

Adopted: July 11, 2011

VIGO COUNTY SCHOOL CORPORATION

TERRE HAUTE, INDIANA

File: **JF**

STUDENT RIGHTS AND RESPONSIBILITIES

This section is intended, in general terms, to describe some of the rights and responsibilities of students in the Vigo County School Corporation and to set forth appropriate regulations governing student behavior.

In order to function properly, public school education must provide equal learning opportunities for all students. In order for an individual to exercise his/her individual rights as afforded by our Federal and State Constitutions, he/she must be able to exercise self-discipline which will allow all individuals equal opportunities. The basic foundation and success of public school education depends greatly on self-discipline.

In addition to the general curriculum, principles and practices of appropriate behavior must be present and modeled. This includes an acceptance of the rights of all individuals, however, no individual school or school system can discharge these responsibilities if it allows students to act in an objectionable manner or to disregard rules, regulations and laws adopted for the benefit and safety of all persons.

The responsibility for the development and enforcement of rules and regulations for the protection and safety of individuals, in the school, is delegated by the Board of School Trustees to staff members within the School Corporation. The purpose of these rules and regulations is to help create an atmosphere that promotes the best possible learning and safe environment for all those involved in the educational process.

Students live and function, as do adults, in the general community. As citizens, students are entitled to our society's benefits; but, as citizens, they are subject to its national, state, and local laws and rules governing the various aspects of their behavior.

In the same manner, students live and function in the school community. The benefits of public education are available to all students, but in order to acquire these benefits, the individual must abide by laws, rules and regulations. In order for the educational process to function adequately and provide programs of diversity and challenge, there must be an orderly and manageable framework within which each individual can function.

Except for Rule XXIII noted below, the rules and standards set forth in this policy apply to behavior 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; off school grounds at a school activity, function, or event or traveling to or from school or a school activity, function, or event of any kind. (See definition of school functions and events in JF Attachment below). This policy does not define all types and aspects of student behavior; however, the Board of School Trustees has the responsibility to set forth policies, rules and regulations to help each student conduct his/her behavior in a safe and acceptable manner.

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The Board of School Trustees and the Superintendent of schools may establish written policies, rules and regulations of general application governing student behavior in all schools. In addition, each principal, within his or her school, may establish certain written rules, regulations and consequences not inconsistent with those established by the Board and the Superintendent. Additionally, school officials may find it necessary to remove a student from the school; in this event, the Board of School Trustees authorizes administrators and staff members to take the following action:

REMOVAL FROM CLASS OR ACTIVITY - TEACHER: A middle school or high school teacher will have the right to remove a student from his/her class or activity for a period of up to one (1) school day if the student is assigned regular or additional work to be completed in another school setting. If a teacher removes a student for more than one day, said removal shall be contingent upon mutual agreement with the teacher and the principal or principal designee. An elementary teacher will have the right to remove a student from his/her classroom or activity for a period of up to one (1) school day if the student is assigned regular or additional work to be completed in another school setting.

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 period of up to ten (10) school days. Suspension from school may also result in a loss of the driver's license.

EXPULSION: In accordance with the due process procedures defined in this policy, a student may be expelled from school for a period no longer than the

remainder of the current semester plus the following semester possibly including summer school, with the exception of a violation of rule 15 listed under the grounds for Suspension and Expulsion in this policy. Expulsion will also result in a report to the Bureau of Motor Vehicles recommending the denial of a learner's permit or invalidating a learner's permit or driver's license.

ZERO TOLERANCE

The Board of School Trustees hereby adopts a policy of Zero Tolerance for those specific acts of misconduct identified in this policy by an asterisk (*). All middle and high school principals who have preliminarily found that a student has committed one or more of those specific acts of misconduct shall suspend such student from school in the manner provided hereinafter in this policy and by Indiana law. The principal shall file a written charge with the Hearing Officer requesting that the student be expelled from school for the maximum period permitted by Indiana law or Federal law, whichever is greater. All elementary principals may exercise their individual discretion whether or not to exercise this action regarding filing an expulsion request for all rules, with the exception of Rule XV(a), relative to possession of a firearm or **destructive device. When filing an expulsion request, the principal shall forward a written charge requesting the Hearing Officer to expel from school for the maximum period permitted by Indiana law or Federal law, whichever is greater.

