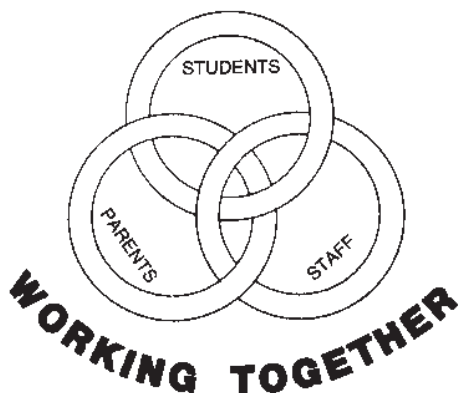


# STUDENT BEHAVIOR

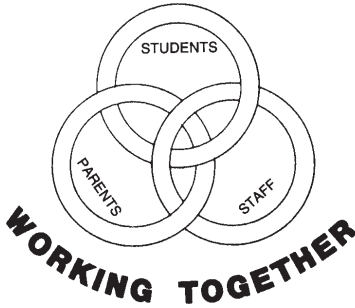
## Know

- ★ Your Rights
- ★ Your Responsibilities
- ★ Our Regulations
- ★ Our Procedures



South Bend Community School Corporation  
South Bend, Indiana

**The success of public school education requires cooperative relationships between students, parents, teachers, and administrators.**



**INTRODUCTION**

The success of public school education depends on the concept of self-discipline which will allow all individuals to exist in a world of change with the individual rights afforded them by our federal and state constitutions.

Certain standards of student conduct are necessary to assure that students seeking to express their own individual rights do not at the same time infringe upon the rights of others. The development and maintenance of this self-discipline is in turn dependent upon the acceptance of certain responsibilities by all involved in the educational process.

**IT IS THE RESPONSIBILITY OF STUDENTS TO**

1. To read and become familiar with the Student Code of Conduct.
2. To attend school daily, prepare for class, and complete class and homework assignments to the best of his/her ability.
3. To know and obey school rules and instructions given by the school principal, teachers, and other staff.
4. 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.
5. To bring to school only those materials that are allowed.
6. To treat everyone in the school community with respect.
7. To respect school property, community property and the property of others.

**IT IS THE RESPONSIBILITY OF PARENTS/GUARDIANS TO**

1. To read and become familiar with the Student Code of Conduct.
2. 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.
3. To give the school accurate and current contact information.
4. To tell school officials about any concerns or complaints respectfully and in a timely manner.
5. To work with the school principal, teachers, and other staff to address any academic or behavioral concerns regarding their child.
6. To talk with their child about the behavior expected in school.
7. To support their child's learning and school activities at home.
8. To be respectful and courteous to staff, other parents, guardians, and students.
9. To respect other students' privacy rights.

## IT IS THE RESPONSIBILITY OF TEACHERS TO

1. Maintain an orderly classroom.
2. Prepare adequate lesson plans to effectively implement the curriculum.
3. Encourage the development of trust, cooperation, and responsibility.
4. Make an effort to improve the self-image of each student through positive reinforcement.
5. Deal with discipline problems personally until all strategies at their command have been exhausted and then to seek further help.
6. Exemplify high standards.

## IT IS THE RESPONSIBILITY OF ALL SCHOOL STAFF TO

1. Set expectations for positive behavior.
  - a. Create expectations for positive behavior and predictable routines for students.
  - b. Post expectations for positive behavior throughout the school.
  - c. Regularly communicate high expectations for student success demonstrating positive behavior.
2. Teach positive behavior.
  - a. Build positive relationships with students.
  - b. Model positive behavior for students.
  - c. Explicitly teach students 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.
  - d. Practice expected behavior with students in all settings.
3. Reinforce positive behavior.
  - a. Regularly review expectations for positive behavior, re-teaching and allowing practice as needed.
  - b. 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.
  - c. Praise and reward students for demonstrating positive behavior, especially when it is a new behavior for that student.

## IT IS THE RESPONSIBILITY OF THE SCHOOL SYSTEM TO

1. Make available adequate student services, guidance services, psychological services, school social work services, occupational and placement services, evaluation and testing, career education, and health services.
2. Provide and maintain an atmosphere conducive to good behavior and learning.
3. Respect students by treating them fairly and impartially.
4. Plan a flexible curriculum and activities to meet the needs of all students and provide the materials necessary to implement those plans.

When a student fails to 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 by using instructive and corrective responses. In addition, the principal has the authority to assign interventions and consequences based on his/her independent assessment of the best interest of the school community. **Parents are expected to participate in this process.** When considering the action to be taken, the following should always be reviewed:

1. Student's age, maturity, and grade.
2. Student's prior conduct and record of behavior.
3. Student's willingness to acknowledge the inappropriate behavior.
4. Student's willingness to make restitution.
5. Impact of the incident on the overall school community.
6. Student's intent and the severity of harm caused.
7. Parent/guardian's level of cooperation and involvement.

