

Exhibit 21

Policy 8120 – Volunteers (Revised)

Policy 8121 – Personal Background Check – Contracted Services (Revised)



Book	Policy Manual
Section	Policies for Board 37-2
Title	Copy of VOLUNTEERS
Code	po8120
Status	Work Session
Adopted	May 20, 2010
Last Revised	March 2, 2023

8120 - **VOLUNTEERS**

The School Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the staff responsible for **the** implementation of those programs and activities.

The Superintendent shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. The Superintendent shall not be obligated to make use of volunteers whose abilities are not compatible with School Corporation needs.

Each volunteer who is in direct contact with students will be required to submit a Limited Criminal History Record Check including a search of the national sex offender registry maintained by the United States Department of Justice.

Volunteer Coaches

Before allowing an individual to serve as a volunteer coach, the Corporation shall conduct an expanded criminal history check (as defined in I.C. 20-26-2-1.5 on the volunteer coach. ~~With respect to all other volunteers:~~

Additionally, before the Corporation hires or allows an individual to coach an Indiana High School Athletic Association-recognized sport, the Corporation must take the following steps:

A. ask the individual:

- 1. whether the individual is or has been accredited by the association; and**
- 2. if the individual is or has been accredited by the association, whether the individual's accreditation has ever been suspended or revoked;**

B. request references from the individual;

C. contact the references that the individual provides to the Corporation; and

D. contact the association to determine whether the individual's accreditation has ever been suspended or revoked.

The Corporation shall make a report to the Department of Child Services if a volunteer coach has engaged in suspected child abuse or neglect.

The Corporation shall report to the association when a volunteer coach accredited by the association has been convicted of an offense described in I.c. 20-28-5-8(c) or of a known comparable offense in another state. These

offenses include:

- A. A sex crime under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).
- B. Kidnapping (I.C. 35-42-3-2).
- C. Criminal Confinement (I.C. 35-42-3-3).
- D. Incest (I.C. 35-46-1-3).
- E. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).
- F. Dealing in methamphetamine (I.C. 35-48-4-1.1)
- G. Manufacturing methamphetamine (I.C. 35-48-4-1.2)
- H. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).
- I. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).
- J. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).
- K. Dealing in a counterfeit substance (I.C. 35-48-4-5).
- L. Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).
- M. An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).
- N. Homicide (I.C. 35-42-1).
- O. Voluntary manslaughter (I.C. 35-42-1-3).
- P. Reckless homicide (I.C. 35-42-1-5).
- Q. Battery as any of the following: (i) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014). (ii) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014). (iii) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).
- R. Aggravated battery (I.C. 35-42-2-1.5).
- S. Robbery (I.C. 35-42-5-1).
- T. Carjacking (I.C. 35-42-5-2) (before its repeal).
- U. Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).
- V. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).
- W. Human trafficking (I.C. 35-42-3.5).
- X. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).
- Y. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.
- Z. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.
- AA. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual

conduct (as defined in I.C. 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.

The Corporation shall report suspected misconduct by a volunteer coach that may constitute a crime to local law enforcement.

Without conferring the rights of an employee on a volunteer coach, the Corporation shall comply with I.C. 22-5-3-1 (Indiana's blacklisting law) regarding a volunteer coach, including the provisions for civil immunity regarding disclosures made about a volunteer coach.

Other Volunteers

With respect to all other volunteers:

To protect students and staff members, the Board requires an inquiry into the personal background of each volunteer who is likely to have direct, ongoing contact with children within the scope of their service as a volunteer.

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

The Board requires that an expanded criminal history check be conducted for each volunteer who is likely to have direct, ongoing contact with children within the scope of their service as a volunteer before or not later than thirty (30) days after the start of their volunteer service.

If a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one type of expanded criminal history check, the Board shall evaluate all available types of criminal history checks to select and employ the expanded criminal history check that would best protect the Corporation's students.

The Board requires that an Indiana expanded child protection index check be conducted for each volunteer who is likely to have direct, ongoing contact with children within the scope of their service as a volunteer before or not later than sixty (60) days after the start of their volunteer service.

The Board shall prohibit volunteer service by a person an individual who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) unless the conviction has been reversed, vacated, or set aside on appeal.

The Board also shall prohibit volunteer service by an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal. Likewise, the Board shall terminate the volunteer service of an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b) unless the conviction has been reversed, vacated, or set aside on appeal.

