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**SOUTH BEND COMMUNITY SCHOOL CORPORATION**

**SHARED RIGHTS & RESPONSIBILITIES**

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## INTRODUCTION

The SBCSC Rules and Responsibilities (SRR) sets out a comprehensive code of conduct for South Bend Community Schools and the role of appropriate discipline in achieving quality education for every student every day. The guide has two major components. One is a clear set of behavioral expectations for students, staff, and parents. The other is guidance for responding effectively when students' behavior does not meet those expectations—that is, responding in ways that not only correct behavior but that also repair harm, affirm expectations, further students' education, and strengthen the school community.

This document reflects the school corporation's commitment to Culturally Responsive Positive Behavioral Interventions and Supports, and to building positive school communities where every student can thrive. CRPBIS provides a framework where Restorative Justice strategies can be used in schools where staff are trained in using them. RJ practices as a part of a whole school climate framework will enhance community safety, build mutual responsibility, and will involve all stakeholders to create a community of belonging. RJ practices pave the way for repair of harm which is a whole person path to relationship accountability. When the climate is transformed, all of these practices will lead to a reduction in exclusionary responses.

RJE focuses on collaboration and community building. It reflects a belief that all staff perform best in strong learning communities, where they feel safe, supported, and understand their mutual responsibilities for creating a just and equitable working environment. It assumes that all staff and students can best support appropriate behavior in a context that models a commitment to dignity and respect, that fosters awareness of their own and others' needs, and that holds them accountable in ways that build empathy and responsibility.

The SRR names rights and responsibilities, sets out expectations, and recommends interventions that can help build strong learning communities. It assumes proactive efforts to build social and emotional capacity, laying a strong foundation for success and making it easier for students to manage their own behavior or respond well to correction. It offers progressive levels of corrective responses, which gradually become more targeted and more formal as it becomes clear that individual students need more support in order to recognize and meet their responsibilities to their learning communities.

The SRR is intended to help students, staff, and families work together toward building schools that help every student reach his or her potential.

The Board shall have oversight of the SRR and any changes must be made pending board approval. Any administration guidelines cannot override the Board's positions and decisions. In addition, the SRR is fluid and the Board can determine if changes need to be made to eliminate discriminatory language and policies.

## **STUDENT AND PARENT/GUARDIAN RIGHTS AND RESPONSIBILITIES**

### **Student Rights**

- To receive a free high-quality public education
- To be safe at school
- To be treated fairly, courteously, and respectfully
- To bring complaints or concerns to the school principal or staff for resolution
- To tell his/her side of the story before receiving a consequence
- To be told the reason(s) for any disciplinary action verbally and in writing
- To be given information about appealing disciplinary actions
- To express opinions, support causes, assemble to discuss issues, and engage in peaceful and responsible demonstrations

### **Student Responsibilities**

- To read and become familiar with this policy
- To attend school daily, prepare for class, and complete class and homework assignments to the best of his/her ability
- To know and obey school rules and instructions given by the school principal, teachers, bus drivers, paraprofessionals, and other school staff
- To tell school staff about any dangerous behavior or bullying that occurs at school, on the way to and from school, or in the school community
- To bring to school only those materials that are allowed
- To treat everyone in the school community with respect
- To respect school property, community property, and the property of others

### **Parent/Guardian Rights**

- To be actively involved in their child's education
- To be treated fairly and respectfully by the school principal, teachers, and other staff
- To access information about the Board's policies and procedures
- To be notified promptly if their child is disciplined for inappropriate or disruptive behavior and informed of the consequences assigned
- To appeal disciplinary actions taken
- To receive information about their child's academic and behavioral progress

### **Parent/Guardian Responsibilities**

- To read and become familiar with this policy
- To make sure their child attends school regularly, on time, and to notify the school before the school day begins if their child is absent
- To give the school accurate and current contact information
- To tell school officials about any concerns or complaints respectfully and in a timely manner
- To work with the school principal, teachers, and other staff to address any academic or behavioral concerns regarding their child
- To talk with their child about the behavior expected in school
- To support their child's learning and school activities at home
- To be respectful and courteous to staff, other parents, guardians, and students
- To respect other student's privacy rights

## WHO SHOULD READ THE SRR

The SBCSC Rules and Responsibilities, or SRR, is important for all members of the school community to read and understand.

**Students:** The SRR is your guide for behavior at school. Your principal, teachers, and other staff members will help you learn and understand the good behavior that is expected of you at school. The SRR describes behaviors that are not allowed at school and explains the consequences if you behave inappropriately. If you follow the SRR, you will be helping your school be a safe, respectful, and productive place for you and your classmates.

**Parents/Guardians:** The SRR is your guide for understanding the behavior that is expected of your student at school and the steps that will be taken if your child behaves inappropriately. Please read the SRR with your student and discuss any questions with the school principal. If you have concerns about your student's safety or behavior, please talk to your school principal so that you and the school can cooperate to help your child succeed.

**School Staff:** The SRR is your guide for supporting positive student behavior at school and understanding the steps that may be taken if a student demonstrates inappropriate behavior. If you have concerns about safety or your school's climate, please talk to your school principal so that you and your administration can work to maintain a safe and orderly learning and work environment.

**Transportation Staff:** The SRR is your guide along with the transportation crosswalk for supporting positive student behavior while the students are transported on our buses. If you have concerns about safety on your bus's climate, please talk with your assigned supervisor and/ or the school principal so that you and the administration can work to maintain a safe and orderly environment.

**School Administrators:** The SRR is your guide for supporting positive student behavior at school and an outline of the steps you should take to address inappropriate student behavior. When the school year begins, please distribute a copy of the SRR to students and parents/guardians and discuss the policy with them. If students behave inappropriately, use this policy to properly address the situation so that your school can maintain a safe learning environment and positive climate.

**Other District Staff:** The SRR is your guide for supporting schools in developing a positive school climate that ensures student safety and minimizes inappropriate student behavior.

## **WHERE AND WHEN THE SRR APPLIES**

The SRR applies to students at all times during the school day, while on school property, while traveling to and from school, at any school-related event, on any vehicle funded by SBCSC (such as a school bus), and while using the SBCSC network.<sup>1</sup>

The SRR also applies to student behavior outside of school if the behavior disrupts or may disrupt the educational process at the school. In other words, students may be disciplined at school for seriously inappropriate behavior off school property and during non- school hours while traveling on school provided transportation or while waiting at designated bus stops if the behavior will interfere with teaching and learning at the school. This includes seriously inappropriate behavior on social networking websites that disrupts or may disrupt the educational process at the school.

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<sup>1</sup> The SBCSC network means systems, computer resources and infrastructure used to transmit, store and review data or communicate over an electronic medium and includes, but is not limited to, the E-mail system(s), collaboration systems, databases, hardware, telecommunication devices, information systems, Internet service, distance learning tools, the SBCSC intranet system or SBCSC mainframe systems, whether owned or contracted by the Board or otherwise used for school purposes. Students are subject to the requirements in the Policy on Student Acceptable Use of the SBCSC Network (7540.03 - STUDENT/STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY GUIDELINES)

## HOW THE SRR SHOULD BE USED

In a safe, respectful, and productive learning environment, all students know what behaviors are expected of them and understand how to demonstrate good behavior at school. If a student behaves inappropriately, school staff members intervene to correct the student's behavior. The sections below should be used as a guide to help all schools create a safe, respectful, and productive learning environment by (1) guiding students towards positive behavior, and (2) responding quickly and consistently to correct any inappropriate student behavior.

### ***Guiding Students to Positive Behavior***

The most critical step to building a safe, respectful, and productive learning environment is establishing a positive school climate where students and adults have strong, positive relationships and students understand what is expected of them as learners at school. Schools should nurture students by providing them with positive behavioral supports and meaningful opportunities for improving social and emotional skills, such as recognizing and managing emotions, developing caring and concern for others, making responsible decisions, establishing positive relationships, and handling challenging situations in a constructive way. School principals and staff members must establish and maintain a positive school climate and must effectively communicate, teach, and model the positive behaviors they expect students to exhibit in the classroom and in other parts of the school throughout the day.

In order to guide students to positive behavior, **all school staff** must follow these steps:

- 1) Set expectations for positive behavior.
  - Create and co-create expectations for positive behavior and predictable routines for students.
  - Post expectations for positive behavior throughout the school.
  - Regularly communicate high expectations for student success demonstrating positive behavior.
- 2) Teach positive behavior.
  - Build positive relationships with students.
  - Model positive behavior for students.
  - Explicitly teach students and staff how they can best demonstrate positive behavior and follow expected routines. For example, specify expected behavior while learning in the classroom, moving through the hallways, eating in the cafeteria, entering the building, leaving at dismissal, etc.
  - Practice expected behavior with students in all settings.
- 3) Reinforce positive behavior.
  - Regularly review expectations for positive behavior, reteaching and allowing practice as needed.
  - Provide frequent feedback to students on their behavior, both appropriate and inappropriate, so they know if and how they are meeting the school's expectations.
  - Praise and reward students for demonstrating positive behavior, especially when it is a new behavior for that student.
  - Elevate student and stakeholder voice in the process of creating respect agreements and listening to their feedback as part of the process.
- 4) By co-creating respect agreements and setting expectations together, staff, and student can work together to meet those expectations, regularly reinforce appropriate behavior. Schools that center relationship build and accountability will see fewer incidents of inappropriate behavior and more time spent learning. See the Additional Resource section for more info.



## ***Responding to Inappropriate Student Behavior***

The second part of building a safe, respectful, and productive learning environment is effectively addressing inappropriate behavior, if it occurs. All members of the school community should take steps to intervene when an inappropriate behavior occurs. In RJE school communities, restorative questions can be used and repair of harm options can be offered. The goal is to remedy any harm caused, and prevent the same inappropriate behavior from recurring. Students, parents/guardians, teachers, and staff are responsible for cultivating a restorative mindset when listening to reports of inappropriate student behavior to the school principal. The school principal or designee is responsible for assigning the appropriate interventions and options to address the inappropriate behavior and must also respect the rights of any student accused of inappropriate behavior. The section below explains the responsibility of each member of the school community when incidents occur.

**Students:** If you feel unsafe, have a problem with another student that you cannot solve, or see someone hurting or bullying another child, tell your teacher, principal, or another staff member.

**Parents/Guardians:** If your student feels unsafe, has a conflict with another child, or if you see a student behaving inappropriately, inform the school principal. The following steps will be taken if a student behaves inappropriately and are explained in more detail below. School administrators will (1) redirect to correct behavior; (2) intervene to minimize disruption; (3) investigate; (4) afford due process; (5) assign interventions and/or consequences; (6) complete a report; (7) inform parents/guardians of the right to appeal; and (8) take steps to restore the student's participation in the school community.

**Teachers and Staff:** Actively supervise students at all times. Listen to student chatter and investigate rumors of inappropriate behavior. Take every opportunity to correct minor inappropriate behaviors you may observe among students in the classroom and in common areas. Use restorative questions and meditations to guide students to appropriate behaviors and refrain from calling students out or posting their names for inappropriate behavior. If you see a conflict between students that you cannot resolve, hear an allegation of a student behaving inappropriately, or witness an inappropriate act, inform your administration and intervene as necessary to keep students safe.

**Principals and Administrators:** If you learn about a conflict between students, hear an allegation of a student behaving inappropriately, or witness an inappropriate act, follow these steps:

- 1) *Redirect to correct behavior.* All adults should cultivate a restorative mindset and/or use restorative questions and mediation to explore inappropriate behavior and minimize the likelihood of the behaviors escalating or recurring.
- 2) *Intervene* to minimize disruption, resolve conflict, and as necessary to keep students and staff safe. If a student has been injured, make every reasonable effort to notify the parents/guardians.
- 3) *Investigate* by talking to all students, teachers, school staff, or other witnesses to the incident. If a search of the student, his/her locker, desk, or personal belongings needs to be conducted, follow the Board's Search and Seizure Policy.
- 4) *Afford due process* for the student.
  - a) Using the information gathered in the investigation, determine whether the student's behavior falls within the SRR. If so, determine the Level of disruption caused by the

inappropriate behavior, identify the inappropriate behavior listed, and evaluate the range of possible interventions and consequences.

- b) Inform the student of the allegations made, the applicable SRR infraction(s), and the range of consequences the student faces.
- c) Allow the student to respond to the charges. In other words, let the student tell his/her side of the story. If trained in RJE practices, restorative questions should be used by all building staff to facilitate this dialogue.
- d) Make reasonable efforts to contact the parents/guardians and notify them of the allegations before assigning interventions and employing responses. Agreements can be drafted together if an RJE support circle is held.

5) *Assign interventions or responses according to the SRR.*

- a) Determine whether it is more likely than not that the student engaged in the identified SRR inappropriate behavior.
- b) The principal has the authority to assign interventions and consequences based on his/her independent assessment of the best interest of the school community, including available school resources, the needs of any student or staff victim, and the rights of the student engaged in inappropriate behavior.
- c) Identify the appropriate intervention(s) and/or consequence(s) that best address and correct the student's inappropriate behavior. Before assigning, consider the following:
  - The goals of assigning interventions or consequences are to maintain a safe environment, maximize all students' learning, and improve students' behavior skills by addressing the triggers for inappropriate student behavior.
  - Use corrective and instructive consequences as much as possible to teach appropriate behavior, including the use of balanced and restorative justice when available, when appropriate and when all parties voluntarily agree to participate.
  - Select consequences that are in proportion to the inappropriate behavior.
  - Avoid consequences that will remove the student from class and school, if possible. **Use out-of-school suspensions as a last resort and only when in-school interventions and consequences are insufficient to address the student's inappropriate behavior.** When suspended out of school, students lose instructional time and opportunities for developing social and emotional skills that could lessen the likelihood of future inappropriate behavior.
  - Follow the special procedures contained in the Additional Resources section for students with disabilities and students with Section 504 Plans.
  - Consider these factors when deciding which consequence will be most effective:
    - Student's age, maturity, and grade,
    - Student's prior conduct and record of behavior,
    - Student's willingness to acknowledge the inappropriate behavior,
    - Student's willingness to make restitution,
    - Impact of the incident on the overall school community,
    - Student's intent and the severity of harm caused, and

- Parent/guardian's level of cooperation and involvement.
  - Impose age-appropriate consequences for all SRR inappropriate behaviors. Students of different grades and ages are at different developmental levels, so the appropriate response to behavior may vary depending on the student. Less severe consequences may be appropriate for lower grade or younger students when compared to higher grade or older students.
  - If a student is suspended, the principal or his/her designee may choose to give the student a combination of out-of-school and in-school suspension days. The out-of-school suspension must be served first and the combined total of out-of-school and in-school suspension days must not exceed the limits available for each Group level.<sup>2</sup>
- d) If required by the police notification guidelines, and only after a reasonable effort has been made to contact the student's parents/guardians, notify the South Bend Police Department/Saint Joseph County Police Department.
- 6) Complete report in PowerSchool for all inappropriate behaviors under the SRR. Hand-deliver to the parents/guardians or mail a copy of the misconduct report to the student's home address.
- 7) Inform parents/guardians of their right to appeal if they believe that the consequence is unwarranted or excessive.
- The parents/guardians have the right to ask the principal to review the consequence assigned and to reconsider the decision.
  - If a student has been suspended or referred for expulsion, the parents/guardians may appeal in writing to the Office of Expulsions services, or his/her designee. The Office of Expulsions Services will determine whether any factual errors were made in the principal's investigation, whether the student was charged with the correct inappropriate behavior under the SRR, whether the length of the suspension was commensurate with the student's inappropriate behavior, and, in the case of a referral for expulsion, whether the referral was appropriate. The Office of Expulsions Services' decision shall be final. The term of a student's suspension or referral for expulsion is not halted by the parents/guardians' appeal.
  - If a student has been expelled, the parents/guardians may appeal the final determination in writing and send additional evidence not available at the time of the expulsion hearing to the Office of Expulsions Services. The decision of the Office of Expulsions Services regarding the appeal shall be final. The start of a student's expulsion is not delayed by the parents/guardians' appeal.
- 8) Restore the student's participation in the school community.
- After a student serves a consequence, the school counselor, disciplinarian, or other staff member should review with the student the school's expectations for positive behavior, rules, and routines. If the student received an in-school or out-of-school suspension for an incident involving other students or staff, set aside time to implement strategies to

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<sup>2</sup> In-school suspension means that the student will attend school but will spend the day away from peers and normally assigned classroom instructional settings while completing assigned instructional tasks. In-school suspension shall not exceed five days. Out-of-school suspension means that the student is removed from class attendance or school attendance. Out-of-school suspension shall not exceed ten days. Parents/guardians must be notified for both in-school and out-of-school suspensions.

restore relationships with those individuals. Anytime a student is removed from the learning environment, he or she should be welcomed back without bias and given the supportive services necessary for transition back into the school community and, ultimately, social and academic success.

- When a student is set to return from an expulsion and has been attending the APPROVE Program, school administrators must attend a transition meeting, which should include the student, parents/guardians, and alternative school staff members, to discuss the student's return and prepare for a successful transition. After a student returns from an expulsion, principals should schedule and complete check-in meetings with the student, parents/guardians, and staff members to monitor his/her transition and ensure successful reintegration into the school community.

### ***Out-of-School Suspension Guidelines***

Students serving out-of-school suspensions are not allowed to come onto school property, participate in extracurricular activities, or attend school-sponsored events. A student may be considered trespassing if he or she comes onto school grounds while suspended.

Suspensions are excused absences. The principal must ensure that students serving suspensions are able to obtain homework, and upon the students' return, provided with the opportunity to make up any quizzes, tests, special projects, or final exams given during the period of suspension.

Students serving suspension must be allowed to take state assessments at school and may participate in test preparation activities with the Office of Expulsions Services approval. The students' attendance will still be marked as suspended. The Office of Expulsions Services must approve any other exception to the out-of-school suspension guidelines.

### ***Police Notification Guidelines<sup>3</sup>***

On occasion, principals will need police assistance but should avoid unnecessary and inappropriate police involvement. They are expected to be proactive in calling the police when necessary, and not to leave the decision to the discretion of other staff members, except by delegation in their temporary absence. The situations listed below are examples of situations in which it is appropriate to call the police, and their support should be expected. The Superintendent should be advised of any such situation as soon as feasible.

- A. Refusal of a person to leave school property after being requested to do so by the appropriate school authority.
- B. Willful destruction of school property--particularly if the Corporation is likely to seek restitution.
- C. Theft--particularly if items are of value and insurance claims will be filed.
- D. Obvious crime.
- E. Arson.

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<sup>3</sup> These guidelines follow corporation guidance in Administrative Guideline 5540A—Relationship with Governmental Agencies.

- F. Assaults or serious fighting--if not controlled or if serious injury results.
- G. Possession of a dangerous weapon.
- H. Possession of alcohol or drugs.
- I. Sale or distribution of controlled substances.
- J. Blackmail, threatening, or extortion of students or staff members.
- K. Bona fide threat against a person's life or threats of terrorist acts, bomb scares, etc.
- L. Illegal or inappropriate operation of a motor vehicle.
- M. Child abuse or molestation.
- N. Mass walkout from or sit-in on school property--if not controlled or if property damage or personal injury result.
- O. Setting off firecrackers, pulling fire alarms and similar mischief (discretionary, but advised if recurring or the situation is getting out of hand).
- P. A student leaving school property without permission, a missing person situation, or a self-inflicted injury by a student.

The school principal will use the SRR to determine the appropriate intervention(s) and/ or consequence (s) to address a student's behavior.	
South Bend Police Department//Saint Joseph County Police Department /SRO <b>MAY</b> be notified	South Bend Police Department/Saint Joseph County Police Department/SRO <b>MUST</b> be notified
<p>H. Theft or possession of stolen property that costs less than \$150</p> <p>J. Vandalism or criminal damage to property that costs less than \$500</p> <p>M. Fighting- more than two people and/or involves injury</p> <p>M. Initiating or participating in any inappropriate, minor physical contact with school personnel</p> <p>O. Inappropriate sexual conduct</p> <p>P. Possession, use, sale or distribution of fireworks</p> <p>R. Battery or aiding or abetting in the commission of a battery that does not result in a physical injury.</p> <p>S. False activation of a fire alarm that does not cause a school facility to be evacuated or does not cause emergency services to be notified</p> <p>L. Use of intimidation credible threats of violence, coercion, or persistent severe bullying</p> <p>R. Aggravated battery or aiding or abetting in the commission of a battery that results in a physical injury.</p>	<p>H. Theft or possession of stolen property that costs more than \$150</p> <p>J. Vandalism or criminal damage to property that costs more than \$500 or that is done to personal property belonging to any school personnel</p> <p>P. Use, possession, and/or concealment of a firearm/destructive device or other weapon or "look-alikes" of weapons, or use intent to use any other object to inflict bodily harm.</p> <p>P. Arson</p> <p>Q. Use or possession of illegal drugs, narcotics, controlled substances, "look-alikes" of such substances, or contraband, or use of any other substance for the purpose of intoxication in school or at a school related function or before school or before a school related function.</p> <p>Q. Sale, distribution, or intent to sell or distribute alcohol, illegal drugs, narcotics, controlled substances, "look-alikes" or such substances, contraband, or any other substance used for the purpose of intoxication.</p> <p>S. False Activation of a fire alarm which cause school facility to be evacuated or causes emergency services to be notified.</p> <p>S. Bomb threat</p> <p>T. Persistent or severe acts of sexual harassment or sex acts which include the use of force</p>

### ***Special Notes***

#### ***Individual School Rules Not Allowed***

Individual schools may not develop their own school rules addressing inappropriate student behaviors whether or not they are specifically included in this SRR. When schools are uncertain how to apply this SRR to certain behaviors or circumstances, they should contact their DSL for assistance. This will help assure that the SRR is applied consistently throughout the district.

