



STUDENT HANDBOOK
2019-2020

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I. THE EXCEL CENTER MISSION AND VISION

Our Mission

Goodwill changes lives every day by empowering people to increase their independence and reach their potential through education, health and employment.

Our Values

Innovation

Goodwill identifies gaps, evaluates opportunities and risks, and creates solutions that significantly advance our mission.

The Value of the Individual

Goodwill demonstrates respect for the dignity, worth, and uniqueness of all people.

Learning

People grow and build confidence when they learn and apply knowledge.

Employment

People can reach their greatest potential through employment.

Self-sufficiency

Goodwill believes in every person's ability to define, work toward and achieve greater independence.

Lasting Impact

Goodwill values solutions that result in long-term, social impact that affects multiple generations.

II. SCHOOL DAY SCHEDULE

The instructional days for Excel Center students are Monday - Friday. These days include classes, transition periods or breaks, and time for lunch. Mondays through Thursdays include classes, transition periods or breaks, and time for lunch. Fridays are comprised of curriculum or educationally related activities under the direction of a staff member.

III. SERVICES

Free Tuition

The Excel Center is a free public school that gives students the opportunity to earn an Indiana Core 40 high school diploma.

Transportation

The Excel Center makes every reasonable effort to ensure that students have reliable access to the school facility. Where available, students are provided with free access to public transportation.

Child Care

The Excel Center provides access to free child care so that students may routinely attend class with the peace of mind that their children are safe and well-supervised. Child care may be provided on-site or in partnership with a child care provider.

Life Coaching

Each student is assigned a life coach. Our life coaches are compassionate and trained professionals who address life barriers and issues that may have caused students to dropout of high school in the past. Coaches are responsible for keeping students engaged and motivated to earn their high school diploma.

College/Career Planning

In addition to high school coursework, the school will provide significant support for students to establish (1) career pathways in growth industry sectors in the local region and (2) effective transitions into postsecondary education and credentialing opportunities.

Special Education

Special Education Services are provided to students of any age who have a diagnosed disability or impairment through the use of an Individualized Education Plan (IEP) or a 504. Services include academic and behavioral assistance from the Special Education Instructor, accommodations, transition services, and related services (Speech Pathology, Occupational Therapy, and Physical Therapy) when appropriate. Excel Center staff will guide students through the process of receiving services and will make every reasonable effort to serve students with disabilities or impairments. See the Special Education Instructor for more information or guidance.

English Language Learner

English Language Learner Services are provided to English learners so that they may attain English proficiency. English fluency is tested upon enrollment and an Individualized Language Plan (ILP) is developed based on language proficiency. Instructional accommodations are made as needed on an individual basis to help with English language development. Language acquisition is then monitored through periodic assessments and reports are provided to students throughout the year. See the English Language Learner Coordinator for more information or guidance.

IV. POLICIES/EXPECTATIONS

Graduation Requirements

Diploma Requirements

The Excel Center offers curriculum that supports the state and local graduation requirements. Indiana's Core 40 curriculum provides the academic foundation all students need to succeed in college and/or the workforce. Graduation plans are individuals to each student's postsecondary goal to satisfy course and credit requirements and either passing the Graduation Qualifying Exam (GQE) or complete the Graduation Pathways.

The approved designations of diplomas are: CORE 40, CORE 40 with Academic Honors, CORE 40 with Technical Honors and the General Diploma. The graduation requirements can be found below for each diploma designation. Graduation Pathways corresponds to the credit requirements for each diploma designation along with ensuring students are prepared for what comes next after high school.

Indiana CORE 40 Diploma

Course and Credit Requirements	
English/ Language Arts	8 credits Including a balance of literature, composition and speech.
Mathematics	6 credits 2 credits: Algebra I 2 credits: Geometry 2 credits: Algebra II <i>Or complete Integrated Math I, II, and III for 6 credits.</i> <small>All students must complete a math or physics course in the junior or senior year.</small>
Science	6 credits 2 credits: Biology I 2 credits: Chemistry I or Physics I or Integrated Chemistry-Physics 2 credits: any Core 40 science course
Social Studies	6 credits 2 credits: U.S. History 1 credit: U.S. Government 1 credit: Economics 2 credits: World History/Civilization or Geography/History of the World
Directed Electives	5 credits World Languages Fine Arts Career-Technical
Physical Education	2 credits
Health and Wellness	1 credit
Electives*	6 credits <small>(Career Academic Sequence Recommended)</small>
40 Total State Credits Required	

Schools may have additional local graduation requirements that apply to all students

* Specifies the number of electives required by the state. High school schedules provide time for many more electives during the high school years. All students are strongly encouraged to complete a Career Academic Sequences (selecting electives in a deliberate manner) to take full advantage of career exploration and preparation opportunities.

CORE 40 with Academic Honors (minimum 47 credits)

For the **Core 40 with Academic Honors** diploma, students must:

- Complete all requirements for Core 40.
- Earn 2 additional Core 40 math credits
- Earn 6-8 Core 40 world language credits (6 credits in one language or 4 credits each in two languages).
- Earn 2 Core 40 fine arts credits.
- Earn a grade of a “C” or better in courses that will count toward the diploma.
- Have a grade point average of a “B” or better.
- Complete one of the following:
 - a. Complete AP courses (4 credits) and corresponding AP exams
 - b. Complete IB courses (4 credits) and corresponding IB exams
 - c. Earn a combined score of 1200 or higher on the SAT critical reading and mathematic
 - d. Score a 26 or higher composite on the ACT
 - e. Complete dual high school/college credit courses from an accredited postsecondary institution (6 transferable college credits)
 - f. Complete a combination of an AP course (2 credits and corresponding exam) or an IB Standard Level course (2 credits and corresponding exam) and dual high school/college credit course(s) from an accredited postsecondary institution (3 transferable college credits)

CORE 40 with Technical Honors (minimum 47 credits)

For the **Core 40 with Technical Honors** diploma, students must:

- Complete all requirements for Core 40.
- Complete a career-technical program (8 or more related credits)
- Earn a grade of “C” or better in courses that will count toward the diploma.
- Have a grade point average of a “B” or better.
- Recommended: Earn 2 additional credits in mathematics and 4-8 credits in World Languages for four year college admission.
- Complete two of the following, one must be A or B:
 - a. Score at or above the following levels on WorkKeys: Reading for Information - Level 6; Applied Mathematics - Level 6; Locating Information - Level 5
 - b. Complete dual high school/college credit courses in a technical area (6 college credits)
 - c. Complete a Professional Career Internship course or Cooperative Education course (2 credits)
 - d. Complete an industry-based work experience as part of a two-year career-technical education program (minimum 140 hours)
 - e. Earn a state-approved, industry-recognized certification

Indiana General High School Diploma

To graduate with less than Core 40, the following formal opt-out process must be completed:

- The student, the student’s parent/guardian, and the student’s counselor (or another staff member who assists students in course selection) meet to discuss the student’s progress.
- The student’s career and course plan is reviewed.
- The student’s parent/guardian determines whether the student will achieve greater educational benefits by completing the general curriculum or the Core 40 curriculum.
- If the decision is made to opt-out of Core 40, the student is required to complete the course and credit requirements for a general diploma and the career/academic sequence the student will pursue is determined

Course and Credit Requirements	
English/Language Arts	8 credits Credits must include literature, composition and speech
Mathematics	4 credits 2 credits: Algebra I or Integrated Mathematics I 2 credits: Any math course
Science	4 credits 2 credits: Biology I 2 credits: Any science course (as long as at least one credit is from a Physical Science or Earth and Space Science course)
Social Studies	4 credits 2 credits: U.S. History 1 credit: U.S. Government 1 credit: Any social studies course
Physical Education	2 credits
Health and Wellness	1 credit
Career Academic Sequence <small>Selecting electives in a deliberate manner to take full advantage of career exploration and preparation opportunities</small>	6 credits
Flex Credit	5 credits To earn 5 Flex Credits a student must complete one of the following: <ul style="list-style-type: none"> • Additional courses to extend the career academic sequence • Courses involving workplace learning, which may include the following courses: <ul style="list-style-type: none"> ○ Career exploration internship ○ Professional career internship ○ Business cooperative experiences ○ Cooperative family and consumer sciences ○ Industrial cooperative education ○ Interdisciplinary cooperative education ○ Marketing field experience • High school/college dual credit courses • Additional courses in Language Arts, Social Studies, Mathematics, Science, World Languages or Fine Arts
Electives	6 credits Specifies the number of electives required by the state. High school schedules provide time for many more electives during the high school years.
40 Total State Credits Required	
Schools may have additional local graduation requirements that apply to all students	

Certificate of Completion

Ind. Code § 20-35-4-11, which deals with special education programs and services, permits a school corporation to issue “diplomas or certificates of graduation” to students with disabilities completing special educational programs approved by the state superintendent and the state board. Please note that this language is a grant of authority to a school corporation, and not a designation of a title for a document. This is because a diploma may not be issued to a student with a disability that is different from a diploma provided to a student without a disability; and because a student is not eligible to graduate from high school unless the student meets the requirements of Ind. Code § 20-32-4.

Additionally, 511 IAC 7-43-4(h) requires that the IEP of a student entering grade 9 or becoming 14 years of age must contain documentation regarding whether the student will pursue a high school diploma, as defined in 511 IAC 6-7.1-1(e), or a certificate of completion. The term “certificate of completion” is not further defined, but is interpreted to be a document awarded to a special education student who is not capable of earning a diploma but completes the public school educational program prescribed in the student’s IEP. The term “Certificate of Completion” may only be used to refer to a document awarded for completion of the special educational program outlined in a student’s IEP, and may not be used in any other circumstances.

Graduation Pathways

With the passage of Graduation Pathways, students are now able to individualize their graduation requirements to align to their postsecondary goal. No longer must all students fit into the same academic mold, but rather, they can choose the options that best meet their postsecondary needs and aspirations. Students can create pathways that serve their educational interests and prepares them for postsecondary educational and career opportunities. Overall, this ensures that students are truly prepared to be successful in whatever they want to pursue after high school.

Students must satisfy at least one option from each of the three boxes in order to graduate.

Graduation Requirements	Graduation Pathway Options
1) High School Diploma (Students must complete the course requirements of one of the following.)	<ul style="list-style-type: none"> • Core 40 designation; • Academic Honors designation; • Technical Honors designation; • General designation.
2) Learn and Demonstrate Employability Skills (Students must complete <i>at least one</i> of the following.)	Learn employability skills standards through locally developed programs. Employability skills are demonstrated by <u>one</u> the following: <ul style="list-style-type: none"> • Project-Based Learning Experience; OR • Service-Based Learning Experience; OR • Work-Based Learning Experience.
3) Postsecondary-Ready Competencies (Students must complete <i>at least one</i> of the following.)	<ul style="list-style-type: none"> • Honors Designation: Fulfill all requirements of either the Academic or Technical Honors designation; OR • ACT: College-ready benchmarks; OR • SAT: College-ready benchmarks; OR • ASVAB: Earn at least a minimum AFQT score to qualify for placement into one of the branches of the US military; OR • State- and Industry-recognized Credential or Certification; OR • Federally-recognized Apprenticeship; OR • Career-Technical Education Concentrator: Must earn a C <u>average</u> or higher in at least 6 high school credits in a career sequence; OR • AP/IB/Dual Credit/Cambridge International courses or CLEP Exams: Must earn a C <u>average</u> or higher in at least three courses; OR • Locally Created Pathway that meets the framework from and earns the approval of the State Board of Education.

Local Requirements

Senior Seminar

Senior Seminar is a course designed for students who are one(1) to two(2) terms away from graduating from The Excel Center. This course will prepare a student for whether they are college or career bound. In this course, students will complete necessary activities to prepare for life after The Excel Center. Every activity in this course has a purpose that directly relates to their future, regardless if they attend college, begin a career immediately, or do both. This course ensures that each Excel Center graduate is adequately prepared for the next step following graduation. Students will develop the tools necessary to obtain quality employment and will develop and sharpen the skills that employers are looking for. In addition, students will learn the steps to complete applications for college and FAFSA (Free Application for Federal Student Aid). Successful completion of this course could result in a

referral to other Goodwill programs and beyond (i.e. Talent Source, Goodwill Guides, job placement, etc.) and recommendation to graduate.

College/Career Readiness

An Excel Center graduation requirement includes students obtaining a postsecondary-ready competencies prior to graduation. This requirement encourages the pursuit of a post-secondary education by providing the currency needed for greater career opportunities whether first in the workplace or attending college.

Non-discrimination Policy

It is a policy of The Excel Center not to discriminate on the race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, protected veteran status, or any other characteristic protected under applicable law. No person is excluded from participation in, denied the benefits of, or otherwise subjected to unlawful discrimination on such basis under any educational program or student activity.

Non-Harassment

The Excel Center is committed to providing an educational environment that is professional, and free from sexual harassment, as well as harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, protected veteran status, or any other characteristic protected under applicable law.

Harassment of students inside of our schools is not tolerated. Harassment is any unwelcome conduct, either verbal, non-verbal, visual and/or physical, related to characteristics protected by law that is sufficiently severe or pervasive to unreasonably interfere with an individual's performance; create an intimidating, hostile or offensive learning environment; or adversely affect an individual's learning opportunities.