The Board may prohibit volunteer service by or terminate the volunteer service of an individual who is the subject of a substantiated report of child abuse or neglect.

The procedures shall ensure that information and records obtained from criminal history inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or to defend a decision made pursuant to this policy.

Additionally, before the Corporation hires or allows an individual to coach an Indiana High School Athletic Association recognized sport, the Corporation must take the following steps:

A. ask the individual:

1. whether the individual is or has been accredited by the association; and
2. if the individual is or has been accredited by the association, whether his/her accreditation has ever been suspended or revoked;

B. request references from the individual;

C. contact the references that the individual provides to the Corporation; and

D. contact the association to determine whether the individual's accreditation has ever been suspended or revoked.

The Corporation shall make a report to the Department of Child Services if a volunteer coach has engaged in suspected child abuse or neglect.

The Corporation shall report to the association when a volunteer coach accredited by the association has been convicted of an offense described in I.C. 20-28-5-8(c) or of a known comparable offense in another state. These offenses include:

- A. sex crime under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).
- B. Kidnapping (I.C. 35-42-3-2).
- C. Criminal Confinement (I.C. 35-42-3-3).
- D. Incest (I.C. 35-46-1-3).
- E. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).
- F. Dealing in methamphetamine (I.C. 35-48-4-1.1).
- G. Manufacturing methamphetamine (I.C. 35-48-4-1.2).
- H. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).
- I. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).
- J. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).
- K. Dealing in a counterfeit substance (I.C. 35-48-4-5).
- L. Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).
- M. An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).
- N. Homicide (I.C. 35-42-1).
- O. Voluntary manslaughter (I.C. 35-42-1-3).
- P. Reckless homicide (I.C. 35-42-1-5).
- Q. Battery as any of the following: (i) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014). (ii) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014). (iii) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).
- R. Aggravated battery (I.C. 35-42-2-1.5).
- S. Robbery (I.C. 35-42-5-1).
- T. Carjacking (I.C. 35-42-5-2) (before its repeal).
- U. Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).
- V. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).
- W. Human trafficking (I.C. 35-42-3.5).
- X. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).
- Y. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.

~~Z. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.~~

~~AA. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31-5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.~~

~~The Corporation shall report suspected misconduct by a volunteer coach that may constitute a crime to local law enforcement.~~

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the volunteer:

A. is the subject of a substantiated report of child abuse or neglect; or

B. has been charged with or convicted of ~~one (1) of the following crimes:~~ **an offense requiring license revocation per I.C. 20-28-5-8(c); or**

C. **has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b)**

- ~~1. Murder (I.C. 35-42-1-1).~~
- ~~2. Causing suicide (I.C. 35-42-1-2).~~
- ~~3. Assisting suicide (I.C. 35-42-1-2.5).~~
- ~~4. Voluntary manslaughter (I.C. 35-42-1-3).~~
- ~~5. Reckless homicide (I.C. 35-42-1-5).~~
- ~~6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~7. Aggravated battery (I.C. 35-42-2-1.5).~~
- ~~8. Kidnapping (I.C. 35-42-3-2).~~
- ~~9. Criminal confinement (I.C. 35-42-3-3).~~
- ~~10. A sex offense under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).~~
- ~~11. Carjacking (I.C. 35-42-5-2) (before its repeal).~~
- ~~12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~13. Incest (I.C. 35-46-1-3).~~
- ~~14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~15. Child-selling (I.C. 35-46-1-4(d)).~~
- ~~16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
- ~~18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~

19. ~~An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
20. ~~An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
21. ~~Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.~~
22. ~~Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.~~
23. ~~An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.~~

The Superintendent is to inform each volunteer that the volunteer:

- A. shall agree to abide by all Board policies and Corporation guidelines while on duty as a volunteer;
- B. will be covered under the Corporation's liability policy but the Corporation shall not provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the volunteer eligible for workers' compensation;
- C. will be asked to sign a form releasing the Corporation of any obligation should the volunteer become ill or receive an injury as a result of the volunteer's services;
- D. will be required to report any arrests, ~~or the filing of criminal charges against the volunteer, or convictions for a crime while serving as a volunteer;~~
- E. **will be required to report any convictions for a crime while serving as a volunteer;**
- F. will be required to report any substantiated report of child abuse or neglect of which the volunteer is the subject.

