



NEOLA of INDIANA TEMPLATES

BOARD OF SCHOOL TRUSTEES SCHOOL CORPORATION

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REVISED BYLAW 0142 – VOL. 24, NO. 1

0142

Election/Appointment of Members and Eligibility to Serve

~~Members shall be qualified and elected in accordance with the Corporation's Reorganization Plan adopted in _____ (I.C. 20-33-4.27 or 4.35). In accordance with I.C. 20-26-4-11, if an employee is elected or appointed to the Board, s/he must resign from employment with the Board.~~ **Members of the Board shall be qualified and elected in accordance with the Corporation's organization plan on file with the State Board of Education. In accordance with I.C. 20-26-4-11, if a teacher or a noncertified employee (as defined in I.C. 20-29-2-11) of the Board is elected or appointed to the Board, the employee must resign from employment by the Board before serving on the Board.**

No person otherwise eligible to assume office as a member of the Board shall be disqualified on the basis of age if s/he is at least twenty-one (21) years of age. ~~(I.C. 20-26-4-9)~~ **age (I.C. 20-26-4-9); and ownership of property shall not be a qualification to serve as a Board member (I.C. 20-26-4-11).**

Before August 1st of each year, ~~the School Corporation~~ **school year (July 1 to June 30), the Superintendent** shall file with the State Superintendent of Public Instruction a listing of the:

- A. names and addresses of members of the School Corporation's Board of School Trustees; **Board;**
- B. names and addresses of the School Corporation's ~~Board's~~ officers;
- C. expiration dates of the terms of the School Corporation's **Board** members and officers.

Should a change occur in Board membership during the term of one or more members of the Board, the School Corporation shall file the change with the State Superintendent of Public Instruction within thirty (30) days after the change occurs. (I.C. 20-23-8-22)



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0142.1 Term

The term of each Board member shall be _____ years.

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0142.2 Oath

Each newly elected, re-elected, appointed or re-appointed Board member shall take an oath of office administered by a notary public or other qualified person not later than thirty (30) days after the beginning of the term of office to which s/he was elected or appointed as well as other oaths which may be required for transactions connected with or related to the educational program of the Corporation. (I.C. 33-16-4-1)

The oath must be signed by the Board member and the person who administers it and filed in the circuit court clerk's office of the county containing the greatest percentage of the population of the school corporation. (I.C. 20-26-4-2; I.C. 5-4-1-4)

0142.3

Vacancies

The position of a Board member shall become vacant upon the occurrence of any one (1) of the following events:

- A. ☒ death of the member is certified by the clerk of the circuit court (I.C. 5-8-6 and I.C. 20-26-4-4.5(c))
- B. ☒ failure of a sufficient number of petitions for candidates for Board membership being filed for an election (I.C. 20-26-4-4(c))
- C. ☒ a member submits a written resignation from the Board to the clerk of the circuit court pursuant to I.C. 5-8-3.5-1(a)(4)
- D. ☒ a member is convicted of a felony (I.C. 5-8-1-38)



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0167.5

~~Use of Electronic Mail~~ Use of School Corporation Electronic Mail by Board Members

~~Since E-mail is a form of communication that could conflict with the Open Door Law, it will be used to conduct business of the Board only for the purposes of communicating:~~

- ~~(+) messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;~~
- ~~(+) possible agenda items between the Superintendent and the Board President;~~
- ~~(+) times, dates, and places of regular or special Board meetings;~~
- ~~(+) a Board meeting agenda or public record information concerning items on the agenda;~~
- ~~(+) requests for public record information from a member of the administration, school staff, or community pertaining to Corporation operations;~~
- ~~(+) responses to questions posed by members of the public, administrators, or school staff.~~

~~Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.~~

~~There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Public Records Act, unless an exemption would apply.~~



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

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

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

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

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

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

(1) shall not

(1) ~~may~~

be sent in or attached to a message to Board members.



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NEW POLICY - VOL. 24, NO. 1

**NONDISCRIMINATION BASED ON GENETIC
INFORMATION OF THE EMPLOYEE**

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information is also prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq. and 29 C.F.R. 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide genetic information, including their individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Board's application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a Board employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the Board.



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- [4] The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits its employees and agents including commercial background investigation agents from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall immediately be redacted and not shared beyond the point of first receipt.

As used in this policy, "genetic information," means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the Board's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.



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*Central Nine
Career Center*

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The Superintendent shall appoint a GINA Compliance Officer who shall be responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to insure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The GINA Compliance Officer shall also verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The written warning shall contain the information in the following sample notice:

**Genetic Information Nondiscrimination Act of 2008 (GINA)
Disclosure Requirement**

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the Board of the Schools, from requesting or requiring genetic information about an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the GINA Compliance Officer at [phone].

(317) 888-4401



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☒ The Board offers health services, (☒) including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board and no applicant or employee shall be identified or identifiable from the reported information.

42 U.S.C. 2000ff et seq.,
Title II of the Genetic Information Nondiscrimination Act of 2008
29 C.F.R. Part 1635

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NEW POLICY - VOL. 24, NO. 1

FITNESS FOR DUTY EXAMINATION

The Board reserves the right to require a current employee or applicant for employment (after a conditional offer of employment), to submit to a fitness for duty examination by a qualified healthcare provider to determine the employee or applicant's ability to meet the qualification standards and perform the essential functions of a position an application is being considered for or an employee is performing ("FFD exam"). A FFD examination shall be done in accordance with the Superintendent's guidelines and the examiner shall be provided with specific essential functions of the position in question.

Reports of all FFD examinations shall be delivered to the Superintendent or a named designee, who shall protect the confidentiality of the FFD exam report and its contents. In agreeing to perform the FFD exam, the healthcare provider and the examinee shall agree that no treatment relationship or privileged communication shall occur between the FFD examiner and the applicant or employee. The report of the examiner ~~(-) will~~ ☒ may ~~(-) will not~~ **[end of options]** be shared with the employee or candidate and made a part of a personnel record on the examinee maintained by the Board. However, the report shall be filed separately from an applicant/employee's other personnel documents so that the report and related documents are accessible only to the Superintendent and specific designees. Failure to protect the confidentiality of a FFD exam report and related documents shall be a basis for discipline of an employee permitting the disclosure.



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In the event of a report of a condition that could adversely impact the examinee's performance of an essential function of the position occupied or applied for, the Superintendent shall base a recommendation to the Board on the examinee's employment on the assessment of the healthcare provider who conducted the FFD exam as to whether the examinee will be able to meet the qualification standards and perform or continue to perform the essential functions of the position in question.