In the absence of self-discipline by a student, any administrator or faculty member of the school corporation is authorized to take certain actions reasonably desirable or necessary in order to help any student, to further school purposes, or to prevent an interference with the educational process.

## **STUDENTS' AND PARENTS' RIGHTS REGARDING STUDENT RECORDS**

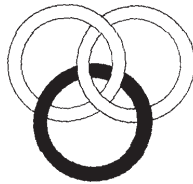
The following procedures are carried out to protect the privacy of student records:

1. Parents and students are informed annually of their rights as provided in the Family Educational and Privacy Rights Act (FERPA).
2. Copies of education records are provided to parents and students 18 years of age and older upon request. (A fee may be charged for copies.) Records that are copyrighted will not be reproduced.
3. An opportunity is provided for parents and students to challenge the content of any school record as being inaccurate or misleading.
4. A student or parent may disagree with all or part of a school record in writing; the written disagreement will become a part of the student record.
5. Unless an exception applies, the names of persons given permission to review a student record will be recorded.
6. Unless an exception applies, third parties who wish to see the records must have written consent from the student's parent or from the student if the student is 18 years of age.

There is a difference between directory information and an educational record. The former is material that is not necessarily confidential and the latter is always treated confidentially. Both types of information need to be treated in accordance with the Family Educational Rights and Privacy Act. Copies of the Privacy Act can be found in each school, public libraries, and at <http://www2.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf>.

Information considered directory information may be printed in school publications. Directory information would include such items as: name; address; phone number; honors and awards; weight, height and photographs or videotaped images; date and place of birth; diploma received; attendance dates; grade level; colleges; participation in civic or school-related organizations. If you, as the parent (or student 18 years of age or older), object to the release of directory information, you should complete and return the Form on page 8.

NOTE: See also Student Records Policy #8330



## **ATTENDANCE POLICY**

### **PHILOSOPHY**

Student attendance at school is the primary responsibility of the parent/legal guardian and student. The foundation and success of education depend on access to quality instruction. Attendance is a significant factor in a student's ability to achieve academic, personal and social growth.

It is the South Bend Community School Corporation's responsibility to develop and implement sound procedures that contribute to this growth.

It is the student's responsibility to attend school regularly, on time and follow all rules of discipline.

The school will keep parents/legal guardians informed of student absences.

### **COMPULSORY ATTENDANCE**

Under Indiana law:

- A. Each individual for whom education is compulsory shall attend a public school which the individual is entitled to attend under I.C. 20-26-11.

- B. Each individual is bound by the requirements of state law from the earlier of the date on which the individual officially enrolls in a school, or except as provided in I.C. 20-33-2-8, the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until the date on which the individual:
1. graduates;
  2. reaches at least (16) years of age but who is less than eighteen (18) years of age and the requirements under I.C. 20-33-2-9 concerning an exit interview are met enabling the individual to withdraw from school before graduation; or
  3. reaches at least eighteen (18) years of age; whichever occurs first.
- C. An individual for whom education is compulsory under this section shall attend school each year:
1. for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana: or
  2. if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.
- D. For requirements to officially enroll in a kindergarten program see Policy No. 5112.
- E. A student is not bound by the requirements of the Indiana Compulsory School Attendance laws until the student becomes seven (7) years of age, if, upon request of the superintendent of the corporation, the parent of a student who would otherwise be subject to compulsory school attendance under I.C. 20-33-2-6 certifies to the superintendent that the parent intends to:
1. enroll the student in a non accredited, nonpublic school; or
  2. begin providing the student with instruction equivalent to that given in the public schools as permitted under I.C. 20-33-2-28;
- not later than the date on which the student becomes seven (7) years of age.
- F. Exit interview. The governing body hereby designates the Superintendent (or his designee) as the appropriate employee of the school corporation to conduct the exit interviews for students described in I.C. 20-33-2-6(a)(3). Each exit interview must be personally attended by:
1. the student's parent;
  2. the student;
  3. the Superintendent, as the designated appropriate school employee, or his or her designee; and
  4. the student's principal.
- G. A student who is at least sixteen (16) years of age but less than eighteen (18) years of age may not withdraw from school before graduation unless:
1. the student, the student's parent, and the student's principal agree to withdrawal; and
  2. at the exit interview, the student provides written acknowledgment of the withdrawal that states that the student and the student's parent understand that withdrawing from school is likely to reduce the student's future earnings and increase the student's likelihood of being underemployed in the future; and
  3. the student's parent and the school principal each provide written consent for the student to withdraw from school; and
  4. the withdrawal is due to: financial hardship and the individual must be employed to support the individual's family or a dependent; illness; or an order by a court with jurisdiction over the student.



