PERSONNEL POLICIES AND PROCEDURES
2026-2027

NAATSIS'AAN COMMUNITY SCHOOL

Approved: July 22, 2026

TABLE OF CONTENTS

Page

ARTICLE I. INTRODUCTION 1

SECTION 1.01 SCHOOL ORGANIZATIONAL CHART (REVISED) 1
SECTION 1.02 ORGANIZATION DESCRIPTION 2
A. Vision Statement 2
Mission Statement 2
B. Philosophy. 2
C. Student Success Goals: 2
D. Services Provided 3
E. School History. 3
F. Organizational Structure. 4
SECTION 1.03 ENACTMENT AND AMENDMENT 4
SECTION 1.04 JURISDICTION 5
SECTION 1.05 EMPLOYEE ACKNOWLEDGMENT FORM 5

ARTICLE II. PERSONNEL POLICIES 6

SECTION 2.01 NATURE OF EMPLOYMENT 6
SECTION 2.02 EMPLOYEE RELATIONS 6
SECTION 2.03 EQUALITY OF EMPLOYMENT OPPORTUNITIES/NON-DISCRIMINATION/NAVAJO OR INDIAN PREFERENCE 7
SECTION 2.04 VETERANS' PREFERENCE 7
SECTION 2.05 IMMIGRATION LAW COMPLIANCE 7
SECTION 2.06 EMPLOYEE PHYSICAL EXAMINATIONS 8
SECTION 2.07 ANTI-NEPOTISM 8
SECTION 2.08 CONFLICTS OF INTEREST 9
SECTION 2.09 FILLING VACANCIES 9
SECTION 2.10 HIRING PROCEDURE 10
SECTION 2.11 INTERVIEW COMMITTEE 14
SECTION 2.12 PRINCIPAL'S RECOMMENDATION 14
SECTION 2.13 FINAL APPROVAL 14
SECTION 2.14 EMERGENCY APPOINTMENTS 15
A. Emergency Certification. *15*
B. Requirements for an Emergency Classification. *15*
C. Hiring Roster. *15*
D. Final Decision. *15*
E. Maximum Appointment Period. *15*
F. Preference. *15*
G. Pay. *15*
SECTION 2.15 PROCEDURES FOR BACKGROUND CHECKS, EMPLOYEE INVESTIGATIONS, AND ADJUDICATION . 16
SECTION 2.16 PREREQUISITES TO BEGINNING WORK 16
SECTION 2.17 CERTIFICATIONS, QUALIFICATIONS 17
SECTION 2.18 DOCUMENT RETENTION AND DESTRUCTION POLICY 18

