



BOARD OF SCHOOL TRUSTEES
SCHOOL CORPORATION

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CENTRAL N.M.

REVISED DEFINITIONS - VOLUME 23, NO. 2

DEFINITIONS

~~The bylaws of the School Board of this Corporation incorporate quotations from the statutes and administrative code of the State of Indiana as well as from the Federal statutes and regulations. Such quotations may be substantively altered only by appropriate legislative, judicial, or administrative action.~~

~~Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:~~ **As used in the School Board's bylaws and policies and the Superintendent's administrative guidelines, the following terms shall have the meaning set forth below:**

Administrative Guideline

~~A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.~~ **A written statement adopted and approved by the Superintendent which is consistent with Board policy to outline and prescribe procedures to be used in implementing Board policy.**

Agreement

~~A collectively negotiated contract with a recognized bargaining unit.~~

Board

~~The Board of School Trustees (or Education).~~

Bylaw

~~Rule of the Board for its own governance.~~ **A rule of the Board for its own governance adopted by a Board vote at a meeting.**



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Certificated Employee

An employee of the Board in a position that requires a license or permit from the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-4. The term includes teachers, and all administrators in positions requiring a license or permit from the Division of Professional Standards of the Indiana Department of Education.

Classified Employee

A non-certificated employee as defined in these definitions. Synonymous with "support" and "non-professional."

Corporation

The ~~School Corporation~~. The Central Nine Career Center. ~~[Insert name of Corporation]~~

Due Process

~~Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond.~~ Procedural due process requires an established rule or standard, notice of facts of an alleged violation and the applicable rule or standard (accusation), and an opportunity to respond before a decision is made.

~~Procedural due process may require right to counsel and/or confrontation or cross examination of witnesses, depending upon the situation.~~

Full Board

~~Authorized number of voting members entitled to govern the Corporation.~~ members All member of the Board.

May

~~This word is used when an action by the Board or its designee is permitted but not required.~~ A statement providing that an action is permitted but not required.



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Meeting

A gathering of the majority of the members of the Board for the purpose of taking ~~official action upon the business of the School Corporation.~~ (I.C. 5-14-1.5-2(c)(d)) "**official action**" on "**public business**" of the School Corporation. See Indiana Code 5-14-1.5-2(c) and (d).

Non-Certificated Employee

An employee of the Board employed in a position that does not require a permit or license issued by the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-11. Synonymous with "classified employee" and "support employee".

Official Action

Board action to receive information, deliberate, make recommendations, establish policy, make decisions, or take final action. See Indiana Code 5-14-1.5-2(d).

Parent

The natural, adoptive, or surrogate parent(s) or the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights ~~unless a court of law decrees otherwise.~~ **once paternity is established by a court if in question unless a court terminates parental rights.**



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Policy

A general, written statement by the governing board **approved by the Board** which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

President

The chief executive officer of the Board of School Trustees. ~~(See Bylaw 0170)~~ **Trustees (or Education) (see Bylaw 0170).**

Principal

~~The educational leader and head administrator of one or more Corporation schools. In policy and administrative guidelines, implies authority to delegate designated responsibilities to appropriate members of his/her staff.~~ **A professional employee who is assigned to be the educational leader and head administrator of one or more Corporation schools. The use of the term includes a delegate unless the law, policy or guideline specifically prohibits delegation. "Vice Principal" or "Assistant Principal" means an administrator assisting a Principal with the performance of all or a portion of the duties assigned to the Principal.**

Professional Employee Staff Member

~~An employee who implements or supervises one or more aspects of the Corporation's program and whose position requires a professional credential from the State.~~ **An employee of the Board in a position that requires a license or permit from the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-4. The term includes teachers, and all administrators in positions requiring a license or permit from the Department of Professional Standards of the Indiana Department of Education.**



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Public Business

The performance by the Board of a function upon which it is specifically authorized to take official action, or not statutorily prohibited from performing. See Indiana Code 5-14-1.5-2(e), Indiana Code 20-26-3, and Indiana Code 20-26-5-4.

Relative

The mother, father, sister, brother, spouse, **child**, parent of spouse, ~~child, grandparents, grandchild, or dependent~~ **residing** in the immediate household ~~as defined in the negotiated, collectively bargained agreement of a person.~~

Secretary

~~The chief clerk of the Board of School Trustees. (See Bylaw 0170)~~
An officer of the Board of School Trustees (or Education) responsible for preparation of minutes of Board meetings and custody of the Records of the Board (see Bylaw 0170).

Shall

~~This word is used when an action by the Board or its designee is required. (The word "will" or "must" signifies a required action.)~~
Expressing non-discretionary required action or action, synonymous with "will" or "must".