## STATEMENT

**Excessive absence places a student in danger of failing a course or repeating a grade. Unexcused absences and trancies, resulting in a total of 10 days or more per semester, may result in loss of credit and/or retention.**

Chronic absenteeism will be referred to the appropriate legal authority.

The parent/legal guardian may appeal a decision based on this policy to the principal.

## **DEFINITIONS**

### **EXCUSED ABSENCES**

1. Illness verified by a note from the parent
2. Death in the immediate family
3. Recovery from an accident verified by a note from the parent.
4. Professional appointments - Parents are encouraged to schedule medical, dental, legal, and other necessary appointments other than during school hours. When appointments are necessary during the school day, the student shall report back to school immediately after the appointment with a signed statement from the doctor, dentist, lawyer, counselor, etc.
5. Observation or celebration of a bona fide religious holiday in accordance with policy 5223
6. Required court attendance
7. College Visits not to exceed five (5) days total for the school year
8. Maternity
9. Military connected families' absences related to deployment and return
10. Such other good cause as may be acceptable to the superintendent or permitted by law.

Students must make up work missed due to excused absences and will receive credit for their work.

### **UNEXCUSED ABSENCES**

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

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

### **TRUANCY**

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

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

### **VERIFICATION**

All absences must be verified according to the specific school's publicized procedure. In the event of frequent or extended absence attributed to personal illness, the principal or a designee may request written verification of a student's illness from a licensed physician.

### **ATTENDANCE RECORDS**

An adequate and comprehensive system of attendance records will be maintained for each student. Each teacher is responsible for accurate reporting of daily attendance in his/her classroom.

NOTE: See Also Attendance Policy #5200

### **GROUND FOR EXPULSION**

#### **SCHOOL BEHAVIOR POLICY 5600**

Indiana law describes broadly the type of behavior that will subject a student to suspension or expulsion. The following behaviors may subject students to suspension or expulsion depending upon the individual circumstances (e.g., where the conduct occurs, whether the conduct interferes with school purposes or an educational function, whether the student's removal is necessary to restore order). This list is not exhaustive:

## Grounds for Expulsion or Suspension

1. Inappropriate Language/Gestures/Disruptive/Disorderly Conduct, including but not limited to the following:
  - a. 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.
  - b. Causing a large disruption to the atmosphere or order and discipline in the school that is necessary for effective learning and may place others at risk of injury.
  - c. Saying words that are offensive, sexual, or considered obscene in an academic, professional setting.
2. Theft/Forgery, including but not limited to the following:
  - a. Having in one's possession property obtained without permission of the owner or possession (physical control over, including clothing, lockers, or bags) of stolen property.
  - b. Alteration of documents including possession or signing.
3. Vandalism: Deliberate destruction or damage of property.
4. Bullying/Harassment
  - a. Under I.C. 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. Examples include harassment based on real or perceived race, ethnicity, gender/gender identity, sexual orientation, disability, or religion.
5. Provocation/Injury to Others: To incite a fight; physical contact by pushing, shoving, biting, spitting, kicking or hitting or other conduct that may cause injury; more than horseplay.
6. 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, including but not limited to the following:
  - a. 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.
  - b. Falsely accusing any person of sexual harassment.
7. Firearms/Weapons/Arson: Possession or 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.
8. Drugs/Alcohol: Possession and/or use of narcotics/drugs/tobacco/alcohol and/or paraphernalia.

9. Assault/Battery: More than fighting, assault/battery involves causing or attempting to cause serious bodily injury to students, staff or others. It includes continuing to engage in a fight after being asked to stop, or criminal recklessness.
10. Bomb/False Alarm: 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.
11. Persistent, severe, or unwanted sexual conduct: Inappropriate sexual conduct, sexual gestures, inappropriate touching, indecent exposure, transmitting sexually suggestive images through information technology devices, or other sexual activities which involve the use of force such as rape and molestation.

### **DUE PROCESS**

The following are selected sections of Indiana law related to student suspensions, expulsions, and student discipline in general. Full details of the rules, regulations and due process policies and procedures of the South Bend Community School Corporation are available in the office of each school or at the Administration Building, 215 South St. Joseph Street, South Bend, Indiana 46601. The sections printed here are not meant to be an exhaustive list of all relevant rules and policies.

#### **I.C. 20-33-8-0.2 “Bullying” Defined**

- (a) As used in this chapter, “bullying” means overt, unwanted, repeated acts or gestures, including: verbal or written communications 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 targeted student and create for the targeted student an objectively hostile school environment that:
  - (1) places the targeted student in reasonable fear of harm to the targeted student’s person or property;
  - (2) has a substantially detrimental effect on the targeted student’s physical or mental health;
  - (3) has the effect of substantially interfering with the targeted student’s academic performance; or
  - (4) 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.
- (b) The term may not be interpreted to impose any burden or sanction on, or include in the definition of the term, the following:
  - (1) Participating in a religious event.
  - (2) Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.
  - (3) Participating in an activity consisting of the exercise of a student’s rights protected under the First Amendment to the United States Constitution of Article I, Section 31 of the Constitution of the State of Indiana, or both,
  - (4) Participating in the activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one(1) or more adults.
  - (5) Participating in an activity undertaken at the prior written direction of the student’s parent.
  - (6) Engaging in interstate or international travel from a location outside Indiana or another location outside Indiana.