#### ***Dress Code and School Uniform Policies***

Pursuant to Board Policy, students (and their parents) have the right to make decisions regarding their appearance, so long as those decisions don't interfere with the educational program of the schools. Student dress or grooming practices may not:

- Present a hazard to the health or safety of the student or to others in the school.
- Interfere with school work, create disorder, or disrupt the educational program.
- Cause excessive wear or damage to school property.

- Prevent the student from achieving their own educational objectives because of blocked vision or restricted movement.

Board policy also permits individual schools to develop and implement a mandatory uniform policy that requires students to wear a specific uniform. Students who fail to follow the district's dress or grooming expectations or a school's uniform policy are subject to the responses detailed in this SRR, including detentions, but they may not be barred from attending class. A student may receive additional consequences for dress or uniform violations if the student's dress disrupts or may disrupt the educational process as described in Level I, Inappropriate Conduct. For example, a student may receive a consequence for wearing clothing or accessories that display gang affiliation. This paragraph does not apply to students enrolled in Military Academies or JROTC Programs.

#### *Military and JROTC Programs*



Board-designated military academies and other JROTC programs may enforce standards of conduct and intervention or consequences that are consistent with the military nature of those schools and programs, in addition to the standards of conduct and intervention or consequences described in this SRR. Students enrolled in a military academy who repeatedly engage in acts of gross misconduct or insubordination (student act that defies a lawful and appropriate direct order of a superior ranked officer, staff member or another student), or who repeatedly fail or refuse to wear the required military uniform, may be subject to administrative transfer by the military academy principal to another school (or in the case of a JROTC program, dismissal from the program). Prior to an administrative transfer, a conference must be held with the parents/guardians, student, military academy principal, and a designee of the Office of Education & Innovation High School office. Students who have been transferred for administrative reasons from any military academy must be accepted by their attendance area school. Students who have been given an administrative transfer to another South Bend Public School or expelled from the South Bend Community Schools lose all rank and privileges at the JROTC military academies and must reapply to the JROTC program and the military academies for enrollment. Upon their child's enrollment at a military academy, parents/guardians shall be informed of the uniform policy, expectations of the military academy, and the administrative transfer policy, and shall indicate by signature their agreement to adhere to the terms of these policies

## STUDENT BEHAVIORS AND STAFF RESPONSES



The section below lists the behaviors that are inappropriate at school. The left-hand column lists the specific inappropriate behavior and the right-hand columns present the responses that school staff should use to address the inappropriate behavior. Responses should be considered in a graduating manner. For additional information on intervention responses and reflective questions, please review the Additional Resources section.



### **Level I Behaviors (Inappropriate Behaviors)**



In situations where it applies, restitution should be used with teacher, parent, student(s), and administrators.

Level I Behavior	Response Level 1	Response Level 2	3	SRO
<b>A. Improper Use of Technology:</b> Using a personal cellular device, earphones (e.g. air pods), smart watches, Wi-Fi pods/ hotspots, calculators, Chromebooks, or other communication devices during unauthorized times	 <b>1st offense</b> Use interventional strategies to correct behavior  Log parent communication  ODR completion  <b>2nd offense</b> Use interventional strategies to correct behavior  Log parent communication  ODR completion  <b>3rd offense</b> Use interventional strategies to correct behavior  Parent conference  ODR completion  <b>4th offense</b> Use interventional strategies to correct behavior  Parent conference  ODR completion as Level II	 <b>Primary</b> Parent Conference with administrator 1 day ASD (max)  <b>Intermediate</b> Parent Conference with administrator 1-day ISS or ASD  <b>High School</b> Parent Conference with administrator 1-day ISS or ASD		



Level I Behavior	Response Level 1	Response Level 2	3	SRO
<b>B. Dress Code:</b> Dress code does not comply with district expectations	 <b>1st offense</b> Use interventional strategies to correct behavior Log parent communication ODR completion <b>2nd offense</b> Use interventional strategies to correct behavior Log parent communication ODR completion <b>3rd offense</b> Use interventional strategies to correct behavior Parent conference ODR completion <b>4th offense</b> Use interventional strategies to correct behavior Parent conference ODR completion as Level II	 <b>Primary</b> Parent Conference with administrator 1-day ASD (max) <b>Intermediate</b> Parent Conference with administrator 1-day ASD <b>High School</b> Parent Conference with administrator 1-day ASD		

Level I Behavior	Response Level 1	Response Level 2	3	SRO
<b>C. Attendance:</b> <b>Tardy:</b> Late to class without an approved excuse  <b>Truancy:</b> Leaving the classroom or assigned area without obtaining approval; hiding	 <b>1st offense</b> Use interventional strategies to correct behavior Log parent communication ODR completion  <b>2nd offense</b> Use interventional strategies to correct behavior Log parent communication ODR completion  <b>3rd offense</b> Use interventional strategies to correct behavior Parent conference ODR completion  <b>4th offense</b> Use interventional strategies to correct behavior Parent/Student/Social Worker conference ODR completion as Level II	 <b>Primary</b>  After 4th Offense Parent conference/Social Worker  Repeated (after 5th offense) 2 days (max) ISS Parent conference required  Repeated/ Chronic (10 days) 3-5 days ISS Written parent notification  <b>Intermediate</b>  After 4th Offense Parent conference/Social Worker  Repeated (after 5th offense) 2 days (max) ISS/ASD Parent conference required  Chronic (10+) 3-5 days ISS Written parent notification  <b>High School</b>  After 4th Offense Parent conference/Social Worker  Repeated (after 5th offense) 2 days ISS (max) Parent conference required  Chronic (10+) 3-5 days ISS Written parent notification		



Level I Behavior	Response Level 1	Response Level 2	3	SRO
<b>D. Inappropriate Conduct:</b> <u><b>Level 1</b></u> 1. Conduct which disrupts school environment (e.g., unreasonable noises that interferes with educational activities)  <u><b>Level 2</b></u> 1. Conduct which is likely to result in serious bodily injury or substantial property damage, and/or making unreasonable noise that interferes with educational activities and refusing to cease the disruption when requested  2. Causing a prolonged disruption to the atmosphere of order and discipline in the school that is necessary for effective learning and may place others at risk of injury  3. Saying words that are offensive, sexual, or considered obscene in an academic, professional setting	 <b>1st offense</b> Use interventional strategies to correct behavior Log parent communication ODR completion  <b>2nd offense</b> Use interventional strategies to correct behavior Log parent communication ODR completion  <b>3rd offense</b> Use interventional strategies to correct behavior Parent conference ODR completion  <b>4th offense</b> Use interventional strategies to correct behavior Parent conference ODR completion as Level II	 <u><b>Primary 1st Offense</b></u> Parent Conference  <b>Repeated/ Chronic</b> Parent Conference 1-2 days ASD  <b>To Staff</b> Parent Conference 2 days OSS max <u><b>Intermediate 1st Offense</b></u> Parent Conference 1-day ISS (max)  <b>Repeated/ Chronic</b> Parent Conference 2 days ISS  <b>To Staff</b> Parent Conference 2 OSS max  <u><b>High School</b></u> <b>1st Offense</b> Parent Conference 1-day ISS  <b>Repeated/ Chronic</b> Parent Conference 2 days ISS  <b>To staff</b> Parent Conference 2 OSS max		


Level I Behavior	Response Level 1	Response Level 2	3	SRO
<p><b>F. Academic Dishonesty/Forgery:</b> Using the work of others or published work; violating rules of honesty such as copying another student's test, assignment, or using technology to transmit academic information etc.</p> <p>1. Alteration of documents including possession or signing</p>	<p>■</p> <p><b>1st offense</b> Use interventional strategies to correct behavior Log parent communication ODR completion</p> <p><b>2nd offense</b> Use interventional strategies to correct behavior Log parent communication ODR completion</p> <p><b>3rd offense</b> Use interventional strategies to correct behavior Parent conference ODR completion</p> <p><b>4th offense</b> Use interventional strategies to correct behavior Parent conference ODR completion as Level II</p>	<p>■</p> <p><b>Primary</b> Parent Conference with administrator 1 day ASD (max)</p> <p><b>Intermediate</b> Parent Conference with administrator 1-day ISS or ASD</p> <p><b>High School</b> Parent Conference with administrator 1-day ISS or ASD</p>		


## Level II Infractions (Seriously Disruptive Behaviors)

Behaviors in which the instructional response will take place outside of the classroom. In all instances, consider the possible motivations of the student. In determining the instructional response, administer the lowest level of intensity necessary in order to elicit a change in behavior. In rare instances, Administrators may find it necessary to notify the School Resource Officer or law enforcement.

In situations where it applies, restitution should be used with teacher, parent, student(s), and administrators.

Level II Behavior	1	Response Level 2	Response Level 3	SRO
<p><b>G. Multiple Unexcused Absences:</b> Failure to report to class/school and without an approved excuse. Students are to follow their schedule unless permission is granted by the Administration. Indiana Law states that once a student 10 days of unexcused absences is defined as habitual truancy. IC 20-33-2 (Compulsory School Attendance)</p> <p><b>NOTE: Unexcused absences are classified as a Level II Behavior because the response will take place outside the classroom, not because the nature of the behavior is “seriously disruptive” in the same way other Level II behaviors may be.</b></p>		<p>2 UAs: parent contact by phone or email</p> <p>4 UAs: phone call and letter asking for parent conference</p> <p>6 UAs: phone call and letter requiring meeting with administrator to develop plan</p> <p>10 UAs: administrator consults with SBCSC Coordinator of Student Enrollment and Attendance about next steps, including possible referrals to outside organizations as required by law</p>		
<p><b>H. Theft:</b> 1. Having in one's possession property obtained without permission of the owner or procession (physical control over, including clothing, lockers, or bags) of stolen property.</p> <p><b>I. Vandalism:</b> Deliberate destruction or damage of property</p> <p><b>*Restitution can be defined as acts of service done with the intent of “paying off” or equivalent of the item(s) taken.</b> (Possible police referral for monetary value over \$500)</p>		<p> Forgery/ Theft under \$150</p> <p><b>Primary</b> Parent conference 1-day ASD (max)</p> <p><b>Intermediate</b> Parent conference 1-2 days ISS max Restitution</p> <p><b>High School</b> Parent conference 1-2 days max ISS Restitution</p>	<p> Theft over \$150</p> <p><b>Primary</b> Parent Conference 1-2 days OSS max</p> <p><b>Intermediate</b> Parent conference 1-3 days OSS max Restitution</p> <p><b>High School</b> Parent conference 1-3 days OSS max Restitution</p>	

Level II Behavior	1	Response Level 2	Response Level 3	SRO
<b>J. Failure to Serve:</b> Failure to report for the prescribed consequence such as detention or In School Suspension		 <p><b>Primary</b> Parent conference</p> <p><b>Intermediate</b> Parent conference</p> <p>1 additional day ASD/ISS</p> <p><b>High School</b> Parent conference 1 additional day ASD/ISS</p>		

<p><b>K. Bullying/ Harassment:</b> Under IC 20-33-8-0.2, "bullying" means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment.</p> <p>Examples include harassment based on real or perceived race, ethnicity, gender/gender identity, sexual orientation, disability, or religion.</p> <p><b>*Bullying Investigation Report Form and Bullying Compliant Form must be completed. This must be completed within 1-2 work days of when staff member has observed or become aware of such conduct. Use of intimidation credible threats of violence, coercion, or persistent severe bullying can lead to a Level III response.</b></p>		<p></p> <p><b><i>Based on the outcome of investigation</i></b></p> <p><b><u>Primary 1<sup>st</sup> Offense</u></b> Parent conference/RJ circle with all involved parties with Social Worker present</p> <p><b>2nd Offense</b> Parent conference 1-2 days max ASD</p> <p><b>Repeated</b> Parent conference 1-2 days max OSS</p> <p><b>Physical</b> Parent conference 1-2 days max ASD</p> <p><b>On Staff</b> Parent conference 2 days max OSS</p> <p><b><u>Intermediate 1<sup>st</sup> Offense</u></b> Parent conference/mediation with all involved parties with Social Worker present</p> <p><b>2nd Offense</b> Parent conference 1-2 days ISS</p> <p><b>Repeated</b> Parent Conference 1-3 days max OSS</p> <p><b>Physical</b> Parent Conference 1-3 days max OSS</p> <p><b>On Staff</b> Parent Conference 3 days max OSS</p> <p><b><u>High School 1<sup>st</sup> Offense</u></b> Parent conference/mediation with all involved parties with Social Worker present</p> <p><b>2nd Offense</b> Parent conference 1-3 days ISS</p>		
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Level II Behavior	1	Response Level 2	Response Level 3	SRO
		<b>Repeated</b> Parent conference 1-3 days max OSS  <b>Physical</b> Parent conference 1-3 days max OSS  <b>On Staff</b> Parent conference 3 days OSS		
<b>L. Provocation/Injury to Others:</b> To incite a fight; physical contact by pushing, shoving, biting, spitting, kicking or hitting or other conduct that may cause injury; more than horseplay		<i><b>Based on level of intensity, provocation should lead with mediation and parent contact at all levels</b></i> <b>Primary</b> 1-2 days max ASD  <b>Intermediate</b> 1-3 days ASD or 1-3 days OSS  <b>High School</b> 1-3 days ASD or 1-3 days OSS	<i><b>Based on level of intensity, provocation should lead with mediation and parent contact at all levels</b></i> <b>Primary</b> Severe fights 1-3 days max OSS  <b>Intermediate</b> Severe fights 3-5 days OSS Possible police referral Possible due process expulsion  <b>High School Severe fights</b> 3-5 days OSS  Possible police referral  Possible due process expulsion	








Level II Behavior	1	Response Level 2	Response Level 3	SRO
<p><b>M. Sexual Conduct:</b> Inappropriate sexual conduct, sexual gestures, inappropriate touching, indecent exposure, transmitting sexually suggestive images through information technology devices, or other sexual activities which do not involve the use of force.</p> <p>1. Sending, sharing, viewing, and possessing pictures, text messages emails or other material of a sexual nature in electronic or any other form, including the contents of a cell phone or other electronic device.</p> <p>2. Falsely accusing any person of sexual harassment.</p> <p>Level 2 responses are for instances involving no touching or physical contact or suggestive touching not involving one's privates such as unwanted or uncomfortable caressing. Level 2 responses should also be used for behavior that reflects normal curiosity in younger students.</p> <p>Level 3 responses are repeat instances of sexual conduct not involving touching or physical contact or for sexual conduct involving touching that doesn't involve use of force or otherwise fall under persistent, severe, or pervasive conduct.</p> <p><b>*Sexual Conduct at the primary level should be a mandatory referral to the school social worker with possible CPS referral. *If behavior continues mandatory parent/guardian conference with the creation, implementation, and periodic monitoring of a safety plan.</b></p>		<p><b>Primary</b> Mandatory parent Conference  1-day max ISS  Referral to social worker</p> <p><b>Intermediate</b> Parent conference  2 days max ISS with pending investigation by administration  Referral to social worker</p> <p><b>High School</b> Parent Conference 2 days ISS with pending investigation by administration  Referral to social worker</p>	<p><b>Primary</b> Mandatory parent Conference and referral to social worker  2 days max OSS  Possible police referral  Possible due Process</p> <p><b>Intermediate</b> Parent conference and referral to social worker  2 days max OSS  Possible police referral  Possible due Process</p> <p><b>High School</b> Parent Conference and referral to social worker  2 days max OSS  Possible police referral  Possible due process</p>	
<p><b>N. Fireworks:</b> Possession, use, sale, or distribution of fireworks and/or any other incendiary devices.</p> <p><b>*Document all information, including a specific, credible reason for completing a search of a student or student's property if deemed necessary.</b></p>		<p><b>Primary</b> Confiscation of material Parent Contact Student Conference 1-2 days ASD</p> <p><b>Intermediate</b> Confiscation of material Parent Contact Student Conference 1-2 days ISS</p> <p><b>High School</b> Confiscation of material Parent Contact Student Conference 1-2 days ISS</p>		





### **Level III Infractions (Most Seriously Disruptive Behaviors)**

Behaviors in which the instructional response will be administered either by an Administrator or by law enforcement. In all instances, take into consideration the possible motivations of the student. In determining the instructional response, administer the lowest level of intensity necessary in order to elicit a change in behavior.

In situations where it applies, restitution should be used with teacher, parent, student(s), and administrators.

Level III Behavior	1	2	Response Level 3	SRO
<p><b>O. Firearms/Weapons/ Arson:</b> Possession of ammunition; possession of a knife, explosive, chemical agent dispenser, destructive device, or other object that can reasonably be considered a weapon; possession of a loaded or unloaded firearm, taser gun, electronic stun gun or any weapon or device that expels a projectile by the action of an explosive, or having knowledge of another person's intent to violate or violation of this rule and failing to report the information to a school administrator or teacher.</p> <p><b>*Document all information, including a specific, credible reason for completing a search of a student or student's property if deemed necessary.</b></p>			<p> <b><u>Primary</u></b> Immediate Parent contact</p> <p>1-5 days OSS</p> <p>Mandatory referral to school social worker and police referral</p> <p>Possible due process</p> <p><b><u>Intermediate</u></b> Immediate Parent contact</p> <p>1-5 days OSS Mandatory referral to school social worker and police referral</p> <p>Possible due process</p> <p><b><u>High School</u></b> Immediate Parent contact</p> <p>1-5 days OSS</p> <p>Mandatory referral to school social worker and police referral</p> <p>Possible due process</p>	

Level III Behavior	1	2	Response Level 3	SRO
<p><b>P. Drugs/Alcohol:</b> Possession and/or use of narcotics/drugs/tobacco/alcohol and/or paraphernalia</p> <p><b>*Referral to a 3<sup>rd</sup> party agency through social worker</b></p> <p><b>*It is a felony to possess any controlled substances, including prescription drugs without a prescription. Possession of marijuana is a misdemeanor or felony depending on the amount. It is a status offense for a minor to possess alcohol. Possession of tobacco by a minor is an infraction. Dealing carries stricter penalties.</b></p>			<p> <b><u>Primary</u></b> Immediate Parent contact</p> <p>1-5 days OSS</p> <p>Mandatory referral to school social worker and police referral</p> <p>Possible due process</p> <p><b><u>Intermediate</u></b> Immediate Parent contact</p> <p>Mandatory referral to school social worker and police referral</p> <p>Possible due process</p> <p><b><u>High School</u></b> Immediate Parent contact</p> <p>Mandatory referral to school social worker and police referral</p> <p>Possible due process</p>	
<p><b>Q. Assault/Battery:</b> A one-sided aggression that involves causing or attempting to cause serious bodily injury to students, staff or others.</p> <p><b>*A school fight involving mutual combat should generally be classified as Inappropriate Conduct. Battery is more serious and should be used if a fight becomes one-sided and it causes injury, if aggression is committed against a school employee or law enforcement agent, if aggression is committed with a deadly weapon, or if the aggression causes serious injury.</b></p>			<p> <b><u>Primary</u></b> Immediate Parent contact</p> <p>1-5 days OSS Mandatory police referral and referral to school social worker</p> <p>Possible due process</p> <p><b><u>Intermediate</u></b> Immediate Parent contact</p> <p>1-5 days OSS Mandatory police referral and referral to school social worker</p> <p>Possible due process</p> <p><b><u>High School</u></b></p> <p>Immediate Parent contact</p> <p>1-5 days OSS Mandatory police referral and referral to school social worker</p> <p>Possible due process</p>	

Level III Behavior	1	2	Response Level 3	SRO
<p><b>R. Bomb/False Alarm:</b> The making of threats or providing false information about the presence of explosive materials, devices, or a fire on school property without cause in writing, in person or by phone, including text messaging. This includes calling 911 or pulling the fire alarm.</p> <p><b>*A bomb threat is a Class D felony. Generally, false fire alarms are misdemeanors.</b></p>			<p> <b><u>Primary</u></b> Immediate Parent contact 1-5 days OSS Possible referral to school social worker Possible police referral Possible due process</p> <p><b><u>Intermediate</u></b> Immediate Parent contact 2-5 days OSS Possible referral to school social worker Possible police referral Possible due process</p> <p><b><u>High School</u></b> Immediate Parent contact 3-5 days OSS Possible referral to school social worker Possible police referral Possible due process</p>	
<p><b>S. Persistent, severe, or unwanted sexual conduct:</b> Indecent exposure, transmitting sexually suggestive images through information technology devices, or other sexual activities which involves the use of force such as rape, hazing of sexual nature, and molestation.</p> <p><b>*This offense can range from a felony to a direct file crime. This means that students who are older than 16 and are charged with rape are charged as adults.</b></p>			<p> <b><u>Primary</u></b> Immediate Parent contact 1-5 days OSS Mandatory police referral and referral to school social worker Possible due process</p> <p><b><u>Intermediate</u></b> Immediate Parent contact 1-5 days OSS Mandatory police referral and referral to school social worker Possible due process</p> <p><b><u>High School</u></b> Immediate Parent contact 1-5 days OSS Mandatory police referral and referral to school social worker Possible due process</p>	

## **ADDITIONAL RESOURCES**

### ***AG7540.03 – Student/Staff Network and Internet Acceptable Use and Safety Guidelines***

The South Bend Community School Corporation recognizes that access to technology in school gives students greater opportunities to learn, engage, communicate, and develop skills that will prepare them for work, life, and citizenship. We are committed to helping students develop 21<sup>st</sup> century technology and communication skills.

