-39-2-13.8

I.C. 5-14-3-3(f)

I.C. 5-14-3-4(c)

I.C. 5-14-3-4(a)(12)

I.C. 20-33-2-13

I.C. 20-33-7-1,2,3, 20-33-10-2

34 C.F.R. Part 99

20 U.S.C. Section 1232g, 20 U.S.C. 7165(b), 20 U.S.C. 7908

26 U.S.C. 152

The Family Educational Rights and Privacy Act of 1974 93-380

Individuals with Disabilities Education Improvement Act, 20 U.S.C. 1400 et seq.

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**REVISED POLICY – VOL. 24, NO. 2**

**ENVIRONMENTAL HEALTH AND SAFETY ISSUES - INDOOR AIR QUALITY,  
ANIMALS IN THE CLASSROOM,  
AND IDLING VEHICLES ON SCHOOL PROPERTY**

The School Board recognizes its responsibility relative to student, employee, and visitor health and safety, and the need for development of a comprehensive program designed to provide a healthy, safe, and secure environment on Corporation property and at Corporation-sponsored activities. To achieve this, it is the intent of the Board that the Corporation will avail itself of the most current, proven technologies in the fields of health, safety, and environmental sciences.

**STUDENT, EMPLOYEE, AND VISITOR HEALTH AND SAFETY**

The Corporation shall develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities within the Corporation, and promotes and incorporates the following:

- A. Procedures describing a hazard identification and abatement program that requires the periodic inspection of Corporation facilities, the implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and the development of a corporation-wide hazard reporting procedure that enables employee/stakeholder participation. This program should also provide procedures for identifying and responding to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether or not appropriate requirements for environmental health and safety have been met.
- B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not be limited to, the establishment of school and Corporation safety committees, and the establishment of a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through available mediums in the Corporation.

- C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students, assessing the safety of school traffic patterns, operating school clinics, administering medication and medical treatment, promoting laboratory and shop safety, promoting safety in sports and other outdoor activities, inspecting playground equipment and promoting safety on playgrounds, and assessing environmental exposure.
- D. Procedures related to Corporation employee health and safety issues that include, but are not limited to, provision of work areas free from recognized hazards and OSHA-related programs that are required by Federal and State law, such as, employee safety and health training and training in hazard recognition, and defining employer and employee responsibilities and expectations related to health and safety.
- E. Procedures describing an accident reporting and investigation system that provides for identification of root causes, determination of remedial and programmed corrective actions, and provides communication about accidents to employees and stakeholders.
- F. Procedures that detail plans for foreseeable emergencies and fire prevention.

#### **~~PHASE-OUT/BANNED PRODUCTS~~**

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



**ANIMALS IN CLASSROOMS**

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Use of animals in classrooms shall be limited to that necessary to support the educational mission, taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement. Animals in classrooms shall be kept in a healthy condition in appropriate cages or tanks, which are kept clean (see AG 8405A). Live animals shall be allowed in the classroom for educational purposes with the prior approval of the principal. No live animal will be allowed in the classroom longer than (X) a semester ( ) a grading period ( ) weeks.

Animals brought into a classroom must be humanely and properly housed in cages or leashed. Animals brought into the classroom must be known to be in good health. Animals that are poisonous, venomous, or dangerous will not be allowed in the classroom.

When bringing an animal into the classroom, considerations must be given to students or staff who may be allergic to the animal. In advance of the animal being brought to school, a notification will be sent home with the students in that class informing parents of the type of animal that will be coming into the classroom. Parents will have an opportunity to notify the teacher or the principal if their child is allergic to the animal. If a parent responds about a concern regarding a possible allergic reaction to the animal, the principal and teacher shall discuss options that may be considered. The name of the student with the allergy shall remain confidential.

If after an animal is brought to class and school officials become aware that an individual did have an allergic reaction, the school shall resolve the issue and provide the necessary cleaning of all surfaces in the classroom to remove the allergen.