#### **I.C. 20-33-8-0.5 “Physician” Defined**

As used in this chapter, “physician” means an individual licensed to practice medicine or osteopathic medicine under:

- (1) IC 25-22.5; or



- (2) the law of another state.

**I.C. 20-33-8-1 “Principal” Defined**

As used in this chapter, “principal” includes a principal’s designee.

**I.C. 20-33-8-2 “Educational Function” Defined**

As used in this chapter, “educational function” means the performance by a school corporation or its officers or employees of an act or a series of acts in carrying out school purposes.

**I.C. 20-33-8-3 “Expulsion” Defined**

(a) As used in this chapter, “expulsion” means a disciplinary or other action whereby a student:

- (1) is separated from school attendance for a period exceeding ten (10) school days;
- (2) is separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or
- (3) is separated from school attendance for the period prescribed under section 16 of this chapter, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

(b) The term does not include situations when a student is:

- (1) disciplined under section 25 of this chapter;
- (2) removed from school in accordance with I.C. 20-34-3-9; or
- (3) removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

**I.C. 20-33-8-4 “School Purposes” Defined**

As used in this chapter, “school purposes” refers to the purposes for which a school corporation operates, including the following:

- (1) To promote knowledge and learning generally.
- (2) To maintain an orderly and effective educational system.
- (3) To take any action under the authority granted to school corporations and their governing bodies by I.C. 20-26-5 or by any other statute.

**I.C. 20-33-8-5 “School Property” Defined**

As used in this chapter, “school property” means the following:

- (1) A building or other structure owned or rented by a school corporation.
- (2) The grounds adjacent to and owned or rented in common with a building or other structure owned or rented by a school corporation.

**I.C. 20-33-8-6 “Superintendent” Defined**

As used in this chapter, “superintendent” includes a superintendent’s designee.

**I.C. 20-33-8-7 “Suspension” Defined**

(a) As used in this chapter, “suspension” means any disciplinary action that does not constitute an expulsion under section 3 of this chapter, whereby a student is separated from school attendance for a period of not more than ten (10) school days.

(b) The term does not include a situation in which a student is:

- (1) disciplined under section 25 of this chapter;
- (2) removed from school in accordance with I.C. 20-34-3-9; or
- (3) removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

**I.C. 20-33-8-8 Duty and Powers of school corporation to supervise and discipline**

## **students**

- (a) Student supervision and the desirable behavior of students in carrying out school purposes is the responsibility of:
  - (1) a school corporation; and
  - (2) the students of a school corporation.
- (b) In all matters relating to the discipline and conduct of students, school corporation personnel:
  - (1) stand in the relation of parents to the students of the school corporation;
  - (2) have the right to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system, subject to this chapter; and
  - (3) have qualified immunity with respect to a disciplinary action taken to promote student conduct under subdivision (2) if the action is taken in good faith and is reasonable.
- (c) Students must:
  - (1) follow responsible directions of school personnel in all educational settings; and
  - (2) refrain from disruptive behavior that interferes with the educational environment.

### **I.C. 20-33-8-9      Disciplinary Powers of Teachers and School Staff Members**

- (a) This section applies to an individual who:
  - (1) is a teacher or other school staff member; and
  - (2) has students under the individual's charge.
- (b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.
- (c) Subject to rules of the governing body and the administrative staff, 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.
- (d) If an individual removes a student from class under subsection (c), the principal may place the student in another appropriate class or placement or into in-school suspension. The principal may not return the student to the class from which the student was removed until the principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student. If the student's parents do not meet with the principal and the student's teacher within a reasonable amount of time, the student may be moved to another class at the principal's discretion.

### **I.C. 20-33-8-10      Disciplinary Powers of Principals**

- (a) A principal may take action concerning the principal's school or a school activity within the principal's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.
- (b) Subsection (a) allows a principal to write regulations that govern student conduct.