Employees and applicants referred for a FFD exam will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the results of the healthcare provider's FFD exam to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the FFD examination if clarification is needed (see Form 3160 F2).

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 3122.02, a FFD examiner shall be advised not to seek, collect, or report genetic information, including the candidate's family medical history.

The cost of a FFD exam shall be paid for by the Board. An employee shall be paid for the time required for the FFD exam and for travel at the per mile rate established by the Board. A candidate for employment ~~(=) shall (✓)~~ shall not **[end-of-options]** be eligible for mileage reimbursement, ~~if travel in excess of miles is necessary.~~



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The report of the healthcare provider performing the FFD exam shall be the property of the Board and shall be exempt from disclosure pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3). A FFD exam report and related documents will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended, and the Genetic Information Nondiscrimination Act (GINA).

29 C.F.R. Part 1630

29 C.F.R. Part 1635

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008

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

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NEW POLICY - VOL. 24, NO. 1

UNREQUESTED LEAVES OF ABSENCE

It is the policy of the School Board to protect students and employees from the professional staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a professional staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the professional staff member will be offered the opportunity for a meeting to discuss these issues.

If a professional staff member refuses to attend the meeting, the Board may order the professional staff member to submit to an appropriate examination by:

- (1) a physician designated and compensated by the Board;
- (1) a physician or institution of the professional staff member's choice;
- (1) ~~provided such physician or institution has been approved by the Board;~~

[1] Where the physician designated by the Board disagrees with the physician designated by the professional staff member, the two (2) physicians shall agree in good faith on a third impartial physician who shall examine the professional staff member and whose medical opinion shall be conclusive and binding on the issue of ability to perform assigned duties with or without accommodation. The expenses of a third examination shall be borne by the Board.



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The professional staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 3122.02, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the Corporation inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the professional staff member is found to be unable to perform assigned duties with or without accommodation, the professional staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year. A professional staff member placed on leave without a written request is entitled to a hearing on that action in accordance with I.C. 20-28-7-3,4,5.



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Should a professional staff member refuse to submit to the examination requested by the Board and the professional staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the professional staff member to disciplinary action.

Americans with Disabilities Act of 1990, as amended
42 U.S.C. 12101 etseq.
29 C.F.R. Part 1630
I.C. 20-28-7-3,4,5, 20-28-10-4

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REVISED POLICY - VOL. 24, NO. 1

EMPLOYMENT OF ADMINISTRATORS IN ADDITION TO THE SUPERINTENDENT

The Board recognizes that it is vital to the successful operation of the Corporation that positions created by the Board be filled with highly qualified and competent administrators.

The Board shall approve the employment, fix the compensation and establish the term of employment for each administrator employed by this Corporation.

In addition to the Superintendent, individuals employed in the following certificated positions covered by the Indiana State Teachers' Retirement Fund (TRF) shall be considered administrators:

(~~-~~) assistant superintendent.

(~~-~~) ~~director~~ *General Administration*

(~~-~~) ~~coordinator~~

(~~-~~) principal

(~~-~~) assistant principal

(~~-~~) *Curriculum Director*

(~~-~~) *Supervising Adult Education*

The contract entered into between the Board and an administrator shall be subject to the following conditions:

- A. The basic contract must be the ~~regular teacher's contract~~ **Regular Teacher's Contract** as prescribed by the State Superintendent.
- B. The term of the initial contract for principals, assistant principals, and the director of special education must be for at least two (2) school years.



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- C. The basic teacher contract ~~Regular Teacher's Contract~~ may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the Board and the administrator if the contract, when reduced to writing is consistent with Indiana law.

In addition to the Superintendent, individuals employed in the following non-certificated positions shall also be considered administrators:

~~These administrators~~ **Administrators** who are employed in non-certificated positions shall be:

- ☒ "at will" employees. Their employment can be terminated with or without cause at anytime.
- ☒ employed by specific contract. The term of the initial contract must be for at least () 2 school years () months.
- ☒ The contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the Board and the administrator if the contract, when reduced to writing is consistent with Indiana law.
- ☐ Such approval shall be given only to those candidates for employment recommended by the Superintendent.
- ☐ Such approval shall be given only to those candidates for employment chosen by the Board from a group selected by the Superintendent.
- ☒ When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

~~Relatives of Board members may be employed by the Board, provided the member of the Board involved does not participate in any way in the discussion or vote on the employment.~~



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- ☒ The Board will not employ (but may reemploy) the
- ☐ children, siblings, spouse, parents, in-laws, or bona fide dependents of a Board member.
 - ☐ children, siblings, spouse, parents, in-laws, or bona fide dependents of a regular full-time administrator.
 - ☐ except that such relatives or dependents may be employed only for a period which does not exceed one (1) school year.

~~Should the Board choose to employ a family member as herein defined, the Board member must file a conflict of interest statement that complies with the Indiana laws on disclosure of conflicts of interest.~~

Should the Board choose to employ a spouse or dependent of an administrator, the administrator shall submit a Uniform Conflict of Interest Disclosure using State Board of Accounts Form 54266 for acceptance by the Board. This disclosure shall be submitted for acceptance by the Board before the Board considers the approval of the employment of the spouse or dependent.

- ☒ Relatives of administrators may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he would be supervised directly by the relative staff member.
- ☒ Any administrator's intentional misstatement of fact or omission material to qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal **as a reason for contract cancellation.**
- ☒ The employment of administrators prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.
- ☒ Wherever possible, positions shall be filled by properly-licensed administrators.



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[*] No candidate for employment as an administrator shall receive recommendation for such employment without having proffered documentary evidence of his/her license or pending application for license from the ~~Division of Professional Standards~~ **Office of Educator Licensing and Development** of the Indiana Department of Education. Such license must indicate all of the areas in which the candidate has been licensed. No deletions are acceptable.

[] ~~The Corporation Board shall review a candidate's previous work experience in determining his/her salary.~~

Prior to employment, the candidate's eligibility to work shall be checked using E-Verify and the candidate shall execute the verification of eligibility to work under penalty of perjury as required by I.C. 12-32-1-6. The candidate's written verification of eligibility to be employed shall be retained in the employee's personnel file for no less than five (5) years.

~~In the contract of an administrator the Corporation~~ **with an administrator, the Board** may provide compensation for services performed for a time, either before or after the school term, as considered necessary by the Board.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all administrators.