APPENDIX II-A APPLICATION FOR EMPLOYMENT 23

APPENDIX II-B EMPLOYMENT STATUS AND RECORDS 30

ARTICLE III. EMPLOYEMENT STATUS AND RECORDS 30

SECTION 3.01 EMPLOYMENT CLASSIFICATION/CATEGORIES 30
SECTION 3.02 PROBATIONARY PERIOD 30
SECTION 3.03 VOLUNTEERS 32
SECTION 3.04 PERSONNEL DATA CHANGES/UPDATES 33
SECTION 3.05 ACCESS TO PERSONNEL FILES 33
SECTION 3.06 NON-DISCLOSURE 33
SECTION 3.07 EMPLOYMENT APPLICATIONS 34
SECTION 3.08 PERFORMANCE EVALUATION 34
A. Policy. *34*
B. Evaluation Periods. *34*
C. Performance Standards. *34*
D. Deficiencies. *34*
E. Administration. *35*
F. Principal. *35*
G. Employee Comments. *35*
H. Upward Review *35*
SECTION 3.09 POSITION DESCRIPTIONS 35
SECTION 3.10 CONTRACT RENEWAL/NONRENEWAL 35
SECTION 3.11 ONE-TIME BONUS COMPENSATION POLICY 33
SECTION 3.12 TUITION REIMBURSEMENT 37
APPENDIX III-A Application for Eductional Classes & tuition Reimbursment 44
APPENDIX III-B APPLICATION FOR EDUCATIONAL REIMBURSEMENT 44
ARTICLE IV. MANAGEMENT OF THE WORK FORCE 46
SECTION 4.01 REGULAR HOURS OF WORK 46
A. ADMINISTRATIVE ASSIGNMENTS *46*
B. ACTING STATUS ASSIGNMENT *47*
C. DELEGATION OF SUPERVISORY AUTHORITY *49*
SECTION 4.02 DRESS CODE 50
SECTION 4.03 ATTENDANCE AND PUNCTUALITY 50
SECTION 4.04 ABSENCES 51
SECTION 4.05 ABSENCE WITHOUT LEAVE/LATENESS 51
SECTION 4.06 OUTSIDE NAATSIS'AAN SCHOOL EMPLOYMENT 52
SECTION 4.07 HEALTH STANDARDS 52
SECTION 4.08 CHAIN OF COMMAND 52
SECTION 4.09 TRAINING 52
SECTION 4.10 NEW EMPLOYEE ORIENTATION 54
SECTION 4.11 TIMEKEEPING 54
SECTION 4.12 PAYDAYS 54
SECTION 4.13 PAY DEDUCTIONS AND SETOFFS 55
SECTION 4.14 SAFETY 55
SECTION 4.15 LUNCH BREAKS 56
SECTION 4.16 OVERTIME/ FIELD TRIPS 56
SECTION 4.17 EMERGENCY CLOSURE/EVACUATION 58
SECTION 4.18 USE OF EQUIPMENT AND VEHICLES 58
SECTION 4.19 BUSINESS TRAVEL EXPENSES 61
SECTION 4.20 CREDIT CARDS 63
SECTION 4.21 CONTROL AND RETURN OF PROPERTY 65
SECTION 4.22 KEYS POLICY 66
SECTION 4.23 SECURITY INSPECTIONS 66
SECTION 4.24 TELEPHONE POLICY 66
SECTION 4.25 MONTHLY REPORTS 66
SECTION 4.26 STAFF MEETINGS 67
SECTION 4.27 FAMILY/PERSONAL MATTERS/GOSSIP 67

SECTION 4.28 VIOLENCE IN THE WORKPLACE 67
SECTION 4.39 POLITICAL ACTIVITIES 68
SECTION 4.30 STIPENDS 69
SECTION 4.31 PERSONAL PROPERTY 69
SECTION 4.32 BREAST-FEEDING IN THE WORKPLACE 70

ARTICLE V. EMPLOYEE BENEFITS PROGRAMS 71

SECTION 5.01 EMPLOYEE BENEFITS 71
SECTION 5.02 BENEFITS CONTINUATION (COBRA) 71
SECTION 5.03 WORKERS' COMPENSATION INSURANCE 72
SECTION 5.04 ANNUAL LEAVE AND UNDESIGNATED LEAVE 72
SECTION 5.05 HOLIDAYS 74
SECTION 5.06 DECLARING AND GRANTING PERSONNEL EMERGENCY LEAVE 74
SECTION 5.07 JURY DUTY 75
SECTION 5.08 WITNESS DUTY 76
SECTION 5.09 FAMILY AND MEDICAL LEAVE ACT (FMLA) 76
SECTION 5.10 LEAVE WITHOUT PAY 76
SECTION 5.11 MILITARY LEAVE (NATIONAL GUARD) 77
SECTION 5.12 401(K) PLAN 77
SECTION 5.13 Undesigned Leave Donation 78

ARTICLE VI. STANDARDS OF CONDUCT 79

SECTION 6.01 MANAGEMENT/SUPERVISORY STANDARDS 79
SECTION 6.02 Code of Ethics 80
SECTION 6.03 STANDARDS PROHIBITED/CONDUCT FOR ALL EMPLOYEES 80
SECTION 6.04 EMPLOYEE IMPROPRIETY 83
SECTION 6.05 CONSENSUAL AMOROUS RELATIONSHIPS 83
SECTION 6.06 DRUG-FREE WORKPLACE 84
SECTION 6.07 NOTICE TO EMPLOYEES 85
SECTION 6.08 PROCEDURE UPON RECEIVING NOTICE OF DRUG ABUSE CONVICTION 86
SECTION 6.09 DRUG AWARENESS PROGRAM 86
SECTION 6.10 CONTROLLED SUBSTANCES AND ALCOHOL 87
SECTION 6.11 SMOKING/CHEWING TOBACCO/ CONTROLLED SUBSTANCES 88
SECTION 6.12 ILLICIT MESSAGES 88
SECTION 6.13 COMMUNITY STANDARDS 88
SECTION 6.14 MOTOR VEHICLE OPERATION 89
SECTION 6.15 ANTI-HARASSMENT POLICY 94