To that end, we provide access to technologies for staff and student use.

This outlines the guidelines and behaviors that users (staff and students) are expected to follow when using school technologies or when using personally-owned devices on the school campus. Outside of school, families bear responsibility for the same guidance of Internet use that they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Families should be aware that some material accessible via the Internet may contain items that are illegal, defamatory, inaccurate, or potentially offensive to some people. In addition, it is possible to purchase certain goods and services via the Internet, which could result in unwanted financial obligations for which a student's parent or guardian would be liable.

- a. The South Bend Community School Corporation network is intended for educational purposes.
- b. All activity over the network or using District technologies may be monitored. Users should not expect that files stored on school-based computers will always be private. Electronic messages and files stored on school-based computers may be treated like school lockers. Administrators and faculty may review files and messages to maintain system integrity and ensure that users are acting responsibly.
- c. Access to online content via the network may be restricted in accordance with our policies and Federal regulations, such as the Children's Internet Protection Act (CIPA).
- d. Students are expected to follow the same rules for good behavior and respectful conduct online as offline.
- e. Misuse of school resources can result in disciplinary action.
- f. The South Bend Community School Corporation makes a reasonable effort to ensure students' safety and security online, but will not be held accountable for any harm or damages that result from use of school technologies.
- g. Users of the District network or other technologies are expected to alert building administrators or teachers immediately of any concerns for safety or security. Building personnel will work with the IT staff.

### **Technologies Covered**

The South Bend Community School Corporation may provide Internet access, desktop computers, mobile computers or devices, videoconferencing capabilities, online collaboration capabilities, message boards, email, and more. As new technologies emerge, the SBCSC will attempt to provide access to them. The policies outlined in this document are intended to cover *all* available technologies, not just those specifically listed.

### **Usage Guidelines**

All technologies provided by the District are intended for education purposes. All users (staff and students) are expected to use good judgment and to follow the specifics of this document

as well as the spirit of it: be safe, appropriate, careful and kind; don't try to get around technological protection measures; use good common sense; and ask if you don't know.

Students utilizing District-provided Internet access must first have the permission of and must be supervised by the professional staff. Students utilizing school-provided Internet access are responsible for good behavior on-line just as they are in a classroom or other area of the school. The same general rules for behavior and communications apply. The purpose of District provided Internet access is to facilitate communications in support of research and education. To remain eligible as users, students' use must be in support of and consistent with the educational objectives of the District. Access is a privilege, not a right. Access entails responsibility.

### **Web Access**

The South Bend Community School Corporation provides its users with access to the Internet, including web sites, resources, content, and online tools. That access will be restricted in compliance with CIPA regulations and school policies. Web browsing may be monitored and web activity records may be retained indefinitely.

Users (staff and students) are expected to respect that the web filter is a safety precaution, and should not try to circumvent it when browsing the web. If a site is blocked and a user believes it shouldn't be, the user should follow District protocol to alert an IT staff member and submit the site for review.

### **Email**

The South Bend Community School Corporation may provide users with email accounts for the purpose of school-related communication. Availability and use may be restricted based on school policies. If users are provided with email accounts, they should be used with care. Users should not send personal information; should not attempt to open files or follow links from unknown or untrusted origin; should use appropriate language; and should only communicate with other people as allowed by the District policy or the teacher.

### **Mobile Devices Guidelines**

The South Bend Community School Corporation may provide users with mobile computers or other devices to promote learning outside of the classroom. Users should abide by the same acceptable use policies when using school devices off the school network as on the school network. Users are expected to treat these devices with extreme care and caution; these are expensive devices that the school is entrusting to your care. Users should report any loss, damage, or malfunction to IT staff immediately. Users may be financially accountable for any damage resulting from negligence or misuse. Use of school-issued mobile devices off the school network may be monitored.

### **Personally Owned Devices Guidelines**

Students should keep personally owned devices (including laptops, tablets, smart phones, and cell phones) turned off and put away during school hours – unless in the event of an emergency or as instructed by a teacher or staff for educational purposes. Because of security concerns, when personally owned mobile devices are used on campus, they should not be used over the school network without the express permission from IT staff. In some cases, a separate network may be provided for personally owned devices.

## ***Policy 5517 – Anti-Harassment***

### **General Policy Statement**

It is the policy of the Board of School Trustees to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all Corporation operations, educational opportunities, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Corporation environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition on page 1), that is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information, and/or classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the Corporation community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment.

All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee.

The Corporation will investigate all allegations of unlawful harassment (see definition on page 1) and, in those cases where unlawful harassment is substantiated, will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

For purposes of this policy, "Corporation community" means students, administrators, teachers, and staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors

on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).

### **Other Violations of the Anti-Harassment Policy**

The Corporation also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment (see definition on page 1) or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment (see definition on page 1).
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment (see definition on page 1), when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

### **Definitions**

#### **Bullying**

Bullying rises to the level of unlawful harassment (see definition on page 1) when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence;



- I. theft;
- J. sexual, religious, or racial harassment;
- K. public humiliation; or
- L. destruction of property.

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

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

### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. threats or insinuations that a person's academic grade, promotion, classroom work or

assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of education may be adversely affected by not submitting to sexual advances;

- D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education or creates a hostile or abusive employment or educational environment.

**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the School Corporation community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student may be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to

conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

### **National Origin Harassment**

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

### **Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. All Corporation-level employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator or other Corporation-level official who receives such a complaint shall file it with the Corporation's Anti-Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

Members of the Corporation community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) by another member of the Corporation community or a third party are entitled to utilize the Board's complaint process set forth below.

Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying, the principal or his/her designee believes that the reported misconduct may have created a hostile work or learning environment and may have constituted unlawful harassment (see definition on page 1) based on "Protected Classes" (see definition on page 1), the principal or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers who shall investigate the allegation in accordance with this policy.

### **Anti-Harassment Compliance Officers**

\* \* \* \*

The names, titles, and contact information for the Compliance Officers will be published annually: in the student, parent, and staff handbooks; on the School Corporation's web site; in the back to school mailing; and/or in a posting at each school.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition on page 1), to assist students, other members of the Corporation community and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Corporation employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated.

The Compliance Officers are assigned to accept complaints of unlawful harassment (see definition on page 1) directly from any member of the Corporation community or a visitor to the Corporation, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Corporation community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare

recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Superintendent, the recommendations shall be submitted to the School Board Attorney.

All Corporation employees must report incidents of unlawful harassment (see definition on page 1) that they observe or that are reported to them to the Compliance Officer within two (2) business days business days of learning of the incident.

### **Investigation and Complaint Procedure**

Any employee or other member of the Corporation community or third party (e.g., visitor to the Corporation) who believes that s/he has been subjected to unlawful harassment (see definition on page 1) may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of unlawful harassment (see definition on page 1) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition on page 1) was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1), and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Students who believe that they have been unlawfully harassed (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the information procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

However, all complaints of unlawful harassment (see definition on page 1) involving a Corporation employee, any adult member of the Corporation community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be

formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed (see definition on page 1) may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide employees, other members of the Corporation community or third parties who believe they are being subjected to unlawful harassment (see definition on page 1) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends school.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, one (1) of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints in a timely manner of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy 8310, Policy 8320 and Policy 8330).

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one (1) of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

The formal complaint process is not intended to interfere with the rights of an employee, other member of the Corporation community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), and/or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

An individual who believes s/he has been subjected to offensive conduct/unlawful harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Corporation-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other Corporation-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the student reports the complaint must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including but not limited to a change of building or class assignment or class schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed

appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

The Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

Contemporaneously, one of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation in a timely manner of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of the evidence standard will be used (i.e., it is more likely than not that unlawful harassment or retaliation occurred).

The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within seven (7) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be



completed within seven (7) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board of Trustees within five (5) business days of his/her receipt of the Superintendent's final decision.

If the Superintendent is the Respondent, the appeal process will skip the review by the Superintendent and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation.

The Board shall meet with the concerned parties and their representatives within thirty (30) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

### **Privacy/Confidentiality**

The Corporation will employ all reasonable efforts to protect the privacy of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, to take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310 – Public Records and/or Policy 8330 – Student Records)

### **Remediation**

In cases where the complaint investigation results in a finding that the allegation of unlawful harassment/retaliation is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such unlawful harassment/retaliation on a student. This may include but is not limited to providing a contact person to monitor the student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment (see definition on page 1)/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any. Any discipline of students with disabilities will be in accordance with the Individuals with Disabilities Education Act ("IDEA") and the Federal and State regulations implementing the IDEA.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any, and with Federal and State laws and regulations.

All sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

### **Retaliation**

Any act of retaliation against a person who has made a report, filed a complaint alleging unlawful harassment, or participated as a witness in a harassment investigation is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition on page 1), or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing pertaining to unlawful harassment, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Federal or State laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services, Office of Child Protective Services or local law enforcement. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, such knowledge should be reported to local law enforcement.

Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

### **Education and Training**

The Compliance Officers will oversee training of Corporation employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

### **Notice**

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Compliance Officers will be posted throughout the Corporation, and published in any Corporation statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

Revised 8/7/2017

### ***AG4362A – Reporting Threatening and/or Intimidating Behaviors***

Threatening or intimidating behavior may take different forms, including, but not limited to, the following:

- A. Face-to-face encounters in which words are used that are intimidating or indicate to the staff member that his/her safety and/or well-being are in jeopardy
- B. Written communications that include comments toward the staff member or his/her family which are disparaging or imply or state explicitly that the staff member and/or his/her family may be subject to some form of physical or psychological abuse or violence
- C. Written or spoken comments to a staff member which could subject him/her to blackmail or extortion
- D. Written or spoken communication that implies or explicitly states that some form of damage may be done to the staff member's property or that of his/her family
- E. Written or spoken communication that causes a dwelling, a building, another structure, or a vehicle to be evacuated

Any staff member who believes that s/he is the victim of any of the above actions or has observed such actions taken by a student, parent, fellow staff member, supervisor, co-worker, or other person associated with the Corporation such as a vendor, contractor, volunteer, or school official should promptly take the following steps:

- A. If the alleged threatener is the staff member's principal or a member of the central office, the affected employee should, as soon as possible after the incident, contact the Superintendent.
- B. If the alleged threatener is not the staff member's principal or a member of the central office staff, the affected staff member should, as soon as possible after the incident, contact his/her principal.
- C. The principal or Superintendent who has received the report of alleged threat or intimidation shall immediately make an oral report to the local law enforcement agency.

The staff member reporting the incident to the principal or the Superintendent should provide the name of the person(s) whom they believe to be responsible for the harassment and the nature of the harassing incident(s). A written summary of each such report is to be prepared promptly by the principal or Superintendent receiving the report, and the principal shall forward it to the Office of the Superintendent.

Each report received by the principal or the Superintendent, shall be investigated in a timely and confidential manner. While a charge is under investigation, no information is to be released to anyone who is not involved with the investigation, except as may be required by law or in the context of a legal or administrative proceeding. No one involved is to discuss the subject outside of the investigation.

The purpose of this provision is to:

- A. Protect the confidentiality of the staff member who files a complaint;
- B. Encourage the reporting of any incidents of threats or intimidation;
- C. Protect the reputation of any party wrongfully charged with threatening or intimidating conduct.

Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All staff members and others involved are to be protected from coercion, intimidation, retaliation, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, then prompt, appropriate, remedial and/or disciplinary action will be taken to prevent the continuance of the threat or its recurrence.

The Corporation recognizes that determining whether a particular action or incident is a threat must be based on all of the facts in the matter. Given the nature of this type of intimidation, the Corporation recognizes that false accusations of threat can have serious effects on innocent individuals. Accordingly, all staff members are expected to act responsibly, honestly, and with the utmost candor whenever they present threat allegations or charges against fellow staff members, students, or others associated with the Corporation.

#### ***AG5630A – Prohibition of Corporal Punishment and Alternatives to Corporal Punishment***

Board Policy 5630 prohibits corporal punishment of students by Board employees. That policy defines corporal punishment as the intentional infliction of mild temporary physical discomfort on a student for the purpose of addressing misconduct.

Staff members shall not:

- A. Intentionally hit, strike, grab, punch, or inflict other bodily pain on a student by any method.
- B. Restrict a student's movement by binding or tying him/her, unless specified in an I.E.P.
- C. Deprive a student of meals, snack, rest, or necessary toilet use
- D. Confine a student in an enclosed area such as a closet, locked room, box, or similar cubicle, but a Board employee may assign a student to a "time-out" area as a disciplinary penalty
- E. Permit any of the above to occur in their presence without ending or promptly reporting the act to an administrator.

The following alternatives to the use of corporal punishment are available to the Board's employees when other student management practices have not been effective. The principal has the authority to:

- A. Deny a student participation in extra-curricular and/or non-curricular activities
- B. Assign a student to an alternative program or remedial activity
- C. Require a student to attend detention before or after school provided that there is no less than twenty-four (24) hours advance notice to the student's parent/guardian

- D. Assign the student to an in-school suspension or before, after, or Saturday school program
- E. Impose an out-of-school suspension in compliance with the procedure implemented by the Board pursuant to I.C. 20-33-8
- F. Confer with a student's parent/guardian on sanctions which will be implemented in a correlated way at school and at home
- G. Refer the student to a counselor, social worker, psychologist, psychiatrist, or clinical specialists
- H. Coordinate services to the student from community resources such as public health, social services, and mental health agencies
- I. Arrange for an evaluation or re-evaluation of the student pursuant to IDEA, if there is reason to believe the student's behavior is related to a disability. If the student does not qualify for services under IDEA, an evaluation or re-evaluation of the student pursuant to Section 504 may be appropriate.

Students may not be denied instruction in the classroom setting pending parent/guardian conference. ISS and At Home Isolation are not classroom settings.

Students may not be denied instruction in the classroom setting due to excessive truancies, or excessive excused or unexcused absences.

### ***Policy 5517.01 - Bullying***

The School Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying behavior toward a student, whether by other students, staff, or third parties, is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse as provided herein. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. Engaging in "cyberbullying" which is bullying that occurs through the use of data or computer software that is accessed through a computer, computer system or computer network, or cellular telephone or other wireless or cellular communications device also is prohibited. This policy applies when a student is on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; traveling to or from school or a school activity, function, or event; or, using property or equipment provided by the school. Additionally, this policy applies regardless of the physical location when:

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

Bullying as defined in State law means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule,

humiliate, intimidate, or harm the other student and create for the targeted student an objectively hostile school environment that:

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

This type of behavior is a form of harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It includes, but is not limited to, such behaviors as stalking, intimidation, menacing behavior, coercion, name-calling, taunting, making threats, and hazing. It also includes the use of digital or electronic communications to engage in such behaviors.

However, Indiana law exempts the following from the definition of "bullying":

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

Bullying, as defined in this policy and state law, does not include actions involving employees. Any behaviors committed by, towards, or amongst corporation employees should be reported to the employee's supervisor, building principal, or Superintendent.

Any student who believes s/he has been or is currently the victim of bullying should immediately report the situation to the building principal or assistant principal or the Superintendent. The student also may report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. This report may be made anonymously. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President. A parent may file a complaint on behalf of a student in the same manner.

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

All complaints about bullying behavior that may violate this policy shall be promptly investigated according to the timeline established by the Superintendent's administrative guidelines.

If, during an investigation of reported acts of bullying and/or harassment, the investigator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the investigator will report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

If the investigator finds an instance of bullying behavior has occurred, prompt and appropriate action or responses shall be taken to address the bullying behavior wherever it occurs including, as appropriate, disciplinary action, up to and including expulsion for students, discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Bullying acts shall be reported to law enforcement officials immediately upon determining that a report to law enforcement is necessary.

The parents of the targeted student and the reported bully shall be notified of the alleged bullying incident at the beginning of the investigation, the findings of the investigation at the conclusion of the investigation, and, as appropriate, any remedial action that has been or will be taken to the extent disclosure is permitted by law. In addition to discipline, remedial action may include support services for the targeted student and bullying education for the bully, among other actions.

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

For a definition of and instances that could possibly be construed as hazing, consult Policy 5516.

### **Confidentiality**

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



## **Safe School Committee**

In accordance with State law, there shall be a *Safe School Committee* in each school within this Corporation (see Policy 8400 - School Safety).

## **Education**

The Corporation should provide training and/or instruction on anti-bullying prevention and policy to all students in grades 1 through 12, as well as employees, in accordance with Indiana law.

## **Reporting**

Each school within the Corporation shall record and report to the Superintendent the frequency of bullying incidents in the following categories: verbal bullying, physical bullying, social/relational bullying and electronic/written communication bullying (or a combination of two or more of these categories). The Superintendent shall report the number of bullying incidents by category for each school and the entire Corporation for each school term to the Indiana Department of Education by July 1.

The Superintendent is directed to develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

Revised 8/19/2019

## **BEST PRACTICES FOR PROACTIVELY SUPPORTING POSITIVE STUDENT BEHAVIOR<sup>4</sup>**

In order to proactively support positive student behavior, all schools should:

### **Establish a safe, supportive environment for learning.**

- Research shows that schools with a safe and supportive environment for learning achieve better academic, behavioral and social outcomes for all students.
- All staff contribute to a safe and supportive learning climate, especially security, office staff, lunchroom staff, and those who interact with students at the beginning and end of each day.
- Students are more likely to engage in instruction and attempt challenging academic activities when they feel safe and supported by adults and peers.

### **Develop expectations for positive student behavior.**

- Before the first day of school, develop a short, clearly written set of 3-5 general expectations that apply to all students and staff (e.g. Be respectful; Be responsible; Be prepared; Be safe). Positively worded statements work best, rather than descriptions of what not to do.
- Customize general expectations to all settings and explain how to act in hallways, bathrooms, lunchroom, outdoors, entering/leaving school, etc. Allow teacher teams to customize the expectations for each grade level (where departmentalized) and/or classroom.
- Involve students when developing, refining, and communicating expectations.

### **Use expectations to proactively support positive student behavior.**

- Post the general and customized expectations throughout the school. Teach the expectations to all students on the first day of school, throughout the first week of school, and continue this instruction until students demonstrate mastery. When teaching, staff should explain the rationale behind the expectation (e.g., “We are quiet in the hallways so other classes have the opportunity to learn.”), model the expected behavior, and ask students to physically practice the expected behavior.
- Reteach expectations after long breaks from school or after a major disruptive event to reset the tone of the learning environment.
- Teach the expectations to students who transfer in after the first week of school.
- Require all adults in the school to model the expectations for all students in all settings, including all staff, parent/guardian volunteers, after school providers and community partners. Adults who do not model expected behaviors communicate to students that it is acceptable to deviate from expectations.
- Provide encouragement and praise when students meet expectations. Research shows positive behavior must be recognized three times as often as negative behavior to be

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<sup>4</sup> The practices outlined herein are supported by the following references: Epstein, M., Atkins, M., Cullinan, D., Kutash, K., & Weaver, R. (2008). *Reducing Behavior Problems in the Elementary School Classroom: A Practice Guide (NCEE #2008-012)*. Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from <http://ies.ed.gov/ncee/www/publications/practiceguides> on July 18, 2011. Sprick, R.S., Garrison, M. & Howard, L. (2002). *Foundations: Establishing positive discipline policies, Module I: The Process, Module II: Behavior in the Common Areas, Module III: Safety, Discipline and Behavior Support*. Eugene, OR: Pacific Northwest Publishing. <http://www.nrepp.samhsa.gov/ViewIntervention.aspx?id=242> Wong, H.K., & Wong, R.T. (1991). *The first days of school: How to start school successfully*. Sunnyvale, CA: Harry K. Wong Publications.

reinforced.

### **Guide daily interactions.**

- Make most adult-student interactions positive and encouraging.
  - Provide positive interactions as soon as students enter school to welcome students into the learning environment and to counteract any negative experience the student may have had since last leaving school.
  - Greet students when entering each classroom to engage them and communicate they are wanted in school.
  - Open lessons with excitement and communicate high expectations for student success.
  - Interact with students during work periods by inviting questions and offering encouragement and support.
  - Provide students frequent positive feedback on behavioral and academic effort. Feedback should be specific and descriptive so students know how they are meeting expectations.
- Encourage most student-to-student interactions to be positive and encouraging.
  - Encourage students to be inclusive (not cliquish or exclusionary),
  - Encourage students to be supportive (not hostile or sarcastic), and
  - Be gently intolerant of bullying behaviors. For example, “We don’t treat people that way in this school.”
- Ensure active supervision of students in all settings to reduce student misbehavior and provide opportunities to reinforce expected behaviors.
  - Engage positively with the students being supervised (chatting, waving, smiling, etc.),
  - Make eye contact with students,
  - Circulate among students continuously; never stand in one place or to one side of the area of supervision,
  - Provide a high concentration of adults in settings that have high potential for conflict (stairs, busy intersections, bathrooms), and
  - Cover all areas when many students are present.
- Develop, teach and reinforce routines, procedures and transitions that support positive behavior and minimize opportunity for conflict.
  - In the classroom, develop procedures for entering, leaving, submitting work and changing between different instructional tasks.
  - In other school settings, develop procedures for traveling in stairwells, lunch periods, the beginning and end of the day, and any other time when many students are in common areas together.