I.C. 12-32-1-6, 20-26-5-4-84(8), 20-28-8-4, 35-44-1-3

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REVISED POLICY - VOL. 24, NO. 1

PERSONAL BACKGROUND CHECKS AND MANDATORY REPORTING OF CONVICTIONS AND ARRESTS

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the Corporation's administrative staff.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as an administrator which shall include the following:

- A. an expanded national criminal history check (as defined by I.C. 20-26-2-1.5) of the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or another method of positive identification
 - B. a search of the national sex offender registry maintained by the United States Department of Justice
 - C. telephone inquiry with ~~such~~ former employer
 - D. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
 - E. **verification of the applicant's eligibility to work using the E-Verify database maintained by the federal government as required by I.C. 12-32-1**
- (-) ~~fingerprint check~~
 - (✓) a detailed background history including all prior employment and volunteer positions
 - (✓) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.



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Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien. The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.

[4] Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.

(1) or employ the applicant as a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or defend a decision made pursuant to this policy.

Any costs associated with obtaining the criminal history record are to be borne by the applicant.



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During the course of his/her employment with the School Corporation, each administrator shall be required to report his/her ~~conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted administrator.~~

(*) arrest or the filing of criminal charges against the employee;
and

conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted administrator.

The Superintendent shall prepare administrative guidelines to implement this policy.

I.C. 10-13-3, 20-26-2-1.5

I.C. 20-26-5-10, **20-26-5-11**, ~~20-28-1, -8; 20-28-5-8, 35-42-4~~

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REPLACEMENT POLICY - VOL. 24, NO. 1

EVALUATION OF ADMINISTRATORS

Policy 3220 provides for annual performance evaluations as required by I.C. 20-28-11.5-4 for each "certificated employee" as defined in I.C. 20-29-2-4. This definition of "certificated employee" is a person whose contract with the Board requires that the person hold a license or permit from the ~~division of professional standards~~ of the Indiana Department of Education under I.C. 20-28.

Because the Board's administrative staff is covered by the definition of "certificated employee", the evaluation plan developed pursuant to Policy 3220 shall include the evaluation of administrators. The evaluation plan for administrators may be combined with or separate from the plan for the evaluation of "school employees" as defined in I.C. 20-29-2-13 and may be amended as necessary to accomplish its purpose.

I.C. 20-28-11.5-4, 20-29-2-4, 20-29-2-13

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NEW POLICY - VOL. 24, NO. 1

SECTION 504/ADA
PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of School Trustees prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.



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The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Corporation's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

Corporation Compliance Officer

The following person(s) is/are designated as the Corporation Section 504 Compliance Officer(s)/ADA Coordinator(s) ("Corporation Compliance Officer(s)"): *→*

Curriculum Director
Central High Career Center (Name(s) and/or Title(s))
1999 U.S. Hwy. 31 (address)
greenwood, IN 46143
(317) 888-4401 (phone number)

~~(facsimile number)~~

~~(e-mail)~~

The Corporation Compliance Officer(s) [is] ~~are~~ responsible for coordinating the Corporation's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Corporation Compliance Officer.



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The Corporation Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

The Corporation Compliance Officer(s) will also oversee the training of employees in the Corporation so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the Corporation's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Corporation's Compliance Officer(s) will be posted throughout the Corporation, and published in the Corporation's recruitment statements or general information publications.

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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

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SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("**Section 504**"), and its implementing regulations ("**Section 504**"), **the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA")**, no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The School Board does not discriminate in admission or access to, or participation in, or treatment, or employment in, its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, will provide equal opportunity for employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the Corporation.

~~As used in this policy and the implementing administrative guidelines, "an~~ **"An** individual with a disability" means a person who has, ~~had~~ **has** a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, **sitting, reaching, interacting with others**, and working.

~~Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.~~

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.



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The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

~~With respect to employment, a qualified person with a disability means a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.~~

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Indiana law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a disabled person who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.



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~~_____ [name(s)], _____ [title(s)], [is] [are] the Corporation Section 504 Compliance Officer(s)/ADA Coordinator(s) ("Corporation Compliance Officer(s)"). The Corporation Compliance Officer(s) [is] [are] responsible for coordinating the Corporation's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act ("ADA"). A copy of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended, including copies of their implementing regulations, may be obtained from the Corporation Compliance Officer. The Corporation Compliance Officer can be reached at:~~

Corporation Compliance Officer

The following person(s) is/are designated as the Corporation Section 504 Compliance Officer(s)/ADA Coordinator(s) ("Corporation Compliance Officer(s)"):
→

Command Director
Central Nine Career Center (Name(s) and/or Title(s))
1999 U.S. Hwy. 31 (address)
Greenwood, IN 46143
(317) 888-4401 (phone number)

(facsimile number)

(email)

The Corporation Compliance Officer(s) [is] [are] responsible for coordinating the Corporation's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Corporation Compliance Officer.

The Corporation Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.



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Training

The Corporation Compliance Officer(s) will also oversee the training of employees in the Corporation so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Employment Practices

Discrimination Prohibited

~~In accordance with Section 504/ADA, no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any of the Corporation's programs or activities. Further, the Board will take positive steps to employ and advance in employment qualified individuals with disabilities. The Board will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.~~

Reasonable Accommodation

~~The Board will provide reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose an undue hardship on the operation of the Corporation's program and/or activities.~~

Facilities

No qualified person with a disability will, because the Corporation's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.



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For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities. ~~The Corporation will meet its obligations through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the Corporation will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate.~~

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities, the Board will provide the student with a free appropriate public education. An appropriate education, may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For disabled students who are not eligible for specially designed instruction under the IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan.



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The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the Corporation with persons who are not disabled to the maximum extent appropriate. Generally, the Corporation will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Corporation places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

The Corporation will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the Corporation, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the Corporation will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

Notice

Notice of the Board's policy on nondiscrimination in ~~employment and education~~ practices and the identity of the Corporation's Compliance Officer(s) will be posted throughout the Corporation, and published in the Corporation's recruitment statements or general information publications.



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~~The Board directs the Superintendent to prepare administrative guidelines for facilitating the prompt, fair and appropriate identification, referral, evaluation and placement of students with disabilities in accordance with Section 504.~~

~~The Board will provide in-service training and consultation to staff on the education of persons with disabilities, as necessary and appropriate.~~

~~The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504 including the right to an impartial due process hearing.~~

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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

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**BOARD OF SCHOOL TRUSTEES
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REVISED POLICY - VOL. 24, NO. 1

PERSONAL BACKGROUND CHECKS AND MANDATORY REPORTING OF CONVICTIONS AND ARRESTS

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the Corporation's professional staff. Such an inquiry shall also be made for all substitutes.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as a professional staff member which shall include the following:

- A. an expanded national criminal history check (as defined by I.C. 20-26-2-1.5) of the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or another method of positive identification
- B. a search of the national sex offender registry maintained by the United States Department of Justice
- C. telephone inquiry with ~~each~~ former employer *S*
- D. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- E. **verification of the applicant's eligibility to work using the E-Verify database maintained by the federal government as required by I.C. 12-32-1**
 - ~~(.) fingerprint check~~
 - (.)* a detailed background history including all prior employment and volunteer positions
 - (l)* an Indiana Bureau of Motor Vehicles driver history if the position involves driving

The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.