The care of an animal is the responsibility of the teacher. Cages and aquariums shall be cleaned by the teacher, not a student. Animal waste and materials from the cages shall be bagged and disposed of in a proper manner in a proper outside trash container. Waste water from an aquarium may be disposed of by flushing it down a toilet or any sink where food is not prepared. For animals staying in the classroom for longer than that day, it is the teacher's responsibility to provide care over the weekends and during vacations.

Under the teacher's supervision, students may handle the animal in the classroom after being given instruction on proper handling techniques for handling the animal, as well as proper hand washing techniques after handling the animal. When appropriate, students may feed the animal under the supervision of the teacher.

Live animal presentations and assemblies under the supervision and control of a trained professional may at times have more unique animals and may not be allowed in the classrooms. These presentations are allowed in accordance with the provisions of this policy.

Exceptions to this policy are service animals and fish in an aquarium provided the fish are of a reasonable size and quantity.

Owners of pets (see AG 8605A) and service animals (see AG 9160B) brought on school property are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.

#### **INDOOR ENVIRONMENTAL QUALITY (IEQ) AIR QUALITY (IAQ)**

The Superintendent shall appoint a person to serve as the Indoor Air Quality (IAQ) Coordinator for the school corporation. The IAQ Coordinator shall serve as the lead contact person for matters related to indoor air quality in the facilities operated by the school Corporation. The IAQ Coordinator contact information shall be available to all students, parents, employees, and visitors by publishing the information on the school corporation's website and in school handbooks. The school corporation shall also notify the Indiana State Department of Health (ISDH) of the IAQ Coordinator's name and contact information.

Each school facility is to meet criteria established by the ISDH. During inspections by the ISDH, the inspector will investigate any condition that is or could be contributing to poor air quality including, but not limited to the following: carbon dioxide levels, humidity, evidence of mold or water damage, and excess dust.

[NOTE: This content may be included in policy or administrative guideline.]

Criteria established by the ISDH are as follows:

- A. Carbon dioxide levels shall never exceed seven hundred (700) ppm over the outdoor carbon dioxide concentration.
- B. Outdoor air shall be supplied to classrooms when occupied.
- C. Heating facilities shall be capable of and operated during periods of student occupancy to maintain a temperature not less than sixty-eight (68) degrees Fahrenheit in all instructional rooms, offices, locker rooms, and cafeteria; sixty-five (65) degrees Fahrenheit in activity rooms and shops; and sixty (60) degrees Fahrenheit in interior toilet rooms.
- D. When air conditioning is being provided, the system shall be capable of providing and operating during times of student occupancy to maintain a temperature not to exceed seventy-eight (78) degrees Fahrenheit and sixty-five percent (65%) relative humidity.
- E. The school corporation shall establish and maintain a written procedure for routine maintenance of the heating, ventilating and air conditioning system (HVAC). This procedure shall include the following items:
  - 1. a schedule for inspecting the HVAC system, including annual inspection
  - 2. ensuring that all supply and return air pathways in the HVAC system are unobstructed and perform as required
  - 3. a schedule for cleaning the HVAC coils at least annually
  - 4. a schedule for inspecting and changing filters

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

**[NOTE: END OF SECTION.]**

The Board recognizes that excessive moisture levels within the schools can lead to conditions that are optimum for the development of biological contaminants, such as mold and fungi on building surfaces. The Board further recognizes that the presence of these contaminants can be harmful on contact with respiratory tissue.

Contributing factors to excessive moisture levels include the following:

- A. roof leaks;
- B. structural defects in the building;
- C. improperly controlled humidity levels;
- D. faulty HVAC systems

As preventative measures, the Corporation shall do the following:

- A. address prevention of water intrusion as a priority IAQ issue and implement strategies toward its ~~elimination~~;elimination. When a water leak or intrusion is discovered, corrective action shall be taken within forty-eight (48) hours.
- B. maintain environmental conditions in occupied areas that are in compliance with applicable regulations and strive to conform to consensus industry standards;
- C. implement a preventative maintenance program for HVAC systems which shall include, but not limited to, periodic filter replacement, inspection, cleaning and disinfecting processes, and procedures to eliminate the contribution to indoor air quality problems caused by this equipment;

- D. implement a system for insuring materials used and purchased for use in the construction, furnishing and maintenance, including cleaning of facilities, do not contribute to health hazards to employees and students by degrading the quality of indoor air. In addition, activities that create indoor air quality health hazards shall not be permitted.