### **When expectations are not met, use instructive and corrective responses early and often.**

- Correct behavior calmly and in a manner that demonstrates that the student is safe and supported at school.
- View inappropriate behavior as an instructional opportunity; reteach expectations and allow the student to practice expected behavior.
- Use consequences that promote student self-reflection: What harm was caused? What can be done to correct the harm? Why did the student make that choice? What could they have done differently? What help does the student need and from whom to make a different choice next time?
- Communicate the importance of instructional time; correct student behavior and return them to the instructional setting as quickly as possible.

- Document the use of corrective consequences to track success.

### **Identifying Improvements to Learning Climate to Prevent Behavior Problems**

- Actively supervise students
- Provide positive feedback to all students when they meet expectations
- Staff members use early correction and redirection at all times to help students meet expectations
- Ensure gentle intolerance for even minor misbehavior so patterns do not develop
- Continuously review infraction data to determine location/time of day where infractions are prevalent, and address any pattern through changes in supervision or increased posting and review of expectations of positive behavior
- Ensure classroom management structures and procedures maximize student engagement and provide regular positive reinforcement of desired behaviors and early and frequent correction of inappropriate behaviors.
- Ensure students experience strong positive regard from and strong positive relationships with staff members.
- Ensure student interactions with peers are positive, and intervene if exclusionary, hostile or demeaning interactions occur.
- Ensure staff members know how to identify bullying and harassing behaviors
- Ensure staff know and have practiced safe and effective methods for intervening when there are threats to student safety.
- Monitor and limit contemporary determinants for inappropriate behavior such as having to wait, task length, task difficulty, peer involvement, etc.
- Base classroom structure such as seating and group participation on behavior.
- Maintain a classroom environment which allows for teacher mobility and teacher/student contact (visual, verbal, and physical)
- Use criteria for expectations based on observed behavior and performance.
- Use rules, point cards, and schedules of daily events as discriminative stimuli.
- Use contracting to individualize, specify expected behavior, and identify reinforcers.
- Arrange seating to allow all students to be able to observe the teacher and the teacher can scan the entire class.
- Use language that is positive and firm, not demeaning, insulting or harassing.
- Intervene early when any form of conflict occurs.
- Do not ignore behavior as an excuse for not intervening.
- Use time out or removal to help student resolve problem behavior and to prevent contagion, destruction of property, and danger to others.
- Communicate and coordinate with other teachers
- Communicate with home to prevent students playing one adult against another.

## INSTRUCTIVE AND CORRECTIVE RESPONSES – EFFECTIVE RESPONSES AND INTERVENTIONS FOR CHALLENGING STUDENT BEHAVIOR

A student is a member of his or her school community. If a member of the community does not meet the expectations needed for a safe, supportive and productive learning environment, school staff members' first and most frequent response should be to use misbehavior as a teachable moment to help the student correct future behaviors. Using the opportunity to instruct and correct behaviors is the most reliable and effective method to change the behavior of students. In addition, it takes minimal time away from instruction and promotes behavior change in students. One of the simplest ways to make this change is through **Instructive and Corrective Responses**, some of which are so simple we use them all the time.

**Instructive responses** should be used when the student's inappropriate behavior is caused by a lack of knowledge, in general or in the moment. If a student does not know the behavioral expectations, he or she cannot follow them. Instructive consequences are designed to teach students general behavioral expectations and new skills needed to allow them to meet those expectations. Instructional responses include reteaching expectations, allowing students to practice expectations, modeling expectations, and helping students reflect on the impact of their behavior on themselves and others.

**Corrective responses** should be used when a student knows but momentarily disregards the expectations. In order to not repeat inappropriate behaviors, students must be afforded the opportunity to correct their behavior, preferably in the moment. Corrective consequences require students to demonstrate and practice the expected behavior as a replacement for the inappropriate behavior. Corrective responses include reminding, redirecting, setting up intentional cues, and teaching different behavioral responses.

Most staff members in schools use instructive and corrective responses regularly, so many of these may be familiar to you. Using instructive and corrective responses when given the opportunity will create a safe, supportive and productive school climate. The examples below are organized from least intensive to most intensive responses. ***These are intended to serve as examples only*** – additional instructive or corrective consequences may be appropriate to your setting.

- Correct fluently – use supervisory opportunities to engage students in positive conversations and build ongoing relationships; create a menu of behavioral consequences as part of a school and classroom management plan; ignore misbehavior that is designed to get attention; refrain from excusing the student from assigned work
- as a result of the misbehavior; and develop a natural consequences for off-task behavior.
- Verbally redirect – remind students of behavioral expectations.
- Reteach expectations – remind students of behavioral expectations and practice the appropriate behavior at the time.
- Check-in and Check-out – set up a regular interaction between the student and a staff member with whom the student has a positive relationship. Use the interaction to reinforce specific behavioral expectations and correct any inappropriate behavior.
- Assign student to short courses or modules on topics related to behavior as a consequence for inappropriate behavior.
- Balanced and Restorative Justice Strategies (see next section for more information).
- Anger management group services – referral to social worker, counselor, or community partner for students who qualify to participate in group services to build coping skills and

improve communication skills.

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
<p><b>A. Improper Use of Technology:</b> Using a personal cellular device, earphones (e.g. air pods), smart watches, Wi-Fi pods/hotspots, calculators, Chromebooks, or other communication devices during unauthorized times</p>	<p><b><u>Reflective Questions</u></b></p> <ul style="list-style-type: none"> <li>• Does the student understand the expectation for use of technology in this particular setting?</li> <li>• Can a potential confrontation be avoided by making a simple, direct request to put the cell phone, etc., away/turn it off?</li> <li>• Is this rule being enforced inconsistently, thus leading to the likelihood of students testing the limits?</li> <li>• Is it possible that the use of technology is permitted in other school settings?</li> </ul> <p><b><u>Instructive Response</u></b></p> <ul style="list-style-type: none"> <li>• Teach the appropriate and inappropriate times for the use of technology in each setting (instruction, passing period, lunch, etc.).</li> <li>• Teach the procedure for responding to a request to turn a device off. (Ex: Turn the device off, put it out of sight, or put it in the locker). Make teaching the procedure as visual as possible. Practice the responses.</li> <li>• Teach the thinking and reasoning behind unacceptable uses of technology (i.e., spreading rumors and fear quickly, disrupting the learning environment).</li> <li>• Teach families the policy on technology and the philosophy behind the decisions.</li> <li>• Teach the consequences for the improper use of technology and the reasoning behind the consequences.</li> </ul> <p><b><u>Corrective Response</u></b></p> <ul style="list-style-type: none"> <li>• Prior to a confrontation, teach the procedures for proper use, and teach the procedure for what a student is to do when asked to stop using the technology.</li> <li>• In a calm voice, ask the student to turn the device off and put it away. Specify “away”: pocket, locker, binder, etc.</li> <li>• Give the student a choice and respect the student’s choice.</li> <li>• Do not engage in a power struggle. Provide the student with two choices and allow him/her a reasonable amount of time to decide.</li> <li>• Implement a cell phone check in procedure, where students turn in their phones at the beginning of class and get them back at the end of class.</li> <li>• Teach a phone etiquette class. Students who misuse technology may be required to take a refresher course</li> </ul>
<p><b>B. Dress Code:</b> Dress code does not comply with district expectations</p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• Does the student have all the resources necessary to comply with the school dress code? For example, does the student own a belt? Are they growing out of their uniform clothes (shirt no longer stays tucked or is extra tight)?</li> <li>• Should I keep extra belts, etc., in my classroom?</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• How can I affirm that clothing norms are different in school and at home but neither is good or bad?</li> <li>• How can I strengthen the teacher/student relationship to increase the likelihood of compliance with redirection?</li> <li>• Have I recognized and praised the student when he is compliant or has some measure of compliance with the dress code?</li> <li>• Am I able to correct the misbehavior with humor?</li> <li>• Is noncompliance attention-seeking behavior? If so, for what behaviors can I praise the student?</li> <li>• How does my teaching affect the student's self-image?</li> <li>• Does enforcement of the dress code target particular groups of students?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>• Make an effort to give a ratio of 4 positive comments to 1 negative comment.</li> <li>• Praise and thank the student (publicly or privately) on the way that he demonstrates compliance with the dress code. Even if the belt is missing say, "Thank you for keeping your shirt tucked in! Good Job!"</li> <li>• Documented Teacher and Student Conference focused on expectation and practicing expected behavior. Ask the student; for example: "I noticed that you do not wear a belt to school. What's up?" Review expectation and natural consequences of noncompliance with dress code (missed instruction, constant reminders from staff)</li> <li>• Offer behavior contract</li> <li>• Identify an adult in the building with whom the student has a relationship and ask that individual to reinforce the expectation</li> <li>• Contact home for a Teacher, Student, and Parent/Guardian Conference to discuss issues and offer support</li> <li>• Referral to social worker for family resources</li> </ul> <p><b><u>Corrective Response:</u></b></p> <ul style="list-style-type: none"> <li>• Offer oversized collar shirt or lab coat to wear during class over inappropriate attire.</li> <li>• Contact home to ask parent to bring change of clothes</li> </ul>
<p><b>C. Attendance:</b></p> <p><b>Tardy:</b> Late to class without an approved excuse</p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• What personal problems might prevent the student from getting to school on time?</li> <li>• Are there challenges at home that might prevent the student from getting to school on time?</li> <li>• Is my curriculum relevant to the student's identity and lived experiences?</li> <li>• Why is the student tardy or frequently absent?</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
<p><b>Unexcused Absence:</b> Failure to report to class/school and without an approved excuse. Students are to follow their schedule unless permission is granted by the Administration. Indiana Law states that once a student 10 days of unexcused absences is defined as habitual truancy. <a href="#">IC 20-33-2 (Compulsory School Attendance)</a></p> <p><b>Truancy:</b> Leaving the classroom or assigned area without obtaining approval; hiding</p>	<ul style="list-style-type: none"> <li>Consider location of locker, peer interactions, mobility issues</li> <li>Is the lack of structure and opportunity to socialize during passing period too distracting for the student?</li> <li>Is there a pattern in the times the student is tardy or absent? (Class is after lunch or first thing in the morning, visitation weekends)</li> <li>How am I reinforcing/rewarding the student for the incidents when the student is on time?</li> <li>How am I engaging the student in the classroom community after he/she does come in late?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>Documented Teacher and Student Conference focused on expectation and practicing expected behavior. Ask the student; for example: "I noticed that you are usually absent first hour. What's up?" Listen respectfully and work with the student to problem solve.</li> <li>Review expectation and natural consequences of missing class (missed instruction, fails to help student meet personal goals, disrupts class, loss of passing privileges, and, if chronic, referral to outside agency).</li> <li>Explicitly teach "late/on time". Does it mean being in the room? In the seat? In the assigned seat with materials out and ready? Teach dismissal procedures. Do students stay in their assigned seat? Are they dismissed when the bell rings or upon teacher approval?</li> <li>Begin class with a highly motivating, engaging activity daily.</li> <li>Greet students at the door.</li> <li>Create opportunities for movement and collaboration with peers within the class period.</li> <li>Have student complete a reinforcement survey and offer behavior contract</li> <li>Contact home for a Teacher, Student, and Parent/Guardian Conference to discuss issues and offer support</li> <li>Referral to social worker</li> </ul> <p><b><u>Corrective Response:</u></b></p> <ul style="list-style-type: none"> <li>Early or delayed passing for 1 week</li> <li>Loss of classroom privileges</li> <li>Grades K-6 possible referral to <a href="#">CASIE Center</a></li> </ul>
<p><b>D. Inappropriate Conduct:</b></p> <p><b><u>Level 1</u></b></p> <p>1. Conduct which disrupts school environment (e.g., unreasonable noises that interferes with educational activities)</p> <p><b><u>Level 2</u></b></p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>Did the conduct in question cause a large disruption? Bodily injury? Property damage?</li> <li>Was the location of the incident (gym, hallway, cafeteria, locker room, library, etc.) a factor?</li> <li>How can we be proactive to reduce the number of incidents that occur in these places? (video cameras, adult supervision, locked rooms, etc.)</li> <li>Were electronics or social media involved?</li> </ul>



Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
<p>1. Conduct which is likely to result in serious bodily injury or substantial property damage, and/or making unreasonable noise that interferes with educational activities and refusing to cease the disruption when requested</p> <p>2. Causing a prolonged disruption to the atmosphere of order and discipline in the school that is necessary for effective learning and may place others at risk of injury</p> <p>3. Saying words that are offensive, sexual, or considered obscene in an academic, professional setting</p>	<ul style="list-style-type: none"> <li>• Did the student refuse to cooperate? How was that demonstrated: verbally, physically, body language?</li> <li>• Was this incident premeditated or spontaneous?</li> <li>• What is the function of the behavior? Can the need be met in a different way? <ul style="list-style-type: none"> <li>• Attention - make student leader of an activity</li> <li>• Avoidance - peer buddy for work time or remediation</li> <li>• What are the consequences for the student if he misses class because he is suspended?</li> <li>• What critical instruction will he miss out on today if he is sent out of the room?</li> <li>• How will I ensure that he has an opportunity to get the instruction that he missed?</li> </ul> </li> <li>• When does the behavior occur – during work time or instruction? Is the student walking, standing, and visiting? Is the behavior truly disrupting the class?</li> <li>• How can I strengthen the teacher/student relationship to increase the likelihood of compliance with redirection?</li> <li>• How can I welcome the student back into the classroom after the incident is over?</li> </ul> <p><b><u>Instructional Response:</u></b></p> <ul style="list-style-type: none"> <li>• Give wait time to observe purpose of behavior (e.g., out of seat to sharpen pencil, blow nose, or visiting)</li> <li>• Intervene early before the student has time to escalate behavior</li> <li>• In calm tone of voice and few words as possible, redirect student to appropriate behavior</li> <li>• Use language in directions that emphasizes the student's choice and responsibility</li> <li>• Use the "broken record" technique repeating the expected behavior in a low volume and calm tone. Give the redirection then return to instruction giving attention to the class and allowing time for student to make appropriate choice and comply with redirection.</li> <li>• Reinforce students who are following the rules.</li> <li>• Clarify purpose and need for being seated BEFORE instruction.</li> <li>• Allow movement to increase engagement in instruction. Revisit lesson plan to include movement if possible.</li> <li>• Documented Teacher and Student Conference focused on expectation and practicing expected behavior</li> <li>• Make student aware of the number of times a behavior occurs. This should be done in a nonthreatening way using a visual</li> </ul> <p><b><u>Corrective Response:</u></b></p> <ul style="list-style-type: none"> <li>• Consider seating arrangement</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Timeout in classroom with a student reflection sheet</li> <li>• Time out in buddy classroom with a student reflection sheet</li> <li>• Teacher, Student, and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Complete reinforcement survey and offer behavior contract</li> <li>• Removal of privileges/free time/recess for 1 day</li> <li>• Teacher, Student, Administrator and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Diffuse with humor – give them a moment to get it out of their system and then move on</li> <li>• Allow student a seat where standing doesn't interfere.</li> <li>• Offer student leadership roles in the classroom</li> <li>• Offer choices of appropriate alternative behaviors. Explain both the positive and negative choice and consequences, and then allow the student time to make a choice.</li> <li>• Give the student a way to redeem him/herself or to relent in a non-demeaning way. In other words, allow the student a way out that allows him/her the chance to save face.</li> </ul>
<p><b>E. Academic Dishonesty/Forgery:</b> Using the work of others or published work; violating rules of honesty such as copying another student's test, assignment, or using technology to transmit academic information etc.</p> <p>1. Alteration of documents including possession or signing</p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• Is there a skill deficit that causes the student to feel the need to cheat? Is it related to a specific subject, content, or standard?</li> <li>• What other stresses might there be in the student's life that could have sparked this behavior, e.g. too much homework, too many after-school activities causing time pressure, emotional overload, anxiety regarding desire to perform well academically?</li> <li>• How can I modify instruction to increase understanding/mastery?</li> <li>• How can I reinforce the student's confidence in his or her own abilities?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>• Teach the definition of plagiarism and the reasons why it is an egregious offense.</li> <li>• Teacher student conference to review behavior expectation and consequences for repeated offense.</li> <li>• Retake test or redo assignment, possibly using an alternative method or format</li> <li>• Remediate skills or increase support (e.g., peer buddy)</li> <li>• Call on students when they are most likely to respond correctly.</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Create cooperative learning situations where the student can share his proficiencies.</li> </ul> <p><b><u>Corrective Response:</u></b></p> <ul style="list-style-type: none"> <li>• Alter testing environment (e.g., seat the student near teacher when taking tests/quizzes)</li> <li>• Class meeting or peer mediation</li> <li>• Contact home – teacher, student, parent consultation</li> <li>• Zero for the assignment</li> </ul>
<p><b>H. Theft:</b> 1. Having in one's possession property obtained without permission of the owner or procession (physical control over, including clothing, lockers, or bags) of stolen property.</p> <p><b>I. Vandalism:</b> Deliberate destruction or damage of property</p> <p><b>*Restitution can be defined as acts of service done with the intent of "paying off" or equivalent of the item(s) taken.</b> (Possible police referral for monetary value over \$500)</p>	<p><b><u>Reflective Questions for theft:</u></b></p> <ul style="list-style-type: none"> <li>• Identify the purpose of behavior: <ul style="list-style-type: none"> <li>• When, where and with whom does the behavior occur? Be specific.</li> <li>• How often does the behavior occur, and how long does it last?</li> <li>• What things seem to trigger the behavior?</li> <li>• What usually happens when this behavior occurs; reactions of peers/adults, consequences of the behavior?</li> </ul> </li> <li>• Is this behavior chronic? Habitual?</li> <li>• Is this a pattern in all environments (e.g., does this happen at home)?</li> <li>• Is this behavior a result of real or perceived need?</li> <li>• Is there some procedural change that will make everyone's personal property more secure?</li> </ul> <p><b><u>Instructive Response for theft:</u></b></p> <ul style="list-style-type: none"> <li>• Teach the student the concept of borrowing by requiring the return of things the student has taken from others. Explain that what the student is doing is wrong and specify what the student should be doing (e.g., asking to use things, borrowing, sharing, returning things, etc.)</li> <li>• Make sure the student understands the natural consequences of inappropriate behavior (e.g., the student must make restitution for taking things which belongs to others).</li> <li>• Communicate with the student's family to establish procedures whereby the student may earn those things she would otherwise take.</li> <li>• Identify those things student is taking from others and offer those items as reinforcers for appropriate behavior</li> <li>• Encourage all students to monitor their own belongings.</li> <li>• Teach student to respect other's belongings by respecting the student's</li> <li>• Make certain the student is aware of local and federal laws regarding stealing.</li> <li>• Help the student build or create a prized possession to satisfy his/her need for ownership (e.g., this can be done in art, home economics, industrial arts, etc.)</li> <li>• Do not criticize when correcting the student; treat the student with respect. Talk in an objective manner at all times.</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Deal with the taking of belongings privately rather than publicly.</li> </ul> <p><b><u>Corrective Response for Theft</u></b></p> <ul style="list-style-type: none"> <li>• Reduce opportunity to steal by restrictive students from bringing unnecessary items to school.</li> <li>• Maintain visibility to and from the student making eye contact visible at all times.</li> <li>• Use permanent marker to label all property brought to school by students and teachers.</li> <li>• Secure all school items of value.</li> <li>• Ask students to keep important items in their lockers and take home any valuables.</li> </ul> <p><b><u>Restorative Response for Theft:</u></b></p> <ul style="list-style-type: none"> <li>• Have the student make right what they have done wrong and be required to do something for the person to show / make up for their misdeed.</li> <li>• DO NOT rely on or encourage student in the classroom to be informants.</li> <li>• DO NOT use peer pressure in the classroom to solve incidents of stealing.</li> </ul> <p><b><u>Reflective Questions for Vandalism:</u></b></p> <ul style="list-style-type: none"> <li>• Identify the purpose of the behavior</li> <li>• When, where and with whom does the behavior occur? Be specific.</li> <li>• How often does the behavior occur, and how long does it last?</li> <li>• What things seem to trigger the behavior?</li> <li>• What usually happens when this behavior occurs; reactions of peers/adults, consequences of the behavior?</li> </ul> <p><b><u>Instructive Responses for Vandalism:</u></b></p> <ul style="list-style-type: none"> <li>• Teach the student appropriate care and handling of other's property (e.g. sharpening borrowed pencils, keeping books free of marks and tears, etc.)</li> <li>• Teach student how to conserve rather than waste materials (glue, tape, use lids, containers for pens/markers)</li> <li>• Point out to the student that borrowing personal property does not reduce his/her responsibility for the property</li> <li>• Teacher the student that the failure to care for others' property will result in the loss of freedom to use others' property</li> <li>• Make sure the student is not inadvertently reinforced for losing or damaging property by providing him/her with new materials. Provide the students with used or damaged materials, copies of the materials rather than new materials.</li> </ul> <p><b><u>Corrective Response for Vandalism:</u></b></p> <ul style="list-style-type: none"> <li>• Provide student with appropriate place to store/secure others' property and require the student to store all property when not in use.</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Structure the environment to reduce free or unplanned time which is likely to contribute to the student's inappropriate behavior</li> <li>• Maintain visibility to and from the students making eye contact possible at all times.</li> <li>• Make the necessary adjustments in the environment to prevent the student from experiencing stress, frustration, anger, etc. as much as possible.</li> <li>• Interact frequently with student in order to prompt organizational skills and appropriate use of materials.</li> <li>• Provide student only those materials necessary at any given time.</li> <li>• Talk to the student about ways of handling situations successfully without conflict (e.g., walk away from situation, change to another activity, ask for help, etc.)</li> <li>• Evaluate appropriateness of task to determine if the task is too difficult or if the length of time scheduled to complete the task is appropriate.</li> <li>• Require that the lost or damages property be replacing by the student. If the student cannot replace the</li> </ul>
<p><b>J. Failure to Serve:</b> Failure to report for the prescribed consequence such as detention or In School Suspension</p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• Have I communicated the expectation with the parents to enlist their support in getting the student to serve the consequence?</li> <li>• Did I give the student an opportunity to share their concerns about their ability to serve the consequence?</li> <li>• Was there an unavoidable reason (transportation, schedule conflict, etc.) that prevented student from serving the consequence?</li> <li>• Is the consequence within the students' control (e.g., detention after school when the student is responsible for staying with younger siblings.)</li> <li>• Am I delivering consequences consistently for behavior of all students</li> </ul> <p><b><u>Instructive Responses:</u></b></p> <ul style="list-style-type: none"> <li>• Provide a learning experiences which emphasizes the cause and-effect relationship between behavior and the inevitability of some form of consequence (e.g., both negative and positive behaviors and consequences)</li> <li>• Clarify for the student that it is his/her behavior which determines consequences (e.g., positive or negative).</li> <li>• Provide the student with a clearly identified list of consequences for inappropriate behavior</li> <li>• Make certain that consequences are delivered consistently for behavior demonstrated (e.g., appropriate behavior results in positive consequences and inappropriate behavior results in negative consequences.)</li> <li>• Make the consequences of a behavior obvious by identifying the consequence as it occurs and discussing alternative behavior which would have prevented the particular consequence.</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<p><b><u>Corrective Responses:</u></b></p> <ul style="list-style-type: none"> <li>• Conference with student to devise and alternative consequence that is mutually agreeable.</li> <li>• Contact parents to determine an alternative consequence</li> </ul>
<p><b>K. Tardiness:</b></p> <ol style="list-style-type: none"> <li>1. Nine or more instances of being late to class without an approved excuse</li> <li>2. Twelve or more instances of being late to class without an approved excuse</li> </ol>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• Is this a chronic systems issue? That is, are there a number of students building wide with 9+ tardies/absences? Is there some process the school can change to increase the likelihood of students getting to class on time?</li> <li>• What personal problems might prevent the student from getting to school on time?</li> <li>• Are there challenges at home that might prevent the student from getting to school on time?</li> <li>• Is my curriculum relevant to the student's identity and lived experiences?</li> <li>• Why is the student tardy or frequently absent? <ul style="list-style-type: none"> <li>• Consider location of locker, peer interactions, mobility issues</li> </ul> </li> <li>• Is the lack of structure and opportunity to socialize during passing period too distracting for the student?</li> <li>• Is there a pattern in the times the student is tardy or absent? (Class is after lunch or first thing in the morning, visitation weekends)</li> <li>• How am I reinforcing/rewarding the student for the incidents when the student is on time?</li> <li>• How am I engaging the student in the classroom community after he/she does come in late?</li> </ul> <p><b><u>Instructive Response</u></b></p> <ul style="list-style-type: none"> <li>• Documented Teacher and Student Conference focused on expectation and practicing expected behavior. Ask the student; for example: "I noticed that you are usually absent first hour. What's up?" Listen respectfully and work with the student to problem-solve.</li> <li>• Review expectation and natural consequences of missing class (missed instruction, fails to help student meet personal goals, disrupts class, loss of passing privileges, and, if chronic, referral to outside agency).</li> <li>• Explicitly teach "late/on time". Does it mean being in the room? In the seat? In the assigned seat with materials out and ready? Teach dismissal procedures. Do students stay in their assigned seat? Are they dismissed when the bell rings or upon teacher approval?</li> <li>• Begin class with a highly motivating, engaging activity daily.</li> <li>• Make the student leader of an activity he/she enjoys that happens at the beginning of the class period?</li> <li>• Greet students at the door.</li> <li>• Reinforce students who come to class at the specified time</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Create opportunities for movement and collaboration with peers within the class period.</li> <li>• Have student complete a reinforcement survey and offer behavior contract</li> <li>• Have the student document personal attendance for a period of time and self-evaluate</li> <li>• Contact home for a Teacher, Student, and Parent/Guardian Conference to discuss issues and offer support</li> <li>• Referral to social worker</li> </ul> <p><b><u>Corrective Response:</u></b></p> <ul style="list-style-type: none"> <li>• Make certain the student has adequate time to get to class on time.</li> <li>• Early or delayed passing for 1 week</li> <li>• Loss of classroom privileges</li> <li>• Make student responsible for time missed (i.e., if the student misses five minutes of an activity, the time must be made up during recess, lunch, or other desired activities)</li> <li>• Grades K-6 possible referral to CASIE Center</li> </ul>
<p><b>L. Bullying/ Harassment:</b> Under IC 20-33-8-0.2, “bullying” means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment.</p> <p>Examples include harassment based on real or perceived race, ethnicity, gender/gender identity, sexual orientation, disability, or religion.</p> <p><b>*Bullying Investigation Report Form and Bullying Compliant Form must be <u>completed</u>. This must be completed within 1-2 work days of when staff member has observed or become aware of such conduct. Use of intimidation credible threats of violence, coercion, or persistent severe bullying can lead to a Level III response.</b></p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• What is the social climate in the school? What recent events might have influenced the occurrence of the behavior?</li> <li>• How can I create a climate of safety and respect in the classroom setting?</li> <li>• Is there an adult in the building who has a relationship with the referred student that can help me get a better understanding of the problem?</li> <li>• Where/ when is the incident occurring? What is the level of supervision at the time of the incident?</li> <li>• How frequent is the behavior?</li> <li>• Is this a pattern in all environments (e.g., does this happen at home)?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>• In calm tone of voice and few words as possible, redirect student to appropriate behavior</li> <li>• Refer student to Take Ten Strategies</li> <li>• Documented Teacher and Student Conference focused on expectation and practicing expected behavior</li> <li>• Provide instruction on bullying and its consequences</li> <li>• One on one intervention sessions (teacher, mentor, counselor, social worker)</li> <li>• Provide the student with social interactions to practice expectations</li> <li>• Model appropriate strategies for handling bullying</li> </ul> <p><b><u>Corrective Response:</u></b></p>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Removal of privileges/free time/recess for 1 – 3 days or longer (depending on severity of the offense)</li> <li>• Complete required bullying forms</li> <li>• Teacher, Student, and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Complete reinforcement survey and offer behavior contract</li> <li>• Teacher, Student, Administrator and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Provide the student with verbal recognition and reinforcement for social and academic success</li> <li>• Maintain visibility to and from the student- student should see teacher and teacher should see student. Make eye contact possible at all times.</li> <li>• Be mobile to be frequently near the student</li> <li>• Supervise the student closely to prevent bullying related behaviors from reoccurring.</li> <li>• Structure the environment to allow no time for student to engage in inappropriate behavior</li> </ul> <p><b><u>Restorative Response:</u></b></p> <ul style="list-style-type: none"> <li>• Have the student make right what they have done wrong and be required to do something for the person to show / make up</li> </ul>
<p><b>M. Provocation/Injury to Others:</b> To incite a fight; physical contact by pushing, shoving, biting, spitting, kicking or hitting or other conduct that may cause injury; more than horseplay</p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• What is the social climate in the school? What recent events might have influenced the occurrence of the behavior?</li> <li>• How can I create a climate of safety and respect in the classroom setting?</li> <li>• How can I help the student deal with his feelings about the incident and help him see school in a positive light?</li> <li>• Who can best help the student through things I've never experienced?</li> <li>• How can I use our curriculum to increase the student's ability to resolve conflict nonviolently?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>• In calm tone of voice and few words as possible, redirect student to appropriate behavior</li> <li>• Refer student to Take Ten Strategies</li> <li>• Documented Teacher and Student Conference focused on expectation and practicing expected behavior</li> <li>• Provide instruction on bullying and its consequences</li> <li>• One on one intervention sessions (teacher, mentor, counselor, social worker)</li> </ul>



Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<p><b><u>Corrective Response:</u></b></p> <ul style="list-style-type: none"> <li>• Timeout in classroom with a student reflection sheet</li> <li>• Time out in buddy classroom with a student reflection sheet</li> <li>• Removal of privileges/free time/recess for 1 – 3 days or longer (depending on severity of the offense; leave consequences that affect involvement on athletic teams to discretion of the coach)</li> <li>• Teacher, Student, and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Complete reinforcement survey and offer behavior contract</li> <li>• Teacher, Student, Administrator and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Anger Management classes if available</li> <li>• Ticket/legal action</li> </ul> <p><b><u>Restorative Response:</u></b></p> <ul style="list-style-type: none"> <li>• Community Classroom meeting</li> <li>• Peer mediation</li> <li>• Circle Process or similar restorative justice process</li> <li>• 1-3 days cleaning school grounds (with permission of the parent)</li> </ul>

**N. Sexual Conduct:**

Inappropriate sexual conduct, sexual gestures, inappropriate touching, indecent exposure, transmitting sexually suggestive images through information technology devices, or other sexual activities which do not involve the use of force.

1. Sending, sharing, viewing, and possessing pictures, text messages emails or other material of a sexual nature in electronic or any other form, including the contents of a cell phone or other electronic device.

2. Falsely accusing any person of sexual harassment.

**\*Sexual Conduct at the primary level should be a mandatory referral to the school social worker with possible CPS referral. \*If behavior continues mandatory parent/guardian conference with the creation, implementation, and periodic monitoring of a safety plan.**

**Reflective Questions:**

- What is the social climate in the school? What recent events might have influenced the occurrence of the behavior?
- How can I create a climate of safety and respect in the classroom setting?
- Identify the purpose of the behavior
- When, where and with whom does the behavior occur? Be specific.
- How often does the behavior occur, and how long does it last? -What things seem to trigger the behavior?
- What usually happens when this behavior occurs; reactions of peers/adults, consequences of the behavior?
- Does the student understand the inappropriateness of the sexual conduct?
- How can I create a climate of safety and respect in the classroom setting?
- Is there an adult in the building who has a relationship with the referred student that can help me get a better understanding of the problem?
- Has the student had prior incidents with this behavior?

**Instructive Response:**

- In calm tone of voice and few words as possible, redirect student to appropriate behavior
- Instruct the student that public displays of sexually related behavior are inappropriate.
- Teach the student to "think" before acting.
- Make sure the student knows exactly which sexually related behaviors are unacceptable at school (e.g. words, gestures, comments, touching, exposing, etc.).
- Model socially acceptable behavior for the student (e.g. pat on back, handshake, appropriate verbal communication, etc.).

**Corrective Response:**

- Have student complete a reflection sheet to consider "What am I doing wrong?" (e.g. making sexual references, touching others, making gestures, etc.) and "What should I be doing?" (e.g. following the rules, working on task, attending to responsibilities)
- Supervise the student closely to prevent inappropriate sexually related behaviors from reoccurring.
- Structure the environment to allow no time for student to engage in inappropriate behavior
- Maintain visibility to and from the student- student should see teacher and teacher should see student. Make eye contact possible at all times.
- Be mobile to be frequently near the student
- Separate the student from the peer(s) who stimulates the inappropriate sexually related behavior
- Do not inadvertently reinforce the student for demonstrating sexually related behavior by attending to student only when he/she demonstrates that behavior.

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Communicate with parents, agencies, or the appropriate parties to inform them of the problem, determine the cause of the problem, and consider possible solutions to the problem.</li> <li>• Write a contract with the student specifying what behavior is expected and what reinforcement will be made available when the terms of the contract have been met.</li> <li>• Reinforce the student for engaging in socially appropriate individual or group behavior: a give the student a tangible or intangible reward.</li> </ul>
<p><b>O. Fireworks:</b> Possession, use, sale, or distribution of fireworks and/or any other incendiary devices.</p> <p><b>*Document all information, including a specific, credible reason for completing a search of a student or student's property if deemed necessary.</b></p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• Did the student know that the device was in his possession? Does someone else have access to the location where the device was found?</li> <li>• Who found the device? Who witnessed?</li> <li>• How was the device found?</li> <li>• What was the purpose for having the device (distribution, use, sale, etc...)?</li> <li>• Did anyone have prior knowledge of the student have possession of the device?</li> <li>• Was the device used in an incident? Where did the incident occur?</li> <li>• How did the student access the device?</li> <li>• Were parent(s) aware the student possessed the device?</li> <li>• Has the student previously been disciplined for use of a device?</li> <li>• Were emergency services notified?</li> <li>• What changes/services need to be provided to this student when they return to school?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>• Student Conference focused on expectation and practicing expected behavior</li> <li>• Teach the student the natural consequences and legal consequences that can occur with continued possession of fireworks or other incendiary devices</li> <li>• Remove the student immediately from the activity/location</li> <li>• Maintain supervision at all times and in all parts of the school environment</li> </ul> <p><b><u>Corrective Response:</u></b></p> <ul style="list-style-type: none"> <li>• Complete reinforcement survey and offer behavior contract/safety plan</li> <li>• Communicate with parents to share information concerning student's progress.</li> <li>• Teacher, Student, Administrator and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Daily Check-In/Check-out with identified staff member</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Assign the student activities which would require interactions with a respected role model (e.g. older student, college student, community leader, etc.)</li> </ul> <p><b><u>Restorative Response:</u></b></p> <ul style="list-style-type: none"> <li>• Community Classroom meeting</li> <li>• Peer mediation</li> <li>• Circle Process or similar restorative justice process</li> <li>• 1-3 days cleaning school grounds (with permission of the parent)</li> </ul>
<p><b>P. Firearms/Weapons/ Arson:</b> Possession of ammunition; possession of a knife, explosive, chemical agent dispenser, destructive device, or other object that can reasonably be considered a weapon; possession of a loaded or unloaded firearm, taser gun, electronic stun gun or any weapon or device that expels a projectile by the action of an explosive, or having knowledge of another person's intent to violate or violation of this rule and failing to report the information to a school administrator or teacher.</p> <p>Possession of a knife on school grounds is a criminal offense only if the knife is intended to be used as a weapon (butter knives would rarely fit this classification). Carrying a firearm (loaded or unloaded) on school grounds is considered a Class D felony.</p> <p><b>*Document all information, including a specific, credible reason for completing a search of a student or student's property if deemed necessary.</b></p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• Did the student know that the weapon was in his possession? Does someone else have access to the location where the weapon was found?</li> <li>• Who found the weapon? Who witnessed?</li> <li>• How was the weapon found?</li> <li>• What was the purpose for having the weapon (protection, threat, display, etc...)?</li> <li>• Was there a prior incident that provoked bringing a weapon?</li> <li>• Did anyone have prior knowledge of the student have possession of the weapon?</li> <li>• Were any threats made (verbal or written)?</li> <li>• Was the weapon used in an incident? Where did the incident occur?</li> <li>• How did the student access the weapon?</li> <li>• Were parent(s) aware the student possessed a weapon?</li> <li>• Has the student previously been disciplined for use of a weapon?</li> <li>• Were emergency services notified?</li> <li>• What changes/services need to be provided to this student when they return to school?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>• Documented Student Conference focused on expectation and practicing expected behavior</li> <li>• One on one intervention sessions (teacher, mentor, counselor, social worker)</li> </ul> <p><b><u>Corrective Response:</u></b></p> <ul style="list-style-type: none"> <li>• Complete reinforcement survey and offer behavior contract/safety plan</li> <li>• Teacher, Student, Administrator and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Referral to therapeutic group</li> <li>• Ticket/legal action</li> <li>• Daily Check-In/Check-out with identified staff member</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
<p><b>Q. Drugs/Alcohol:</b> Possession and/or use of narcotics/drugs/tobacco/alcohol and/or paraphernalia</p> <p><b>*Referral to a 3<sup>rd</sup> party agency through social worker</b></p> <p><b>*It is a felony to possess any controlled substances, including prescription drugs without a prescription. Possession of marijuana is a misdemeanor or felony depending on the amount. It is a status offense for a minor to possess alcohol. Possession of tobacco by a minor is an infraction. Dealing carries stricter penalties.</b></p> <p>*Document all information, including a specific, credible reason for completing a search of a student or student's property if deemed necessary</p>	<p><b>Reflective Questions:</b></p> <ul style="list-style-type: none"> <li>• Did the student know he/she was in possession of an illegal substance? Does someone else have access to the location where the drugs/alcohol was found?</li> <li>• Who found the drugs? Who witnessed?</li> <li>• How were the drugs found?</li> <li>• What indications of credibility are there for the person who gave the tip?</li> <li>• What was the purpose of the illegal substance (self, holding for another, dealing, etc...)</li> <li>• How did the student access the illegal substance?</li> <li>• What prior discipline issues has this student faced?</li> <li>• What changes/services need to be provided to this student when they return to school?</li> </ul> <p><b>Instructive Response:</b></p> <ul style="list-style-type: none"> <li>• In calm tone of voice and few words as possible, redirect student to appropriate behavior</li> <li>• One on one intervention sessions (teacher, mentor, counselor, social worker)</li> <li>• Provide the student with intelligent, accurate information concerning drugs and alcohol rather than sensationalized scare tactics.</li> <li>• Teach the student alternative ways to deal with demands, challenges, and pressures of the school-age experience.</li> <li>• Take time to listen, share, and talk with the student.</li> <li>• Provide the student with a respected role model (older student, college student, community leader, etc.) that may help guide the student and encourage the student to stay on track.</li> <li>• Identify individuals the student may contact with his/her concerns.</li> </ul> <p><b>Corrective Response:</b></p> <ul style="list-style-type: none"> <li>• Removal of privileges/free time/recess for 1 – 3 days or longer (depending on severity of the offense; leave consequences that affect involvement on athletic teams to discretion of the coach)</li> <li>• Complete reinforcement survey and offer behavior contract/safety plan</li> <li>• Referral to a therapeutic group</li> <li>• Maintain adequate supervision at all times and in all areas of the school. Maintain anecdotal records of the student's behavior to check for patterns or changes in behaviors.</li> <li>• Teacher, Student, Administrator and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Ticket/legal action</li> <li>• Daily Check-In/Check-out with identified staff member</li> </ul> <p><b>Restorative Response:</b></p> <ul style="list-style-type: none"> <li>• Circle Process or similar restorative justice process</li> <li>• Seek referral to an agency for investigation of alcohol and drug abuse.</li> </ul>
<p><b>R. Assault/Battery:</b> A one-sided aggression that involves causing or attempting to cause serious bodily injury to students, staff or others.</p>	<p><b>Reflective Questions:</b></p> <ul style="list-style-type: none"> <li>• What was the student's intent in the assault/battery?</li> <li>• Was a weapon used?</li> <li>• Did the student demonstrate signs of self-defense?</li> </ul>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
<p><b>*A school fight is disorderly conduct, a Class B misdemeanor. Disorderly conduct generally involves mutual combat. Battery is more serious if it causes injury, is committed against a school employee or law enforcement agent, is committed with a deadly weapon, or causes serious injury.</b></p>	<ul style="list-style-type: none"> <li>• Who witnessed the assault/battery?</li> <li>• What prior discipline issues has this student faced?</li> <li>• Is this the first incident of assault/battery?</li> <li>• Was there a serious bodily injury?</li> <li>• Was emergency services notified?</li> <li>• Was this offense committed against a staff member?</li> <li>• What changes/services need to be provided to this student when they return to school?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>• In calm tone of voice and few words as possible, redirect student</li> <li>• Documented Teacher and Student Conference focused on expectation and practicing expected behavior</li> <li>• One on one intervention sessions (teacher, mentor, counselor, social worker)</li> </ul> <p><b><u>Corrective Response:</u></b></p> <ul style="list-style-type: none"> <li>• Removal of privileges/free time/recess for 1 – 3 days or longer (depending on severity of the offense; leave consequences that affect involvement on athletic teams to discretion of the coach)</li> <li>• Complete reinforcement survey and offer behavior contract/safety plan</li> <li>• Teacher, Student, Administrator and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Referral to anger management classes</li> <li>• Ticket/legal action</li> </ul> <p><b><u>Restorative Response:</u></b></p> <ul style="list-style-type: none"> <li>• Circle Process or similar restorative justice process</li> </ul>
<p><b>S. Bomb/False Alarm:</b> The making of threats or providing false information about the presence of explosive materials, devices, or a fire on school property without cause in writing, in person or by phone, including text messaging. This includes calling 911 or pulling the fire alarm.</p> <p><b>*A bomb threat is a Class D felony. Generally, false fire alarms are misdemeanors.</b></p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• Does the evidence clearly indicate a particular student?</li> <li>• How was the threat/false alarm delivered?</li> <li>• Was more than one student involved?</li> <li>• What was the intent of the threat/false alarm?</li> <li>• Were emergency services notified?</li> <li>• Who witnessed the threat/false alarm?</li> <li>• What changes/services need to be provided to this student when they return to school?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>• Record and document all imperative information about the incident</li> <li>• Documented Teacher and Student Conference focused on expectations</li> <li>• One on one intervention sessions (teacher, mentor, counselor, social worker)</li> </ul> <p><b><u>Corrective Response:</u></b></p>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Removal of privileges/free time/recess for 1 – 3 days or longer (depending on severity of the offense; leave consequences that affect involvement on athletic teams to discretion of the coach)</li> <li>• Complete reinforcement survey and offer behavior contract/safety plan</li> <li>• Teacher, Student, Administrator and Parent/Guardian Conference focused on expectation and practicing expected behavior</li> <li>• Referral to anger management classes</li> <li>• Ticket/legal action</li> </ul> <p><b><u>Restorative Response:</u></b></p> <ul style="list-style-type: none"> <li>• Circle Process or similar restorative justice process</li> </ul>
<p><b>T. Persistent, severe, or unwanted sexual conduct:</b> Indecent exposure, transmitting sexually suggestive images through information technology devices, or other sexual activities which involves the use of force such as rape, hazing of sexual nature, and molestation.</p> <p><b>*This offense can range from a felony to a direct file crime. This means that students who are older than 16 and are charged with rape are charged as adults.</b></p>	<p><b><u>Reflective Questions:</u></b></p> <ul style="list-style-type: none"> <li>• What changes/services need to be provided to this student when they return to school?</li> <li>• What is the social climate in the school? What recent events might have influenced the occurrence of the behavior?</li> <li>• How can I create a climate of safety and respect in the classroom setting?</li> <li>• Identify the purpose of the behavior <ul style="list-style-type: none"> <li>• When, where and with whom does the behavior occur? Be specific. - How often does the behavior occur, and how long does it last?</li> <li>-What things seem to trigger the behavior?</li> </ul> </li> <li>• What usually happens when this behavior occurs; reactions of peers/adults, consequences of the behavior?</li> <li>• Does the student understand the inappropriateness of the sexual conduct?</li> <li>• How can I create a climate of safety and respect in the classroom setting?</li> <li>• Is there an adult in the building who has a relationship with the referred student that can help me get a better understanding of the problem?</li> <li>• Has the student had prior incidents with this behavior?</li> </ul> <p><b><u>Instructive Response:</u></b></p> <ul style="list-style-type: none"> <li>• In calm tone of voice and few words as possible, redirect student to appropriate behavior</li> <li>• Instruct the student that public displays of sexually related behavior are inappropriate.</li> <li>• Teach the student to “think” before acting.</li> <li>• Make sure the student knows exactly which sexually related behaviors are unacceptable at school (e.g. words, gestures, comments, touching, exposing, etc.).</li> <li>• Model socially acceptable behavior for the student (e.g. pat on back, handshake, appropriate verbal communication, etc.).</li> </ul> <p><b><u>Corrective Response:</u></b></p>

