



2018-2019  
EVANSVILLE VANDERBURGH SCHOOL  
CORPORATION  
STUDENT CONDUCT RESPONSIBILITIES AND POLICIES

## STUDENT CONDUCT RESPONSIBILITIES

### **Safe Learning Environment**

*The EVSC is committed to a safe learning environment.*

The EVSC is steadfast in the mission to provide outstanding educational opportunities through shared, committed responsibility. This includes instruction and support for academic, social, emotional and behavioral needs.

In order to achieve this goal, the EVSC embeds **Culturally Responsive Positive Behaviors, Interventions and Supports (CR-PBIS)** into the framework for all schools. CR-PBIS is a research based, school wide system of support that includes proactive strategies for defining, teaching and supporting appropriate student behaviors to create positive school environments. It emphasizes a continuum of positive behavior supports for all students in both classroom and non-classroom settings (such as hallways, buses and restrooms).

In addition to CR-PBIS in the daily operation of all EVSC schools, the use of **Restorative Practices** is an additional layer of emotional and behavioral support. Restorative Practices is an evidence based system that focuses on both the prevention of inappropriate behaviors and the effective response if and when these behaviors occur. Restorative practices are intended to create a sense of community and belonging for students, families and staff. Restorative practices support a positive climate and culture and emphasize effective conflict resolution. Students will be educated on the importance of taking responsibility for their choices and will learn the value of repairing any harm that may occur to the other person or property.

The EVSC strives to provide a safe environment for all children by prohibiting the following items and actions from school properties, activities, and buses.

Alcohol: Possessing, using, transmitting or being under the influence of any alcoholic beverage is prohibited. Any substance which is represented to be alcohol is prohibited. (IDOE Code 01)

Drugs: Possessing, using, transmitting or being under the influence of any drug that is not used in accordance with doctor's orders is prohibited. (Note: Student shall surrender any prescription or non-prescription drugs in the original container to the school nurse or teacher upon arrival at school.) Any substance/chemical which is represented to be (or looks like) drugs/paraphernalia, or is not used for its intended purpose, is also prohibited. (IDOE Code 02)

Tobacco: Possessing, using, and/or transmitting tobacco or tobacco products is prohibited. Use of tobacco shall mean all uses of tobacco, including cigar, cigarette, pipe, snuff, or any other matter or substance that contains tobacco, as well as electronic, "vapor," or other substitute forms of cigarettes. (IDOE Code 07)

Weapons: No student shall possess, handle, or transmit any firearms, deadly weapons, destructive devices, or dangerous instruments, as defined in Indiana Codes 20-33-8-16 and 35-47-5-2.5, on school property. Look-alike weapons of any kind are also prohibited. (IDOE Code 03-06)

Intimidation/Bullying/Harassment: No student shall intimidate, harass, bully, or threaten other students or school personnel in any form or manner as defined by Indiana Codes 35-45-2 and 20-33-8-0.2. (IDOE Code 13 and 10)

Fighting: Fighting is prohibited. (IDOE Code 11)

Battery: Battery as defined by I.C. 35-42-2-1 is prohibited. (IDOE Code 12)

Verbal aggression and profanity: Verbal aggression and profanity are prohibited. (IDOE Code 14)

Forming groups who associate closely, such as a group engaging in antisocial, delinquent and/or criminal behavior: Forming groups who associate closely, such as a group engaging in antisocial, delinquent and/or criminal behavior, is forbidden. Use of signals related to membership in groups is prohibited. Writing gang signs or symbols on your person at school is prohibited. This includes gang-related tattoos. (IDOE Code 10)

## **Orderly Learning Environment**

*The EVSC is committed to providing an environment that is conducive to student learning.*

By encouraging regular attendance and appropriate behaviors, EVSC is providing an environment that is conducive to student learning.