Harassment can take many forms. Harassment includes, but is not limited to, the following actions and situations:

Verbal: epithets, slurs, negative stereotyping; threatening, intimidating or hostile acts that infer race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, protected veteran status, or any other characteristic protected by federal, state, or local law or ordinance;

Non-verbal: written or graphic material that degrades, intimidates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, protected veteran status, or any other characteristic protected by federal, state, or local law or ordinance that is displayed or circulated; or

Physical: unwelcome physical contact that degrades intimidates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, protected veteran status, or any other characteristic protected by federal, state, or local law or ordinance.

Conduct of a harassing nature exists if such conduct meets any one or a combination of the following criteria:

- If you are required to submit to the conduct as either an express or implied qualification for a grade or a requirement of your educational relationship;
- If submission to, or rejection of, the conduct is used as a basis for educational decisions affecting you; or
- If the conduct has the purpose or effect of unreasonably interfering with your educational performance, or creating an intimidating, hostile, or offensive educational environment.

“Sexual harassment” refers to conduct of a sexual nature, which is unwelcome, offensive, and has the purpose or effect of unreasonably interfering with a student’s work performance or creating an intimidating, hostile, or offensive educational environment. Examples include unwelcome sexual advances or flirtations, requests for sexual favors, unnecessary touching, displaying lewd or degrading pictures or sexual objects, jokes of a sexual nature, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of education (e.g., a teacher or support member tells a student to commit a sexual act in exchange for a grade);
- Submission to or rejection of such conduct by an student is used as a basis for educational decisions affecting such student (e.g., a teacher or support member fails a student because the student refused to engage in sexual behavior); or
- Such conduct has the purpose or effect of unreasonably interfering with a student’s work performance or creating an intimidating, hostile or educational environment (e.g., an student is subject to repeated and unwelcome sexual or derogatory jokes or unwelcome obscene or pornographic material or other forms of harassing conduct).

The Excel Center will not tolerate harassment related to race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, protected veteran status, or any other characteristic protected by federal, state, or local law or ordinance by any teacher, support member, administrator, or group, manager, supervisor, co-worker, client, supplier or visitor. Anyone who participates in harassing conduct of this nature will be subject to disciplinary action. Any student or non-employee participating in harassing conduct of this nature will be requested to leave the premises immediately, and may be subject to further legal action.

Reporting Procedure For Discrimination Or Harassment

While The Excel Center encourages students to communicate directly with their teachers to make it clear their behavior is unacceptable, offensive, or inappropriate, The Excel Center does not require students to do so. They must, however, notify administration of any conduct believed to be in violation of Non Discrimination and Non-Harassment Policy. A prompt investigation will follow, and the situation will be appropriately addressed.

Any student who wants to report an incident of discrimination or sexual or other unlawful harassment should promptly report the matter to the Director of their school. If the Director is unavailable or the student is uncomfortable reporting his/her concerns to the Director (e.g., if the concern pertains to that

individual) or otherwise believes it would be inappropriate to report the concerns to, or if the student believes a reported concern was not resolved to his/her satisfaction, the student should go outside of the Directors chain of command and contact the Senior Director of The Excel Center Network and Operations.

Search and Seizure

According to judicial standards under the 4th amendment students may be subject to reasonable searches of their vehicles, jackets, pockets, shoes, socks, electronic devices, book bags, purses, or other similar or related items that they possess at school.

Acceptable Use Policy For Electronic Resources

In making decisions regarding student access to the Internet, The Excel Center considers its own stated educational mission, goals, and objectives. Electronic information research skills are fundamental to preparation of citizens and future employees.

The purpose of school-provided Internet access is to facilitate communications in support of research and education. Students utilizing school-provided Internet access must first have the permission of and must be supervised by The Excel Center's professional staff. Students utilizing school-provided Internet access are responsible for good behavior online just as they are in a classroom or other area of the school. The same general rules for behavior and communications apply. Access is a privilege, not a right, and entails responsibility.

All The Excel Center students are responsible for their actions and activities involving the school's computers, electronic devices, network and Internet services, and for their computer files, passwords and accounts. These rules provide general guidance concerning the use of school computers and other electronic devices and provide examples of prohibited uses. The rules and guidelines detail acceptable use of electronic information resources under which students will be held accountable. The rules do not attempt to describe every possible prohibited activity. Students and parents who have questions about whether a particular activity is prohibited are encouraged to contact a teacher or building administrator. These rules apply to all school computers and all school-provided electronic devices wherever used, and all uses of school servers, Internet access and networks regardless of how they are accessed.

Students should not expect that files stored on school-based computers will always be private. School administrators, staff and Technology Solutions administrators may review files and messages to maintain system integrity and ensure that students are acting responsibly.

Prohibited Uses

Unacceptable uses of school electronic resources include, but are not limited to, the following:

1. Accessing or Communicating Inappropriate Materials – Students may not access, submit, post, publish, forward, download, scan or display defamatory, abusive, obscene, vulgar, sexually explicit, sexually suggestive, threatening, discriminatory, harassing, bullying and/or illegal materials or messages.
2. Illegal Activities – Students may not use the school district's computers, electronic devices, networks, or Internet services for any illegal activity or in violation of any Board policy/procedure or school rules. The Excel Center administrators, teachers, employees and agents assume no

responsibility for illegal activities of students while using school computers or school-issued electronic resources.

3. Violating Copyrights or Software Licenses – Downloading, copying, duplicating and distributing software, music, sound files, movies, images or other copyrighted materials without the specific written permission of the copyright owner is prohibited, except when the use falls within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC) and content is cited appropriately.
4. Plagiarism – Students may not represent as their own work any materials obtained on the Internet (such as term papers, articles, music, etc). When using other sources, credit must be given to the copyright holder.
5. Misuse of Passwords/Unauthorized Access – Students may not share passwords; use teachers’ or other students’ passwords; access or use teachers’ or other students’ accounts; or attempt to circumvent network security systems.
6. Malicious Use/Vandalism – Students may not engage in any malicious use, disruption or harm to the school district’s computers, electronic devices, network and Internet services, including but not limited to hacking activities and creation/uploading of computer viruses.
7. Avoiding School Filters – Students may not attempt to or use any software, utilities or other means to access Internet sites or content blocked by the school filters.
8. Unauthorized Access to Blogs/Social Networking Sites, Etc. – Students may not access blogs, social networking sites, etc. prohibited by building administration or the Technology Solutions Department. Teachers and students using authorized social networking sites for educational projects or activities shall follow the age requirements and legal requirements that govern the use of social networking sites in addition to the guidelines established in this policy.
9. Wasting System Resources - Students shall not use the network in such a way that would waste system resources or disrupt the use of the network by others. This includes but is not limited to printing, file storage, online games, and video/audio streaming not directly related to educational projects, as determined by the supervising instructor or building administrator.
10. Unauthorized Equipment - Students may not attach unauthorized equipment, including personal laptops, tablets, and handheld devices, to the district network without permission from the Technology Solutions Department.