APPENDIX VI-A DISCRIMINATION/HARASSMENT REPORT FORM 100

SECTION 6.16 CHILD ABUSE DETECTION, REPORTING, PREVENTION 103
SECTION 6.17 EMPLOYEE SOCIAL MEDIA POLICY 113

APPENDIX VI-B DRUG-FREE WORKPLACE NOTICE TO EMPLOYEES 117

ARTICLE VII. DISCIPLINARY PROCEDURE 118

SECTION 7.01 DISCIPLINARY ACTION 118
SECTION 7.02 APPEALS PROCEDURE 121
SECTION 7.03 GRIEVANCE PROCEDURE 124

APPENDIX VII-A GRIEVANCE FORMS 129

ARTICLE VIII. TERMINATION OF EMPLOYMENT 134

SECTION 8.01 VOLUNTARY TERMINATION (RESIGNATION) 134
SECTION 8.02 INVOLUNTARY TERMINATION (DISMISSAL OTHER THAN LAYOFF/REDUCTION-IN-FORCE) 135
SECTION 8.03 LAYOFF/REDUCTION-IN-FORCE 137

SECTION 8.04 REINSTATEMENT 140
SECTION 8.05 JOB ABANDONMENT 140

ARTICLE IX. PROCUREMENT 141

SECTION 9.01 ADOPTION OF THE SUPER CIRCULAR, 2 C.F.R. 200 *ET SEQ.* 141
SECTION 9.02 DUTY TO BE INFORMED OF RULES AND REGULATIONS 141
SECTION 9.03 COMPLIANCE WITH THE MANUAL 141
SECTION 9.04 PROHIBITED CONTRACTS 141
SECTION 9.05 PROCUREMENT RECORDS 142
SECTION 9.06 PROPERTY MANAGEMENT RECORDS 142
SECTION 9.07 PROCUREMENT STANDARDS 142
SECTION 9.08 CONTRACT STANDARDS 143
SECTION 9.09 NAVAJO AND INDIAN PREFERENCE 144
SECTION 9.10 PURCHASING PROCEDURES FOR PURCHASES LESS THAN $20,000 144
A. Purchase Orders 144
B. Definitions 144
C. Requisition Process 145
D. Purchase Order Process 148
E. Receiving Process for Goods Procured 149
SECTION 9.11 ADVERTISED PROCUREMENT PROCEDURES 151
A. General Statement of Process 151
B. Advertised Procurement by Sealed Bids 152
C. Procurement by Competitive Proposals 152
SECTION 9.12 EMERGENCY PROCUREMENT BY NON-COMPETITIVE PROPOSAL 153
SECTION 9.13 CONSTRUCTION AND FACILITY IMPROVEMENT PROCUREMENT/ACCEPTANCE OF REGULATION 153
SECTION 9.14 PROCUREMENT OTHER THAN THROUGH PURCHASE 153
SECTION 9.15 SUSPENSION AND DEBARMENT 150