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Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien. The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.

(1) Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.

(b) or employ the applicant as a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or defend a decision made pursuant to this policy.

Any costs associated with obtaining the criminal history record are to be borne by the applicant.



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During the course of his/her employment with the School Corporation, each professional employee and substitute teacher shall be required to report his/her conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted employee.

(4) arrest or the filing of criminal charges against the employee;
and

conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted employee.

The Superintendent shall prepare administrative guidelines to implement this policy.

I.C. 10-13-3, 20-26-2-1.5

I.C. 20-26-5-10, **20-26-5-11**, 20-28-1, 8; 20-28-5-8, 35-42-4



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REVISED POLICY - VOL. 24, NO. 1

NONDISCRIMINATION BASED ON GENETIC
INFORMATION OF THE EMPLOYEE

~~The School Board does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.~~

~~The Board shall only acquire and/or disclose genetic information of an employee or applicant for employment as provided by Federal law and regulation.~~

~~The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.~~

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information is also prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.



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In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq. and 29 C.F.R. 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide genetic information, including their individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Board's application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a Board employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the Board.

[4] The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits its employees and agents including commercial background investigation agents from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall immediately be redacted and not shared beyond the point of first receipt.

As used in this policy, "genetic information," means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.



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The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the Board's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a GINA Compliance Officer who shall be responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to insure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The GINA Compliance Officer shall also verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The written warning shall contain the information in the following sample notice:



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*Central Mine
Career Center*

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**Genetic Information Nondiscrimination Act of 2008 (GINA)
Disclosure Requirement**

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the Board of the Schools, from requesting or requiring genetic information about an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the GINA Compliance Officer at [phone].

(317) 888-4401



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[✓]

The Board offers health services, (✓) including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board and no applicant or employee shall be identified or identifiable from the reported information.

42 U.S.C. 2000ff et seq., ~~The Genetic Information Nondiscrimination Act~~
Title II of the Genetic Information Nondiscrimination Act of 2008
29 C.F.R. Part 1635

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NEW POLICY - VOL. 24, NO. 1

SECTION 504/ADA

PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of School Trustees prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.



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The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Corporation's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Corporation Compliance Officer

The following person(s) is/are designated as the Corporation Section 504 Compliance Officer(s)/ADA Coordinator(s) ("Corporation Compliance Officer(s)"): ☒

Central Nine Career Center (Name(s) and/or Title(s))

1999 U.S. Hwy 31 (address)

Greenwood, IN 46143

(317) 888-4401 (phone number)

(facsimile number)

(e-mail)

The Corporation Compliance Officer(s) **[is]** ~~[are]~~ responsible for coordinating the Corporation's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Corporation Compliance Officer.



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The Corporation Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

The Corporation Compliance Officer(s) will also oversee the training of employees in the Corporation so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the Corporation's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.



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Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Corporation's Compliance Officer(s) will be posted throughout the Corporation, and published in the Corporation's recruitment statements or general information publications.

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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

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REVISED POLICY - VOL. 24, NO. 1

EMPLOYMENT CONTRACTS WITH PROFESSIONAL EMPLOYEES

~~The School Board requires that each professional staff member employed by this Corporation~~

~~() and not covered by a negotiated agreement~~

~~sign an employment contract.~~

The Board requires that each employee it employs in a certificated position sign a Regular Teacher Contract, a Supplemental Teacher Contract, or a Temporary Teacher's Contract using the form contract promulgated by the Superintendent of Public Instruction pursuant to I.C. 20-28-6-3.

~~Each successful candidate for an administrative position shall sign a contract for a period not less than _____ years.~~

Each Board employee assigned to an administrative position other than Superintendent shall sign an initial Regular Teacher's Contract for a period of not less than two (2) years. After an initial contract of at least two (2) school years, the length of a contract between the Board and an administrator shall be established by agreement of the parties. The minimum length of the Superintendent's initial Regular Teacher's Contract shall be thirty-six months.

~~The employment contract shall include, but not be limited to:~~

- ~~A. beginning date of employment;~~
- ~~B. number of days of employment;~~
- ~~C. total salary to be paid during the school year;~~
- ~~D. number of salary payments to be made during the school year.~~

~~All contracts shall be written and shall not contain tenure provisions other than those stipulated by the Indiana Code.~~

~~The Superintendent is authorized to execute employment contracts for the Board upon approval of employment.~~



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Contracts employing professional employees shall be approved by a majority of the full Board and shall be signed by the professional employee and the President and Secretary of the Board in compliance with I.C. 20-28-6-5 and I.C. 20-26-4-8. In the absence of either the President or Secretary of the Board, the Vice President shall sign the contracts with the Board officer who is present.

I.C. 20-28-6-3, 20-28-6-5, 20-26-4-8, 20-28-8-2, 20-28-8-6

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TECHNICAL CORRECTION/RENUMBERED - VOL. 24, NO. 1

MENTOR PROGRAM FOR PROFESSIONAL STAFF

The School Board intends to provide all first year professional staff members a year-long program of orientation, assistance, and support during their first year of employment in the Corporation.

- A. "Mentor program" means a program of support provided by a Corporation to meet the unique needs of an individual in the first year of employment under a classroom teaching certificate or an educational personnel certificate.
- B. "Mentor" means a person assigned to provide professional support to an individual in the first year of employment under a classroom teaching certificate or an educational personnel certificate.

The Board will implement this policy by means of a Mentor plan to be reviewed by the Board every five (5) years.

The Board directs the Superintendent to develop administrative guidelines to implement this policy.

- ☒ The Board reserves the right to develop a plan cooperatively with other corporations to achieve the intent of this policy.

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REVISED POLICY - VOL. 24, NO. 1

REDUCTION IN FORCE ("RIF") IN CERTIFICATED STAFF

~~It is the responsibility of the School Board to provide the staff necessary for the implementation of the educational program of the Corporation and the operation of the schools and to do so efficiently and economically.~~

It is the responsibility of the Board to employ and retain the certificated staff necessary to effective and efficient implementation of its educational program and the safe operation of its schools.

~~The Board reserves the right to abolish positions in the Corporation and to reduce the staff whenever reasons of decreased enrollment of students, return to duty of regular professional staff members after leaves of absence, closing of schools or territorial changes affecting the Corporation, or other good cause warrant.~~

The Board shall eliminate certificated positions and reduce the number of certificated staff when the Board finds that curricular changes, changes in enrollment, return to duty from leave of a certificated staff, closing of schools, territorial changes, or other good cause warrants.