Student Safety

Students may not post images or reveal personal information, including a home address and phone number, about themselves or another individual on any unsecured electronic medium, such as web sites, blogs, podcasts, videos, wikis, or social networking sites. If students encounter dangerous or inappropriate information or messages, they shall notify a teacher or school administration immediately.

The use of cameras in any type of electronic device is strictly prohibited in locker rooms and restrooms.

Additional Rules for Electronic Devices Issued to Students

1. Electronic devices loaned to students shall be used only for educational purposes that directly relate to a school project or assignment, unless otherwise explicitly authorized by building administration.
2. Students are responsible for the proper care of electronic devices at all times, whether on or off school property, including costs associated with repairing or replacing the device.

3. Students must report a lost or stolen device to a teacher or the building administration immediately. If a device is stolen, a report also should be made immediately with school security and/or local police.
4. The device configuration shall not be altered in any way by students. No software applications shall be installed, removed, or altered on the device unless permission is explicitly given by the Technology Solutions Department.
5. The device is to be used only by the student to whom it is issued. The person to whom the device is issued will be responsible for any activity or action performed on the device.
6. The device must be returned in acceptable working order by the last day of each school year, upon withdrawal or exit date from the school, and whenever requested by school or Technology Solutions staff.

Terms of Use

Any violation of the The Excel Center Acceptable Use Policy and rules may result in loss of school-provided access to the Internet. Additional disciplinary action may be determined at the building level in keeping with existing procedures and practices regarding inappropriate language or behavior. When and where applicable, law enforcement agencies may be involved.

Parent/Guardian Responsibilities (Minors)

Internet access allows students and staff to use educational resources from different sources, communicate and collaborate with other individuals and groups around the world, and significantly expand their available information base. The Internet is a tool for lifelong learning.

Parents/guardians should be aware that some material accessible via the Internet may contain items that are illegal, defamatory, inaccurate, or potentially offensive to some people. In addition, it is possible to purchase certain goods and services via the Internet which could result in unwanted financial obligations for which a student's parent or guardian would be liable.

Parents/guardians of minors are responsible for supervising student use of school-provided electronic devices when not at school, and ensuring that their student complies with the rules set forth in this policy. The parent/guardian may be liable for any damages caused by prohibited behavior and/or negligence.

Disclaimer

The Excel Center will not be responsible for any damages students suffer, including, but not limited to, loss of data resulting from delays or interruptions in service. The school will not be responsible for the accuracy, nature, or quality of information gathered through school-provided Internet access. The school will not be responsible for personal property used to access school computers or networks or for school-provided Internet access. The Excel Center assumes no responsibility for any unauthorized charges or costs incurred by students while using school district computers, devices, or the school network.

Student Discipline

The Excel Center exists as a second chance high school for adults to be successful in obtaining their high school diploma and improve their lives through higher paying employment. Students must be able to pursue their diplomas in an academic environment free of threatening and/or illegal activity. Therefore, for the welfare of our students, The Excel Center follows Indiana Code Title 20 when addressing student discipline, suspensions and/or expulsions.

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 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. As added by P.L.1-2005, SEC.17.
- (4) off school grounds disrupting the educational process.

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.

IC 20-33-8-16

Possession of firearms, deadly weapons, or destructive devices

Sec. 16.(a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in IC 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 IC 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 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 the 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 a disability (as defined in IC 20-35-1-8) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.As added by P.L.1-2005, SEC.17. Amended by P.L.114-2012,SEC.42; P.L.233-2015, SEC.261.

IC 20-33-8-18

Maximum term of suspension; procedure

Sec. 18. (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. As added by P.L.1-2005, SEC.17.

When a student receiving Special Education Services is suspended or removed for 10 or more cumulative instructional days for disciplinary reasons, the case conference committee (CCC) must meet to decide if the student's behavior is a manifestation of the student's disability. Article 7 calls this a manifestation determination. If the CCC determines that the student's behavior is a manifestation of the student's disability, the CCC must take further action. If the behavior is not a manifestation of the disability, the same rules would apply as if the student did not have a disability. See Appendix for Article 7 information.

Bullying

The Excel Center regards student bullying as a serious offense. Students are to expect a learning community free from bullying and will receive the utmost support to this end.

According to Indiana Code, IC 20-33-8-0.2, "bullying" means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment that:

- places the targeted student in reasonable fear of harm to the targeted student's person or property;
- has a substantially detrimental effect on the targeted student's physical or mental health;
- has the effect of substantially interfering with the targeted student's academic performance; or
- 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.

Students should report instances of bullying to a staff member as soon as possible. Reporting may be made to any staff member or school administrator. Cases of emergency should be immediately reported to a school official when in school. Emergencies outside of school should be reported to the appropriate city/county authorities or by calling 911 if necessary. Please reference to the Non-discrimination Policy.

Family Educational Rights And Privacy Act (FERPA)

Notification of Rights

The Family Educational Rights and Privacy Act, 20 U.S.C., Section 1232g (FERPA), affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's educational records. The rights with respect to the student's educational records are:

1. Parents and eligible students have the right to inspect and review the student's educational records within 45 days of the day the The Excel Center receives a request for access. Parents or eligible students should submit to the school School Director a written request that identifies the record(s) they wish to inspect. The School Director will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. Parents and eligible students have the right to request the amendment of the student's educational records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask The Excel Center to amend a record that they believe is inaccurate or misleading. They should write the school School Director, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the The Excel Center decides not to amend the record as requested by the parent or eligible student, the The Excel Center will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the

hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. Parents and eligible students have the right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by The Excel Center as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom The Excel Center has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.

Upon request, The Excel Center discloses educational records without consent to officials of another school district in which a student seeks or intends to enroll. When FERPA authorizes disclosure to a person or entity without consent, education records will be disclosed and forwarded upon request without notice to the parent or eligible student.

4. Within FERPA requirements, the The Excel Center must list the categories (below) that are considered "directory information" for each student attending the schools within the corporation. This means that this designated "directory information" may be disclosed without written consent from parents and eligible students unless a parent and/or eligible student have advised (in writing) The Excel Centers officials to the contrary. The primary purpose of "directory information" is to allow The Excel Centers officials to include information from the student's education records in school publications. Examples include, but are not limited to:
 - Honor roll and other academic listings
 - Graduation and honors programs

The school corporation also may release certain directory information – information in an education record that is generally not considered harmful or an invasion of privacy if released – to outside organizations without the consent of a parent and/or eligible student. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks, media, colleges, civic or school-related organizations, and federal, state, and/or local government agencies. The following information has been designated as "directory information" by the The Excel Center:

- Student's name, address, telephone listing, electronic mail address, date, and place of birth
- Student's major field of study (certifications and dual credits)
- Student's photograph
- Student's grade level and dates of attendance
- Participation in officially recognized activities
- Degrees, honors, and awards received
- The most recent educational agency or institution attended

- Student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user
- In addition to requesting complete nondisclosure, a parent/guardian may also limit the types of information disclosed by notifying the The Excel Center within the established timelines of the specific type(s) of information that is prohibited from disclosure.
- Further, in addition to requesting complete nondisclosure to all qualified outside organizations, a parent/guardian may notify the The Excel Center of specific qualified organization(s) for which the directory information is prohibited from disclosure (20 U.S.C. 1232g(a)(5)(B) In addition, federal laws require local educational agencies (LEAs), which the The Excel Center is, to provide military recruiters, upon request, with certain "directory information" – name, address, and telephone listing – unless a parent and/or eligible student has advised – in writing – that they do not want this student's directory information disclosed to military recruiters without prior written consent.

Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by The Excel Center to comply with the requirements of FERPA. The Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue SW, Washington, DC 20202-4605.

Confidentiality & Student Information

The Family Education Rights and Privacy Act (FERPA) is a Federal Law designed to protect the privacy of a student's education records. This act protects student personal information from being distributed to third parties. The Excel Center must have written consent from you before personal information can be released to a third party (i.e., spouse, parent, employer, etc). For more information on FERPA rights, please review: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html> or request a copy from the school office. Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. If you wish to remove your student from directory information, please notify the school office in writing.

Enrollment (Active Student) Policy

Summary: The Excel Center's primary objective is to propel adults toward their career goals by empowering them to earn high school diplomas and prepare for next steps toward college and career attainment. Further, the typical Excel Center student faces multiple challenges that may prevent an uninterrupted progression towards a diploma (e.g., some students need a break, leave of absence, etc.).

Purpose: In consideration of Indiana Code Section 20-43 "State Tuition Support" and specific provisions under the code pertaining to student eligibility for semi-annual average daily membership (ADM) counts, the Excel Center deems it prudent to establish the criteria for determining whether an Excel Center student should be counted for ADM purposes, including registration with an Excel Center school, and attendance by having a physical or virtual presence with the expectation of continued services at an Excel Center school. Any Active Student (as defined herein) on count day will be

counted for ADM purposes. Additionally, this policy will apply for every academic term, regardless of whether the term includes a semi-annual ADM count date.

Definitions:

1. **Active Student:** A student enrolled in an Excel Center's active database in the school's student information system upon meeting particular criteria described below.
2. **Withdrawn Student:** A student transferred from being enrolled in the active database within the school's student information system to inactive status, based on meeting particular criteria described within The Excel Center: Student Withdrawal Policy.
3. **Absence:** A student who did not attend any of his or her scheduled classes during a particular instructional day.
4. **Attend:** A student attends an in-person class by being physically present, and attends an online class by logging in to the designated online student coursework tracking system.*

***NOTE: All active students must be scheduled in the student information system and attendance must be taken in the student information system daily.**

A student is considered an Active Student upon meeting all of the following criteria:

1. Applying to The Excel Center
2. Participating in an iExcel/student orientation
3. Being scheduled in the school's student information system
4. Having attendance recorded in the school's student information system
5. Attending at least one within the first full week following the student's participation in an iExcel/student orientation
6. Not being a Withdrawn Student

The Excel Center welcomes any Withdrawn Student to re-enroll at any time, in accordance with the enrollment processes of The Excel Center. Upon meeting the above requirements (with the exception of completing the iExcel/student orientation, which may be waived at the school Director's discretion on a case-by-case basis), the student will again be considered an Active Student.

Student Withdrawal Policy

A student will become a Withdrawn Student upon meeting one of the following criteria:

1. The student completes a Withdrawal Form and formally withdraws self.
2. The student clearly communicates to a school official (ideally in writing, but specific verbal communication is also acceptable) that the student does not plan to return, or that they are in need of a break from class. Examples of the need for a break may include, but are not limited to, illness, pregnancy, family issues, work, or other similar situations.
3. A student who attends in-person classes, or a combination of in-person and online classes, and accrues 16 days of absences in any term. If the student is an online participant only, the student will be withdrawn if they fail to log in to the online student coursework tracking system within an established time period designated below. Directors may use their discretion to waive aforementioned criteria based on a student's progress in an assigned class.
4. The student completes the registrar-defined Priority Withdrawal Requirements. (In this instance, a Withdrawal Form is not necessary.) This would include all Indiana Department of

Education (IDOE) categories eligible for this form, including but not limited to: transferring to another school, incarceration, moving out of state, hospitalization, and any additional IDOE identified categories.

The Excel Center welcomes any Withdrawn Student to re-enroll at any time, in accordance with the enrollment processes of The Excel Center. Upon meeting the above requirements (with the exception of completing the iExcel/student orientation, which may be waived at the school Director's discretion on a case-by-case basis), the student will again be considered an Active Student.

Steps to Submit an Enrolled Student for Withdrawal:

When Active Student completes a Withdrawal Form:

- School official completes an exit interview with the student
- School official reviews Withdrawal Form with student and has student sign
- School official enters case notes into student information system
- School official submits Withdrawal Form to Registrar's Office
- School official uploads Withdrawal Form to student information system

When Active Student communicates withdrawal, but are unable to complete a Withdrawal Form:

- School official completes an exit interview
- School official completes Withdrawal Form on student's behalf
- School official enters case notes into the student information system
- School official submits Withdrawal Form and Active Student Agreement to Registrar's Office
- School official uploads Withdrawal Form and Active Student Agreement to student information system

When Active Student fails to attend without contacting the school staff and are 18 or over:

- 1st through 3rd absence; or failure to log in to the designated online student coursework tracking system within 4 school days of the beginning of a term
 - School official contacts student using any form of communication (phone call, text, email, social media, etc.)
- 5th absence; or failure to log in to the designated online student coursework tracking system within 8 school days of the beginning of a term
 - School official has two documented contacts in the student information system
- 8th absence; or failure to log in to the designated online student coursework tracking system within 12 school days of the beginning of a term
 - School official sends Re-engagement Letter
- 10th through 15th absence; or failure to log in to the designated online student coursework tracking system within 16 school days of the beginning of a term
 - School official has a total of 5 documented contacts in the student information system
 - School official sends Pending Withdrawal Letter
- 16th absence; or failure to log in to the designated online student coursework tracking system within 20 school days of the beginning of a term
 - School official submits Withdrawal Form on behalf of student (per Active Student Agreement)
 - Student is added to withdrawal list effective day 17

Minors

The Excel Center is a free public school that gives students the opportunity to earn an Indiana Core 40 high school diploma. Several Excel Center locations in central and southern Indiana accept students aged 16 years and older. Due to differentiation between counties an underage policy is provided to parents/guardians and students who are under the age of 18.