ARTICLE X. MANAGEMENT AND DISBURSEMENT OF PROPERTY 155

SECTION 10.01 PROPERTY MANAGEMENT 155
SECTION 10.02 APPLICABILITY 155
SECTION 10.03 INVENTORY 155
SECTION 10.04 GENERAL PURPOSE OF THE PROPERTY MANAGEMENT SYSTEM 155
SECTION 10.05 TYPE OF PROPERTY TO BE TRACKED 156
SECTION 10.06 RECORDS AND INTERNAL CONTROLS 156
SECTION 10.07 MAINTENANCE 156
SECTION 10.08 FEDERAL PROPERTY 156
SECTION 10.09 PROPERTY RECEIVING 157
SECTION 10.10 FOOD AND PERISHABLE PROPERTY 158
SECTION 10.11 HAZARDOUS PROPERTY 158
SECTION 10.12 INVENTORY SYSTEM 158
SECTION 10.13 ANNUAL INVENTORY 159
SECTION 10.14 DUTIES OF CUSTODIAN 160
SECTION 10.15 RESPONSIBILITY OF DEPARTMENT HEAD 161
SECTION 10.16 DUTIES OF SUPERVISORS 161
SECTION 10.17 STORAGE AND DISPOSAL OF PROPERTY 161
SECTION 10.18 DEVELOPMENT OF SPECIFIC PROCEDURES 162
SECTION 10.19 APPROVAL OF SPECIFIC PROCEDURES 163
SECTION 10.20 AMENDMENT OF SPECIFIC PROCEDURES 163

ARTICLE XI. FUND BALANCE POLICY IN ACCORDANCE WITH GASB NO. 54 164

SECTION 11.01 PURPOSE 164
SECTION 11.02 GENERAL STATEMENT OF POLICY 164

SECTION 11.03 DEFINITIONS 164
SECTION 11.04 CLASSIFYING FUND BALANCE AMOUNTS 165
SECTION 11.05 MINIMUM FUND BALANCE 165
SECTION 11.06 ORDER OF RESOURCE USE 165
SECTION 11.07 COMMITTING FUND BALANCE 166
SECTION 11.08 ASSIGNING FUND BALANCE 166
SECTION 11.09 REVIEW 166

ARTICLE XII. ACCOUNTING PROCEDURES 167

SECTION 12.01 GENERAL ACCOUNTING POLICY 167
SECTION 12.02 RETENTION OF RECORDS 167
SECTION 12.03 APPLICABLE REGULATIONS 167
SECTION 12.04 MINIMUM GENERAL STANDARDS 167
SECTION 12.05 SCHOOL BANK POLICIES 169
A. School Bank General Policies 169
B. Accounting 170
C. Activity Accounting Guidelines 171
D. Audit 171
SECTION 12.06 WHISTLEBLOWER POLICY 172
SECTION 12.07 CONFLICTS OF INTEREST POLICY 173