### **I.C. 20-33-8-11      Disciplinary Powers of Superintendents and Administrative Staff Members**

- A:
  - (1) superintendent; or
  - (2) member of the superintendent's administrative staff, with the superintendent's approval; may take any action with respect to all schools within the superintendent's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

### **I.C. 20-33-8-12      Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking**

### **powers of school corporation governing body**

- (a) Except as provided under I.C. 20-33-8-16, the governing body of a school corporation must do the following:
- (1) Establish written discipline rules, which must include a graduated system of discipline and may include
    - (A) appropriate dress codes; and
    - (B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases;for the school corporation.
  - (2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:
    - (A) making a copy of the discipline rules available to students and students' parents; or
    - (B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The:

- (1) superintendent of a school corporation; and
- (2) principals of each school in a school corporation;

may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate:

- (1) rulemaking;
- (2) disciplinary; and
- (3) other authority

as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:

- (1) Movement of students.
- (2) Movement or parking of vehicles.
- (3) Day to day instructions concerning the operation of a classroom or teaching station.
- (4) Time for commencement of school.
- (5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.

### **I.C. 20-33-8-13 Possession and Self-Administration of Medication Permitted**

- (a) Discipline rules adopted under section 12 of this chapter must provide that a student with a chronic disease or medical condition may possess and self-administer medication for the chronic disease or medical condition during the times and in the places set forth under section 14(b) of this chapter if the following conditions are met:
- (1) The student's parent has filed an authorization with the student's principal for the student to possess and self-administer the medication. The authorization must include the statement described in subdivision (2).
  - (2) A physician states in writing that:
    - (A) The student has an acute or chronic disease or medical condition for which the physician has prescribed medication;
    - (B) the student has been instructed in how to self-administer the medication; and
    - (C) the nature of the disease or medical condition requires emergency administration of the medication.

- (b) The authorization and statement described in subsection (a) must be filed annually with the student's principal.

**I.C. 20-33-8-13.5 Discipline rules prohibiting bullying required**

- (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:
  - (1) prohibit bullying; and
  - (2) include:
    - (A) provisions concerning education, parental involvement, and intervention;
    - (B) a detailed procedure for the expedited investigation of incidents of bullying that includes:
      - (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
      - (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
      - (iii) timetables for reporting bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;
      - (iv) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to the law enforcement is necessary;
      - (v) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and
      - (vi) discipline provisions for false reporting of bullying; and
    - (C) a detailed procedure outlining the use of follow-up services that includes:
      - (i) support services for the victim; and
      - (ii) bullying education for the bully.
- (b) The discipline rules described in subsection (a) must be applied regardless of the physical location in which the bullying behavior occurred, whenever:
  - (1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are student attending a school within a school corporation and
  - (2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.
- (c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:
  - (1) computer;
  - (2) computer system;
  - (3) computer network;of a school corporation.
- (d) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.
- (e) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.
- (f) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section.

**I.C. 20-33-8-14 Grounds for suspension or expulsion**

- (a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:

- (1) Student misconduct.
- (2) Substantial disobedience.
- (b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:
  - (1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
  - (2) off school grounds at a school activity, function, or event; or
  - (3) traveling to or from school or a school activity, function, or event.

**I.C. 20-33-8-15 Unlawful activity by a student**

In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:

- (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or
- (2) the student's removal is necessary to restore order or protect persons on school property; including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

**I.C. 20-33-8-16 Possession of firearms, deadly weapons, or destructive devices**

- (a) As used in this section, "firearm" has the meaning set forth in I.C. 35-47-1-5.
- (b) As used in this section, "deadly weapon" has the meaning set forth in I.C. 35-31.5-2-86. The term does not include a firearm or destructive device.
- (c) As used in this section, "destructive device" has the meaning set forth in I.C. 35-47.5-2-4.
- (d) Notwithstanding section 20 of this chapter, a student who is:
  - (1) identified as bringing a firearm or destructive device to school or on school property; or
  - (2) in possession of a firearm or destructive device on school property; must be expelled for a period of at least one (1) calendar year, 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.
- (e) The superintendent may, on a case-by-case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.
- (f) Notwithstanding section 20 of this chapter, a student who is:
  - (1) identified as bringing a deadly weapon to school or on school property; or
  - (2) in possession of a deadly weapon on school property; may be expelled for not more than one (1) calendar year.
- (g) A superintendent or superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.
- (h) A student with disabilities (as defined in I.C. 20-35-7-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. § 1415.

**I.C. 20-33-8-17 Student's legal settlement not in attendance area**

A student may be expelled from school if the student's legal settlement is not in the attendance area of the school corporation where the student is enrolled.

**I.C. 20-33-8-18 Maximum term of suspension; procedure**

- (a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.
- (b) A principal may not suspend a student before the principal affords the student an

opportunity for a meeting during which the student is entitled to the following:

- (1) A written or an oral statement of the charges against the student.
  - (2) If the student denies the charges, a summary of the evidence against the student.
  - (3) An opportunity for the student to explain the student's conduct.
- (c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.
- (d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:
- (1) The student's misconduct.
  - (2) The action taken by the principal.

**I.C. 20-33-8-19      **Expulsion procedure; appeal****

- (a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:
- (1) Legal counsel.
  - (2) A member of the administrative staff if the member:
    - (A) has not expelled the student during the current school year; and
    - (B) was not involved in the events giving rise to the expulsion.