Policy on Underage Students

The Excel Center is known, by the state of Indiana, as an adult high school:

Indiana Code 20-24-1-2 Sec. 2.3. "Adult high school" refers to a charter school that has a majority of students enrolled with the school that:

- (1) belong to a graduation cohort that has already graduated; or*
- (2) are over the age of eighteen (18) years of age; at the time the student was first enrolled at the school.*

Indiana Code 20-33-8-8 "Duty and powers of school corporation to supervise and discipline students" refers to stand "in loco parentis"

- (1) Have the right to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system
- (2) Have qualified immunity with respect to a disciplinary action taken to promote student conduct if the action is taken in good faith and is reasonable.

The Excel Center accepts all students aged 18 or older at the time of enrollment with the exception of adults who are listed in the Sex Offender Registry. Some Excel Centers do enroll minors, whether aged 16 or 17 at the time of enrollment, based on the policies listed below.

The following process must be completed, prior to becoming a student:

- A. Complete online application
- B. Submit most recent transcript
- C. Schedule appointment between the director, the student and the parent or legal guardian.
- D. Once these three steps are complete, the student will be scheduled for the next orientation.

Habitual Truancy: School attendance is required for all students in the state of Indiana under the age of 18. Once a student has acquired 10 or more unexcused absences, he or she is considered habitually truant (Indiana Code 20-33-2-11). Parents of habitual truants can be charged with penalties up to and including felony neglect (Indiana Code 35-46-1-4) and the school may file a formal complaint with the appropriate legal agencies. Students may also lose their driver's license and work permits when defined as habitually truant. **Parents should receive a copy of Compulsory State Attendance statutes.**

Active Student Policy: The Active Student Policy states that a student can be withdrawn for the following reasons:

- A. A student who attends in-person classes, or a combination of in-person and online classes, and accrues 16 days of absences in any term. If the student is an online participant only, the student will be withdrawn if they fail to log in to the online student coursework tracking system within an established time period (a login to the system within 20 days). Directors may use their discretion to waive aforementioned criteria based on a student's progress in an assigned class.

- B. The student completes the registrar-defined Priority Withdrawal Requirements. (In this instance, a Withdrawal Form is not necessary.) This would include all Indiana Department of Education (IDOE) categories eligible for this form, including but not limited to: transferring to another school, incarceration, moving out of state, hospitalization, and any additional IDOE identified categories.

Parents should receive a copy of the Active Student Policy.

V. STUDENT AND STAFF SAFETY

Weather

Weather delays and cancellations may not be in correspondence with the local school corporation. Therefore, the administration teams will make delay and cancellation decisions in the best interest of The Excel Center students. Students will be asked to keep their contact information updated to receive all and any contacts regarding weather safety.

Man Made Disasters

The governing body of a school corporation shall require each school in the governing body's jurisdiction to conduct periodic emergency preparedness drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board. Each school and attendance center shall conduct at least:

- one (1) tornado preparedness drill; and
- one (1) man made occurrence disaster drill; during each semester.

Notwithstanding rules established by the state fire marshal under IC 12-17-12-19, a drill conducted as stated above may be conducted instead of a periodic or monthly fire evacuation drill requirement established by the state fire marshal.

However, a drill conducted may not be completed instead of more than two periodic or monthly fire evacuation drills in a particular school semester; and in two consecutive months. The governing body of a school corporation may direct schools to conduct emergency preparedness drills in addition to those required. The governing body of a school corporation shall require each principal to file a certified statement that all drills have been conducted as required under this section.

Drills

The Excel Center complies with all fire safety laws and will conduct fire drills in accordance with state law. Specific instructions on how to proceed will be provided to students by their teachers who will be responsible for safe, prompt, and orderly evacuation of the building.

Tornado drills and additional safety drills such as intruder drills and earthquake drills will be conducted in accordance with state guidelines; however, due to enrolling new students every term it is best to practice all drills every 8 weeks. Teachers will provide specific instruction on the appropriate procedure to follow in situations where students must be secured in their building rather than evacuated. These situations can include a terrorist threat, a person in possession of a deadly weapon on school property, or other acts of violence.

Suicide Prevention

The Excel Center is committed to providing suicide awareness and prevention for all students and staff. The school provides social-emotional services and referrals to mental health providers to ensure access and availability of services. The Excel Center also provides training for suicide awareness and prevention every three years in accordance with IC 20-28-3-6.

Child Abuse and Neglect

Every staff member employed by The Excel Center who has reason to believe that a child is a victim of child abuse or neglect will immediately make an oral report to local law enforcement or the Department of Child Services (DCS). The staff member will also notify the building administrator in accordance with IC 20-26-5-35.5 and IC 31-33-5.

VI. SCHOOL CONTACT INFORMATION

The Excel Center **Anderson**
630 Nichol Avenue
Anderson, IN 46016
(317) 524-3930

The Excel Center **Bloomington**
2088 South Liberty Drive
Bloomington, IN 47403

The Excel Center **Clarksville**
1329 Applegate Lane
Clarksville, IN 47129
(812) 283-7908

The Excel Center **Decatur**
5106 S. High School Road
Indianapolis, IN 46221
(317) 524-3770

The Excel Center **Kokomo**
101 W. Superior Street
Kokomo, IN 46901
(317) 524-3642

The Excel Center **Lafayette**
615 N. 18th Street
Lafayette, IN 47904
(317) 524-3641

The Excel Center **Meadows**
3919 Meadows Drive
Indianapolis, IN 46205
(317) 524-3750

The Excel Center **Michigan**
1635 W. Michigan Street
Indianapolis, IN 46222
(317) 524-4141

The Excel Center **Muncie**
1023 W Jackson Street
Muncie, IN 47305
765-283-0916

The Excel Center **Noblesville**
300 N. 17th Street
Noblesville, IN 46060
(317) 524-4410

The Excel Center **Richmond**
1215 S. J Street
Richmond, IN 47374
(317) 524-3734

The Excel Center **Shadeland**
2525 N Shadeland Avenue
Indianapolis, IN 46129
317-524-3910

The Excel Center **Shelbyville**
117 N. Harrison Street
Shelbyville, IN 46176
(317) 524-4430

The Excel Center **University Heights**
3919 Madison Ave., Suite 100
Indianapolis, IN 46227
(317) 524-4420

The Excel Center **West**
6000 W. 34th Street
Indianapolis, IN 46224
(317) 524-4005

VII. APPENDIX

511 IAC 7-44-1 Removals in general

- Sec. 1. (a) A public agency is not required to provide services to a student with a disability during any of the first ten (10) cumulative instructional days of removal in a school year, for violating a code of student conduct, if services are not provided to a nondisabled student who has been similarly removed.
- (b) Removal of a student for any part of a day constitutes a day of removal.
- (c) A short-term removal of a student pursuant to the student's IEP is not a removal under this rule.
- (d) A suspension is a removal. However, an in-school suspension is not considered a removal for purposes of this rule if, during the in-school suspension, the student has the opportunity to:
- (1) progress appropriately in the general curriculum;
 - (2) receive the special education services specified in the student's IEP; and
 - (3) participate with nondisabled students to the extent the student would have in the student's current placement.