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AREAS OF PROHIBITED STUDENT CONDUCT

AND AREAS OF ZERO TOLERANCE

Any conduct which causes or which creates a reasonable likelihood that it will cause a disruption in or interference with a school function or activity on school grounds and off school grounds; traveling to or from school or a school activity, function, or event; or that interferes or creates a reasonable

likelihood that it will interfere with the health, safety, or well-being or the rights of other students is prohibited.

Nothing herein is intended to restrict the exercise of legitimate First Amendment rights. Should a student become involved in an incident that is clearly independent of school function, the responsibility and jurisdiction lies with the parent, guardian, or the local law enforcement agency. Exceptions will be investigated on a case by case basis to determine if there is sufficient information to establish that an incident is related to or interferes with school functions or activities; or poses a threat to staff or students. If such investigation supports a relationship, suspension and/or expulsion procedures may be implemented.

The preceding standard is a general standard that should be used as a guide by all students. **Not all acts of misconduct can be itemized in this section.** The following is an enumeration of some of the main areas of conduct which may lead to disciplinary action, including possible expulsion from school for a period in excess of ten (10) school days which would be no longer than the remainder of the current semester plus the following semester possibly including summer school, with the exception of a violation of Rule XV(a) listed under the grounds for Suspension and Expulsion in this policy which carries a mandatory twelve (12) calendar month expulsion.

GROUND FORS SUSPENSION OR EXPULSION

Rule *I. Provide, or transmit to another person, offering to sell

or agreeing to purchase any substance which is,

looks like, or which is or was represented to be marijuana, alcoholic

beverage, "non-alcoholic" beer or wine, **caffeine based substances other than beverages**, substance containing alcohol, substance containing phenylpropanolamine (P.P.A.),

steroid, stimulant, depressant, or intoxicant of any kind or

any medication not specifically prescribed for that individual as a

prescription drug or any over the counter substance that may impair

the physical or mental function of an individual.

Rule II. Possess, use or be under the influence of any substance which is, looks like, or which is or was represented to be marijuana, alcoholic beverage, "non-alcoholic" beer or wine, substance containing alcohol, **caffeine based substances other than beverages**, substance containing phenylpropanolamine (P.P.A.), steroid, **hallucinogenic drug**, stimulant, depressant, or intoxicant of any kind or any medication not specifically prescribed for that individual as a prescription drug or any over the counter substance that may impair the physical or mental function of an individual.

a. **Exception to Rule II: "see medication at school" section.**

1. That the student has an acute or chronic disease or medical condition for which the physician has prescribed medication.
2. The nature of the disease or medical condition requires emergency administration of the prescribed medication.
3. The student has been instructed in how to self-administer the prescribed medication.
4. The student is authorized to possess and self-administer the prescribed medication.

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Rule III. Possess any instrument, device or other object which the student who possesses the same intends to use for: (a) introducing into the human body of any of the prohibited substances set forth in I. above or any **paraphernalia used in connection with any of the listed substances;** (b) testing the strength, effectiveness, quantity or quality of a prohibited substance set forth in I. above; or (c) enhancing the effect of a prohibited substance set forth in I. above.

Rule *IV. Transmit or provide to any person any instrument, device, or other object which the transmitter or provider intends to be used for: (a) introducing into the human body any of the prohibited substances set forth in I. above; (b) testing the strength, effectiveness, quantity, or quality of a prohibited substance set forth in I. above; or (c) enhancing the effect of a prohibited substance set forth in I. above.

Rule V. Medications, professionally prescribed for the student and any over the counter substance which may physically or mentally impair an individual may be brought on school property and **must**, on arrival at school, be presented to the school nurse, health assistant, or extracurricular staff member as applicable for storage and presentation. Students may not take these substances unless given by the school nurse, health assistant,

or extracurricular staff member and students cannot give these substances to another individual while under the responsibility of the Vigo County School Corporation.

Rule *VI. Involvement in any conduct on school premises or during a school function or event which violates local, state, or federal law, where such conduct or the likelihood of engaging in such conduct poses a clear and present danger to the health, welfare, or safety of teachers, or other employees, or visitors.

Rule VII. Engaging in any activity forbidden by the laws of Indiana that constitutes an interference with school purposes or an educational function.