Student

A person who is officially enrolled in a school or program of the ~~Corporation.~~ **Board.**



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Superintendent

The chief executive officer of the School Corporation. ~~In policy, implies delegation of responsibilities to appropriate staff members.~~ **Corporation. The use of the term includes a delegate unless the law, policy or guideline specifically prohibit delegation.**

Support Employee

~~An employee who provides support to the Corporation's program and whose position does not require a professional certificate.~~ **A non-certificated employee as the term is used in Indiana Code 20-28-2-11, and as defined in these definitions.**

Vice-President

The Vice-President of the Board of School Trustees. ~~(See Bylaw 0170)~~ **Trustees (or Education) (see Bylaw 0170).**

Voting

~~A vote at an open meeting of the School Board. See Bylaw 0167.1.~~ **An action by which a member of the Board indicates approval or rejection of a motion by a Board member that has been seconded by another Board member at a meeting convened in compliance with all applicable laws including the Indiana Open Door Law (Indiana Code 5-14-1.5). Also see Bylaw 0167.1.**

~~Citations to the Indiana Code are shown as I.C. followed by the Section Number (e.g., I.C. 20-10-1-1). Citations to the Indiana Administrative Code are prefaced 511 I.A.C. (e.g., 511 I.A.C. 6-5-1). Citations to the Federal Register are noted as FR, to the Code of Federal Regulations as C.F.R., and to the United States Code as U.S.C.~~



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Using Citations to Indiana and Federal Statutes, Rules and Cases

Citations to Indiana Law, Rules and Court Decisions

Citations to the Indiana Code are shown as I.C. or Ind. Code. The numbers which follow I.C. or Ind. Code separated by a hyphen state the title, article, chapter, section, and subsection of an Indiana statute. So Ind. Code 5-14-1.5-6.1(a) is found at title 5, article 14, chapter 1.5, section 6.1, subsection (a).

Citations to the Indiana Administrative Code ("IAC") are prefaced by a title and followed by an article and section number. So 511 I.A.C. 6-5-1 identifies title 511, article 6, section 5, sub-section 1.

Citations to Indiana cases begin with a citation to a volume and page in West Publishing Company's Northeast Reporter Series Second Edition. So a citation to 545 N.E.2d 341 (Ind. 1997) is a cite to volume 545, page 341 of the Northeast Reporter. The "(Ind. 1997)" tells the reader the case cited is an Indiana Supreme Court decision issued in 1997.

Citations to Federal Laws, Rules and Court Decisions

Citations to the United States Code are preceded by a title number and followed by a section number. So 20 USC 1232g for USCA (for United States Code Annotated) refers to title 20 of the United States Code section 1232g.

Citations to the Code of Federal Regulations are identified by a citation similar to the Indiana Administrative Code. The citation to the volume precedes CFR, and the section number follows.

Federal cases are cited in much the same way as Indiana cases. Trial court decisions are not reported. The first time the decision is made widely available is when an appellate court issues an opinion. A volume number precedes the name of the volume, and a page number in that volume follows the volume number. So a cite to 406 F.3d 500 (7th Cir. 2005) directs the reader to volume 406 of the Federal Reporter Third Series, page 500. The (7th Cir. 2005) tells the reader that the case was issued by the Seventh Circuit Court of Appeals in 2005.



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REPLACEMENT BYLAW 0144.3 - VOLUME 23, NO. 2

- F. refusing to discuss personnel matters or any other confidential business of the Board in his/her home, on the street, or in his/her office;
- G. winning the community's confidence that all is being done in the best interests of school children.

Indiana School Boards Association

0144.3

Conflict of Interest

~~Board members shall perform their official duties in a manner free from any possible criticism or prejudice or self interest. To this end:~~

- A. ~~every effort shall be made to avoid the possibility of a claim being made that an individual participated in reaching a decision on a matter in which s/he had either a direct or an indirect financial interest of a substantial nature;~~
- B. ~~each member of the Board shall resist every temptation and outside pressure to use his/her position as a Board member to benefit either himself/herself or any other individual or agency apart from the total interest of the School Corporation;~~
- C. ~~when a member of the Board determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered, disclose his/her interest in accordance with statute (such disclosure shall become a matter of record in the minutes of the Board); () and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon; (I.C. 35-44-1-3)~~
- D. ~~no member of the Board may obtain, for at least one (1) year after termination of service on the Board, a pecuniary interest in any Corporation contract or purchase which was approved during his/her tenure. (I.C. 35-44-1-7)~~



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Board members shall utilize the authority of their position solely for the benefit of the school community. To this end:

A. Conflict of Interest Disclosure

If a Board member or a spouse or dependent has a pecuniary interest in a contract or purchase to be approved by the Board, or a Board member or a spouse or dependent will profit from a contract or purchase to be approved by the Board, the Board member shall submit a written Conflict of Interest disclosure on State Board of Accounts Form 236. The disclosure shall be submitted for approval by the Board before the Board considers approval of the contract or purchase addressed in the disclosure. The Board member ~~(s) shall~~ ^{(1) shall not} ~~[end of option]~~ participate in the ~~discussion or~~ vote on the acceptance of his/her disclosure or approval of the contract or purchase, and the role played by this Board member shall be described in the minutes of the meeting.