511 IAC 7-44-2 Disciplinary change of placement

- Sec. 2. (a) A removal or a series of removals from a student's current educational placement results in a change of placement under this rule in the following situations:
- (1) The removal is for more than ten (10) consecutive instructional days.
 - (2) The student is subjected to a series of removals that constitute a pattern because:
 - (A) the series of removals cumulate to more than ten (10) instructional days in a school year;
 - (B) the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - (C) of such additional factors as the:
 - (i) length of each removal;
 - (ii) cumulative amount of time the student has been removed; and
 - (iii) proximity of the removals to one another.
 - (b) The public agency determines on a case-by-case basis whether a series of removals under subsection (a)(2) constitutes a pattern that results in a change of placement for the student.
 - (c) The public agency may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with other requirements in this rule, is appropriate for a student with a disability who violates a code of student conduct. Unique circumstances may include the following:
 - (1) A student's:
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 - (A) disciplinary history; and
 - (B) ability to understand consequences.
 - (2) Supports provided to the student prior to violating a code of student conduct.
 - (3) Other relevant considerations.
 - (d) The public agency does not need parental consent for a disciplinary change of placement under this rule.
 - (e) The parent of a student with a disability who disagrees with a decision regarding a student's change of placement under this rule may request the following:
 - (1) Mediation in accordance with 511 IAC 7-45-2.
 - (2) A due process hearing in accordance with 511 IAC 7-45-3 or 511 IAC 7-45-10.
 - (3) Simultaneously, mediation and a due process hearing.
 - (f) Upon a parent's request for a due process hearing, the department of education shall arrange for an expedited hearing pursuant to 511 IAC 7-45-10.

(g) In reviewing a decision regarding change of placement, an independent hearing officer may return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of this rule.

511 IAC 7-44-3 Removals of more than 10 cumulative days that do not result in a change of placement

- Sec. 3. (a) When a student has been removed for more than ten (10) cumulative instructional days in the same school year, but the removals do not constitute a pattern that results in a change of placement under section 2(a)(2) of this rule, school personnel, in consultation with at least one (1) of the student's teachers, determine the extent to which services are needed to enable the student to do the following:
- (1) Continue to participate in the general education curriculum, although in another setting.
 - (2) Progress toward meeting the goals set out in the student's IEP.
- (b) The services required by subsection (a) may be provided in an interim alternative education setting.

511 IAC 7-44-4 Removals of more than 10 consecutive days or 10 cumulative days that result in a change of placement

- Sec. 4. (a) When a decision is made to make a removal that constitutes a change of placement, the public agency must notify the student's parent and provide the parent with the notice of procedural safeguards described in 511 IAC 7-37-1. A change of placement occurs when a student has been removed for more than ten (10):
- (1) consecutive instructional days in the same school year; or
 - (2) cumulative instructional days in the same school year if the removals constitute a pattern that results in a change of placement under section 2(a)(2) of this rule.
- (b) The notice required in subsection (a) must be provided by the public agency on the date the public agency decides to make a removal that results in a change of placement. The public agency must make and document reasonable efforts to:
- (1) notify the parents of that decision; and
 - (2) provide the parents with the notice of procedural safeguards.
- (c) If the public agency is unable to notify the parent on the date a decision is made under subsection (b), notice must be mailed to the parent not later than the following business day.
- (d) A manifestation determination must be conducted according to the requirements in section 5 of this rule.

511 IAC 7-44-5 Manifestation determinations

- Sec. 5. (a) Within ten (10) instructional days of any decision to change the placement of a student with a disability for violating a code of student conduct, the CCC must meet to determine whether the student's behavior is a manifestation of the student's disability.
- (b) All relevant information in the student's file must be reviewed, including the student's IEP, any teacher observations, and any relevant information provided by the parent, to determine if the conduct in question was:
- (1) caused by, or had a direct and substantial relationship to, the student's disability; or
 - (2) the direct result of the public agency's failure to implement the student's IEP.
- (c) The conduct must be determined to be a manifestation of the student's disability if the CCC determines that either of the conditions in subsection (b)(1) or (b)(2) were met.
- (d) If the conduct was the direct result of the public agency's failure to implement the IEP, the public agency must take immediate steps to remedy those deficiencies.
- (e) If the CCC determines that the conduct was a manifestation of the student's disability, the student's CCC must:

(1) either:

- (A) conduct a functional behavioral assessment, unless the public agency had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
- (B) if a behavioral intervention plan already has been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior; and

(2) except as provided in section 6 of this rule, return the student to the placement from which the student was removed, unless the parent and the public agency agree to a change of placement as part of the modification of the behavioral intervention plan.

(f) If the CCC determines that the conduct is not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as those procedures would be applied to students without disabilities. However, the student must, during any removal that is ordered, continue to receive appropriate services. The student's CCC must determine appropriate services needed to enable the student to do the following:

- (1) Continue to participate in the general education curriculum, although in another setting.
- (2) Progress toward meeting the goals set out in the student's IEP.
- (3) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(g) Services required by subsection (f) may be provided in an interim alternative education setting. The student's CCC determines the interim alternative education setting for services.

(h) The parent of a student with a disability who disagrees that the student's conduct was not a manifestation of the student's disability may request the following:

- (1) Mediation in accordance with 511 IAC 7-45-2.
- (2) A due process hearing in accordance with 511 IAC 7-45-3 or 511 IAC 7-45-10.
- (3) Simultaneously, mediation and a due process hearing.

(i) Upon a parent's request for a due process hearing, the department of education shall arrange for an expedited hearing under 511 IAC 7-45-10.

(j) In reviewing a decision with respect to the manifestation determination, an independent hearing officer may return the student with a disability to the placement from which the student was removed if the hearing officer determines that the student's conduct was a manifestation of the student's disability.

511 IAC 7-44-6 Interim alternative educational setting; weapons, drugs, and serious bodily injury

Sec. 6. (a) The principal or the principal's designee may remove a student to an interim alternative educational setting for not more than forty-five (45) instructional days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- (1) carries a weapon to school or possesses a weapon;
- (2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
- (3) has inflicted serious bodily injury upon another person; while at school, on school premises, or at a school function under the jurisdiction of the department of education or a public agency.

(b) The public agency must do the following:

- (1) Notify the student's parent.
- (2) Provide the parent with the notice of procedural safeguards as specified in section 4 of this rule.

(c) A manifestation determination must be conducted as specified in section 5 of this rule. However, if the student's conduct is determined to be a manifestation of the student's disability, the student remains in the interim alternative education setting.