The superintendent or a person designated under this subsection may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

- (b) An expulsion may take place only after the student and the student's parent are given notice of their right to appear at an expulsion meeting with the superintendent or a person designated under subsection (a). Notice of the right to appear at an expulsion meeting must:
- (1) be made by certified mail or by personal delivery;
  - (2) contain the reasons for the expulsion; and
  - (3) contain the procedure for requesting an expulsion meeting.
- (c) The individual conducting an expulsion meeting:
- (1) shall make a written summary of the evidence heard at the expulsion meeting;
  - (2) may take action that the individual finds appropriate; and
  - (3) must give notice of the action taken under subdivision (2) to the student and the student's parent.
- (d) If the student or the student's parent not later than (10) days of receipt of a notice of action taken under subsection (c) makes a written appeal to the governing body, the governing body:
- (1) shall hold a meeting to consider:
    - (A) the written summary of evidence prepared under subsection (c)(1); and
    - (B) the arguments of the principal and the student or the student's parent; unless the governing body has voted under subsection (f) not to hear appeals of actions taken under subsection (c); and
  - (2) may take action that the governing body finds appropriate.

The decision of the governing body may be appealed only under section 21 of this chapter.

- (e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent.
- (f) The governing body may vote to not hear appeals of actions taken under subsection (c). If the governing body votes to not hear appeals, subsequent to the date on which the vote is taken a student or parent may appeal only under section 21 of this chapter.

**I.C. 20-33-8-20      Maximum term of expulsion; reenrollment in alternative program after expulsion or exclusion; reinstatement review**

- (a) Except as provided in section 16 of this chapter, 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. If a student is expelled during the second semester, the expulsion remains in effect for summer school and may remain in effect for the first semester of the following school year, unless otherwise modified or terminated by order of the governing body. The appropriate authorities may require that a student who is at least sixteen (16) years of age and who wishes to reenroll after an expulsion or an exclusion attend an alternative program.
- (b) An expulsion that takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. The review
  - (1) shall be conducted by the superintendent or individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;
  - (2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and
  - (3) may lead to a recommendation by the person conducting the review that the student be reinstated for the second semester.
- (c) An expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year. The review
  - (1) shall be conducted by the superintendent or individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;
  - (2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and
  - (3) may lead to a recommendation by the person conducting the review that the student be reinstated for the upcoming school year.

**I.C. 20-33-8-21      Scope of judicial review**

Judicial review of a governing body's action under this chapter by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter.

**I.C. 20-33-8-22      Effectiveness of Statute During Judicial Review**

An expulsion that has been upheld by a governing body continues in effect during judicial review under section 21 of this chapter unless:

- (1) the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and
- (2) the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.

**I.C. 20-33-8-23      Suspension pending expulsion decision**

The superintendent or the person designated by the superintendent under section 19(a) of this chapter 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 under section 19 of this chapter if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

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

However, a student may not be suspended from school pending a meeting on a student's proposed expulsion if the expulsion is ordered under section 17 of this chapter.

**I.C. 20-33-8-24      Requirements for reenrollment after expulsion**

- (a) This section applies to a student who:
  - (1) is at least sixteen (16) years of age; and
  - (2) wishes to reenroll after an expulsion.
- (b) A principal may require a student to attend one (1) or more of the following:

- (1) An alternative school or alternative educational program.
- (2) Evening classes.
- (3) Classes established for students who are at least sixteen (16) years of age.

**I.C. 20-33-8-25 Additional disciplinary actions authorized**

- (a) This section applies to an individual who:
  - (1) is a member of the administrative staff, a teacher, or other school staff member; and
  - (2) has students under individual's charge.
- (b) An individual may take disciplinary action in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:
  - (1) Counseling with a student or group of students.
  - (2) Conferences with a parent or group of parents.
  - (3) Assigning additional work.
  - (4) Rearranging class schedules.
  - (5) Requiring a student to remain in school after regular school hours:
    - (A) to do additional school work; or
    - (B) for counseling.
  - (6) Restricting extracurricular activities.
  - (7) Removal of a student by a teacher from that teacher's class for a period not to exceed:
    - (A) five (5) class periods for middle, junior high, or high school students; or
    - (B) one (1) school day for elementary school students;
      - if the student is assigned regular or additional school work to complete in another school setting.
  - (8) Assignment by the principal of:
    - (A) a special course of study;
    - (B) an alternative educational program; or
    - (C) an alternative school.
  - (9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:
    - (A) A principal may not assign a student under this subdivision unless the student's parent approves:
      - (i) the nonprofit organization where the student is assigned; and
      - (ii) the plan described in clause (B)(i).