- E. When mold or mold contaminated material is discovered, corrective action shall be taken within forty-eight (48) hours.

Further, the school corporation shall endeavor to reduce irritants by not allowing the use of ozone generators sold as air purifiers while students are present in the classroom. Scented candles and air fresheners are not be used in the classrooms.

In addition, the Superintendent shall develop administrative guidelines for the proper monitoring of the factors that contribute to excessive moisture and for the development of mitigation plans when, and if, problems with IAQ are identified.

**DIESEL EXHAUST AND SCHOOL BUS IDLING**

In accordance with the Environment Protection Agency's initiative to reduce pollution that is caused by school buses on school property, the Board will take the recommended steps to reduce the negative effect of diesel exhaust on indoor and outdoor air quality on school campuses. This effort shall include, but not be limited to, reducing bus idling time and reinforcing smart driving practices. In accordance with the Indiana State Department of Health regulations, the Board endeavors to limit vehicle emissions that may be introduced into school facilities harming the indoor air quality.

The Corporation shall determine areas where idling is prohibited and post signs.

Drivers of all public and private vehicles are to turn off the engine if the vehicle is to be stopped for more than five (5) minutes in locations where the vehicle exhaust may be drawn into the building or while on school grounds. See Policy 8615 and AG 8615.



The staff will be informed of this policy at the start of each school year. Parents and students will be informed of this policy at the start of each school year at annual orientations or through student/parent handbooks.

The Superintendent shall develop the administrative guidelines necessary to establish these practices in the Corporation. (See AG 8615)

#### **POLLUTION CONTROL AND PREVENTION**

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

#### **SEE ALSO THE FOLLOWING RELATED POLICIES:**

- |                    |   |  |
|--------------------|---|--|
| Policy 8420        | - | Emergency Evacuation of Schools  |
| Policy 8431        | - | <del>Preparedness for Toxic Hazard and Asbestos Hazard</del> <u>Chemical Management and Preparedness for Toxic Hazard or Asbestos Hazard</u> |
| Policy 8432        | - | Pest Control and Use of Pesticides   |
| Policy 8442        | - | Reporting Accidents  |
| Policy 8450        | - | Control of Casual-Contact Communicable Diseases  |
| Policy 8453        | - | Control of Noncasual-Contact Communicable Diseases   |
| Policy 8453.01     | - | Control of Blood-Borne Pathogens   |
| <u>Policy 8615</u> | - | <u>Idling School Buses and Other Idling Vehicles on School Property</u>  |

Indiana Department of Health Model Policies  
I.C. 16-19-3-5, 16-41-37.5  
410 IAC 33-4-1 through 8

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**REVISED POLICY - VOL. 24, NO. 2**

**PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD**  
**CHEMICAL MANAGEMENT AND PREPAREDNESS FOR**  
**TOXIC OR ASBESTOS HAZARD**

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The School Board is concerned for the safety of the students and staff members and will attempt to comply with all Federal and State statutes and regulations to protect them from hazards that may result from ~~industrial accidents beyond the control of school officials or from the presence of asbestos materials used in previous construction~~ exposure to toxic chemicals used in the classroom as a part of an instructional program, as well as toxic chemicals used for cleaning or maintenance or from the presence of asbestos materials used in previous construction.

**CHEMICAL MANAGEMENT/TOXIC HAZARDS**

In order to reduce student and staff exposure to chemical hazards used or kept at the school corporation facilities, the Superintendent will be responsible for developing and implementing a plan for minimizing exposure to these toxic hazards.