Attendance: Multiple data sources show that regular school attendance is one of the most important factors related to student success. Student attendance is defined in IC 20-33-2. Additional information will be provided by individual schools. (IDOE Code 16)

Dress Code: Appropriate dress and personal grooming are required of each student as a vital part of maintaining the educational environment. Modes of grooming or styles of attire which

detract from a good teaching/learning situation are not acceptable. It is required that coats and backpacks are secured in lockers upon arrival to school and remain there until the end of the school day. All decisions about appropriate dress, grooming and body piercing will be made by the school's administrators. (Body piercing, except for ears, is prohibited in elementary and middle schools.) Students in violation of the dress code will be asked to correct the violation prior to returning to the classroom and could face further disciplinary action. See individual school websites for modified uniform/backpack policies. (IDOE Code 15)

Unauthorized Items: Students shall not bring equipment or other objects to school or school activities which can be considered disruptive and/or are being used in the educational process without permission from school personnel. (IDOE Code 10)

Defiance: Defiant behavior is prohibited. Defiance is defined as failing to comply with directions of teachers or other school personnel during any period of time when the student is properly under their supervision and/or the behavior constitutes an interference with school purposes or an educational function. (IDOE Code 15)

Violation of State and Federal Law: Engaging in any activity forbidden by the laws of Indiana or federal government is prohibited. (IDOE Code 10)

Theft: Taking the property of the school or another person or attempting to take the property without permission. Possession of stolen property. (IDOE Code 10)

Search and Seizure: The EVSC has the responsibility and the right to conduct a search to ensure the safety of all students.

All lockers and other storage areas provided for student use on school premises remain the property of the school corporation and are subject to inspection, access for maintenance, and search. A student who uses a locker has no expectation of privacy in that locker or the locker's contents (IC 20-33-8-32). No student shall lock or otherwise block access to any locker or storage area except with a lock provided by or approved by the principal of the school in which the locker or storage area is located. Unapproved locks shall be removed and destroyed.

Student searches are only conducted by the principal or principal's designee. Searches of the student shall be limited to: A) searches of the pockets of the student, and/or B) any object in the possession of the student such as a purse or backpack, electronic device, and/or C) a pat down of the exterior of the student's clothing.

Student searches which require removal of clothing other than shoes, socks, coat or jacket shall be referred to a law enforcement officer.

The principal or principal's designee may search a motor vehicle on or near school property or which has been driven to school or a school event.

## DISCIPLINE POLICY

The Student Conduct Responsibilities outlined above are designed to assist students to become responsible citizens and ensure order and safety in the EVSC schools. Student misconduct or disobedience may be addressed by one or more of the following actions: counseling, parent conference, detention, restriction of extra-curricular activities, suspension of privileges, suspension from class, suspension from school, suspension from the school bus, expulsion from school, referral to juvenile court, community service, or other reasonable disciplinary action at the discretion of school officials.

In accordance with the provisions of Indiana Code 20-33-8, the Board of School Trustees authorizes administrators and staff members to take the following actions:

**REMOVAL FROM CLASS OR ACTIVITY-TEACHER:** An Elementary teacher has the right to remove a student from his/her class or activity for up to one (1) school day. A Middle School or High School teacher has the right to remove a student from his/her class or activity for up to five (5) school periods. In multi-period classes, the suspension may be for the length of the class, i.e. two or three periods.

**SUSPENSION FROM SCHOOL- PRINCIPAL:** A school principal (or designee) may deny a student the right to attend school or take part in any school function for a time of up to five (5) school days or ten (10) school days with approval for the grounds stated in the Indiana Code. The EVSC may, but shall not be required, to refer a suspended student to the Vanderburgh Superior Court, Juvenile Division, in accordance with an Agreement for Court Assisted Resolution of School Suspension and Expulsion Cases. Students referred to the Juvenile Court shall be required to complete their suspension by attending school during regular school hours at an EVSC alternative setting and under the supervision of the Juvenile Court. Students under the Supervision of the Juvenile Court and attending an alternative setting shall not be allowed on any other EVSC property and shall not be permitted to attend any EVSC sponsored event during the suspension period. Students suspended, but not referred to the Juvenile Court, shall not be allowed on any EVSC property and may not attend any EVSC sponsored activity during the suspension period.