A student's parent may request or suggest that the principal assign the student under this subdivision.
    - (B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:
      - (i) A plan for the service that the student is expected to perform.
      - (ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.
      - (iii) Monitoring of the student's performance of service by the principal or the principal's designee.
      - (iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.
    - (C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.



- (D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.
- (10) Removal of a student from school sponsored transportation.
- (11) Referral to the juvenile court having jurisdiction over the student.
- (c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled shall refer the student to the juvenile court having jurisdiction over the student. However, a student with disabilities (as defined in I.C. 20-35-7-7) who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. §1415.

**I.C. 20-33-8-26      Rules requiring participation in disciplinary action by person caring for dependent student**

- (a) The governing body of a school corporation may adopt rules that require a person having care of a dependent student to participate in an action taken under this chapter in connection with a student's behavior. The rules must include the following:
  - (1) Procedures for giving actual notice to the person having care of the dependent student.
  - (2) A description of the steps that the person must take to participate in the school corporation's action.
  - (3) A description of the additional actions in connection with the student's behavior that are justified in part or in full if the person does not participate in the school corporation's action.
- (b) A dependent student is a child in need of services under I.C. 31-34-1-7 if, before the student child becomes eighteen (18) years of age:
  - (1) the student's parent fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by this section, if the behavior of the student has been repeatedly disruptive in the school; and
  - (2) the student needs care, treatment, or rehabilitation that the child:
    - (A) is not receiving; and
    - (B) is unlikely to be provided or accepted without the coercive intervention of the court

Note: Non-Compliance of Parents. Non-compliance of parents, guardians or custodians with the provisions of Section 19, and under circumstances detailed in I.C. 31-34-1-7, shall be considered educational neglect. In such cases, the child shall be considered a "child in need of services" in accordance with the provisions of I.C. 31-34-1-7, and the matter shall be referred to the Child Protective Services Division of Public Welfare

**I.C. 20-33-8-27      Supplemental procedures authorized**

The governing body of a school corporation may by rule:

- (1) amplify;
- (2) supplement; or
- (3) extend;

the procedures provided in this chapter in any manner that is consistent with this chapter.

**I.C. 20-33-8-28      Waiver of rights**

Any rights granted to a student or a student's parent by this chapter may be waived only by a written instrument signed by both the student and the student's parent. The waiver is valid if made:

- (1) voluntarily; and
- (2) with the knowledge of the:
  - (A) procedures available under this chapter; and
  - (B) consequences of the waiver.

**I.C. 20-33-8-29      Special schools**

- (a) As used in this section, "special school" includes the following: (1) A career and technical education school. (2) A special education school or program. (3) An alternative school or program.

- (b) To the extent possible, this chapter applies to a special school.
- (c) The governing body of a special school may make necessary modifications to the responsibilities of school personnel under this chapter in order to accommodate the administrative structure of a special school.
- (d) In addition to a disciplinary action imposed by a special school, the principal of the school where a student is enrolled may without additional procedures adopt a disciplinary action or decision of a special school as a disciplinary action of the school corporation.

**I.C. 20-33-8-30      Enrollment in another school corporation during period of expulsion or proposed expulsion**

- (a) This section applies to the following:
  - (1) A student who:
    - (A) is expelled from a school corporation or charter school under this chapter, or
    - (B) withdraws from a school corporation or charter school to avoid expulsion.
  - (2) A student who:
    - (A) is required to separate for disciplinary reasons from a nonpublic school or a school in a state other than Indiana by the administrative authority of the school; or
    - (B) withdraws from a nonpublic school or a school in a state other than Indiana in order to avoid being required to separate from the school for disciplinary reasons by the administrative authority of the school.
- (b) The student referred to in subsection (a) may enroll in another school corporation or charter school during the period of the actual or proposed expulsion or separation if...
  - (1) the student's parent informs the school corporation in which the student seeks to enroll and also:
    - (A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or
    - (B) in the case of a student withdrawing from a conversion charter school to avoid expulsion,
      - (i) the conversion charter school; and
      - (ii) the school corporation that sponsored the conversion charter school;
 of the student's expulsion, separation or withdrawal to avoid expulsion or separation;
  - (2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and
  - (3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school),
- (c) If...
  - (1) a student's parent fails to inform the school corporation of the expulsion or separation or withdrawal to avoid expulsion or separation; or
  - (2) a student fails to follow the terms and conditions of enrollment under subsection (b)(3); the school corporation or charter school may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion or separation.
- (d) Before a consent is withdrawn under subsection (c) the student must have an opportunity for an informal meeting before the principal of the student's proposed school. At the informal meeting, the student is entitled to:
  - (1) a written or an oral statement of the reasons for the withdrawal of the consent;
  - (2) a summary of the evidence against the student; and
  - (3) an opportunity to explain the student's conduct.
- (e) This section does not apply to a student who is expelled under section 17 of this chapter.