Behavior Definitions	Reflective, Instructive, Corrective, Restorative Response
	<ul style="list-style-type: none"> <li>• Have student complete a reflection sheet to consider “What am I doing wrong?” (e.g. making sexual references, touching others, making gestures, etc.) and “What should I be doing? (e.g. following the rules, working on task, attending to responsibilities)</li> <li>• Supervise the student closely to prevent inappropriate sexually related behaviors from reoccurring.</li> <li>• Structure the environment to allow no time for student to engage in inappropriate behavior</li> <li>• Maintain visibility to and from the student- student should see teacher and teacher should see student. Make eye contact possible at all times.</li> <li>• Be mobile to be frequently near the student</li> <li>• Separate the student from the peer(s) who stimulates the inappropriate sexually related behavior</li> <li>• Do not inadvertently reinforce the student for demonstrating sexually related behavior by attending to student only when he/she demonstrates that behavior.</li> <li>• Communicate with parents, agencies, or the appropriate parties to inform them of the problem, determine the cause of the problem, and consider possible solutions to the problem.</li> <li>• Write a contract with the student specifying what behavior is expected and what reinforcement will be made available when the terms of the contract have been met.</li> <li>• Reinforce the student for engaging in socially appropriate individual or group behavior: a give the student a tangible or intangible reward.</li> </ul>



## **SBCSC OFFICE DISCIPLINE REFERRAL (ODR) INFORMATION**

Culturally Responsive Positive Behavior Interventions and Supports (CR PBIS) research states that the majority of misbehavior is the result of a cultural mismatch\* or a skill deficit. Therefore, the natural response to misbehavior is instruction.

This document is intended to:

- Define behaviors in terms that are observable and measurable, while avoiding language that is emotionally laden or that conveys value judgments.
- Improve student outcomes through accurately defining behavior in order to provide targeted instruction to meet those needs.
- Used in conjunction with the Instructional Responses to Misbehavior found in the Shared Rights and Responsibilities (SRR)
- Grow and improve throughout the school year as a result of educator input. Please email additional instructional responses to Stephanie Steward-Bridges or Regina Preston-Williams.

The Office Discipline Referral form is not:

- A “rap sheet”.
- Collecting evidence to use against a student.
- An intervention. The ODR is:
- A tool used for data collection.
- A method for identifying patterns so that targeted instructional interventions may be designed.
- Data-driven instruction.

Per Indiana Code 20-33-8-9, “An individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.” Instructional interventions and strategies may be found in the document, *Alternatives to Suspensions and Expulsions: A Teacher and Administrator Guide*.

Cultural Mismatch occurs when a child's home culture and the school culture hold conflicting expectations for the child's behavior.

### ***Instructional Responses to Misbehavior***

#### **Because we know that**

- All children are capable of learning,
- All children want to learn,
- The vast majority of misbehavior is the result of a skill deficit or a cultural mismatch, and
- It is developmentally appropriate for children to test boundaries,

The natural response to misbehavior is instruction.

The Instructional Responses to Misbehavior included in the Shared Rights and Responsibilities (SRR) is an instructional tool to be used to teach appropriate academic behavior. The ODR and SRR are used in conjunction in order to identify patterns of behavior, possible causes or functions of the behavior, an instructional path in order to remediate the skill deficit or cultural mismatch, and possible ways of defining and determining success. Therefore, many of these

strategies will be familiar, and the list is by no means exhaustive.

Please use this document as part of the 8-Step Instructional Process of Plan, Do, Act, Check (repeat). At every level, authentically engage the student in the problem-solving process, in addition to collaborating with other staff, parents/guardians, and other family members who are a positive force in the child's life.

Two research-based strategies shown to reduce the incidence of misbehavior by 85% within two weeks with the most difficult students are 4x1 and 2x10.

**4x1:** Provide the student with four positive comments addressing his/her behavior or skills for every negative comment. The positives should be genuine and focused on behavior and skills rather than on superficial items such as appearance. For example, "I appreciate how you have your book open and you're ready to learn!" as opposed to, "Your hair looks so pretty today!" Address the behavior you would like to see repeated.

**2x10:** Engage the student in positive conversation for two minutes a day for 10 days in a row. If this is new behavior to the student, expect some initial misgivings, but do not give up. Again, the conversation should be genuine and focused on areas of interest for the student. These strategies cost nothing, are easily implemented, are easy to teach to other staff, and have an 85% efficacy rate.

**Additional Resources:**

The Research to Practice Collaborative; [www.consciousteaching.com](http://www.consciousteaching.com); Teaching Tolerance; PBIS Indiana;

The Equity Project; *Alternatives to Suspensions and Expulsions: A Teacher and Administrator Guide to School Discipline*

***Instructions for Completing an Office Discipline Referral (ODR)***

***Level I: Inappropriate Behaviors***

A Level I infraction refers to a behavior in which the instructional response will take place within the setting where the behavior is taking place, i.e. the classroom, bus, cafeteria, library, etc. Staff is to complete Section 1 for the first classroom disciplinary incident deemed disruptive enough to learning to warrant documentation. If a child has a Behavioral Intervention Plan (BIP), check the redirection/de-escalation strategies used. Communicate with the student's parent/legal guardian so he/she may be informed of the incident. Document the conversation in the space provided. Utilize the tools in the Shared Rights and Responsibilities to address the behavior with the student.

Upon the second incident of disrupting learning, repeat the procedure above and complete Level I, section 2 of the same ODR.

Upon the third incident of disrupting learning, repeat the procedure above and complete Level I, section 3 of the same ODR.

If there is a fourth incident causing a disruption to learning, the teacher/staff member may find it necessary to complete *Level II, Seriously Disruptive Behaviors*, and select *4<sup>th</sup> Violation of Level 1 Behavior*. List the letters of the behavior violations in the blanks provided. If a student has a BIP, indicate the redirection/de-escalation strategies used, and again document the communication with the student's parent/guardian regarding this fourth incident.

Level I (1-3): Level I behaviors for each quarter/trimester will not carry over into the next grading period. Students will receive a fresh start at the start of each grading period.

*Level II: Seriously Disruptive Behaviors*

Staff is to complete *Level II, Seriously Disruptive Behaviors* by checking the most intrusive behavioral infraction. If a child has a BIP, check the redirection/de-escalation strategies used. If a student has a BIP, indicate the redirection/de-escalation strategies used, and again document the communication with the student's parent/guardian regarding this incident.

NOTE: Staff is not required to complete *Level I (1-3)* if sending a student out on a Level II or Level III behavior.

*Level III: Most Seriously Disruptive Behaviors*

In the occurrence of a behavior that is *Level III, Most Seriously Disruptive*, staff is to notify an administrator or SRO immediately, then complete the ODR immediately following notification. It is the responsibility of an administrator to notify the proper authorities and parent/guardian of the incident. Administrators will issue the appropriate consequence guided by the Shared Rights and Responsibilities.

Staff is to retain the **gold copy**. The remaining copies are to be sent to the Main Office with the student, or by a separate messenger when appropriate. The administrator shall complete the section, ACTION TAKEN, and return the **pink copy** to the staff member who completed the form. The **white original** is to be placed in the student's file and the **canary copy** is to be forwarded to the Guidance Department. **The white and canary copies** are to be kept as a record of the student's behavior until the child is no longer in the grade level range of that particular school.

Note: At no time is a single ODR to be completed by two or more staff members.

***Restorative Justice in Education (RJE)***

Restorative Justice encourages ways of thinking about and responding to conflicts and problems by involving all participants to identify what happened, describe how it affected everyone, and find solutions to make things right. These strategies are also called "Restorative Measures" and "Restorative Practices."

The following is a listing of generally accepted restorative practices. These practices may be used at the discretion of the principal in lieu of, or in addition to, certain other interventions set forth in the SRR, when all parties voluntarily agree to participate and the appropriate resources are available to support a meaningful effort. This list is not exhaustive of all restorative justice in education practices. These opportunities are ongoing and not available at all school locations.

Circles (Also called Peacemaking Circles, Peace Circles, Healing Circles, Circles of Understanding) Circles use traditional circle ritual and structure to allow all participants to speak from the heart, share in a search for understanding, and together identify the steps necessary to provide a space for parties to find common understanding and prevent future responsive to harm. Circles should always be facilitated by a trained "Circle Keeper." Restorative Justice community building Circles are used in schools to improve school culture and build relationships. This is a proactive response that builds a strong community so that when harm

happens the community can be restored.

### *Repair of Harm Circles*

Repair of harm Circles typically involve a multi-step procedure that includes: (1) agreement by the referred student to participate in the circle process; (2) a healing circle for the injured party; (3) a healing circle for the referred student; (4) a circle to develop consensus on the elements of a healing plan; and (5) follow-up circles to monitor the progress of the referred student. The healing plan may incorporate commitments by the school, community, and family members, as well as by the referred student.

Procedures vary from community to community and are designed locally to fit community needs and culture. Harm Circles are not appropriate for all responses. To determine whether a circle is appropriate, consider the connection of the referred student to the community, the sincerity and nature of the referred student's efforts to be healed, the input of injured parties, and the dedication of the referred student's support group.

### *Community Service*

Community service is work performed by a referred student for the benefit of the school community. Because neighborhoods and school communities are harmed by criminal and delinquent activities, they can be at least partially restored by meaningful service that contributes to their improvement. Community service offers one way a referred student can be held accountable to repair some of the harm caused by his or her criminal or delinquent actions.

Examples of community service include: programs that beautify a community's environment such as cleanup efforts or graffiti removal. Truly restorative community service offers the injured party the opportunity to provide input into the types of community service they would like to see the referred student perform, including activities that directly benefit the injured party or a charity or project of the injured party's choice.

### *Restorative Group Conferencing (Also called Family Group Conferencing or Accountability Conferencing)*

Restorative group conferencing involves the community of people most affected by the offense - the injured party and the referred student; and the family, friends and key supporters of both. A trained facilitator leads a discussion about the harm caused and how that harm might be repaired. To participate, the referred student must admit to the offense. Participation by all involved is voluntary. The conference typically begins with the referred student describing the incident, followed by each participant describing the impact of the incident on his or her life. It is preferable to allow the injured party to start the discussion, if they wish. Through these narrations, the referred student is faced with the human impact of the behavior on the injured party, on those close to the injured party, and on the referred student's own family and friends. The injured party has the opportunity to express feelings and ask questions about the incident. After a thorough discussion of the impact of the behavior on those present, the injured party is asked to identify desired outcomes from the conference, and thus help to shape the obligations that will be placed on the referred student. All participants may contribute to the problem-solving process of determining how the referred student might best repair the harm he or she has caused. The session ends with participants signing an agreement outlining their expectations and commitments. The facilitator should conduct in person, pre-conferencing sessions with both parties and make follow-up contacts, including the monitoring of any agreement reached. Conferencing is not appropriate when there are power differentials, such as between gangs or in a bully-injured party situation.



## MENTAL HEALTH RESOURCES

There are a variety of mental health supports available to families. South Bend Community Schools is grateful to CASA for their support in providing the list of providers and is grateful to Oaklawn for their continued partnership, programming, and support.

### General Supports

<http://www.thefamilygateway.net>

An online mental health resource for families, educators, and child-serving professionals in the Elkhart and St. Joseph Counties in Northern Indiana. It includes downloadable materials and a searchable database of local mental health professionals.

<http://www.Oaklawn.org>

Elkhart and St. Joseph County's Community Mental Health Center's website, which includes a referral feature for Schools. The Center's access number is 574-283- 1234.

Agency Name	Services Provided	Telephone & Fax Numbers
A Beautiful Mind <a href="http://www.Abeautifulmindinfo.com">www.Abeautifulmindinfo.com</a>	Counseling therapy for all ages; individuals, couples, and family; psychological testing, emotional/behavioral; LD/ADHD testing; vocational interests and aptitude testing	574-243-9370 Fax: 574-243-9375
Adult Protective Services	The Adult Protective Services (APS) Program was established to investigate reports and provide intervention and protection to vulnerable adults who are victims of abuse, neglect, or exploitation.	574-235-5092 800-626-8320 Fax: 574-235-9734
Advanced Medical Computing (Family Counseling Services)	Family Counseling, accepts Medicaid	574-232-5065
Alcohol Addictions Resource Center <a href="http://www.aarcinfo.org">www.aarcinfo.org</a>	Alcohol and other drug prevention, education, information, referral and intervention services	574-234-6024 fax: 574-234-6025
Bashor Children's Home <a href="http://www.bashor.org">www.bashor.org</a>	Day treatment, Alternative school, Emergency shelter care, residential continuum, secure residential program	574-875-5117 fax: 574-875-5284
Battell Community Center <a href="http://mishawaka.in.gov/battlecenter">http://mishawaka.in.gov/battlecenter</a>	People of all ages & interests: <b>affordable</b> classes, recreation and club activities, and to enjoy the entertainment of theater, music, and much more.	Located at 904 N. Main St, Mishawaka Phone (574) 258-1667 Fax (574) 258-1736
Benchmark Family Services <a href="http://www.benchmarkfamilyservices.org">www.benchmarkfamilyservices.org</a>	Benchmark Family Services is a network of professional, therapeutic foster homes and committed staff across four states with the goal of providing stable out-of-home placements for children in need.	Located at 1818 Went Street, Mishawaka 574.252.5204 Fax: 574.252.5207
Big Brothers Big Sisters <a href="http://www.bbbs-sjc.org/enrolling.html">http://www.bbbs-sjc.org/enrolling.html</a>	Helps children to develop positive growth by enabling them to interact with adult volunteers on a one-to-one basis under professional supervision.	Phone: 574.232.9958 Fax: 574.232.9391 E-mail: <a href="mailto:info@bbbs-sjc.org">info@bbbs-sjc.org</a>
Bonhomie Counseling	Family & individual counseling, all ages, also offer marriage & substance abuse counseling	574-293-5991 fax: 574-293-5429

Agency Name	Services Provided	Telephone & Fax Numbers
Bowen Center	Mental health treatment, residential placement, out- patient services	800-342-5653 fax: 574-269-3995
Boys' and Girls' Club	Positive place for kids. Provides programs to enhance physical, social, educational, vocational, and character development of boys and girls from age 5 through 18 years.	574-232-2048
CAPS <a href="http://www.capselkhart.org">www.capselkhart.org</a>	Child and Parent Services is a non-profit organization dedicated to the cause of ensuring that every child in Elkhart County has the benefit of safe, stable, nurturing relationships in their childhood. Through education, advocacy, and intervention, CAPS works with others in the community to build strong families, safe environments, and a life free from abuse and neglect for every child. Services at CAPS: Building Blocks, CASA, CFAC, Healthy Families, Parent Aide, Positive Parenting and Supervised Visits.	574.295.2277 Fax-574.295.7642 <a href="mailto:caps@capselkhart.org">caps@capselkhart.org</a>
CASA Office <a href="http://www.sjccasa.org">www.sjccasa.org</a>	Child advocates for abuse/neglected children in the juvenile court system, volunteer organization	574-233-CASA (2272) <a href="mailto:casa@jjconline.org">casa@jjconline.org</a> fax: 574-235-5553
CASIE Center	Conduct forensic interviews of children, handle truancy of younger children, special victims unit	574-282-1414 fax: 574-232-4415
Catholic Charities <a href="http://www.ccfwsb.org/">http://www.ccfwsb.org/</a>	Multi-service agency providing social services to families. It provides services to people of all religious faiths and beliefs to include: counseling services, pregnancy services, adoption services, refugee resettlement, food pantry	574-234-3111 Fax: 574-289-1034
Catholic Workers' House	Feed & shelter homeless	574-235-0623 (Men's house) 574-287-7734 (Women's house)
Center for the Homeless	Emergency shelter, education, services, employment & homeownership assistance, mental health & addiction services	574-282-8700 fax: 574-287-5023
Center for Positive Change <a href="http://www.centerforpositivechange.org">www.centerforpositivechange.org</a>	Batterer's Intervention Program, Mental Health Services, Substance Abuse and Addiction Services	574-360-4066
The Children's Dispensary and Hospital Association, Inc <a href="http://www.childrensdispensary.org/">http://www.childrensdispensary.org/</a>	Offers programming for children and teens with learning disabilities, attention deficit disorder, and attention deficit hyperactivity disorder. A parent advocacy group meets monthly while students are in session.	(574) 234-1169 Fax (574) 234-1160
Child Support for St. Joseph County	Enforce & case manage child support payments	574-235-5371 fax: 574-235-5501