A written conflict of interest disclosure on State Board of Accounts Form 236 that is approved by the Board shall be filed by the Superintendent with the State Board of Accounts and the Clerk of the Circuit Court within fifteen (15) calendar days after approval by the Board.
I.C. 35-44-1-3

B. Profiteering From Public Service

For one (1) year after leaving the Board, a member of the Board shall not obtain a pecuniary interest in any contract or purchase which was approved by the Board during his/her Board service unless the former member:

1. was screened from any participation in the contract or purchase
2. has not and will not receive a part of any profit from the contract or purchase by the Board; and



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3. promptly gives notice to the Board of his/her interest in the contract or purchase.

This limitation does not apply if the Board member receives less than \$250.00 of the profits from the contract or purchase.

I.C. 35-44-1-7

REVISED BYLAW 0144.4 - VOLUME 23, NO. 2

0144.4

Defense and Indemnification of Board Members

This bylaw is applicable to all types of civil claims under law including tort claims, civil rights claims, and contract claims. The Board will pay all costs and fees incurred by or on behalf of any Board Member ~~member of the Corporation in the~~ defense of any **claim under law if suit arising out of the performance of duties for the Corporation, except in the case of a civil rights suit as discussed below, provided the Board by resolution determines that that the Board member's such action actions upon which the claim is based arise out of the performance of the member's duties as a Board member, and was were** taken in good faith. The Corporation shall, subject to the provisions of statute, also pay any judgment, 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 member's duties, and the member did not act in bad faith or with malfeasance in office. The intent is to save any such member 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 member or is a claim or judgment based on his/her malfeasance in office.



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The Board shall, subject to the provisions of Indiana law, also pay any judgment, compromise, or settlement of a claim, or suit when the Board determines by resolution that it is in the best interest of the Corporation to do so, the act or omission upon which the claim is based occurred within the scope of the Board member's duties as a Board member, and the member did not act in bad faith, or with malfeasance in office. The intent of this bylaw is to hold the Board member harmless from any liability, cost, or damages in connection such a claim, including but not limited to the payment of legal fees and court costs, except where the liability, cost, damage, or fees are predicated on, or arises out of, the bad faith of the Board member or the claim or judgment is based on the member's malfeasance in office.

If a present or former Board ~~Member~~**member** of the Corporation is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of ~~the member's~~ his/her duties which violates the civil rights laws of the United States, the Board shall, subject to the **limitations established by Indiana law**~~provisions of statute~~, pay ~~the~~ any judgment, compromise, or settlement of the claim or suit ~~if~~ when the Board determines **by resolution** that paying the judgment, compromise or settlement is in the best ~~interest~~**interests** of the Corporation. The ~~Corporation~~**Board** shall also pay all costs and fees incurred by or on behalf of ~~any such~~**Board** member in defense of any such claim or suit.

A Board member shall not be personally liable on contracts entered into within the scope of the member's duties as a Board member unless the contract clearly states otherwise in writing.

I.C. 20-26-5-4(17)
I.C. 34-13-2-1
I.C. 34-13-3-5
I.C. 34-13-3-20
I.C. 34-13-4-1
I.C. 35-44-1-3
I.C. 35-44-1-7



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REVISED BYLAW 0167.1 - VOLUME 23, NO. 2

E. resignations and leaves

F. _____

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

0167

Conduct

0167.1

Voting

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

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



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

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

All actions requiring a vote

~~(1) shall be conducted by roll call~~

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

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

I.C. 5-14-1.5
I.C. 20-26-4-8



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REVISED POLICY - VOLUME 23, NO. 2

WHISTLEBLOWER PROTECTION

REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS

The School Board ~~expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative guidelines. The Board encourages staff to report possible violations of these Board expectations to their immediate supervisors.~~ **recognizes that its employees teach its students by example and serve as a role model for students. It therefore requires that they exemplify high standards of honesty and integrity and comply with Indiana and Federal law, Board policies and administrative guidelines in their words and actions. To implement these expectation, the Board requires its employees to report possible violations of these Board standards to their immediate supervisor.**

~~It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.~~ **An employee who is aware of words or acts of a Board member or employee that may violate Federal or Indiana law, Board policy, or administrative guidelines shall bring the words or actions to the attention of the employee's immediate supervisor. If the immediate supervisor does not respond within a reasonable time, or the immediate supervisor is the officer or employee whose words or actions are in question, the employee shall make the report required by this policy to the Superintendent. If the words or acts that violate this policy are the Superintendent's words or acts, the report shall be made to the Board President.**

Employees are subject to disciplinary action, up to and including termination for knowingly or recklessly making a false report under this policy or failing to make a report required by this policy.