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

The Superintendent will appoint an employee to serve as the Toxic Hazard Preparedness (THP) ~~Officer. The THP Officer will:~~ Officer who shall oversee the implementation of the Corporation's Chemical Management/Toxic Hazards Plan. The plan may include:

- A. provisions to ensure when chemicals are used during a class, such as but not limited to chemistry, biology, or industrial technology, appropriate ventilation in proper working order must be used to minimize potential exposure to these chemicals (either the National Institute for Occupational Safety and Health (NIOSH) or the Occupational Safety and Health Administration (OSHA) guidelines for evaluating student exposure must be used);

- (X) identify—identification of potential sources of toxic hazard in cooperation with material suppliers who shall supply the THP Officer with Material Safety Data Sheets (MSDS's);(MSDs) which provide directions for proper use of materials which shall be followed by all Corporation employees in using said materials;
- (X) maintenance of a Corporation wide inventory of toxic chemicals and a file of MSDs for all toxic chemicals on Corporation property;
- (X) a purchasing procedure which requires the purchase of the least toxic chemical which will effectively do the job and provisions to avoid over stocking toxic chemical materials;
- (X) ensure a storage protocol which provides for safe storage and ensures that all incoming materials, including portable containers, are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party;
- (- ) ~~maintain a current file of MSDS's for every hazardous material present on Corporation property;~~
- (X) design and implement a written communication program which:
  - ~~1. lists hazardous materials present on Corporation property,~~
  - 2-1. details the methods used to inform staff and students of the hazards, and
  - 3-2. describes the methods used to inform contractors and their employees of any hazardous substances to which they may be exposed and of any corrective measures to be employed;
- (X) conduct a training program for all Corporation employees to include such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the Corporation's plan for communication, labeling, etc.
- (X) a disposal procedure which adheres to State environmental protection guidelines;

- ☒ a protocol which addresses actions to be taken in the event of a spill of toxic chemicals or other potential accidents.

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

- ☐ ~~The Board may, in its discretion, appoint and charge an ad hoc committee of community representatives to assist the THP Officer.~~

**PHASE-OUT/BANNED PRODUCTS**

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

**ASBESTOS**

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

- ☒ inspect all Corporation buildings for the existence of asbestos or asbestos-containing materials;
- ☒ take appropriate actions based on the inspections;
- ☒ establish a program for dealing with friable asbestos, if found;
- ☒ maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos;
- ☒ comply with EPA regulations governing the transportation and disposal of asbestos and asbestos-containing materials.

The Superintendent shall appoint a person to develop and implement the Corporation's Asbestos-Management Program which will ensure proper compliance with Federal and State laws and the appropriate instruction of staff and students.

The Superintendent shall also ensure that, when conducting asbestos abatement projects, each contractor employed by the Corporation is licensed pursuant to the Indiana Department of Health Regulations.

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

Asbestos School Hazard Abatement, 20 U.S.C. 4011 et seq.  
Asbestos Hazard Emergency Act, 40 C.F.R. Part 763  
Toxic Substances Control Act 15, U.S.C. 2601 et seq.  
I.C. 16-9-3-5, 16-41-37.5  
410 IAC 33-4-8

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**NEW POLICY – VOL. 24, NO. 2**

**IDLING SCHOOL BUSES AND OTHER IDLING VEHICLES**  
**ON SCHOOL PROPERTY**

The Board seeks to limit vehicle emissions that might be brought into school corporation buildings to reduce exposure to these emissions and to improve indoor air quality for students, staff, and visitors. This policy applies to all public and private vehicles on any school property and to school buses while transporting students at any time.

The school shall post signs in areas where idling is prohibited. Drivers of vehicles are to turn off the engine if the vehicle is to be stopped for more than five (5) minutes.

Exceptions to this policy include, but are not limited to:

- A     Safety of children or emergencies
  - 1.     use of lift equipment during loading of individuals with special needs
  - 2.     use of defroster, heater, air conditioning, or other equipment during loading or unloading for health or safety concerns
  - 3.     use of bus headlights or flasher warning lights for safety or visibility purposes
  - 4.     other safety or emergency issues
- B.     Hot or cold weather
  - 1.     during hot weather and the bus has air conditioning to keep students cool while on the bus
  - 2.     during cold weather to warm the bus (this should be done outside the school zone)

**C. Maintenance operations**

1. buses may idle as necessary as part of a pre-safety inspection
2. if necessary to make emergency repairs to vehicles

The staff will be informed of this policy at the start of each school year. Parents and students will be informed of this policy at the start of each school year at annual orientations or through student/parent handbooks.