ARTICLE XIII. FRAUD POLICY 173

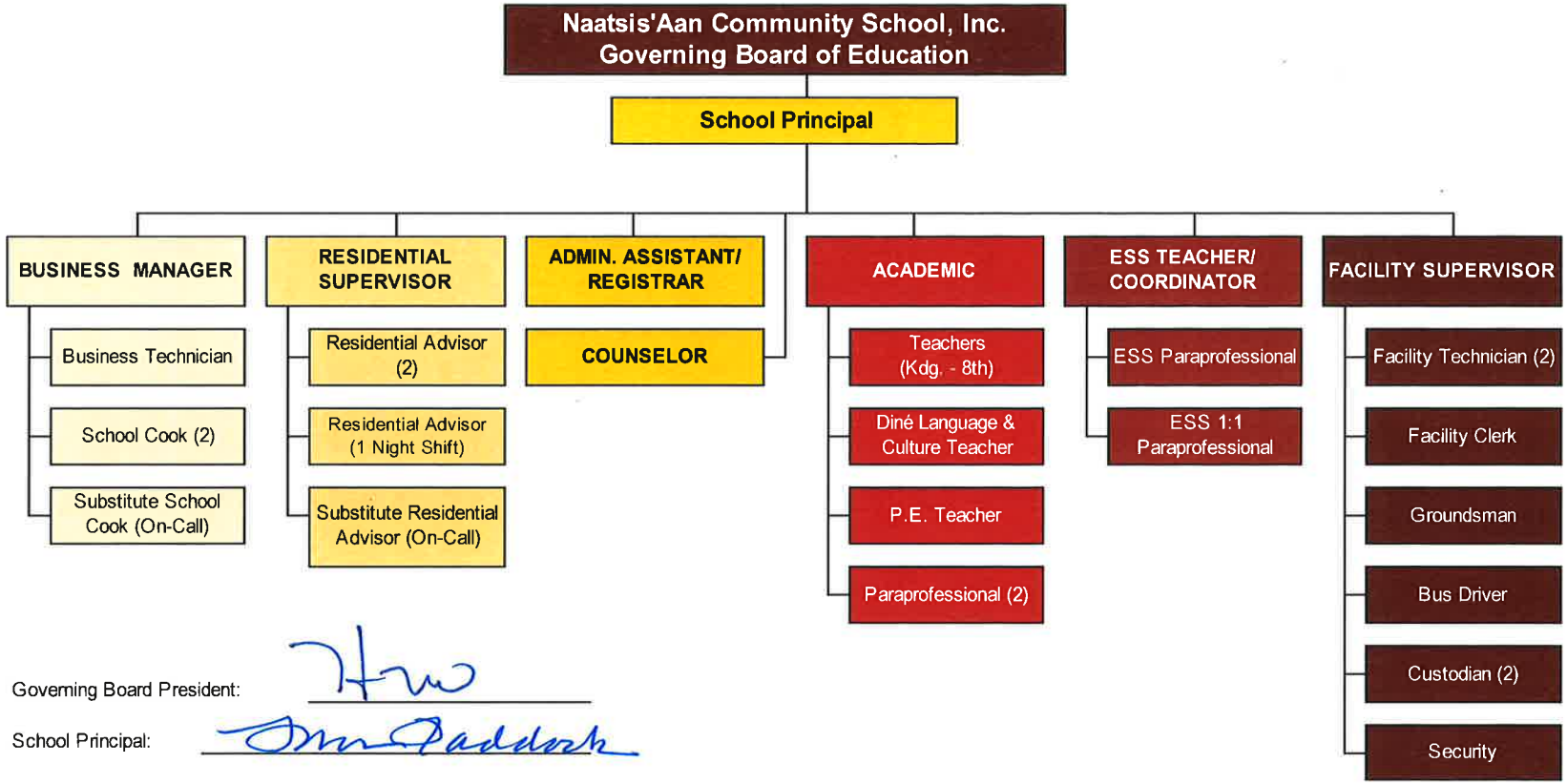
SECTION 13.01 BACKGROUND 173
SECTION 13.02 SCOPE OF POLICY 173
SECTION 13.03 POLICY 173
SECTION 13.04 ACTIONS CONSTITUTING FRAUD 174
SECTION 13.05 INVESTIGATION RESPONSIBILITIES 174
SECTION 13.06 CONFIDENTIALITY 174
SECTION 13.07 REPORTING PROCEDURES 175
SECTION 13.08 TERMINATION 175
SECTION 13.09 ADMINISTRATION 175

ARTICLE XIV. INVESTMENT POLICY 177

ARTICLE I. INTRODUCTION

Section 1.01 School Organizational Chart

Naatsis'Aan Community School, Inc.
2026-2027 Organizational Chart



Governing Board President: _____

School Principal: _____

Date of Approval: July 22, 2026

Section 1.02 Organization Description

A. Vision Statement. “Learn Today, Lead Tomorrow”

Mission Statement. “The Naatsis’Aan Community School will empower our students to be curious about seeking a relevant and meaningful education foundation, so they can become lifelong learners.”

Naatsisaan gi kedahatíínigíí a eził ádaa nizin dóó łih góó biinitsakes biłhahoditehgo dóó olta bin’diié bitsa’slei dóó ina iłinigii hool’áágoo binitasakees hadaltego yee ina íídoolíił.

B. Philosophy. The School believes that:

1. We believe in a shared commitment among all stakeholders, who in our small community have close clan relationships with one another, which will be acknowledged through the school community to revitalize and stabilize the continuance of Navajo Culture and Language through daily facilitation as aligned with the Navajo Nation Diné Standards.

2. We believe in a shared commitment among all stakeholders to sustain high morale through Ké to create positive relationships with students and all stakeholders, which are essential for positive student academic achievements.

3. We believe in a shared commitment among all stakeholders that students learn in different ways and should be provided with a variety of instructional approaches to support their learning using Ké and Diné teaching and language.