The Superintendent also shall ensure that each volunteer is properly informed of the Corporation's appreciation for the volunteer's time and efforts in assisting the operation of the schools.

~~Without conferring the rights of an employee on a volunteer coach, the Corporation shall comply with I.C. 22-5-3-1 (Indiana's blacklisting law) regarding a volunteer coach, including the provisions for civil immunity regarding disclosures made about a volunteer coach.~~

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Legal

I.C. 5-2-22

I.C. 10-13-3

I.C. 20-26-2-1.3

I.C. 20-26-2-1.5

I.C. 20-26-5-10, -11 and -11.5

I.C. 20-26-14-2.5

I.C. 20-26-14-8

I.C. 20-26-14-9

I.C. 20-28-5-8(c)

I.C. 22-5-3-1



Book	Policy Manual
Section	Policies for Board 37-2
Title	Copy of PERSONAL BACKGROUND CHECK CONTRACTED SERVICES
Code	po8121
Status	Work Session
Adopted	May 20, 2010
Last Revised	March 2, 2023

8121 - **PERSONAL BACKGROUND CHECK – CONTRACTED SERVICES**

To protect students and staff members, the School Board requires an inquiry into the personal background of each contractor, subcontractor, and employee of a contractor or subcontractor who is likely to have direct, on-going contact with children within the scope of their contracted service or employment.

The Superintendent shall establish the necessary procedures to provide that (1) individuals serving as contractors or subcontractors submit to a background check and (2) entities operating as contractors or subcontractors conduct an inquiry into the background information of their employees who are likely to have direct, ongoing contact with children, that shall include the following:

- A. an expanded criminal history check as defined by I.C. 20-26-2-1.5
- B. an Indiana expanded child protection index check as defined by I.C. 20-26-2-1.3
- C. a search of the national sex offender registry maintained by the United States Department of Justice
- D. beginning July 1, 2017, a search of the State child abuse registry
- E. ~~verification of enrollment in and use of the federal E-Verify program to check eligibility to be employed (all employees)~~
- F. an Indiana Bureau of Motor Vehicles driver history if the position involves driving

Eligibility

~~Personally identifiable information reported to the School Corporation in the implementation of this policy shall not be released except as necessary to implement this policy or to defend a decision made pursuant to this policy.~~

Each contractor and subcontractor shall require that their employees certify under penalty of perjury their eligibility to be employed by the contractor/subcontractor as a United States citizen or a qualified alien as a condition of any contract with the School Corporation.

Background Checks, Including Expanded Criminal History and Expanded Child Protection Index

The Board requires that an expanded criminal history check be conducted for each contractor or subcontractor who is likely to have direct, ongoing contact within the scope of their contract before or not later than thirty (30) days after the start of the contract. Likewise, the Board requires that each entity operating as a contractor or subcontractor conduct an expanded criminal history check for each employee who is likely to have direct, ongoing contact with children within the scope of their employment before or not later than thirty (30) days after the start of their employment.

If a third party vendor is used to provide an expanded criminal history check, and the vendor offers more than one type of expanded criminal history check, the Board shall evaluate all available types of criminal history checks to select and employ the expanded criminal history check that would best protect the Corporation's students.

The Board requires that an Indiana expanded child protection index check be conducted for each contractor or subcontractor who is likely to have direct, ongoing contact with children within the scope of their contract before or not later than sixty (60) days after the start of the contract. Likewise, the Board requires that each entity operating as a contractor or subcontractor conduct an Indiana expanded child protection index check for each employee who is likely to have direct, ongoing contact with children within the scope of their employment before or not later than sixty (60) days after the start of their employment.

The Board shall not contract with ~~a person~~ **an individual** who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) unless the conviction has been reversed, vacated, or set aside on appeal. Likewise, the Board shall cease contracting with or terminate the contract of ~~a person~~ **an individual** who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) unless the conviction has been reversed, vacated, or set aside on appeal. If the contract is with an entity, no employee of that contractor who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) may provide services under the contract with the **School** Corporation unless the conviction has been reversed, vacated, or set aside on appeal.

The Board also shall not contract with an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b), unless the conviction has been reversed, vacated, or set aside on appeal. Likewise, the Board shall terminate the contract of an individual who has been convicted of an offense listed in I.C. 20-26-5-11.2(b) unless the conviction has been reversed, vacated, or set aside on appeal. If the contract is with an entity, no employee of that contractor who has been convicted of an offense listed in I.C. 20-26-5-11.2(b) may provide services under the contract with the Corporation, unless the conviction has been reversed, vacated, or set aside on appeal.