The Superintendent shall prepare administrative guidelines to implement anti-idling and smart driving procedures for all personnel driving School Corporation owned vehicles or drivers of buses contracted to transport students.

Complaints of non-compliance are to be filed with the Superintendent.

I.C. 16-9-3-5, 16-41-37.5

410 IAC 33-4-3

Indiana Department of Health Idling Vehicles Sample Policy

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**REVISED POLICY – VOL. 24, NO. 2**

**INDEMNIFICATION  
DEFENSE AND INDEMNIFICATION OF  
BOARD MEMBERS AND EMPLOYEES**

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It is the policy of the Board to defend and indemnify Board members and employees in claims brought against them if:

- A. the acts and omissions which gave rise to a claim arise out of their office or employment;
- B. the Board receives timely notice of the claim and has the opportunity to evaluate the defend against the claim; and
- C. the Board member or employee's acts or omissions which are the basis of the claim are not predicated on or arise out of bad faith or malfeasance.

The Board may purchase one or more policies of insurance or self-insure to implement this policy. Where counsel is provided by an insurance carrier, the Board shall be advised in the implementation of this policy by that counsel and the school attorney appointed by the Board.

It is the policy of the School Board to carry liability insurance protection for As used in this policy, the term "Board members and employees" means

- ☒ Board members,
- ☒ employees,
- ☐ ~~volunteers,~~
- ☐ ~~student teachers,~~
- ☐ ~~parent organizations.~~
- ☐ Other \_\_\_\_\_

**BOARD OF SCHOOL TRUSTEES**  
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As used in this policy, "defend and indemnify" means paying all costs of defense including attorneys' fees, court costs, and costs of litigation as well as any judgment or settlement of a claim. Pursuant to the authority given to the Board by I.C. 20-26-5-4(15), the Board may purchase liability insurance or self insure to pay these expenses.

As used in this policy, the term "claim" includes a demand or cause of action based upon an alleged tort, breach of contract, or violation of an Indiana and Federal statute or constitution.

In implementing this policy, the Board may authorize the defense and indemnification of a Board member or employee by adopting a resolution pursuant to the authority given the Board in I.C. 20-26-5-4(17). A resolution adopted pursuant to this policy may reserve to the Board the right to make a final determination concerning the defense and indemnification of the Board member or employee when the facts which gave rise to the claim have been fully investigated and evaluated. If a resolution of the Board reserves a right to make a final determination, and the Board does not exercise that reserved right, the preliminary resolution shall become the Board's final determination. Failure to pass a resolution shall not affect the Board's authority or responsibility to defend or indemnify a Board member or employee. However, if a resolution is put to a vote by the Board and the resolution fails, the Board shall not defend or indemnify the Board member or employee pursuant to this policy.

~~It is the policy of the Board to pay all costs and fees incurred by or on behalf of any employee of the Corporation, including a member of a committee, a commission, an authority, or another instrumentality of the Board, in defense of any suit arising out of the performance of duties for, or employment with, the Corporation, except in the case of a civil rights suit as discussed below, provided the Board by resolution determines that such action was taken in good faith. The Corporation shall, subject to the provisions of statute, also pay any judgement, compromise, or settlement of the claim, or suit when the Board determines that it is in the best interest of the Corporation, the act or omission causing the loss is within the scope of the employee's employment, and the employee did not act in bad faith or with malfeasance in office or employment. The intent is to save any such employee harmless from any liability, cost, or damage in connection therewith, including but not limited to the payment of any legal fees, except where such liability, cost, or damage is predicated on, or arises out of, the bad faith of such employee or is a claim or judgment based on his/her malfeasance in employment.~~

~~I.C. 20-26-5-4, 34-4-16-7-1, 34-13-2-1, 34-13-3-5, 34-13-3-20, 34-13-4-1  
I.C. 20-26-5-4(15) and (17), 34-13-2 through 4, 34-13-3-20~~