4. We believe in a shared commitment among all stakeholders that our students will use current technology to prepare students for high school and provides opportunities for students to pursue post-secondary education.

5. We believe in a shared commitment among all stakeholders that with the support of qualified staff, our students shall become independent thinkers

C. Student Success Goals: <u>2026-2027 SMART Goals</u>

The 2026-2027 SMART Goals for Naatsis’Aan Community School are **Specific, Measurable, Achievable, Relevant, and Time-bound**, focusing on key areas like math proficiency, English language arts (ELA), and school climate.

All NCS stakeholders like students, parents, teachers, staff, governing board and our community will be aware of the NCS SMART goals and promote them actively to reach them.

SMART Goal 1

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By May 2027, 70% of K-8 students will meet or exceed their Typical Growth target in Reading as measured by the i-Ready Diagnostic.

SMART Goal 2
By May 2027, 70% of K-8 students will meet or exceed their Typical Growth target in Math as measured by the i-Ready Diagnostic.

SMART Goal 3
By May 2027, 70% of K-8 students will increase their WIDA writing proficiency scores by at least one level as measured by using the proficiency level rubric.

SMART Goal 4
By the end of the 26-27 SY, Naatsis'Aan Community School will increase the percentage of students classified as "Regular Attendees" from 65% to 75% as measured by the end-of-year ADA attendance reports in Native American Student Information System (NASIS).

D. Our School Provides:

Residential Services: The school provides residential and educational services for K-8th-grade students from several surrounding Navajo Communities. Students reside in the dormitories while attending classes and receiving educational instruction at the school. After-school tutoring is also provided.

Medical Referral Services: In conjunction with the Utah Navajo Health System, other medical centers will acquire specialized services for students. Staff Housing for Full-Time Employees
401K Benefits, Health Benefits: Summit Insurance and UNUM (Short Term and Long Term Disability), Stipend positions under Academic, Athletics, and 21st Century Community Learning Centers.

E. School History.

The Navajo Mountain Boarding School started in the early 1930s with a handful of Navajo students living in a Hogan and wearing traditional Navajo outfits. By 1934, the Bureau of Indian Affairs and the Civil Conservation Corps began constructing the natural stonewall hogans with pine logs that were harvested from the base of the mountain. The logs were hauled down with wagons and a team of horses, which were used for roofing the structures and covered with packed mud. The octagons were used for classrooms, a kitchen, a dining room, a teacher, and staff quarters for over thirty years. Also, separate bathrooms were established for boys and girls. Later, a power plant house, student quarters, and a coal house were added to the campus. The small school served kindergarten to second grade with about thirty (30) students. Many successful students came through this landmark educational institution to become doctors, prosecutors, attorneys, college professors, tribal leaders, nurses, and future educators.

In the 1960s, the student population increased the need for a bigger facility, even though the school was a feeder school to Tuba City Boarding School and border town schools and dormitories like Flagstaff and Richfield. Leaving behind the former assimilative boarding school model, the new

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concept to strive and serve the students and community was that students needed immediate parental support, which would enhance their educational pursuit when they are closer to their home base. In this perspective, a groundbreaking ceremony was performed in 1964 for a new modern school at the east base of Little Begay Mountain, with a majority of local residents coming to witness the occasion.

The key purpose was to increase parent participation in school settings on behalf of their children and to create employment for local practitioners. Presently, the Naatsis'Aan Community School is recognized as a Public Law 100-297 Grant School by the Division of Dine Education (DODE) of the Navajo Nation, with three (3) Board of Directors elected by the Navajo Mountain community. The Naatsis'Aan Community School enrollment fluctuates between 75-100 students; some are in residential program settings and others are bused in daily. Not only does the school serve the local students, but it also reaches out to surrounding Navajo Communities to serve Navajo students. Next to Naatsis'Aan Community School is Navajo Mountain High School, operated by the San Juan School District in the State of Utah. Many of the students are promoted to Navajo Mountain High School after they complete their eighth-grade education at the community school. Currently, the community school serves students from kindergarten to eighth grade who continue their education at other schools that provide higher education.