Rule VIII. A. **Causing or attempting to cause damage to school property, stealing or attempting to steal school property.**
B. **Causing or attempting to cause damage to private property, stealing or attempting to steal private property if done on school grounds, at a school event, or when such action causes an interference or disruption in the operation of the school.**

Rule *IX. Causing, **planning**, or attempting to cause physical injury or harm to any teacher or other school employee or visitor on school grounds or during a school function or event. **Prohibited violent or threatening conduct includes threatening, planning or conspiring with others to engage in a violent activity. The**

principal may involve law enforcement when necessary –Any eligible special education, or Section 504 eligible student shall be afforded the protection guaranteed by applicable state and federal statutes.

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Rule X. Causing or attempting to cause physical injury or harm to any student on school grounds or during a school function or event****.

Rule *XI. Threatening or intimidating any teacher or other school employee or visitor **regardless of whether there is a present ability to commit the act.**

Rule XII. Threatening or intimidating any student **regardless of whether there is a present ability to commit the act**, or otherwise engaging in any bullying activity as defined in Vigo County School Corporation Board Policy.

Rule XIII. Interfering with school purposes or with the orderly operation of the school by using, threatening to use, or counseling other persons to use violence, force, coercion, threats, intimidation, fear, or disruptive means.

Rule *XIV. Possessing, using or transmitting any object that in fact or under the circumstances can reasonably be considered to constitute a weapon.

Rule *XV(a). Possessing, handling or transmitting any firearm or **destructive device on school property.

Violation of Rule XV(a) requires a twelve calendar month removal from school. The twelve calendar month penalty will begin on the

date of the first day of suspension from school for the violation with the return of the student occurring at the start of the next term following the year expulsion period. School administrative officials will immediately notify the appropriate law enforcement agency when a student engages in behavior described in this rule. .

The following constitute some but not all devices that are considered to be a firearm as defined in Section 921 of Title 18 of the United States Code:

any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

the frame or receiver of any weapon described above;

any firearm muffler or firearm silencer;

any destructive device which is an explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any similar device;

any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter;

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any combination of parts either designed or intended for use in converting any

device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

**For the purposes of this rule, a destructive device is:

explosive, incendiary, or overpressure device that is configured as a bomb, a grenade, a rocket with a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a Molotov cocktail or a device that is substantially similar to an item described above;

a type of weapon that may be readily converted to expel a projective by the action of an explosive or other propellant through a barrel that has a bore diameter of more than one-half inch;

a combination of parts designed or intended for use in the conversion of a device into a destructive device.

A destructive device is NOT a device that although originally designed for use as a weapon, is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

Rule XV (b). Possessing, handling or transmitting a ***deadly weapon on school property.

Violation of Rule XV(b) results in up to 10 days suspension and expulsion from school for a period of up to one calendar year. School administrative officials will notify the appropriate law enforcement agency when a student engages in behavior described in this rule.

*** For the purpose of this rule, a deadly weapon is defined as any weapon, taser or electronic stun weapon, device, material, substance or animal capable of causing serious bodily injury and used in the commission or attempted commission of a crime

Rule XVI. Refusal or failure to comply with the state and local attendance laws, including, but not limited to, truancy from specific classes and tardiness to school in general or to specific classes. Failure to comply will result for those eligible individuals and or families in referral to the Division of Children and Family Services with the possibility of loss of benefits.

Rule XVII. Gambling on school premises or at school events.

Rule XVIII. Failing to comply with possession, smoking, or use of tobacco restrictions as established by local and state officials and **School Board policy**. Student possession, use ,distribution, purchase or sale of tobacco or nicotine containing products **including nicotine delivering devices, electronic cigarettes or other innovations or simulated or real tobacco use on school grounds, at school events or in school buses is prohibited. This includes the use of vapor cigarettes or any other device that represents the use of a cigarette.**

Rule XIX. Failure to comply with the directions of teachers, student teachers, Principals or other authorized school personnel **where the failure constitutes an interference with school purposes. This shall include, but not be limited to failing to completely and truthfully respond to questions from a staff member regarding school-related matters. This includes potential violations of student conduct or state and federal law.**

Rule XX. Repeated violation of any rules or regulations governing student conduct.