~~The Superintendent shall develop administrative guidelines for the reduction of staff which shall be in accordance with the Indiana Code and the best interests of the Corporation.~~

~~(-) and the terms of the negotiated agreement.~~

~~(-) Staff exempted from the negotiated agreement shall be entitled to the same benefits.~~

As required by I.C. 20-28-7.5-1(d), once the positions to be eliminated are identified by the Board, the certificated staff members to be dismissed shall be identified on the basis of licensure and merit not years of service or seniority.



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As used in this policy, "licensure" means the scope of the license issued by the Office of Educator Licensing and Employment in the Indiana Department of Education, and "merit" means a performance category assigned to an educator pursuant to I.C. 20-28-11.5, i.e. "highly effective", "effective", and "improvement necessary" or "ineffective". Where two certificated staff members are in the same performance category, the following factors ^{one or more of} ~~shall~~ be considered to identify the staff member to be terminated: *may*

- A. The number of years of a teacher's experience.
- B. The attainment of either additional content area degrees beyond the requirements for employment; or additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under I.C. 20-29.
- C. The results of an evaluation conducted under I.C. 20-28-11.5.
- D. The assignment of instructional leadership roles, including the responsibility for conducting evaluations under I.C. 20-28-11.5.
- E. The academic needs of students in the school corporation.

Certificated staff selected to be terminated pursuant to this policy shall receive the initial notification of possible contract cancellation required by I.C. 20-28-7.5-2(a)(2) between May 1st and July 1st preceding the proposed cancellation of their contract with the Board.

I.C. 20-28-7.5-1(d), 20-28-7.5-2(a)(2)



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REVISED POLICY – VOL. 24, NO. 1

CANCELLATION OF A TEACHING CONTRACT

The School Board recognizes its obligation to employ only those professional staff members best trained and equipped to meet the educational needs of the students of this Corporation. The Board will discharge that obligation by retaining in service only those probationary teachers who meet those standards ~~its students~~. **This policy and Policy 3131 – Reduction in Force in Certificated Staff address this obligation, and the Board will continue to employ only those “probationary”, “professional”, and “established” teachers who meet the performance standards established in the evaluation plan adopted by the Board.**

It will be the responsibility of the Superintendent to establish administrative guidelines which ensure that all necessary procedures have been followed when a principal has recommended non-renewal of a nonpermanent teacher. **the proper standards have been applied and the proper procedures have been followed when a principal makes a preliminary determination that a teacher’s contract should be cancelled.**

~~In the case of a semi-permanent or a permanent teacher’s indefinite contract, the Board will comply fully with the laws of the State of Indiana.~~

~~When performance has not been satisfactory, the Board will notify, in writing, the nonpermanent teacher of non-renewal of employment by no later than June 1st in an even-numbered year and the later of June 15th or the date a budget act is enacted by the general assembly in an odd-numbered year.~~

In acting on a principal’s preliminary determination that a teacher’s contract be cancelled, the Board will be guided by the procedure set out in I.C. ~~20-28-7.5~~

20-28-7.5

I.C. 20-28-7.5-1, 20-28-7.5-2-1, 20-28-7-8 thru 12

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REVISED POLICY - VOL. 24, NO. 1

PHYSICAL FITNESS FOR DUTY EXAMINATION

~~The School Board or Superintendent reserves the right to require any employee or candidate, after a conditional offer of employment, to submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties. Such examinations shall be done in accordance with the Superintendent's guidelines.~~ **The Board reserves the right to require a current employee or applicant for employment (after a conditional offer of employment), to submit to a fitness for duty examination by a qualified healthcare provider to determine the employee or applicant's ability to meet the qualification standards and perform the essential functions of a position an application is being considered for or an employee is performing ("FFD exam"). A FFD examination shall be done in accordance with the Superintendent's guidelines and the examiner shall be provided with specific essential functions of the position in question.**

~~(-)~~ **and/or the terms of currently valid negotiated agreements.**

~~Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate and made a part of an employee's personal record. In the event of a report of a condition that could influence job performance, the Superintendent shall base a nonemployment recommendation to the Board upon a conference with a physician and substantiation that the condition is directly correlated to defined job responsibilities, and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.~~

Reports of all FFD examinations shall be delivered to the Superintendent or a named designee, who shall protect the confidentiality of the FFD exam report and its contents. In agreeing to perform the FFD exam, the healthcare provider and the examinee shall agree that no treatment relationship or privileged communication shall occur between the FFD examiner and the applicant or employee. The report of the examiner ~~(-)~~will ☒ may ~~(-)~~will not ☒ [end-of-options] be shared with the employee or candidate and made a part of a personnel record on the examinee maintained by the Board. However, the report shall be filed separately from an applicant/employee's other personnel documents so that the report and related documents are accessible only to the Superintendent and specific designees. Failure to protect the confidentiality of a FFD exam report and related documents shall be a basis for discipline of an employee permitting the disclosure.



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
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In the event of a report of a condition that could adversely impact the examinee's performance of an essential function of the position occupied or applied for, the Superintendent shall base a recommendation to the Board on the examinee's employment on the assessment of the healthcare provider who conducted the FFD exam as to whether the examinee will be able to meet the qualification standards and perform or continue to perform the essential functions of the position in question.

Employees and applicants referred for a FFD exam will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the results of the healthcare provider's FFD exam to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the FFD examination if clarification is needed (see Form 3160 F2).

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 3122.02, a FFD examiner shall be advised not to seek, collect, or report genetic information, including the candidate's family medical history.

The cost of a FFD exam shall be paid for by the Board. An employee shall be paid for the time required for the FFD exam and for travel at the per mile rate established by the Board. A candidate for employment ~~(-) shall~~ ☒ shall not [end of options] be eligible for mileage reimbursement if travel in excess of miles is necessary. 



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~~Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination.~~ **The report of the healthcare provider performing the FFD exam shall be the property of the Board and shall be exempt from disclosure pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3). A FFD exam report and related documents** will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, **as amended**, and the Genetic Information Nondiscrimination Act (GINA).

~~The Board shall assume any uninsured fees for required examinations.~~

29 C.F.R. Part 1630

29 C.F.R. Part 1635

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, **as amended by the ADA Amendments Act of 2008**

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

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REVISED POLICY - VOL. 24, NO. 1

UNREQUESTED LEAVES OF ABSENCE

It is the policy of the School Board to protect students and employees from the professional staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a professional staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the professional staff member will be offered the opportunity for a meeting to discuss these issues.