**EXPULSION:** In accordance with the due process procedures defined in statute, a student may be expelled from school for a period no longer than the remainder of the current semester plus the following semester, with the exception of a violation of the weapons rule listed under the grounds for suspension and Expulsion in this policy which will result in a one year expulsion, for any of the grounds listed in the Indiana Code. The EVSC may, but shall not be required, to refer an expelled student to the Vanderburgh Superior Court, Juvenile Division, in accordance with the EVSC's Agreement with the Juvenile Court for court assisted resolution of school suspension and expulsion

cases. Students referred to the Juvenile Court shall be required to complete their expulsion by attending school during regular school hours at an EVSC alternative setting and under the supervision of the Juvenile Court. Students under the Supervision of the Juvenile Court and attending an alternative setting shall not be allowed on any other EVSC property and shall not be permitted to attend any EVSC sponsored event during the period of expulsion. Expelled students, not referred to the Juvenile Court, are not allowed on any EVSC property and may not attend any EVSC sponsored activity.

#### **IC 20-33-8-14**

##### **Grounds for suspension or expulsion**

Sec. 14. (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 afterschool 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.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-15**

##### **Unlawful activity by student**

Sec. 15. 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.

*As added by P.L.1-2005, SEC.17.*

The Evansville Vanderburgh School Corporation reserves the right to change or modify school rules based on the action of the Board of School Trustees or Legislative mandate.

COURT ASSISTED RESOLUTION OF EXPULSION AND SUSPENSION (CARES): The Superintendent of the EVSC and the Vanderburgh Superior Court, Juvenile Division ("Juvenile Court"), entered into an Agreement for Court Assisted Resolution of School Expulsion and Suspension Cases ("Agreement"). The Agreement requires the Juvenile Court to establish a flexible program for the supervision of suspended or expelled students who the EVSC have referred to the Juvenile Court for supervision during the student's suspension or expulsion ("Program"). Students referred to the Program shall first appear at an informal hearing conducted by the

Juvenile Court in a setting agreed upon by the Juvenile Court and the EVSC (“Hearing”) as soon as practicable following the student’s referral but not before the student’s parents have been notified of the Hearing. Students referred to the Program shall complete the Program at an EVSC alternative setting and shall not be permitted on any other EVSC property and may not attend any EVSC sponsored activity. A parent may be present at the student’s Hearing and the Juvenile Court may mandate the parent’s or parents’ presence at the Hearing. The Hearing to occur in accordance with the Program is not a hearing to determine whether the student is a child in need of services (“CHINS”); however, the Juvenile Court may notify the Office of Family and Children or the Prosecutor’s Office, to the extent the Judge presiding over the Hearing in his or her discretion believes that the student may be a CHINS. All records of the student’s court appearance at the Hearing shall be expunged from his/her record upon the student’s completion of the Program.

## **EVSC POLICY ON CRIMINAL ORGANIZATIONS**

The Corporation prohibits criminal organization activity and similar destructive or illegal group behavior on Corporation property, on buses owned by the Corporation or used to transport Corporation students, and at school-sponsored functions. The Corporation prohibits reprisal or retaliation against individuals who report criminal organization activity and similar destructive or illegal group behavior or who are victims, witnesses, bystanders, or others with reliable information about an act of criminal organization activity and similar destructive or illegal group behavior.

## **EVSC NON-DISCRIMINATION POLICY**

It is the policy of the Evansville Vanderburgh School Corporation not to discriminate on the basis of race, color, religion, gender, sexual orientation, veteran status, genetic information, national origin, age, limited English proficiency, or disability in its programs or employment policies as required by the Indiana Civil Rights Law (I.C.22-9-1), Title IV, and Title VII (Civil Rights Act of 1964), the Equal Pay Act of 1973, Title IX (Educational Amendments), the Genetic Information Non-Discrimination Act and Section 504 (Rehabilitation Act of 1973).

Questions concerning compliance with these laws should be directed to the Chief Diversity Officer of the Evansville Vanderburgh School Corporation, 951 Walnut Street, Evansville, IN 47713, phone number: (812) 435-8451.

## THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Parents and eligible students have rights under FERPA. Details regarding those rights can be found at <http://www.ed.gov/policy/gen/guid/fpc/ferpa/index.html> FERPA allows schools to disclose certain "directory" information without student or parental consent. This information could include a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. Parents and eligible students have the right to request that the school NOT disclose directory information. If any parent or eligible student wishes to prevent the disclosure of directory information during the 2018-2019 school year, they must notify their school administrator by August 22, 2018.

## HARASSMENT

It is the policy of the School Board to maintain an education and work environment which is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School Corporation operations, 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. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on sex, race, color, national origin, religion, disability, or any other unlawful basis, and encourages those within the School Corporation community as well as third parties who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action. The complete Anti-Harassment policy (5517 – Anti-Harassment) can be found online at [www.evscschools.com/about/bylaws\\_policies](http://www.evscschools.com/about/bylaws_policies).

## Notice of Rights of Students and Parents Under Section 504

Section 504 of the Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal<sup>1</sup> to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits one or more major life activities such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

*Dual Eligibility:* Some students will be eligible for education services under both Section 504 and the Individuals with Disabilities Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504.

For more information regarding Section 504, or if you have questions or need additional assistance, please contact the School's Section 504 Coordinator at: 812-435-8453

951 Walnut Street  
Evansville, IN 47713  
812-435-8451

The implementing regulations for Section 504 as set out in 34 CFR Part 104 provides parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) (34 CFR 104.32.)
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. (34 CFR 104.33.)
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. (34 CFR 104.33.)
4. Your child has a right to placement in the least restrictive environment. (34 CFR 104.34.)
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 CFR 104.34.)



6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. (34 CFR 104.35.)
7. Testing and other evaluation procedures must conform to the requirements (34 CFR 104.35) as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 CFR 104.35.)
8. Placement decisions must be made by a group of persons (i.e., Student Intervention Team and/or Central Office 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. (34 CFR 104.35.)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 CFR 104.36.)
10. You have the right to examine relevant records. (34 CFR 104.36.)
11. You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. (34 CFR 104.36.)
12. You have a right to an impartial hearing with respect to the District's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 CFR 104.36.)
13. If you wish to challenge the actions of the District's 504 Committee in regard to your child's identification, evaluation, and education placement, you should file a written request for a hearing with your state department of education's Section 504 compliance office. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to review of that decision by a court of competent jurisdiction. (34 CFR 104.36.)
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a discrimination complaint with the School's Chief Diversity Officer, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You have the right to file a complaint with the Office for Civil Rights.

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<sup>1</sup> Equal educational benefits and opportunities does not mean the "same" benefits and/or opportunities.

## RESPONSIBLE USE OF TECHNOLOGY

The Evansville Vanderburgh School Corporation believes that in order for students to positively contribute to a 21<sup>st</sup> century global society, they must be globally aware, civically engaged, and capable of managing their lives. In this society, students also will need to be able to thoughtfully use information, media, and technology in order to succeed. The EVSC provides technology resources with these goals for its students in mind.

The EVSC believes the educational advantages of using technology outweigh the potential for misuse. The EVSC has established safeguards to ensure the protection of staff and students. These safeguards ensure the benefits of technology, protect the corporation's investment in hardware and software, and help to prevent misuse. Technology allows EVSC users to access and utilize global resources, communicate and collaborate with other individuals/groups for educational purposes, and significantly expand access to digital curriculum and research.

The provisions of this policy and associated guidelines and agreements are in addition the requirements of applicable school rules and state and federal law. The EVSC has the duty to investigate any suspected violations.

### **Disclaimer concerning use of online services**

The EVSC, its employees and agents, make no warranties of any kind, whether express or implied, concerning the online access it is providing. Furthermore, the EVSC will not be responsible for:

1. Any damages suffered by a user, including but not limited to loss of data resulting from delays or interruptions in service, or computer "viruses;"
2. The accuracy, nature, or quality of information saved on storage device, hard drives or servers provided by the EVSC;
3. The accuracy, nature, or quality of information gathered through online access provided by the EVSC;
4. Personal property used to access computers, networks or the online access provided by the EVSC;
5. Unauthorized financial obligations of a student, or his or her parent or guardian, resulting from the online access provided by the EVSC.