Rule XXI. Subject to the lawful exercise of First Amendment rights, participating in any activity which substantially disrupts or materially interferes with, or is likely to so disrupt or interfere with any school

function, activity, or purpose such as:

- a. Occupying any school building, school grounds or part thereof with intent to deprive others of its use.
- b. Blocking the entrance or exits of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of the building, corridor, or room.
- c. Setting fire to or damaging any school building or property.
- d. Prevention of or attempting to prevent by physical act the convening or continued functioning of any school or education function, or of any meeting or assembly on school property.
- e. Intentionally making noise or acting in any manner so as to interfere with the ability of any teacher or any other person to conduct or participate in an education function.

Rule XXII. Dressing or grooming in a manner which presents a clear and present danger to a student's health and safety or in a manner which causes an interference with school work or creates a classroom or school

disruption.

Rule XXIII. Engaging in unlawful activity on or off school grounds when school is or is not in session if the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function, or the student's removal is necessary to restore order or protect persons on school property.

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Rule XXIV *Inappropriate/unlawful use of a cell phone/paging device or camera. (See cell phone rules on Vigo Schools website and/or school handbooks). "Sexting" or using a cell phone or other personal communication device to possess, send text or email messages and/or post messages, pictures and/or videos on all social media containing images reasonably interpreted as indecent or sexual in nature. Students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.*

Rule XXV. Engaging in sexual harassment of another person, which includes sexually-related verbal statements, gestures, or physical contact.

Rule XXVI. Engaging in voluntary or consensual sexually-related contact with another person.

Rule XXVII. Engaging in speech or conduct, including clothing, jewelry, or hair

style, which is profane, indecent, lewd, vulgar, or refers to drugs, tobacco, alcohol, sex or illegal activity or offensive to school purposes.

Rule XXVIII. Failing to report the actions or plans of another person (s) to a teacher or administrator where those actions or plans, if carried out, could result in harm to another person or persons or damage property when the student has such information about such plans.

Rule XXIX. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, and wrongfully obtaining test copies or scores.

Rule XXX. Possessing sexually-related materials which include images displaying uncovered breasts, genitals or buttocks.

Rule XXXI: Engaging in pranks or other similar activity that could result in harm to another person or would disrupt the safe and effective learning environment.

Rule XXXII: Any student conduct rule that the school building principal establishes and gives notice to students and parents.

Rule XXXIII: Participating in a gang activity or being a member of a gang or using gang signs or insignias including wearing of gang related clothing, showing gang colors or using gang graffiti including on personal notebooks within the school zone. "Gang Activity" is defined as- a student who knowingly or intentionally actively participates in a criminal gang, or a student who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang. Please refer to policy JFB for additional details and information.

Rule XXXIV: Violating the bullying policy of the VCSC or of State Laws enacted to restrict bullying by any means including but not limited to electronic, physical, psychological and social means. The bullying behavior is prohibited regardless of the physical location that the behavior is committed when the student committing the bullying attends a school with the targeted student. This rule applies when such behavior is likely to interfere with the rights of other students to safe and secure learning environment.

Any student may be suspended from school. This includes conduct off school property if the student's presence in school would constitute an interference with an educational function or school purpose.

The superintendent, principal, administrative personnel, any teacher, or any other person authorized to be in charge of a school function or event, including, but not limited to, bus drivers in the course of conveying students to and from school or school functions, are authorized to take such action in connection with student behavior as is reasonably desirable or necessary. Such action shall be taken to help any student, to further school purposes, or to prevent an interference therewith including, but not limited to, counseling, parent conferences, assignment of additional work, rearrangement of class schedules, requiring the student to remain in school after regular school hours, or restriction of extracurricular activity.

SUSPENSION AND RIGHT TO HEARING

A. If a student is to face disciplinary action which could result in his suspension from school for a period greater than ten (10) school days, or for the balance of the semester, or for the balance of the school year, or for summer school, or for the balance of the school year and the first semester of the following school year, he shall be notified of this fact. Under policies, rules, and regulations adopted by the Board of School Trustees, that student will be given the opportunity to have a hearing in front of an impartial determiner of fact called a "Hearing Examiner". That student will be entitled to bring with him/her a representative of choice and will be entitled to hear specific evidence against him, to respond, explain, and defend him or herself, and to produce witnesses on his/her behalf. The procedures to be followed in the event of such a hearing will be presented in writing to the student and/or his/her parents sufficiently in advance of the hearing to enable the student and his/her parents to reasonably prepare for the hearing. An attorney is not required, but if the parent chooses to engage the services of an attorney, the attorney will act only as an advisor and may not be present in the hearing room. The attorney may be available in a nearby location on the premises for consultation if necessary.