The Board may refuse to contract with or terminate the contract of an individual who is the subject of a substantiated report of child abuse or neglect. If the contract is with an entity, the Corporation may refuse to contract with the entity or terminate the contract with the entity if it employs or contracts with an individual who is the subject of a substantiated report of child abuse or neglect.

[DRAFTING NOTE: THE BOARD MAY SELECT ONE, BOTH, OR NEITHER OF THE FOLLOWING TWO OPTIONS. THE BOARD SHOULD BE SURE TO SELECT THE SAME OPTIONS HERE AS IT SELECTS IN POLICY 1521 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING, POLICY 3120.02 - ADJUNCT TEACHERS, POLICY 3121 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING, POLICY 4121 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING, AND POLICY 8120 - VOLUNTEERS.]

[X] [OPTION 1]

Per I.C. 20-26-5-11.2(c), the Corporation may employ or contract with an individual convicted of any of the following offenses if a majority of the Board approves the employment or contract as a separate, special agenda item **[select the items below that the Board wishes to permit]:**

- A. **(X)** An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5.
- B. **(X)** Battery (I.C. 35-42-2-1), unless it is a Class A, B, or C felony conviction (for a crime committed after before July 1, 2014) or a Level 2, 3, or 5 felony conviction (for a crime committed after June 30, 2014).
- C. **(--)** Domestic battery (I.C. 35-42-2-1.3), unless it is a Class A, B, or C felony conviction (for a crime committed before July 1, 2014) or a Level 2, 3, or 5 conviction (for a crime committed after June 30, 2014).
- D. **(--)** Contributing to the delinquency of a minor (I.C. 35-46-1-8).
- E. **(--)** An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5.
- F. **(--)** An offense relating to controlled substances under I.C. 35-48-4, other than: 1) an offense involving marijuana or paraphernalia used to consume marijuana; or 2) an offense requiring license revocation under I.C. 20-28-5-8(c).

[END OF OPTION 1]

[] [OPTION 2]

Per I.C. 20-26-5-11.2(h), the Corporation may hire or contract with an individual **[select the items below that the Board wishes to permit]:**

- A. ☐ who is required to wear an ankle monitor as the result of a criminal conviction
- B. ☐ who entered into an agreement to settle an allegation of misconduct relating to the health, safety, or well-being of a student at a school corporation, charter school, or State-accredited nonpublic school, if the agreement included a nondisclosure agreement covering the alleged misconduct [as defined in I.C. 20-26-5-11.2(j)]
- C. ☐ who, in an academic environment, engaged in a course of conduct involving repeated or continuing contact with a child that is intended to prepare or condition the child for sexual activity [as defined in I.C. 35-42-4-13]

If a majority of the Board approves the employment or contract as a separate, special agenda item.

[END OF OPTION 2]

[END OF OPTIONS]

☒ Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the contractor or subcontractor.

Information and records obtained from inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with any mandatory State reporting requirements.

Mandatory Reporting

Each contractor and subcontractor providing services to the Corporation and each employee of a contractor or subcontractor providing services to the Corporation shall notify the Superintendent within two (2) business days of the:

- A. arrest and/or filing of criminal charges against the contractor, subcontractor, or an employee of the contractor or subcontractor and the disposition of such arrest or filing of charges;
- B. conviction of the contractor, subcontractor, or an employee of the contractor or subcontractor in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c);
- C. conviction of the contractor, subcontractor, or an employee of the contractor or subcontractor for a crime in Indiana or another jurisdiction for an offense listed in I.C. 20-26-11.2(b) or I.C. 20-26-11.2(c); and
- D. substantiated report of child abuse or neglect of which the contractor, subcontractor, or employee of the contractor or subcontractor is the subject.

Each individual serving as a contractor or subcontractor who is likely to have direct, ongoing contact with children in the course of providing services to the Corporation shall be required to report the arrest and the filing of criminal charges against the contractor or subcontractor, conviction of the contractor or subcontractor for a crime, and substantiated report of child abuse or neglect of which the contractor or subcontractor is the subject. Compliance with this requirement shall be verified by either:

- A. inclusion of the requirement as a material term of the contractor's or subcontractor's contract; or
- B. execution of a certificate of compliance with this policy which shall be maintained with the contract in the Corporation's files.