Agency Name	Services Provided	Telephone & Fax Numbers
Christ Child Society	Family must have referral from an area agency, church, school, or neighborhood center. Provides layettes for babies and new winter clothing for children through age 12	(574) 288-6028
Christian Haven	Day Treatment program, family preservation and reunification services, group home, males	219-956-3125 fax: 219-956-4128
Community Coordinated Child Care <a href="http://www.4csindiana.org/">http://www.4csindiana.org/</a>	Information about different types of child care available, including for special needs	289-7815 Fax: 289-1922
Court Ordered Substance Abuse Treatment, (COSAT)	Court ordered treatment for children/adolescents with alcohol/drug problems	574-235-5404 fax: 574-235-5458
Court Substance Abuse Program, (C-SAP)	Court ordered addiction classes for adults	574-235-9594 fax:574-235-5019
Detention Center, St. Joseph County, juveniles	Secure, court ordered placement for juvenile offenders	574-235-5385 fax: 574-235-5342
Division of Family and Children (DFC) <a href="http://www.in.gov/fssa/dfr">www.in.gov/fssa/dfr</a>	Public assistance, TANF, food stamps, Medicaid (privatized)	800-403-0864 fax: 574-236-5400
Dockside Services	Therapeutic foster care, substance abuse treatment, individual & family counseling, outpatient services	574-299-8595 fax: 574-299-8598
Domestic Relations Counseling Bureau (DRCB)	Court ordered domestic relations assistance, investigates situations related to child custody, visitation, etc.	574-235-9662 fax: 574-235-5029
Families First Center <a href="http://www.familiesfirstcenter.org">www.familiesfirstcenter.org</a>	Supervised and unsupervised visitation, parenting classes (young children & adolescents)	574-287-4375 fax: 574-288-0691
Family Focus	Home-based services, parenting classes, home-based therapy, case management services, homemaker/parent aid, visitation services	1-800-582-4198 fax: 219-873-9526
Family Violence & Special Victims Unit	Interviewing of victims and perpetrators victim advocates, policing agency at CASIE center	574-235-7818 fax: 574-235-7817
First Steps <a href="http://www.in.gov/fssa/4655.htm">www.in.gov/fssa/4655.htm</a>	Provides early intervention services to infants/young children with disabilities experiencing developmental delays	574-293-2813 fax: 574-293-2300
Family Justice Center	Battered men & women seeking services	574-234-6900 fax: 574-234-6906
Family Learning Center	Psychological testing, individual and family counseling	574-232-1405 fax: 574-232-0124 24 hour Crisis Line: 289- HELP
Family Life Center	Extension of Hope Rescue Mission provides shelter, food, & education services (parenting, life skills, employment readiness, etc.) to the homeless (women & children only)	574-235-4150 fax: 574-289-7801



Agency Name	Services Provided	Telephone & Fax Numbers
Gibault, Inc. <a href="http://www.gibault.org">www.gibault.org</a>	Day Treatment, respite care, emergency shelter care, Intensive Sexual Intervention Systems (ISIS), psychiatric residential treatment, asperser's program, independent living	812-299-1156 fax: 812-299-0118
Hannah's House <a href="http://www.maternityhomewithaheart.org">www.maternityhomewithaheart.org</a>	Maternity home, shelter and support for all ages of women, children cannot stay	574-254-5309 fax: 574-254-5310
Healthy Families <a href="http://www.hmresources.org">www.hmresources.org</a>	Staff work with young families (must be enrolled during pregnancy or 0-3mos.) at risk for child abuse, parenting skills & child development	574-287-0541 fax: 574-287-0547
Home Management Resources	Parenting & life management classes	574-233-3486 fax 574-234-7220
Hope Rescue Mission	Provides shelter, food, & education services (parenting, life skills, employment readiness, etc.) to the homeless (men only)	574-288-4842 fax: 574-235-7970
Indiana Department of Corrections, juveniles	Secured correctional facility for juveniles	317-244-3387 (Indianapolis) fax: 317-244-4670
Indiana Legal Services	A nonprofit law firm that provides free civil legal assistance to eligible <a href="http://www.indianajustice.org/Home/PublicWeb/Eligibility">http://www.indianajustice.org/Home/PublicWeb/Eligibility</a> low- income people throughout the state of Indiana. ILS helps clients who are faced with legal problems that harm their ability to have such basics as food, shelter, income, medical care or personal safety	574-234-8121 800-288-8121 toll free fax: 574-239-2185
Families with Special Needs (IN*SOURCE) <a href="http://www.insource.org">www.insource.org</a>	persons with disabilities who provide training, technical assistance, information and support to individuals with disabilities, parents and surrogate parents in their roles as advocates for themselves and/or for their infants, toddlers, children, youth and young adults with disabilities.	800-332-4433 Fax: 574-232-7279
Intrigue Counseling <a href="http://www.Intriguecounseling.com">www.Intriguecounseling.com</a>	Small counseling center, private practitioners, individual, family & marital counseling	574-234-3515 fax: 574-234-3565
J & J Community Resources <a href="http://www.michianaresources.com">www.michianaresources.com</a>	Website that lists extensive community resources for a variety of services	
Juvenile Justice Center (JJC)	Building includes juvenile probation, juvenile detention, child support, clerk's office, CASA, Department of Child Services (DCS), Madison Center Residential, Central Academy, day reporting, juvenile courtrooms, & judge's chambers	574-235-5347
KidsPeace National Centers <a href="http://www.Kidspeace.org">www.Kidspeace.org</a>	Foster care licensing and provider	574-237-1046 fax: 574-237-1048

Agency Name	Services Provided	Telephone & Fax Numbers
Kokomo Academy	Males only, intensive placement for those at-risk, mental health needs, failed placement, drug/alcohol issues	765-452-9989 fax: 765-452-2244
Kroc Family Resource Center <a href="http://mykroc.org/family/">http://mykroc.org/family/</a>	Food pantry, financial assistance, community garden, Christmas assistance	574-233-9471
La Casa De Amistad <a href="http://www.lacasadeamistad.org/">http://www.lacasadeamistad.org/</a>	Youth and adult center on the west side of South Bend. Addresses the needs of area Hispanics through organized activities and support.	574-233-2120
Ladoga Academy	Females only, intensive placement for those at-risk, mental health needs, failed placement, drug/alcohol issues	765-942-2333 fax: 765-942-2344
Legal Services Indiana	Free legal representation in civil matters (custody, divorces, most family law, no CHINS cases)	574-234-8121 fax: 574-239-2185
Life Treatment Centers	Addiction treatment for indigent adults	574-233-5433 fax: 574-239-6407
Lifeline Youth & Family Services, Inc. (Black Lake Lodge) <a href="http://www.lifelineyouth.org">www.lifelineyouth.org</a>	intensive home-based services, home-based therapy, home-based independent living services, sex offender residential programs, short-term intensive care program	1-800-509-6884 fax: 260-745-0234
Lincoln Therapeutic Partnership	Individual & family counseling, specializes in sexual abuse, both victims & perpetrators	574-255-4976 fax: 574-255-1882 <a href="mailto:lincolncounseling@sbcglobal.net">lincolncounseling@sbcglobal.net</a>
Literacy Council of St. Joseph County	Volunteer organization that provides tutors to teach adults to read and write. ESL instruction for adults.	574-235-6229
Logan Center	Helps people with developmental disabilities discover their potential	574-289-3945 fax: 574-234-2075
Memorial Epworth	Psychiatric treatment for 13-17 year old adolescents and adults, inpatient services, 24 hour care and assessments	647-8400
Meridian Health Services <a href="http://www.meridianhs.org">www.meridianhs.org</a>	Mental Health Services/counseling; accepts Medicaid	574-254-0229 (Mishawaka) Fax: 574-254-0188
Michiana's Behavioral Health Center (BHC)	Psychiatric hospital, in & out patient, drug dependency, acute services, partial hospitalization, etc.	1-800-795-6252 fax: 574-936-2887
Mindsight Consultant	Conduct polygraph examinations	219-873-9134 fax: 219-874-0122
Minority Specialized Care	Specialized foster care (i.e. children with behavioral problems, mental retardation, etc.)	812-941-9258 fax: 812-941-0892
Morningstar Girls' Home	Group home for mild to moderately mentally challenged, pregnant teens, or teens with young children	574-753-4022 fax: 574-737-7076
Notre Dame Legal Aid Clinic	Free legal representation, must be referred, civil only, no divorce, support, or custody, will take CHINS cases	574-631-7795 fax: 574-631-6725

Agency Name	Services Provided	Telephone & Fax Numbers
<a href="http://www.oaklawn.org">www.oaklawn.org</a>	child/adolescent residential, sex offender treatment, drug/alcohol treatment, secure residential, acute services	fax: 574-537-2790 574-283-1234 South Bend fax: 574-280-4605
Paternity, St. Joseph County	Establish biological parents	574-235-5709 fax: 574-235-7889
Peaceful Resolutions Counseling	Counseling Services for all ages, accepts Medicaid	765-914-7063
Pendleton Correctional Facility	<a href="http://www.in.gov/idoc/2411.htm">www.in.gov/idoc/2411.htm</a>	765-778-3778 fax: 765-778-5211
Penn-Harris-Madison School Corporation <a href="http://www.phm.k12.in.us">www.phm.k12.in.us</a>	School system	574-259-7941 fax: 574-258-9547
Pierceton Woods Academy	Secured residential component, group homes, an alternative school, and recreational facilities	574-594-9200 fax: 574-594-2248
Portage Manor	Full residential program for physically & mentally impaired	574-272-9100 fax: 574-277-3486
Prenatal Care Coordination Program	Helps reduce barriers to early prenatal care, initiates enrollment in Hoosier Healthwise or medical referrals to WIC, food pantries, counseling, breastfeeding support education, parenting skills, support groups, pregnancy, and childbirth and nutrition information.	574-647-2170
Probation Department, St. Joseph County, juveniles	Supervise & case manage juvenile delinquents	574-235-5400 fax: 574-235-5342
Prosecuting Attorney's Office	Prosecutes for St. Joseph County	574-235-9544 fax: 235-9761
Resolute Treatment Facility <a href="http://www.resolutetreatmentcenter.com">www.resolutetreatmentcenter.com</a>	Males, intensive residential for sex offenders	317-630-5215 fax: 317-630-5221
Ryan's Place	Grief support for children, teens, and adults	574-535-1000
Safe Station	Temporary/emergency shelter for 12-18 years (homeless, runaways, etc.)	574-235-9396 fax: 574-235-5576
SAFY (Specialized Alternative for Families and Youth) <a href="http://www.safy.org">www.safy.org</a>	Train & license foster parents	888-261-1760 288-3447 fax: 260-422-4147
School City of Mishawaka	School system	574-254-4500 fax: 574-254-4585
Sister Maura Brannick Health Center	Health Care Services for those ineligible for Medicaid and Medicare and unable to pay	574-335-8222
South Bend Community School Corporation <a href="https://www.edline.net/page/southbendcsc/">https://www.edline.net/page/southbendcsc/</a>	School system	574-283-8000 fax: 574-283-8143
South Bend Mental Health Associates, Alan Wax Ph.D.	Psychological, parenting, and psychosexual assessments	574-255-1162 fax: 574-255-1882

Agency Name	Services Provided	Telephone & Fax Numbers
SPA Ministries Elkhart <a href="http://www.spaministryhomes.org/">http://www.spaministryhomes.org/</a>	Educational and faith-based residential home that offers women a safe environment to make positive and permanent life changes.	574-522-8338
St. Margaret's House <a href="http://www.Stmargarethouse.org">www.Stmargarethouse.org</a>	Day center for women & children, employment assistance, educational services, physical & mental health assistance, etc.	574-234-7795 fax: 574-234-7783
St. Vincent De Paul Society of St. Joseph County	Offer assistance to needy families through food, clothing and furniture assistance, emergency financial assistance, and our Christmas Basket Outreach Program.	574-234-6000 Fax: 574-968-0204
Victory Clinic Services	Substance abuse, Detox, Methadone, and maintenance	234-1524
The Villages of Indiana <a href="http://www.villages.org">www.villages.org</a>	Intensive therapeutic wraparound services, family services, foster care, special needs adoption program, independent living	1-800-765-5075 fax 574-294-2821
White's Residential & Family Services <a href="http://www.Whiteskids.org">www.Whiteskids.org</a>	Home-based services, therapeutic foster care, independent living, emergency shelter, residential, sex offenders, alcohol/drug abuse	574-291-9300 (South Bend office) fax: 574-291-9301
Whittington Homes & Services for Children & Families <a href="http://www.whittington.org">www.whittington.org</a>	Specialized/therapeutic foster care, St. Joseph County uses primarily for young mothers, independent/transitional living services	260-745-9431 fax: 260-745-0734
Women's Care Center B.A.B.E. Program <a href="http://www.womenscarecenter.org/SouthBend.html">http://www.womenscarecenter.org/SouthBend.html</a>	Pregnancy Testing, Verification, Ultrasounds, Counseling, Parenting Classes & BABE: Provides diapers, cribs, clothing, and other baby items under an incentive system	234-0363 273-8986 234-0403 252-3680 24 hour hotline: 877-908-2341
WorkOne Northern Indiana <a href="http://www.in.gov/dwd/WorkOne">http://www.in.gov/dwd/WorkOne</a>	Provides programs that prepare people to enter or re-enter the workforce. Programs include the JobWorks program and IMPACT for families receiving TANF	574-237-9675 574-239-2672 fax
YWCA <a href="http://www.ywcainc.org">http://www.ywcainc.org</a>	domestic violence, parenting classes, addiction treatment, inpatient & outpatient counseling, (women & children only)	574-232-9558 fax: 574-233-9113

## PROCEDURAL GUIDELINES FOR DISCIPLINE OF STUDENTS WITH DISABILITIES<sup>5</sup>

Students with disabilities will benefit from culturally responsive positive behavioral interventions and supports and efforts toward building positive school communities where every student can thrive. Incorporating restorative justice strategies that are proven to enhance community safety and build mutual responsibility will reduce suspensions and expulsions for all students including students with disabilities such that students are fully educated for personal success and responsible citizenship.

Students who are eligible and receive Special Education services are expected to follow the SBCSC Shared Rights and Responsibilities (SRR). However, when a student's Behavior Intervention Plan (BIP), which is a part of their Individualized Education Program (IEP), provides direct guidance on response to behaviors, the BIP, by law, must be followed.

Students with special education eligibility are afforded certain protections under the law including: Ten day limit on out of school suspensions in a school year, Due process, Manifestation Determination Conference (MDC), and Interim Alternative Educational Setting (IAES). More specific procedural guidance can be found on the [SBCSC Special Education webpage](#).

*Students with disabilities should not receive a more severe consequence than that of their general education peers for the same offense.*

### ***Out of School Suspension***

State law defines suspension "as a unilateral, temporary removal" of a student from that student's current placement. Suspension for even part of a day constitutes a full day of suspension. Ten (10) cumulative days is the total number of days that a student with a disability can be suspended and/or not receive educational services. Department and Corporation guidelines do not allow out of school suspensions (OSS) beyond 10 days per school year. If bus transportation is part of the student's IEP as a related service, a suspension from the bus is considered an out of school suspension unless the school provides alternative transportation for the student.

School Administrators must inform the student's Teacher of Record (TOR) each time the student receives an OSS and the information provided should include the nature of the incident.

Once the student reaches the ten day limit, the school must:

- Conduct a Manifestation Determination Conference within ten days of the last day of suspension
- Add a Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP) to the student's IEP. If the student has a BIP, the case conference committee must review the plan and make any necessary modifications.
- Continue to provide services that enable the student to progress appropriately in the general education curriculum and/ or advance toward achieving the goals set out in the student's IEP.

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<sup>5</sup> All procedural safeguards contained in the SRR and this Appendix are equally applicable to those students with 504 plans.

### ***In-School Suspension***

In-school suspensions (ISS) count toward the ten cumulative instructional days of suspension unless the student is given the opportunity to:

- Participate appropriately in the general education curriculum; and
- Receive special education services as specified in the student's IEP; and
- Participate with students without disabilities to the extent the student would have in his/her current placement.

If in-school suspensions or "alternative programming" do not meet the criteria listed above, they constitute a change of placement because frequent and excessive departures from the services outlined in a student's IEP are a denial of a Free and Appropriate Public Education (FAPE).

School Administrators must keep the student's TOR informed of the number of ISS days, without services (removal), and the nature of the incidents.

### ***At Home Isolation***

Though only utilized sparingly and in specific circumstances identified in a student's IEP, At Home Isolation provides a de-escalation period outside of the school setting and prevents the student from missing a full day of instruction. It must be written into the IEP's Behavioral Intervention Plan (BIP) as an intervention for students who present significant behavioral difficulties. It is a time away from school for the remainder of that day **ONLY** and its use is determined by the specific circumstances outlined in the BIP and approved by the administrator. This is not considered an Out of School Suspension.

The specific criteria used by administration to make the determination regarding At Home Isolation must be documented in the BIP. **The repeated pattern of use of At Home Isolation such that the student is not receiving required services under their IEP may constitute a change of placement; therefore a case conference should be convened to review placement and services if it is being used regularly.**

### ***Manifestation Determination Conference***

A Manifestation Determination Conference (MDC) must be held for Special Education students if they a) have been suspended for 10 cumulative days or b) whose expulsion has been requested. The MDC is to determine if the student's behavior (the reason for which they were suspended or for which the expulsion was requested) was caused by or had a direct relationship to the student's disability, and/or if the behavior is the direct result of the failure of the school to implement the student's IEP.

According to SBCSC Special Education Services guidelines, any student with a disability who has been suspended for ten cumulative days for the school year is considered to have had a change in placement. A Manifestation Determination Conference (MDC) is required for these students.

### ***Multiple Suspension MDC***

A Multiple Suspension MDC must be held for any student with a disability who has been suspended for a total of ten days during a school year, even if the tenth day of suspension is the last day of the school year. Suspensions/Removals (out-of-school or in-school) in excess of 10 days without the provision of special education services is a violation of federal and state law.

The Indiana Department of Education and the U.S. Office of Civil Rights are responsible for monitoring these violations and do so closely. The MDC must be held within 10 instructional days of the 10th day of suspension. The student must be allowed to receive special education services during the days they are not suspended, and until the conference is held.

### ***Expulsion MDC***

Federal and state law defines longer term removals (expulsion) as a change of placement.

Under state law, if it is determined that the behavior was a manifestation of the student's disability, the student retains the right to remain in his/her current placement unless any of the following apply:

- The expulsion request is for a: weapon, drug offense, or serious bodily injury
- The parents of the student agree with the change of placement.

Students receiving special education services may be subject to expulsion from school. However, before proceeding with the expulsion process, a Manifestation Determination Conference (MDC) must be held. This MDC must occur within ten instructional days of the decision to recommend expulsion.

### ***Interim Alternative Educational Setting***

APPROVE is an Interim Alternative Educational Setting (IAES) designed for students recommended for expulsion due to drugs, weapons, or serious bodily injury. Services are determined by the case conference committee.

SBCSC typically provides transportation to students who attend APPROVE.

Students may receive IAES services through Homebound Instruction. Homebound instruction is typically provided at a public site such as a public library but in special circumstances can be provided at the student's home school. Services are determined by the case conference committee.

Homebound is typically done after school hours but can be provided during the day depending on the homebound instructor's schedule. SBCSC typically provides transportation for students who receive homebound instruction.

The interim alternative educational setting must allow the student to:

- Continue to participate in the general curriculum (although in another setting);
- Progress toward meeting the goals in the student's IEP; and
- Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and accommodations that are designed to address the behavior violation so that it does not reoccur.

<b>REFERENCE GUIDE FOR BEHAVIORS INVOLVING DANGEROUS OBJECTS, WEAPONS OR LOOKALIKE WEAPONS</b>	
<b>Object Category</b>	<b>Examples</b>
<b>Knives</b>	Steak knife or other kitchen knives, pen knives/pocket knives, hunting knives, Swiss Army knife, box cutters, razors
<b>Explosive Devices/Gases</b>	Tear gas guns, projector bombs, noxious liquid gas, grenades, other explosive substances
<b>Tools</b>	Hammers, screwdrivers, saws, crowbars/metal pipes, other object commonly used for construction or household repair
<b>Firearms</b>	Pistol, revolver, live ammunition/live bullets/any part or portion of a machine gun or rifle, or other firearms  “Look-Alike” Firearms: B.B guns, air guns, other objects such as “toys” or replicas that reasonably resemble real firearms
<b>Other Objects</b>	Blackjack, slingshot, sand club, sandbag, metal/brass knuckles, throwing stars, taser/stun guns, mace/pepper spray, broken bottles or other pieces of glass, wooden sticks/boards

<b>SPECIAL CONSIDERATION</b>	
Sporting Equipment	Baseball bats, golf clubs
Personal Grooming Products	nail clippers/files, combs with sharp handles, tweezers
School Supplies	Scissors, laser pointers, pen/pencils, rulers, padlocks/combination locks, other objects commonly used for educational purposes



## **FURTHER RESOURCES**

### ***5600 – School Behavior Rights, Responsibilities, Regulations & Procedures***

Certain acts of misconduct will subject the student to discipline such as in-school suspension, suspension or expulsion. Such misconduct includes, but is not limited to, the descriptions in the sections as set forth in the Indiana Due Process Statutes, IC 20-33-8, as enacted and amended.

NOTE: The following policies are mailed to all patrons at the beginning of each school year. See Student Behavior Bulletin #130102 (revised 8/06) or contact your building principal.

### ***AG5610 – Suspension and Expulsion***

The following administrative guidelines should be followed to provide due process for each student charged with an offense leading to suspension or expulsion.

#### **A. Suspension**

The Principal may impose a suspension of no more than ten (10) days and shall notify the student's parents or guardians of the suspension by a written statement which includes the student's conduct and the action taken by the Principal. A secondary teacher may remove a student from a classroom or activity for no more than five (5) periods and an elementary teacher may remove a student from class for an entire school day in order to carry out or prevent interference with an education function which the teacher supervises.

No student may be suspended without a meeting. If a student's misconduct requires immediate removal, the meeting will take place as soon as possible after the suspension. At the meeting, the Principal shall provide the student with: a written or oral statement of the charges; a summary of the evidence against the student if s/he denies the charges; and an opportunity to explain his/her conduct.

##### **1. Sending a Student Home**

Unless the student is an immediate threat to the safety of the school, s/he should remain in school until class is dismissed for the day.