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B. The student may be suspended by the hearing examiner until the date of the expulsion or exclusion hearing if in response to a formal request by the principal/designee the hearing examiner determines that his/her suspension is necessary.

SHORT TERM SUSPENSION

Any principal/designee may deny a student the right to attend school or to take part in school functions for a period of up to ten (10) school days. Such short-term suspension shall be made solely after the principal has made an investigation thereof and has determined that such suspension is necessary to help any student, to further school purposes, or to prevent an interference therewith. No short-term suspension shall be made without affording the student an opportunity for an informal hearing.

At the informal hearing the student is entitled to:

- A. A written or oral statement of the charges against him.
- B. If he denies the charges, a summary of the evidence against him.
- C. An opportunity to explain his conduct.

Notice and the informal hearing shall precede suspension of the student except where the nature of the misconduct requires immediate removal. In such a situation, the notice and informal hearing shall follow as soon as reasonably possible after the suspension.

Within twenty-four (24) hours or such additional time as is reasonably necessary following such suspension, the principal/designee shall send a written statement to the student's parents describing the student's conduct, misconduct, or violation of any rule or standard and the reasons for the action taken. The principal/designee shall make a reasonable effort to hold a conference with the parent before or at the time the student returns to school.

EXPULSION PROCEDURES

When a principal/designee recommends to the Superintendent/designee that a student be expelled from school, the following procedures will be followed:

A. A Superintendent of a school corporation may conduct an expulsion meeting or appoint one of the following to conduct an expulsion meeting.

1. Legal counsel.
2. A member of the administrative staff; if the member has not expelled the student during the current school year and was not involved in the events giving rise to the expulsion.

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B. An expulsion will not take place until the student and the student's parent are requested to appear at an expulsion meeting conducted by the Superintendent or the designee. Failure by a student or a student's parent to request or appear at this meeting will be deemed a waiver of rights administratively to contest the expulsion or to appeal it to the School Board

C. The notice of the right to appear to appear at the expulsion meeting will be in writing, delivered by certified mail or by personal delivery, and contain the reasons for the expulsion and the date, time, place, and purpose of the meeting.

D. At the expulsion meeting, the principal or designee will present evidence to support the charges against the student. The student or parent will have the opportunity to answer the charges against the student and to present

evidence to support the student's position.

- E. If an expulsion meeting is held, the person conducting the expulsion meeting will make a written summary of the evidence heard at the meeting, take any action found to be appropriate, and give notice of the action taken to the student and the student's parent.

According to the Indiana School Boards Association Manual, a School Board must determine ahead of time whether or not it will hear all appeals or no appeals for the school year. The VCSC Board of School Trustees has decided to hear appeals until further notice. The student or parent therefore has the right to appeal the decision of the person conducting the expulsion meeting to the School Board within 10 days of the receipt of notice of the action taken. The student or parent appeal to the School Board must be in writing. If an appeal is properly made, the will consider the written summary of the expulsion meeting and the arguments of both the school administration and the student and/or the student's parent. The Board will then take any action deemed appropriate.

***NOTE: SEE JF ATTACHMENT FOR DEFINITION OF SCHOOL EVENTS AND FUNCTIONS.

JF: ATTACHMENT

School Functions and/or Events

Any event, either individual or group, that involves Vigo County School Corporation students and/or staff or is sponsored by someone who is authorized to represent the Vigo County School Corporation or is an approved activity of any school within the School Corporation or approved by the school board would be considered to be a school function or event. The event does not have to occur on School Corporation owned, rented, or controlled property for it to be a school event. Field trips taken on behalf of the school but are not on school owned, rented or controlled property are still considered to be a school event. In addition, events such as but not limited to athletic events, academic events and competitions of any kind taking place on behalf of the school or sponsored by an organization affiliated with a Vigo County School or with school sponsorship are considered to be school events. Vigo County School Corporation rules will apply to all such functions and events.

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