If a professional staff member refuses to attend the meeting, the Board may order the professional staff member to submit to an appropriate examination by:

(+) a physician designated and compensated by the Board;

() a physician or institution of the professional staff member's choice;

() provided such physician or institution has been approved by the Board;

(+) or both.

[] Where the physician designated by the Board disagrees with the physician designated by the professional staff member, the two (2) physicians shall agree in good faith on a third impartial physician who shall examine the professional staff member and whose medical opinion shall be conclusive and binding on the issue of ability to perform assigned duties with or without accommodation. The expenses of a third examination shall be borne by the Board.



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The professional staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 3122.02, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the Corporation inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the professional staff member is found to be unable to perform assigned duties with or without accommodation, the professional staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year. A professional staff member placed on leave without a written request is entitled to a hearing on that action in accordance with I.C. 20-28-7-3,4,5.



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Should a professional staff member refuse to submit to the examination requested by the Board and the professional staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the professional staff member to disciplinary action.

Americans with Disabilities Act of 1990, **as amended**
42 U.S.C. 12101 et seq.
29 C.F.R. Part 1630
I.C. 20-28-7-3,4,5, 20-28-10-4

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REPLACEMENT POLICY – VOL. 24, NO. 1

STAFF EVALUATION

The Board shall adopt a plan for annual performance evaluations for each certificated employee as defined in I.C. 20-29-2-4 employed by the Board. This plan shall be implemented beginning with the 2012-2013 school year and may be amended as needed thereafter.

The plan approved by the Board shall include the following components:

- A. performance evaluations for all certificated employees, conducted at least annually;
- B. objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:
 - 1. student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;
 - 2. methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and
 - 3. student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments.
- C. rigorous measures of effectiveness, including observations and other performance indicators;



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- D. an annual designation of each certificated employee in one (1) of the following rating categories:
 - 1. highly effective
 - 2. effective
 - 3. improvement necessary
 - 4. ineffective
- E. an explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected;
- F. a provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective;
- G. discussion of the evaluation between the evaluated employee and the evaluator;

I.C. 20-28-11.5-4

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REVISED POLICY - VOL. 24, NO. 1

PERSONAL BACKGROUND CHECKS AND MANDATORY REPORTING OF CONVICTIONS AND ARRESTS

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the Corporation's support staff.

Such an inquiry shall also be made for substitutes.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment on the Corporation's support staff which shall include the following:

- A. an expanded national criminal history check (as defined by I.C. 20-26-2-1.5) of the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or another method of positive identification
- B. a search of the national sex offender registry maintained by the United States Department of Justice
- C. telephone inquiry with ~~with~~ former employer *S*
- D. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- E. **verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1**

~~()~~ fingerprint check

~~()~~ a detailed background history including all prior employment and volunteer positions

~~()~~ an Indiana Bureau of Motor Vehicles driver history if the position involves driving



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~~The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.~~

Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien. The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.

[] Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.

(i) or employ the applicant as a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or defend a decision made pursuant to this policy.

Any costs associated with obtaining the criminal history record are to be borne by the applicant.



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During the course of his/her employment with the School Corporation, each support staff employee shall be required to report his/her conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted employee.

() arrest or the filing of criminal charges against the employee;
and

conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted employee.

The Superintendent shall prepare administrative guidelines to implement this policy.

I.C. 10-13-3, 20-26-2-1.5

I.C. 20-26-5-10, **20-26-5-11**, ~~20-28-1~~; 20-28-5-8; ~~35-42-4~~

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REVISED POLICY – VOL. 24, NO. 1

NONDISCRIMINATION BASED ON GENETIC
INFORMATION OF THE EMPLOYEE

~~The School Board does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.~~

~~The Board shall only acquire and/or disclose genetic information of an employee or applicant for employment as provided by Federal law and regulation.~~

~~The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.~~

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information is also prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.



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In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq. and 29 C.F.R. 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide genetic information, including their individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Board's application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a Board employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the Board.

[M] The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits its employees and agents including commercial background investigation agents from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall immediately be redacted and not shared beyond the point of first receipt.

As used in this policy, "genetic information," means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.



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The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the Board's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a GINA Compliance Officer who shall be responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to insure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The GINA Compliance Officer shall also verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The written warning shall contain the information in the following sample notice:



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*Central Nine
Career Center*

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**Genetic Information Nondiscrimination Act of 2008 (GINA)
Disclosure Requirement**

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the Board of the _____ ~~Schools~~, from requesting or requiring genetic information about an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the GINA Compliance Officer at _____ [phone].

(317) 888-4401



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[X]

The Board offers health services, () including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board and no applicant or employee shall be identified or identifiable from the reported information.

42 U.S.C. 2000ff et seq., ~~The Genetic Information Nondiscrimination Act~~
Title II of the Genetic Information Act of 2008
29 C.F.R. Part 1635

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NEW POLICY - VOL. 24, NO. 1

SECTION 504/ADA

PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The School Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.



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The Corporation Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

The Corporation Compliance Officer(s) will also oversee the training of employees in the Corporation so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the Corporation's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.



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Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Corporation's Compliance Officer(s) will be posted throughout the Corporation, and published in the Corporation's recruitment statements or general information publications.

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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

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REVISED POLICY - VOL. 24, NO. 1

PHYSICAL FITNESS FOR DUTY EXAMINATION

~~The School Board or Superintendent reserves the right to require any employee or candidate, after a conditional offer of employment, to submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties. Such examinations shall be done in accordance with the Superintendent's guidelines.~~ **The Board reserves the right to require a current employee or applicant for employment (after a conditional offer of employment), to submit to a fitness for duty examination by a qualified healthcare provider to determine the employee or applicant's ability to meet the qualification standards and perform the essential functions of a position an application is being considered for or an employee is performing ("FFD exam"). A FFD examination shall be done in accordance with the Superintendent's guidelines and the examiner shall be provided with specific essential functions of the position in question.**

~~(-) and/or the terms of currently valid negotiated agreements.~~

~~Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate and made a part of an employee's personal record. In the event of a report of a condition that could influence job performance, the Superintendent shall base a nonemployment recommendation to the Board upon a conference with a physician and substantiation that the condition is directly correlated to defined job responsibilities, and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.~~

Reports of all FFD examinations shall be delivered to the Superintendent or a named designee, who shall protect the confidentiality of the FFD exam report and its contents. In agreeing to perform the FFD exam, the healthcare provider and the examinee shall agree that no treatment relationship or privileged communication shall occur between the FFD examiner and the applicant or employee. The report of the examiner ~~(-) will (1)~~ may ~~(-) will not~~ [end of options] be shared with the employee or candidate and made a part of a personnel record on the examinee maintained by the Board. However, the report shall be filed separately from an applicant/employee's other personnel documents so that the report and related documents are accessible only to the Superintendent and specific designees. Failure to protect the confidentiality of a FFD exam report and related documents shall be a basis for discipline of an employee permitting the disclosure.