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~~After such a report is made, the immediate supervisor will ask that employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.~~ **After a verbal report of a violation of this policy is made, the immediate supervisor will direct that reporting employee put the report in writing. If a reporting employee requires assistance in making a written report, the immediate supervisor shall assist the reporting employee.**

An employee making a report required by this policy shall be protected from discipline, retaliation, or reprisal for making a report required by this policy as long as the employee had a good faith belief in the truth and accuracy of the information reported at the time of the report. A report in compliance with this policy is not required if the employee confirms that another employee has reported the same words or actions.

The Superintendent shall develop administrative guidelines necessary for implementation of this policy, including the development of forms upon which such reports may be made for the reports required by this policy.

I.C. 36-1-8-8



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Administration~~PROFESSIONAL STAFF~~

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BOARD OF SCHOOL TRUSTEES**SCHOOL CORPORATION****NEW POLICY - VOLUME 23, NO. 2****STUDENT SUPERVISION AND WELFARE**

Administrators shall maintain a standard of care for the supervision, control, protection of students commensurate with their assigned duties and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards:

- (1) Each administrator shall report immediately to the *Executive Director* (title) any accident, safety hazard, or other potentially harmful condition or situation s/he detects.
- (2) Each administrator shall immediately report to the *Executive Director* ~~Superintendent~~ any knowledge of threats or violence by students.
- (3) An administrator shall not send students on any personal errands.
- (4) An administrator shall not associate or fraternize with students at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any sexual or other inappropriate conduct with a student by any administrator will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.



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- (u) If a student approaches an administrator to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationship, etc., the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the Corporation or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such administrator inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.
- (u) Parents are to be notified.
- (u) An administrator shall not transport students in a private vehicle without the approval of the Superintendent.
- (u) A student shall not be required to perform work or services that may be detrimental to his/her health.
- (u) Staff members shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.
- (u) Staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school-sponsored publication or production in accordance with Policy 5722.



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Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, alleged child abuse, and any other record information.

Pursuant to the laws of the State and Board Policy 8462, each professional staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

I.C. 31-33-5



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NEW POLICY - VOLUME 23, NO. 2

USE OF TOBACCO BY ADMINISTRATORS

The School Board recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including a cigar, cigarette, pipe, snuff, or any other matter or substance that contains tobacco, as well as electronic, "vapor," or other substitute forms of cigarettes.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by administrators in school buildings at all times. Such prohibition also applies

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

I.C. 16-41-37
20 U.S.C. 6081 et seq.



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REVISED POLICY - VOLUME 23, NO. 2

EDUCATIONAL OPTIONS

The School Board recognizes the need to provide alternative means by which students achieve the goals of the Corporation.

Educational options are learning experiences or activities that are designed to extend, enhance, supplement, or serve as an alternative to classroom instruction.

An optional plan to meet the recognized educational needs of a student shall be approved by the Superintendent. The Superintendent shall prepare a plan of educational options for use in meeting special needs.

Such options may include, but not be limited to, tutorial programs, independent study, correspondence courses, educational travel, mentorship programs, summer school, early college entrance, **distance learning, on-line coursework**, etc.

☒ Credit will be granted to the student upon complete evaluation of the program.

Prior approval of the educational option application (Form 2370 F1) by the Superintendent shall be required before a student participates in one (1) of the available educational options. Prior permission of a parent or guardian shall also be required before a student under age eighteen (18) participates in one of the available educational options.

Participation in an educational option shall be in accordance with an instructional and performance plan which will be developed based on the individual student's needs. The instructional plan will include:

- A. instructional and performance objectives that align with Corporation's curriculum requirements;**
- B. a description of the criteria and method for assessing student performance;**



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- C. an outline of specific instructional activities, materials and learning environments.**

Participation must be subject to the oversight of a credentialed teacher who will review the instructional plan which may include providing, supervising, or reviewing instruction or learning experiences, and the evaluation of student performance.

Credit for approved educational options shall be assigned according to student performance relative to stated objectives of the approved instructional and performance plan and in accordance with Corporation policy and established administrative guidelines.

The credit shall be placed on the student transcript. The amount of credit counting toward graduation shall comply with the Corporation graduation requirements.

The Corporation shall communicate information and procedures related to educational options available in the Corporation to students, parents, and interested stakeholders.

511 IAC 6-7-7