(d) The student's CCC must determine the interim alternative educational setting and appropriate services needed to enable the student to do the following:

- (1) Continue to participate in the general education curriculum, although in another setting.
- (2) Progress toward meeting the goals set out in the student's IEP.
- (3) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(e) The parent of a student with a disability may challenge the interim alternative education placement by requesting one (1) of the following:

- (1) Mediation in accordance with 511 IAC 7-45-2.
- (2) A due process hearing in accordance with 511 IAC 7-45-3 or 511 IAC 7-45-10.

(3) Simultaneously, mediation and a due process hearing.

(f) The department of education shall arrange for an expedited hearing under 511 IAC 7-45-10. The student's placement during an expedited due process hearing is governed by section 8 of this rule.

(g) In reviewing a decision under this section to place the student in an interim alternative educational setting, the independent hearing officer may return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of this rule.

511 IAC 7-44-7 Substantial likelihood of injury to student or others

Sec. 7. (a) If a public agency believes that maintaining the student in the current educational placement (the student's placement prior to a removal) is substantially likely to result in injury to the student or others, the public agency may request an expedited due process hearing to determine an appropriate placement for the student. The student's placement during an expedited due process hearing is governed by section 8 of this rule.

(b) The hearing officer, in accordance with 511 IAC 7-45-7, must:

- (1) hear the matter; and
- (2) make a determination regarding the student's placement.

(c) In making the determination, an independent hearing officer may order a change of placement to an appropriate interim alternative educational setting for not more than forty-five (45) instructional days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

(d) Nothing in this rule shall prohibit a public agency from seeking injunctive relief to: - 110 -

- (1) remove a student with a disability from school; or
- (2) change a student's current educational placement; if the public agency believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or others.

511 IAC 7-44-8 Placement of the student during due process hearings or appeals of disciplinary action

Sec. 8. (a) If a parent requests a hearing or an appeal to challenge a removal or the manifestation determination, the student must remain in the interim alternative educational setting:

- (1) pending the decision of the independent hearing officer; or
- (2) until the time period for the disciplinary action expires; whichever occurs first, unless the parent and the public agency agree otherwise.

(b) If a student is placed in an interim alternative educational setting under section 6 or 7 of this rule, and the student's parent opposes the public agency's proposed change in educational placement after expiration of the forty-five (45) instructional days, during the pendency of any proceeding to challenge the proposed change in placement, the student remains in the interim alternative education setting:

- (1) pending the decision of the hearing officer; or
- (2) until the expiration of the forty-five (45) instructional days; whichever occurs first, unless the parent and the school agree otherwise.

(c) If the public agency and the parent are unable to resolve the dispute in subsection (b) regarding the proposed change of placement after the expiration of the forty-five (45) instructional days, and the public

agency maintains that the current placement (the placement prior to removal to the interim alternative education setting) is substantially likely to result in injury to the student or others, the public agency may request the following:

- (1) An expedited due process hearing under section 7 of this rule.
- (2) The independent hearing officer to extend the interim alternative education placement.

511 IAC 7-44-9 Protections for students not yet eligible for special education and related services

Sec. 9. (a) A student who has:

- (1) not been determined eligible for special education and related services under this article; and
- (2) engaged in behavior that violated any rule or code of conduct of the public agency, including any behavior described in this rule; may assert any of the protections provided for in this article if the public agency had knowledge, as described in subsection (b), that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

(b) A public agency shall be deemed to have knowledge that a student is a student with a disability if any of the following have occurred:

- (1) The parent of the student has expressed concern in writing to licensed personnel of the appropriate public agency, or a teacher of the student, that the student is in need of special education and related services.
- (2) The parent of the student or the public agency has requested an evaluation of the student under 511 IAC 7-40-4.
- (3) The teacher of the student, or other personnel of the public agency, has expressed specific concern about a pattern of behavior demonstrated by the student directly to supervisory personnel of the public agency.

(c) A public agency shall not be deemed to have knowledge under subsection (b) if any of the following has occurred:

- (1) The parent of the student has not allowed an evaluation of the student under 511 IAC 7-40.
- (2) The parent of the student has refused services under this article or the Individuals with Disabilities Education Act.
- (3) The public agency: - 111 -
 - (A) conducted an educational evaluation;
 - (B) determined that the student was not a student with a disability under this article; and
 - (C) provided notice to the student's parents of the determination consistent with 511 IAC 7-42-7.
- (4) The parent of the student has revoked consent for special education and related services in accordance with 511 IAC 7-42-15.

(d) If a public agency does not have knowledge, in accordance with subsections (b) and (c), that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as measures applied to students without disabilities who have engaged in comparable behaviors, subject to subsections (e) and (f).

(e) If a referral is made for an initial educational evaluation of a student during the time period in which the student is subjected to:

- (1) suspension;
- (2) expulsion; or
- (3) placement in an interim alternative educational setting; the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which may include suspension or expulsion without educational services.

(f) As used in this rule, "expedited evaluation" means that the public agency conducts the evaluation and convenes the CCC within twenty (20) instructional days from the date of the parent's written consent for

the evaluation. A copy of the educational evaluation report shall be provided to the parent at the CCC convened to consider the student's identification and eligibility for special education services.

(g) If the student is determined to be a student with a disability, taking into consideration information:

- (1) from the educational evaluation conducted by the public agency; and
- (2) provided by the parents; the public agency shall provide special education and related services in accordance with this article.

511 IAC 7-44-10 Referral to law enforcement and judicial authorities

Sec. 10. (a) Nothing in this article:

- (1) prohibits a public agency from reporting a crime allegedly committed by a student with a disability to appropriate authorities; or
- (2) prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

(b) When the public agency reports a crime committed by a student with a disability, the public agency must ensure that copies of the education and disciplinary record of the student are transmitted only to the extent the transmission is permitted by the Family Educational Rights and Privacy Act (which includes requiring the receiving authorities to certify in writing that the records will not be disclosed to any other parties) and as required by IC 20-33-7-3, without the prior written consent of the parent or the student of legal age for consideration by the appropriate authorities to whom it reports the crime.

VIII. SIGNATURE PAGE

Your success in school will undoubtedly influence your next steps in life. Courtesy, honesty, regular school attendance, as well as, respect for school property and fellow human beings are the mark of an Excel Center student.

You may not receive notice of the changes in the Excel Center student handbook but the handbook will always be available to you. It is available for further review online at www.excelcenter.org. For those who do not have computer access, a copy can be made available to you, upon request.

My signature indicates that I have read, understand, and agree to adhere to the requirements as stated in the policies and procedures published in The Excel Center Student Handbook.

Print Name of Student

Signature of Student

Date

Parent/Guardian Signature
(required if student is under the age of 18)

Date