F. Organizational Structure.

The Navajo Nation Board of Election Supervisors recognizes Navajo Nation Chapters from which representatives are elected to serve on the local Board. The Board provides and establishes policies for operation and maintenance, plus leadership to the school. The administration staff provides technical expertise and is responsible for the day-to-day operation of the school.

The Board employs a school principal to provide direction and manage the day-to-day operations of the school. The Board also employs supporting staff to assist the principal in carrying out the established goals and objectives.

Section 1.03 Enactment and Amendment

The Naatsis'Aan Community School, Inc., Policies and Procedures Manual (hereinafter "Manual") shall be effective immediately after the adoption by the Board, or at such time as approved by the Board, and shall be distributed to Board members and employees. All employees are expected to follow this manual and any amendments thereto, as they become effective. Duly enacted amendments will replace former policies and procedures at the time they are enacted, and they will become part of the employee's employment contract with the school.

Any proposed amendments to this policy and procedure can be assigned by the Board to the Principal for other staff to develop appropriate language, including legal review.

The Board may publish the text of the proposed amendments in its minutes and by posting notice of said amendments. The Board shall set a date and time for final consideration of said amendment, not less than ten (10) calendar days after said publication. Staff and other persons may submit comments upon proposed amendments before final adoption by the Board. If, in the

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Board's opinion, time does not permit a review, the Board may enact an amendment to the policy without the ten (10) day posting period and declare the amended policy effective immediately.

An amendment to the Manual adopted by the Board shall become effective immediately upon the Board enacting an amendment, or at such other time as the Board approves. Copies of the amendments will be distributed to all staff members by flash drive and posted at the School to notify all employees and the general public of the policy change.

In this Manual, all references to the "School" shall mean Naatsis'Aan Community School, Inc., and all references to the "Board" shall mean the duly elected and Certified Naatsis'Aan Community School Board Members.

Section 1.04 Jurisdiction

Any legal matters and employment agreements shall be determined according to and in accordance with the laws of the Navajo Nation, and the Navajo Nation Courts shall have sole jurisdiction over any such disputes. Any employee aggrieved must first exhaust the administrative due process provided in the Manual before seeking any relief in the Navajo Nation Court or the court of any other jurisdiction.

Section 1.05 Employee Acknowledgment Form

The Policy Manual contains important information about the Naatsis'Aan Community School, Inc. I understand that I should consult with my supervisor regarding any questions not answered in the Manual.

Since the information, policies, and procedures, plus benefits described here are necessarily subject to change, I acknowledge that revisions to the Manual may occur. All such changes will be communicated through official notices, and I fully understand that revised information may supersede, modify, or eliminate existing policies and/or procedures. Only the Governing Board has the ability to adopt any revisions to the policies in this Manual. I _____ (Print Name) have received the Personnel Policies and Procedures Manual electronically via USB drive and/ or access via ncswarriors.org, in its entirety. I understand that it is my responsibility to read and comply with the policies contained in this Manual and any revisions made to it.

I have read, acknowledged, and understand the electronic Personnel Policies and Procedures Manual, and any revisions of it, will become part of my employment contract with the school.

_____ _____

EMPLOYEE'S SIGNATURE DATE

_____

EMPLOYEE'S NAME (TYPED OR PRINTED)

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ARTICLE II. PERSONNEL POLICIES

Section 2.01 Nature of Employment

This Manual is intended to provide employees with a general understanding of the school's personnel policies. Employees are required to familiarize themselves with the contents of this Manual, for it will answer many common questions concerning employment with the school.

This Manual cannot anticipate every situation or answer every employment question. This, however, is intended to be the guide to the Board and the employee and is to be considered a part of the employment contract. It is understood by employees and employers that the Manual may be amended from time to time by the Board. The employee shall be notified of any modifications to the Manual and is expected to follow the modifications to the Manual as adopted by the Board. Any modifications to the Manual will immediately become part of the employment contract.

To retain necessary flexibility in the administration of policies and procedures, the Board reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this Manual. The only recognized deviations from the stated policies are those authorized by Board action.

Section 2.02 Employee Relations

The school believes that the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other similar employers within the regional area. If employees have concerns about the working environment are strongly encouraged to voice their concerns in writing directly to their immediate supervisors. The Governing Board highly encourages any internal disputes to apply internal conflict resolution, rather than pursuing outside mediation.