### **Privacy**

1. Students shall have no expectation of privacy when using district e-mail or any other official communication system. Any e-mail or computer application or information in district computers or computer systems is subject to monitoring by the administration.
2. EVSC owned devices that are reported to the school or district as stolen are subject to

verification of internal network information including locating the device using IP addresses, GPS location services and screenshots.

The EVSC subscribes to a filtering service in order to prevent access to websites EVSC deems inappropriate. Although a conscious effort is made to prevent access to materials that are inappropriate for the educational setting, no safeguard is foolproof. The user is responsible for not seeking or initiating access to inappropriate or blocked material and for reporting incidents should they occur.

### **Standards for Responsible Use of Technology**

Technology users have the same responsibilities while using devices or connections that are expected in any other school activity. Responsible use of technology is ethical, academically honest, respectful of the rights of others, and consistent with the EVSC's mission, and is expected to be adhered to during normal school hours and after school, off school grounds. The following expectations are intended to clarify the proper conduct, but should not be construed as all-inclusive.

#### **I ACCEPT RESPONSIBILITY AS A MEMBER OF THE EVSC COMMUNITY TO DEMONSTRATE LEGAL AND ETHICAL BEHAVIOR IN MY USE OF TECHNOLOGY.**

- In all my online communications (this includes, but is not limited to email, chat, instant-messaging, texting, gaming and social networking site profiles and connections), I will be respectful and polite.
- I will not cyberbully or intentionally hurt or embarrass another person or group with my technology use.
- Should I become aware of cyberbullying taking place, I will notify a counselor, teacher or administrator immediately.
- I will use suitable language free of profanity, vulgarity, sexually oriented or other inappropriate language.
- My authorized customization of EVSC devices (wallpaper and other system enhancements) and profile data (username, images, etc.) will reflect school expectations for appropriateness, and I will immediately remove anything that school leadership deems inappropriate.
- I understand that prohibited online activities may be illegal and subject to criminal prosecution.
- Except for "educational fair use" as defined by a teacher, I will not copy, save or redistribute copyrighted material (files, music, software, etc.).
- I will not search for, download or distribute any material that is obscene, sexually explicit or pornographic. If these materials are downloaded accidentally, the user will immediately report the incident to an appropriate school district official. This disclosure may serve as a defense against an allegation that the user intentionally violated EVSC policy.
- I will not vandalize, damage or disable or "hack" the files of others. Creation of a "virus" is considered vandalism.
- I will not install or use any Internet-based file sharing tools. I understand that file sharing programs and protocols are explicitly prohibited.

**I WILL PROTECT THE INTEGRITY OF MY DATA, PERSONAL PRIVACY, AND PROPERTY RIGHTS AND THAT OF ANYONE ELSE WHEN USING TECHNOLOGY. I WILL DO THIS BY:**

- Keeping my personally identifying information private. This includes my password(s), personal address and phone number, and that of anyone else, private.
- Securing permission before sharing or posting online any personally identifying information (email addresses, photos, audio recordings, videos, etc.) about any members of the EVSC.
- Being sure to use the network correctly. Incorrect use of the network causes disruptions for other users.
- Assuming that all communications, programs, and information which are accessible online are private property. As such, I will not download any files without prior authorization.
- Uploading or downloading only software I am sure is free from any computer virus.
- Refraining from installing or uninstalling any software to EVSC devices without prior approval from the Chief Technology Officer.
- Rebooting my EVSC device daily at school so that operating system and application updates, which are run from a central location, remain current.

**MY USE OF PERSONAL DEVICES AND EVSC TECHNOLOGY WILL BE WITH THE OBJECTIVE OF IMPROVING INSTRUCTION AND LEARNING.**

- I will have teacher permission before playing games; instant-messaging; and accessing music, videos, or social media sites.
- I will back-up necessary data that is not stored on the cloud.
- I will not use EVSC technology resources to purchase any goods or services.
- I will meet expectations outlined in administrative guidelines for all EVSC provided technology.