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In the event of a report of a condition that could adversely impact the examinee's performance of an essential function of the position occupied or applied for, the Superintendent shall base a recommendation to the Board on the examinee's employment on the assessment of the healthcare provider who conducted the FFD exam as to whether the examinee will be able to meet the qualification standards and perform or continue to perform the essential functions of the position in question.

Employees and applicants referred for a FFD exam will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the results of the healthcare provider's FFD exam to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the FFD examination if clarification is needed (see Form 3160 F2).

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 3122.02, a FFD examiner shall be advised not to seek, collect, or report genetic information, including the candidate's family medical history.

The cost of a FFD exam shall be paid for by the Board. An employee shall be paid for the time required for the FFD exam and for travel at the per mile rate established by the Board. A candidate for employment ~~(-)~~ shall ☒ shall not [end of options] be eligible for mileage reimbursement, if travel in excess of miles is necessary. ←



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~~Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination.~~ **The report of the healthcare provider performing the FFD exam shall be the property of the Board and shall be exempt from disclosure pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3). A FFD exam report and related documents** will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, **as amended**, and the Genetic Information Nondiscrimination Act (GINA).

~~The Board shall assume any uninsured fees for required examinations.~~

29 C.F.R. Part 1630

29 C.F.R. Part 1635

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, **as amended by the ADA Amendments Act of 2008**

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

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REVISED POLICY - VOL. 24, NO. 1

UNREQUESTED LEAVES OF ABSENCE

It is the policy of the School Board to protect students and employees from the support staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a support staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the support staff member will be offered the opportunity for a meeting to discuss these issues.

If a support staff member refuses to attend the meeting, the Board may order the support staff member to submit to an appropriate examination by:

- (*) a physician designated and compensated by the Board;
- () a physician or institution of the support staff member's choice;
- () provided such physician or institution has been approved by the Board;
- (+) or both.

- [] Where the physician designated by the Board disagrees with the physician designated by the support staff member, the two (2) physicians shall agree in good faith on a third impartial physician who shall examine the support staff member and whose medical opinion shall be conclusive and binding on the issue of ability to perform assigned duties with or without accommodation. The expenses of a third examination shall be borne by the Board.



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The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 3122.02, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the Corporation inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the support staff member is found to be unable to perform assigned duties with or without accommodation, the support staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year.



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Should a support staff member refuse to submit to the examination requested by the Board and the support staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the support staff member to disciplinary action.

| 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, **as amended**
29 C.F.R. Part 1630

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REPLACEMENT POLICY – VOL. 24, NO. 1

EVALUATION OF SUPPORT STAFF

The Board recognizes the importance of a program of continuous support staff evaluation and growth. To carry out this responsibility, it delegates to the Superintendent the responsibility of defining the traits and skills that result in optimum job performance and recognizing and encouraging the development of these traits and skills in the support staff.

The Superintendent is directed to propose and continuously improve a program of evaluation of support staff that:

() recognizes and rewards the skills and traits that contribute to optimum job performance;

() addresses any areas of deficiency in essential skills and traits;

() _____

Each support staff member shall be given a written evaluation of their performance of the essential functions of their position

() at least once each school year

() as needed to reward optimum job performance and/or address deficiencies.

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REVISED POLICY - VOL. 24, NO. 1

ATTENDANCE

The School Board, as an agency of the State, is required to enforce regular attendance of students. The Board recognizes that the presence in the classroom enables the student to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for the student to excel.

Attendance shall mean to be physically present in a school or at another location where the school's educational program is being conducted during regular school hours on a day in which the educational program in which the student is enrolled is being offered.

Attendance shall be required of all Corporation students, except those exempted under ~~Policy 5223 or by~~ other provisions of State law, during the days and hours that the school is in session.

() or during the attendance sessions to which s/he has been assigned.

Exceptions to compulsory attendance that shall be recognized by the school corporation as provided by state statute are:

- A. service as a page or honoree of the general assembly (I.C. 20-33-2-14)
- B. service on a precinct election board or helper to a political candidate on the date of an election (I.C. 20-33-2-15)
- C. subpoena to appear in court as a witness in a judicial proceeding (I.C. 20-33-2-16)
- D. service in active duty with the National Guard for not more than ten (10) days (I.C. 20-33-2-17)
- E. participating as a member of the Indiana wing of the civil air patrol for not more than five (5) days (I.C. 20-33-2-17.2)



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- F. participating in an educationally related non-classroom activity which is consistent with and promotes educational philosophy and goals of the school corporation, facilitates the attainment of specific educational objectives, is part of the goals and objectives of an approved course or curriculum, represents a unique educational opportunity, cannot reasonably occur without interrupting the school day, and is approved in advance by the school principal (I.C. 20-33-2-17.5)

For any of these exceptions a student shall not be recorded as absent from school.

The Superintendent shall require, from the parent of each student or from an adult student who has been absent for any reason, a written statement of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each:

- (1) ✓ single absence;
- (2) ✓ prolonged absence;
- (3) ~~absence of more than _____ days duration;~~
- (4) ✓ repeated unexplained absence and tardiness.
- () _____

~~Repeated infractions of the Board's policy on attendance may result in the suspension or expulsion of a student.~~

~~An out of school suspension is an excused absence. An unexcused absence is an absence from school not authorized by the School Corporation (I.C. 20-33-2-4 to 17).~~

~~[] The Board authorizes, but does not encourage, the Superintendent to suspend a student from a particular class or from school if sincere efforts by the staff and parents cannot rectify the pattern of absence. In keeping with its philosophy, the Board supports efforts to provide for out of school alternative educational opportunities for truant students rather than to heighten the effects of absence through suspension.~~



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☐ The Board considers the following factors to be reasonable excuses for time missed at school: **for excused absences:**

A. ~~a member of the Indiana wing of the civil air patrol who is participating in a civil air patrol program for not more than five (5) days in a school year~~

☒ illness **verified by a note from the parent**

☒ illness **verified by a note from a physician**

☐ recovery from accident

☐ required court attendance

☒ professional appointments - **Parents are encouraged to schedule medical, dental, legal, and other necessary appointments other than during school hours. When appointments are necessary during the school day, the student shall report back to school immediately after the appointment with a signed statement from the doctor, dentist, lawyer, counselor, etc.**

☐ death ~~(*)~~ in the immediate family ~~(*) or of a relative~~

☐ observation or celebration of a bona fide religious holiday **in accordance with Policy 5223**

☐ **maternity**

☐ **military connected families' absences related to deployment and return**

☐ Such other good cause as may be acceptable to the Superintendent or permitted by law.