**I.C. 20-33-8-31      Effect of suspension or expulsion on compulsory attendance law.**

If a student is suspended or expelled from school or from any educational function under this chapter, the student's absence from school because of the suspension or expulsion is not a violation of:

- (1) IC 20-33-2; or
- (2) any other statute relating to compulsory school attendance.

**I.C. 20-33-8-32      Locker Searches.**

- (a) A school corporation must provide each
  - (1) student; and
  - (2) student's parent;a copy of the rules of the governing body on searches of students' lockers and locker contents.
- (b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in
  - (1) that locker; or
  - (2) the locker's content
- (c) In accordance with the rules of the governing body, a principal may search:
  - (1) a student's locker; and
  - (2) the locker's contentsat any time.
- (d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may:
  - (1) at the request of the school principal; and
  - (2) in accordance with rules of the governing body of the school corporation; assist a school administrator in searching a student's locker and the locker's contents.

**I.C. 20-33-8-33      Duty to submit information to bureau of motor vehicles.**

Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), the principal shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit or concerning the suspension of driving privileges under IC 9-24-2-4.

**I.C. 20-33-8-34      Disciplinary action for children with disabilities.**

- (a) Notwithstanding any other law, a suspension, an expulsion, or another disciplinary action against a student who is a child with a disability (as defined in IC 20-35-1-2) is subject to the:
  - (1) procedural requirements of 20 U.S.C. §1415; and
  - (2) rules adopted by the state board.
- (b) The division of special education shall propose rules under IC 20-35-3-2-1(b)(5) to the state board for adoption under IC 4-22-2 governing suspension, expulsions, and other disciplinary action for a student who is a child with a disability (as defined by I.C. 20-35-1-2).

**STUDENT PARKING PRIVILEGES**

The school corporation reserves the right to revoke parking privileges from any student who violates a provision of the student code of conduct, any parking facility rule or procedure or who in any way threatens the smooth functioning and security of the school.

**PARENTAL INVOLVEMENT IN DISCIPLINE**

Appropriate discipline policies shall be developed by the administrative staff and shall be reviewed and approved by the Board of School Trustees. Grounds for the suspension and expulsion for all students shall be in accordance with I.C. 20-33-8-14

**1. Participation by Parent**

Persons having care of a dependent student (parents, guardian or custodians) may be requested to participate in meetings, conferences and hearings in connection with the behavior of a student who has been repeatedly disruptive in the school and needs care, treatment, or rehabilitation that the child is not receiving, and that is unlikely to be provided or accepted.

In the case of expulsion hearings, due to the behavior of a student who has been repeatedly disruptive in the school and needs care, treatment, or rehabilitation that the child is not receiving, and that is unlikely to be provided or accepted, the parent, guardian, or custodian may be required to attend such a hearing to determine the educational future of the child (i.e., whether the child is removed from or retained in school or placed in an alternative program). When such participation is required, the school corporation shall notify the parent, guardian or custodian in one (1) of the following manners:

- a. Telephone contact by a school official at least five (5) days in advance of the meeting, conference or hearing. Telephone contact will be followed up by a letter of confirmation by regular or certified mail.
- b. Personal delivery of written notice of their required attendance at the meeting, conference or hearing by a school official at least three (3) days prior to the scheduled meeting, conference or hearing.

The Superintendent, principal or other administrative personnel shall be authorized with parental consent to require behavioral testing, counseling, or drug or alcohol abuse evaluation by a licensed agency approved by the school corporation if such testing, counseling, or evaluation is necessary to help any student, to further school purposes, or to prevent an interference with school purposes. The cost of these services shall be the responsibility of the parent, guardian or custodian, and the school corporation may require, with parental consent, release of the results, progress reports, and other information to appropriate school officials.

For the purposes of this policy "Participate" or "Participation" shall have their normal and customary meaning, which is "to have taken part in; to have a part or to share" in the disciplinary process as requested by school officials and to the extent mandated by law.

## **2. Non-Compliance of Parents**

Non-compliance of parents, guardians or custodian with the provisions of this policy, and under circumstances detailed in I.C. 31-34-1-7, shall be considered educational neglect. In such cases, the child shall be considered a "child in need of services" in accordance with the provisions of I.C. 31-34-1-7, and the matter shall be referred to the Child Protective Services Division of Public Welfare.

### **REFERENCE: I.C. 20-33-8-26**

Full details of the rules, regulations, and due process procedures of the South Bend Community School Corporation which have herein been condensed from the Indiana Student Discipline Statutes, I. C. 20-33-8, are available to any parent, guardian, or student in the office of each school in the corporation, or at the South Bend Community School Corporation Administration Building, 215 South St. Joseph, South Bend, Indiana 46601. These rules are not modified to the extent any of them are inconsistent with the provisions of Indiana Law. These rules are not a complete or verbatim statement of Indiana law on this subject.