If the situation requires the student to be removed from the premises, the principal shall attempt to reach the student's parents to request they pick up their child. If they are unable to do so, the student should remain under supervision until school is dismissed. In the case of violent behavior, the principal may summon police to remove the student from the premises.

##### **2. Responsibility for School Work**

If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The Principal or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event the student has questions regarding the assignments or school work. The student shall be allowed to make up missed tests or quizzes when the student returns to school.

- a. For an in-school suspension credit will be given for all classroom assignments that can be completed during the in-school suspension or as homework.

- b. Credit will be given for work missed due to out-of-school suspension provided the student completes and submits all required assignments upon return to school.

Alternative assignments will be given for any classroom work that cannot be made up such as laboratories or skill sessions.

### **3. Suspension Pending Expulsion**

The expulsion examiner may continue suspension of a student for more than the ten (10) school day period of the Principal's suspension and until the time of the expulsion decision if s/he determines that the student's continued suspension will prevent or substantially reduce the risk of:

- a. interference with an educational function or school purposes;
- b. a physical injury to the student, other students, school employees, or visitors to the school.

### **B. Expulsion**

If in the Principal's opinion, the alleged infraction warrants expulsion, s/he shall refer the case to the Superintendent and submit the following documentation:

1. the rule(s) alleged to have been violated
2. the charges against the student
3. approximate date of the violation
4. recommendation(s) for expulsion
5. copy of suspension
6. the Case Conference committee or Section 504 Committee manifestation determination, if applicable

Upon request, the Principal also shall submit:

1. transcript of grades
2. attendance records
3. letter to parents
4. prior disciplinary documentation

The Superintendent shall review the case and may appoint a designee to serve as the expulsion examiner who is either an attorney or an administrator who did not expel the student during the current school year and was not involved in the circumstances leading to the expulsion meeting.

### **Firearms, Destructive Devices, and Deadly Weapons**

A student must be expelled from school for not less than one (1) calendar year whenever the student has brought a firearm, as defined in I.C. 35-47-1-5, or a destructive device, as defined in I.C. 35-47.5-2-4 to school or onto school property or is in possession of a firearm or destructive device on school property, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period. The term of that expulsion may be reduced to

less than one (1) year by the Superintendent for reasons justified by the particular circumstances of the incident so long as the modification is made in writing. A student may be expelled from school for not more than one (1) calendar year if the student has brought a deadly weapon, as defined in I.C. 35-31.5-2-86, to school or onto school property or is in possession of a deadly weapon on school property.

### **Notice of Right to an Expulsion Meeting**

The notice, indicating the parents' right to appear at an expulsion meeting shall be sent by certified mail or personal delivery and contain:

1. the reason(s) for the expulsion, which should include both:
  - a. the rule(s) alleged to have been violated; and
  - b. the charges against the student;
2. the length of the expulsion;
3. the right to request an expulsion meeting and the procedure for such a request;
4. the right to review the student's records;
5. the date, time, location, and purpose for the expulsion meeting, if one is requested;
6. a statement of the student's and parents' pre-meeting rights.

For a student who is eligible for special education and related services under the IDEA and Article 7, a copy of the Notice of Procedural Safeguards must be provided to the parent on the day the decision is made to make a disciplinary change of placement or, if that is not possible, mailed to the parent no later than the next business day (see also AG 5605A).

### **Expulsion Meeting**

If the student or the student's parent requests an expulsion meeting, an expulsion meeting must be held prior to expulsion. The Superintendent or person designated as the expulsion examiner must notify the student and the student's parent, in writing, of the date, time, and location of the expulsion meeting unless the initial notice of right to an expulsion meeting provided that information.

The Superintendent or person designated as the expulsion examiner may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

The Superintendent or person designated as the expulsion examiner shall make a written summary of the evidence heard at the expulsion meeting and take the action that s/he finds appropriate. The Superintendent or person designated as the expulsion examiner shall provide notice, in writing, of the action taken to the student and the student's parent. The notice shall include a list of:

1. alternative education programs in the same county in which the Corporation is located or a county immediately adjacent to the county in which the Corporation is located; and
2. virtual charter schools;

in which a student may enroll if the student is expelled. The list must contain contact information

for the entities described above and must provide the student and the student's parent notice that the student may be required to comply with I.C. 20-33-2 or any statute relating to compulsory school attendance in accordance with I.C. 20-33-8-31.

If the Board of School Trustees has voted to hear all expulsion appeals, the notice must include the student's and parent's right to make a written appeal to the Board. Any such appeal must be made not later than ten (10) days of student's and parent's receipt of the notice of action taken. If the Board has voted not to hear expulsion appeals, the notice must include the student's and parent's right to appeal the expulsion by filing an action in the circuit or superior court of the county in which the student resides.

### **Appeal of an Expulsion**

#### **If the Board has voted to hear all expulsion appeals:**

Upon receipt of a written appeal, the Board shall hold a meeting to consider the written summary of evidence presented at the expulsion meeting and the arguments of the principal and of the student and/or his/her parents. The Board may then decide to uphold the expulsion, authorize alternative discipline, or overturn the expulsion, as it finds appropriate.

The student or his/her parents may appeal the Board's decision only to the circuit or superior court of the county in which the student resides.

#### **If the Board has voted not to hear any expulsion appeals:**

The student or his/her parents may appeal the Superintendent's or expulsion examiner's decision only to the circuit or superior court of the county in which the student resides.

### **Length of Expulsion**

Except in the case of firearms, destructive devices, and deadly weapons, a student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester.

An expulsion during the second semester may extend through summer school and/or through the end of the first semester of the next school year, unless otherwise modified or terminated by the Board of School Trustees.

An expulsion that takes effect more than three (3) weeks before the beginning of the second semester or that will remain in effect into the first semester of the next school year shall be reviewed by the expulsion examiner, before the beginning of the second semester or before the beginning of the next school year, as applicable, to determine if there is newly discovered evidence or evidence of a change in the student's circumstances occurring since the original meeting. If so, the expulsion examiner may recommend to the Superintendent that the student be readmitted for the second semester or at the beginning of the next school year, as applicable.

### **C. Disabled Students**

In accordance with Board Policy 5605, State and Federal law, prior to expulsion a student who is eligible for special education and related services under the IDEA and Article 7 must be referred to the Case Conference Committee and a student with a disability who is eligible under Section 504 must be referred to the Section 504 Committee for a manifestation determination to determine if the behavior for which expulsion has been recommended is related to the student's

disability.

#### **D. Waiver**

The student and his/her parents may waive any of the rights described in this guideline or the student/parent handbook if the waiver is submitted, in writing, and signed by both student and parents. The signatures should be witnessed. The waiver must be made with knowledge of the due process procedure described in the student/parent handbook and the consequences of the waiver. Additionally, the student can constructively waive the right to an expulsion meeting by simply not availing himself/herself of the opportunity for it.

#### **E. Permanent Record**

A record of the student's suspension or expulsion shall be made a part of his/her permanent record.

#### **F. Alternatives to Suspension or Expulsion**

Based on the evidence presented at the expulsion meeting one (1) of the following alternatives may be implemented by the expulsion examiner:

1. in-school restriction or Saturday School (see AG 5610.02)
2. assignment to an alternative program

#### **G. Referral to Law Enforcement**

A student must be referred to local law enforcement if the misconduct involved a student physically assaulting a person having authority over the student or possession of a firearm, deadly weapon, or destructive device.

### ***Policy 8330 – Student Records***

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

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

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

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

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

- A. attendance records
- B. the students' latest ISTEP/GQE test results
- C. any secondary level and postsecondary level certificates of achievement earned by the student
- D. immunization information from the student's immunization record
- E. any dual credit courses taken that are included in the core transfer library under I.C. 21-42-5-4

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

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

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

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

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

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

A "school official" is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), school psychologist, therapist, or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for purposes of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);
- B. school psychologists, whether employed by a special education cooperative, interlocal, joint services organization, or an outside contractor, for purposes of the referral, evaluation and identification of students suspected to have a disability;
- C. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties. "Designated school personnel" may include but is not limited to employees or agents of an insurance carrier providing a defense to the Corporation or its employees or agents.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for

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

The Board authorizes the administration to:

- A. forward student records including disciplinary records with respect to suspensions and expulsions upon request to a private or public school or school corporation in which a student of this Corporation seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
  - 1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification – Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
  - 2. the parent or eligible student, upon request, receives a copy of the record; and
  - 3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;
- B. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- C. request each person or party requesting access to a student's record to abide by the Federal and State regulations concerning the disclosure of information to a third party;
- D. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
- E. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the Corporation for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative(s) of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to



release information under this provision, the Corporation will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

- F. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities. The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal requirements related to those education programs. A written agreement between the parties is required under this exception (see Form 8330 F16).

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

- G. disclose or report educational records to a State or local juvenile agency when the disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released; and the juvenile justice agency receiving the information certifies, in writing, that the agency or individual receiving the information has agreed not to disclose it to a third party, other than other juvenile justice agency, without the consent of the child's parent, guardian, or custodian. A disclosure or reporting of educational records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the agency provides documentation to the Corporation that the agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to the supervision of the child as an adjudicated delinquent child.

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

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

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

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

obtained (if required).

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

## **DIRECTORY INFORMATION**

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

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

In accordance with Federal, the Board shall comply with FERPA when releasing students' information.

Parents and eligible students may refuse to allow the Corporation to disclose any or all of such "directory information" upon written notification to the Corporation within the prescribed timeline.

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

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

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

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

## **Inspection of Information Collection Instrument**

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least seven (7) business days before the scheduled date of the activity. The instrument will be provided to the

parent or eligible student within two (2) business days of the principal receiving the request.

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

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

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

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

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

The Superintendent also shall develop procedural guidelines for:

- A. the proper storage and retention of records including a list of the type and location of records;

- B. informing Corporation employees of the Federal and State laws concerning student records.

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

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

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

### **Violation of this Policy**

As provided for by State law, an employee or agent of the Board who intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by this policy may be disciplined or terminated.

Additionally, State law provides that a person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Level 6 felony unless the destruction is pursuant to a record retention scheduled adopted by the County Public Records Commission.

Revised 5/16/2016

### ***Policy 5630.01 – Use of Seclusion and Restraint with Students***

It is the policy of the Board that all students are to be treated with dignity and respect and to be free from abuse. The Board supports the promotion and training of appropriate student behavior as part of the Corporation's curriculum. It is the policy of the Board to use prevention, positive behavior intervention and support, and conflict de-escalation to eliminate or minimize the need for the use of seclusion or restraint with students. This policy applies to all students, regardless of the existence of a disability.

### **General Guidelines**

Any behavioral interventions must be consistent with a student's right to be treated with dignity and respect and to be free from abuse.

Any behavioral intervention used must be consistent with the student's most current individualized education program (IEP) and with the student's behavior intervention plan (BIP), if applicable.

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

Seclusion and restraint are to be used only: 1) as a last resort safety procedure employed after another, less restrictive procedure has been implemented without success; and 2) when there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

Seclusion and restraint may be used only for a short period of time or until the imminent risk of injury has passed.

Any instance of seclusion or restraint must be documented as indicated below.

A student's parent must be notified as soon as possible when an incident involving the student that includes the use of seclusion or restraint occurs, and a copy of an incident report must be sent to the student's parent, as indicated below.

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

Seclusion and restraint must not be used as a means of punishment or discipline, coercion or retaliation, or as a matter of convenience.

Seclusion and restraint must never be used in a manner that restricts a child's breathing.

The student must be monitored by a staff member at all times during the use of seclusion or restraint to ensure the appropriateness of its use and the safety of the student or others.

### **Use of Seclusion**

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

- A. Seclusion may be used only when a student is displaying behavior that presents an imminent risk of injury to the student or others.
- B. Seclusion may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success.
- C. Seclusion may be used only as long as necessary and must be discontinued when the student is no longer an imminent threat to others.

- D. Seclusion may be employed only by staff members who have received specific Corporation-approved crisis intervention training in the use of seclusion procedures.
- E. Seclusion may be used only when the student can be transported safely to the seclusion environment by trained staff members using appropriate techniques based on crisis intervention training.
- F. All seclusion environments must:
  - 1. be of reasonable size to accommodate the student and at least one (1) adult;
  - 2. be of reasonable size to permit students to lie or sit down;
  - 3. have adequate ventilation, including heat and air conditioning as appropriate;
  - 4. have adequate lighting;
  - 5. be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass;
  - 6. permit direct continuous visual and auditory monitoring of the student;
  - 7. permit automatic release of any locking device if fire or other emergency in the school exists;
  - 8. if locked, be released automatically after five (5) minutes or with any building-wide alarm, such as a fire, tornado or code red alarm;
  - 9. meet current fire and safety codes.
- G. Seclusion may not be used when the student's known medical or physical condition would make the use of seclusion dangerous for that student.
- H. Seclusion must not be used unless a staff member can continuously monitor the student for visual or auditory signs of physiological distress and can communicate with the student.
- I. During the seclusion, students must be permitted to use the restroom upon request and be escorted to and from the restroom.
- J. During the seclusion, students must be provided water on request.
- K. Seclusion must never be used as a means of punishment or to force compliance with staff commands.
- L. Time-out procedures that do not constitute seclusion, as defined above, are permitted in school. A time-out must be both developmentally and behaviorally appropriate and must be short in duration.

## Use of Restraints

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

- A. Restraint may be used only when a student is displaying behavior that presents an imminent risk of injury to the student or others.
- B. Restraint may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success.
- C. Restraint may be employed only by staff members who have received crisis intervention training by the school in the use of restraint procedures with the following exception: other school personnel may employ restraint procedures in an emergency, as defined below, when fully trained school personnel are not immediately available. Untrained staff must request assistance from trained staff as soon as possible.
- D. Restraint may last only as long as is necessary for the student to regain behavioral stability and the risk of injury has ended, usually a matter of minutes.
- E. The degree of restriction employed must be in proportion to the circumstances of the incident, the size and condition of the student, and the potential risks for injury to the student.
- F. Mechanical restraints and chemical restraints are not authorized in school.
- G. Prone (face down on a horizontal surface) physical restraints are not authorized and must be avoided.
- H. Restraint must never be used in a manner that restricts a child's breathing.
- I. Every instance in which restraint is used must be carefully, continuously and visually monitored to ensure the appropriateness of its use and safety of the student, other students, teachers, and other personnel.
- J. A verbal threat or verbally aggressive behavior does not itself constitute an imminent risk of injury and does not warrant the use of restraint.
- K. Destruction of or damage to property does not constitute an imminent risk of injury warranting the use of restraint unless in the course of such behavior a risk of injury to the student or others is created.
- L. Restraint may not be used when the student's known medical or physical condition would make the use of restraint dangerous for that student.
- M. Restraint must never be used as a means of punishment or to force compliance with staff commands.

## Documentation and Recording Requirements

The building administrator or designee verbally must notify the student's parent or guardian of the use of seclusion or restraint as soon as possible following the incident but no later than the end of the school day in which the seclusion or restraint occurred.

Immediately after the student has regained emotional and behavioral control following the use of seclusion or restraint, a staff member not involved with the incident must ascertain if the student has sustained any injury during the seclusion or restraint and document such injury or the lack thereof in the incident report referenced below. If the student has sustained an injury, the staff member must seek appropriate treatment of the student for the injury.

Staff will assist the student to process the event at the earliest appropriate time after the student has regained emotional and behavioral control.

Staff, including School Resource Officers (SROs), involved in the use of seclusion or restraint must complete a "Seclusion and Restraint Incident Report" as soon as practical after the use of seclusion or restraint. The following data should be included in the incident report if known:

- A. the student's name
- B. the date and time of the incident
- C. the duration of any seclusion or restraint; or the beginning and ending times of the seclusion or restraint
- D. a description of any relevant events leading up to the incident
- E. a description of any interventions used prior to the implementation of the seclusion or restraint
- F. a description of the student behavior that resulted in implementation of seclusion or restraint, including a description of the imminent risk of injury which resulted in use of the seclusion or restraint
- G. a log of the student's behavior during the seclusion or restraint, including a description of any restraint technique(s) used and any other interaction between the student and staff
- H. a description of any injuries (to the student, other students, staff, or others) or property damage
- I. a description of the approach planned for dealing with the student's behavior in the future
- J. a list of the school personnel who participated in the implementation, monitoring, and supervision of the seclusion or restraint and whether they had training related to seclusion or restraint
- K. the date and time on which the parent or guardian was notified of the seclusion or restraint



L. if the student has a disability (IDEIA or Section 504), the type of disability

The building administrator or designee must send a copy of the incident report to the parent or guardian and place a copy of the report in the student's confidential file.

The building administrator or designee also must send a copy of the incident report to a Corporation administrator designated by the Superintendent, who must maintain records of all such incident reports.

The building administrator or designee must provide support to staff members involved by determining if any staff member has suffered an injury, seeking appropriate treatment for that staff member, and determining when the staff member can return to his/her duties.

The building administrator or designee must ensure that each staff member involved in an incident engages in a de-briefing or processing session(s) in order to determine what could have been done to prevent the use of seclusion or restraint in this incident and how to avoid the need for use of seclusion or restraint in the future for this student specifically and for other students in similar situations. Ideally, this will occur immediately following the incident but may occur later if the needs of the student or other students take precedence or the staff member has suffered an injury requiring treatment. The building administrator must complete a "Staff Process of Seclusion or Restraint Form" that summarizes the de-briefing process and file it with the Corporation administrator designated by the Superintendent, who must maintain records of all such forms.

### **Notification of Parents**

Student handbooks must include a statement similar to the following: "a student will not be subject to seclusion or restraint unless the student's behavior poses an imminent risk of injury to the student or others. However, significant violations of the law, including assaults on students and staff, will be reported to the police. As soon as possible after any use of seclusion or restraint, the student's parent or guardian will be informed and provided with a detailed account of the incident, including the circumstances that led to the use of seclusion or restraint."

When a seclusion or restraint is used with a student, the student's parent or guardian must be notified verbally as soon as possible.

A copy of the incident report prepared by staff following the use of seclusion or restraint with a student must be sent to the student's parent or guardian.

### **Training of Staff**

The Corporation will provide all staff members with basic training about conflict de-escalation procedures, the dangers of seclusion and restraint, and procedures for contacting fully trained and certified staff when behavioral crises occur.

This training will be recurrent and will be provided to new staff.

The Corporation will determine a specific curriculum and method of providing training related to seclusion and restraint.

A core group of appropriate personnel will be trained in each building in crisis intervention

techniques which will include the use of seclusion and restraint procedures.

Recurrent training will be provided on a regular basis (at least annually).

### **Annual Review, Planning Process and Oversight**

The Superintendent is directed to designate a Corporation administrator to serve as the coordinator of data, planning and oversight of the use of seclusion or restraint procedures in the Corporation. The coordinator must maintain records of the use of seclusion or restraint in the Corporation and serve as chair of the committee referenced below or, if a standing committee is used, as co-chair along with the chair of the standing committee.

The Superintendent is directed to establish a committee or use a standing committee to conduct an annual review of all individual and program-wide data associated with this policy. The committee must review the following components related to the use of seclusion or restraint:

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

Upon review of the data, the committee must identify any issues or practices that require further attention and provide written recommendations to the Superintendent for changes in Corporation policies or practices.

The committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the Corporation's training program.

### **Definition of Terms**

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

- A. **"Behavioral intervention plan" or "BIP"** has the meaning given it in the rules of the

Indiana State Board of Education. (511 IAC 7- 32-10)

- B. **"Case conference committee"** has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 7-32-12)
- C. **"Chemical restraint"** means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment and dosage for the student's medical or psychiatric condition. The term does not include the administration of prescription medication pursuant to the orders of a student's physician that is a standard treatment and dosage for the student's medical or psychiatric condition.
- D. **"Emergency"** means a situation in which immediate intervention is necessary to protect the safety of a student or others from an imminent threat of physical injury to the student or others and staff trained in crisis intervention are not present to assist.
- E. **"Individualized education program" or "IEP"** has the meaning given to it in the rules of the Indiana State Board of Education. (511 IAC 7-32-48)
- F. **"Mechanical restraint"** means the use of a mechanical device, material or equipment attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or a part of the student's body or restricts normal access to the student's body. The term does not include mechanical devices, a material or equipment used as prescribed by a physician.
- G. **"Physical restraint"** means physical contact between a school employee and a student in which the student unwillingly participates and that involves the use of a manual hold to restrict freedom of movement of all or a part of a student's body or to restrict normal access to the student's body. The term does not include: 1) briefly holding a student without undue force in order to calm or comfort the student or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation; 2) physical escort; or 3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.
- H. **"Physician"** means a person holding an unlimited license to practice medicine in Indiana, and includes an M.D. (medical doctor) and a D.O. (osteopathic physician).
- I. **"Positive behavior intervention and support"** means a systematic approach that uses evidence-based practices and data-driven decision making to improve school climate and culture and includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior to achieve improved academic and social outcomes and increase learning for all students.
- J. **"Seclusion"** means the confinement of a student alone or in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.
- K. **"Time-out"** means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted.

**Administrative Guidelines and Forms**

The Superintendent is authorized to issue administrative guidelines, directives, and forms, including but not limited to, the Seclusion and Restraint Incident Report, as needed to fully implement this policy and document compliance.