☐ _____



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An unexcused absence is any absence not covered under the definition of excused absence or an exception to compulsory attendance. An out of school suspension shall not be considered an unexcused absence.

Repeated instances of unexcused absences may result in disciplinary action up to suspension or expulsion of a student.

Truancy is defined as absence from school without permission of the parent.

The Superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school to an intake officer of the juvenile court or the Department of Child Services.

[4] Attendance need not always be within the school facilities, but a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.

[4] The Board shall consider each student assigned to a program of other guided learning experiences, authorized under Policy 2370, to be in regular attendance for the program provided that s/he reports

(1) ~~daily~~

(1) ~~weekly~~

to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study.

The Superintendent shall develop administrative guidelines for the attendance of students which:

(1) ensure a school session which is in conformity with the requirements of the law;



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- (¹) ensure that students absent for any excusable reason have an opportunity to make up work they missed;
- (¹) govern the keeping of attendance records in accordance with the rules of the State Board;
- (¹) ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the Corporation's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Such guidelines should provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

The Superintendent shall ensure that the administrative guidelines on attendance properly address the matter of truancy by including a process which:

- A. identifies the habitual truant, that is, a student who is chronically absent by having unexcused absences from school for more than ten (10) school days in one (1) school year;
- B. investigates the cause(s) of his/her truant behavior;
- C. considers, when appropriate, modification of his/her educational program to meet particular needs which may be causing the truancy;
- D. ensures that truant students are disciplined in accordance with the Corporation's policies and administrative guidelines on student discipline;
- E. provides for the reporting to the Bureau of Motor Vehicles those students who have been suspended for the second time during a school year, expelled, or excluded for misconduct.



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The Superintendent shall also ensure that the Board's policy on attendance and the Corporation's administrative guidelines are made available to all parents and adult students.

I.C. 20-33-2-3.2

I.C. 20-33-2-4 et seq.

511 IAC 1-3-1

511 IAC 6-2-1(c)(12)

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**BOARD OF SCHOOL TRUSTEES
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REVISED POLICY – VOL. 24, NO. 1

PERSONAL BACKGROUND CHECK – CONTRACTED SERVICES

To protect students and staff members, the Board requires an inquiry into the personal background of each employee of a contractor or sub-contractor who is likely to have direct, on-going contact with children within the scope of their employment.

The Superintendent shall establish the necessary procedures to provide that contractors and sub-contractors conduct an inquiry into the background information of these employees that shall include the following:

- A. an expanded national criminal history check (as defined by I.C. 20-26-2-1.5) of the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or another method of positive identification
- B. a search of the national sex offender registry maintained by the United States Department of Justice
- C. arrest and/or filing of criminal charges against each employee within two (2) business days of the occurrence and the disposition of such arrest or filing of charges concerning employees of contractors and sub-contractors
- D. **verification of enrollment in and use of the federal E-Verify program to check eligibility to be employed (all employees)**
 - (~~1~~) ~~fingerprint check~~
 - (~~2~~) a detailed background history including all prior employment and volunteer positions
 - (~~3~~) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

Personally identifiable information reported to the Corporation in the implementation of this policy shall not be released except as necessary to implement this policy or to defend a decision made pursuant to this policy.



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Each contractor and sub-contractor providing services to the Corporation shall screen all employees who are likely to have direct, on-going contact with children in the course of providing services to the Corporation. Screening shall only be required one (1) time during the period of the current contract with the Corporation as long as the contractor has continuously screened new hires, and required the same of its sub-contractors and required that these employees report arrest and the filing of criminal charges against them. Compliance with this requirement shall be verified by either:

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

Non-compliance with these requirements shall be a breach of a material term of any contract between a contractor/sub-contractor and the Corporation.

The Superintendent shall develop administrative guidelines to implement this policy. These procedures shall provide for the review of each reported arrest and/or criminal charge and for a response to the reported information that protects members of the school community from persons who may be dangerous to them. Failure of a contractor or sub-contractor to remove an employee from direct contact with students, upon request from the Superintendent, shall be considered to be a material breach of the contractor's or sub-contractor's contract with the Corporation.

I.C. 10-13-3, 20-26-2-1.5
I.C. 20-26-5-10, 11, 20-28-1-2,6,8

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REVISED POLICY - VOL. 24, NO. 1

PUBLIC ATTENDANCE AT SCHOOL EVENTS

The School Board welcomes the attendance of members of the community at athletic and other public events held by the schools in the Corporation, but the Board also acknowledges its duty to maintain order and preserve the facilities of the Corporation during the conduct of such events.

The Board holds the legal authority to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators have the authority to call law enforcement officials if a person violates posted regulations or does not leave school property when requested. They are also authorized to use detectors and other devices to better ensure the safety and well-being of participants and visitors.

If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

☒ The Board directs that no alcoholic beverage or other controlled substance be possessed, consumed, or distributed

~~() nor any betting occur~~

☒ at any function sponsored by the Corporation.

☒ at any function occurring on Corporation premises.

☒ Raffles and similar forms of fund-raising by Corporation-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - Corporation Support Organizations and Policy 9700 - Relations with Special Interest Groups.

No qualified person with a disability will, because the Corporation's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.



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For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.

Individuals with disabilities shall have an equal opportunity to purchase tickets for events that have been sanctioned or approved by the Board in accordance with the provisions of the Americans with Disabilities Act, as amended.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go (see also AG 9160B).

The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the Corporation. If the performance is of copyrighted material and the necessary license has not been secured in advance by the Corporation, the audience shall be advised before the performance begins that audio and/or video recordings that will be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of noncorporation audio/visual recording equipment at any Corporation-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

Any person or organization seeking to film students or a school activity which is not a public event shall obtain prior permission from the Superintendent.



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The Superintendent shall ensure that all notices, signs, schedules, and other communications about school events contain the following language: "The activity site is fully-accessible. Any person requiring further accommodation should contact The Principals, at the School Corporation's central office."

For any school-related activity at which tickets for admission are sold, the Superintendent is authorized to allocate a certain number of tickets to be available

☒ at no charge on

☒ at a reduced fee determined by the Superintendent

for use by

☐ Board members,

☒ members of the staff,

☒ senior citizens who are residents in the Corporation.

☒ community members

Such tickets shall be distributed on

☐ ~~a first come, first served basis~~

☒ priority basis established by the Superintendent.

I.C. 20-26-8-1, 20-26-5-5

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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