Each individual servicing as a contractor or subcontractor who is likely to have direct, ongoing contact with children in the course of providing services to the Corporation shall be required to report the ☒ arrest and the filing of criminal charges against the contractor or subcontractor, **[END OF OPTION]** conviction of the contractor or subcontractor for a crime, and substantiated report of child abuse or neglect of which the contractor or subcontractor is the subject. Compliance with this requirement shall be verified by either:

- A. inclusion of the requirement as a material term of the contractor's or subcontractor's contract; or

- B. execution of a certificate of compliance with this policy which shall be maintained with the contract in the Corporation's files.

Each contractor and subcontractor providing services to the Corporation shall screen all employees who are likely to have direct, on-going contact with children in the course of providing services to the Corporation. Screening shall be required only one (1) time during the period of the current contract with the Corporation as long as the contractor has continuously screened new hires, required the same of its subcontractors, and required that these employees report the arrest and the filing of criminal charges against the employee, conviction of the employee ~~for a crime, in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c), I.C. 20-26-11.2(b), or I.C. 20-26-11.2(c),~~ and substantiated report of child abuse or neglect of which the employee is the subject. Compliance with this requirement shall be verified by either:

- A. inclusion of the requirement as a material term of the contractor's or subcontractor's contract; or
- B. execution of a certificate of compliance with this policy which shall be maintained with the contract in the Corporation's files.

Non-compliance with these requirements shall be a breach of a material term of any contract between a contractor/ subcontractor and the Corporation.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the ~~applicant or employee~~ **contractor, subcontractor, or employee of a contract or subcontractor:**

- A. is the subject of a substantiated report of child abuse or neglect or
- B. has been charged with or convicted of ~~one (1) of the following crimes:~~ **an offense requiring license revocation per I.C. 20-28-5-8(c); or**
- C. **has been charged with or convicted of an offense listed in I.C. 20-26-5-11.2(b).**
1. ~~Murder (I.C. 35-42-1-1).~~
 2. ~~Causing suicide (I.C. 35-42-1-2).~~
 3. ~~Assisting suicide (I.C. 35-42-1-2.5).~~
 4. ~~Voluntary manslaughter (I.C. 35-42-1-3).~~
 5. ~~Reckless homicide (I.C. 35-42-1-5).~~
 6. ~~Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
 7. ~~Aggravated battery (I.C. 35-42-2-1.5).~~
 8. ~~Kidnapping (I.C. 35-42-3-2).~~
 9. ~~Criminal confinement (I.C. 35-42-3-3).~~
 10. ~~A sex offense under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).~~
 11. ~~Carjacking (I.C. 35-42-5-2) (before its repeal).~~
 12. ~~Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
 13. ~~Incest (I.C. 35-46-1-3).~~
 14. ~~Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.~~
 15. ~~Child selling (I.C. 35-46-1-4(d)).~~

16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.
22. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.
23. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

The Superintendent shall develop administrative guidelines to implement this policy. These procedures shall provide for the review of each reported arrest and/or criminal charge, criminal conviction of a contractor, subcontractor, or employee of a contractor or subcontractor, in Indiana or another jurisdiction for an offense listed in I.C. 20-28-5-8(c), I.C. 20-26-11.2(b), or I.C. 20-26-11.2(c), and substantiated report of child abuse or neglect of which the contractor, subcontractor, or employee of a contractor or subcontractor is the subject and for a response to the reported information that protects members of the school community from persons who may be dangerous to them. Failure of a contractor or subcontractor to remove an employee from direct contact with students, upon request from the Superintendent, shall be considered to be a material breach of the contractor's or subcontractor's contract with the Corporation.

Revised 3/15/12
 Revised 3/3/16
 Revised 4/6/17
 Revised 5/10/18
 Revised 11/21/19

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Legal	I.C. 5-2-22
	I.C. 9-30-5
	I.C. 10-13-3
	I.C. 20-26-2-1.3
	I.C. 20-26-2-1.5
	I.C. 20-26-5-10
	I.C. 20-26-5-11
	I.C. 20-26-5-11.5
	I.C. 20-28-5-8
	I.C. 35-42-2-1
	I.C. 35-42-2-1.3

I.C. 35-46-1-8

I.C. 35-47

I.C. 35-47.5

I.C. 35-48.4