Section 2.03 Equality of Employment Opportunities/Non-Discrimination/Navajo or Indian Preference

The school is committed to a policy of non-discrimination relative to race, sex, age, religion, disability, and national and/or ethnic backgrounds with the exceptions provided to "Indians" under federal law and the preferences set forth under the Navajo Preference in Employment Act as it may be amended, and as Navajo and/or federal law may otherwise direct. It is the policy of the school, in all employment decisions, to give preference first to qualified Navajo persons, and secondly, to qualified Native American, Alaskan, or Hawaiian Indigenous persons. Further, it is the policy of the school to provide for Navajo or Native American, Alaskan, or Hawaiian indigenous employment whenever possible, consistent with the operation of a high-quality educational program. Accordingly, the Governing Board will undertake active recruitment efforts to locate qualified Navajo applicants for all vacancies. Similarly, active efforts will be undertaken

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to notify Navajo employees of opportunities for promotion and training. However, notwithstanding the foregoing, the school shall be free to select the most effective and best-qualified individual for any given position.

With the above-noted qualifications, the school is an equal opportunity employer and complies with the employment requirements of the Navajo Nation and the United States Federal Government.

Section 2.04 Veterans Preference

The school does provide a hiring preference for veterans. The term veteran means any person who has served at least 181 consecutive days of active duty in the armed forces and who has received an honorable discharge. Active duty for training or inactive duty by National Guard or Reserve members of the military does not qualify as "active duty" for this preference and shall not be considered active duty for purposes of this policy. As defined in 5 U.S.C. § 2101(2) as it may be modified, "armed forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

The purpose of this policy is to aid veterans in making a transition into civilian employment and is, in part, a recognition of the veterans' sacrifice and to prevent veterans seeking employment from being penalized for their time in military service. This policy recognizes the economic loss suffered by citizens who have served their country in uniform, restores veterans to a favorable, competitive position for employment, and acknowledges the larger obligation owed to veterans.

Veterans requesting preference relative to employment with the school must indicate they are requesting the preference in their employment application and attach a copy of their DD214 discharge papers at the time of submitting their employment application. Veterans who have completed all phases of the application process and who otherwise qualify for a position for which they are applying shall be given a veteran's preference in the selection process by adding five additional points to their application score. The additional five points are the extent of the veteran's preference that is to be given by the school.

Notwithstanding the foregoing, the school retains the right and discretion to hire the candidate it deems most beneficial to the school.

Section 2.05 Immigration Law Compliance

The school is committed to employing only individuals who are authorized to work in the United States and does not unlawfully discriminate based on citizenship or national origin, or creed.

In compliance with the Immigration Reform and Control Act of 1986, as it may be amended and other applicable immigration and workers control acts, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are

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rehired must also complete the form if they have not completed an I-9 with the School within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Business Manager/Human Resource. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

Section 2.06 Employee Physical Examinations

The school shall require all employees to undergo an annual physical examination beginning of each school year for insurance liability, within 60 days of employment and/or at any time that the school questions the employee's ability to perform his or her assigned duties, or questions whether the employee may be a direct threat for the health or safety of the students and employees.

Section 2.07 Anti-Nepotism

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. These situations have the potential to impact the work environment and will be avoided whenever possible. The school reserves the option to make any changes necessary to promote a harmonious work environment.

Relatives of persons employed by the School may be hired only if they will not be working directly for or supervising a relative. School employees cannot be transferred into such a reporting relationship.

If the relative relationship is established after employment, the most recently hired individual will be relieved from employment or reassigned to another department or position.

A Governing Board member and his/her immediate family members (spouses, parents, children, brothers, or sisters) **who reside within his/her household** cannot be hired or retained by the school.

For this policy, **relatives** are defined as **immediate family members**, who include spouses (including common-law), parents, children, brothers, and sisters. This definition includes those related by blood, marriage, civil partnership, or adoption.

This policy will apply to summer or part-time work as well as to full-time employment.

All employees are expected to conduct themselves professionally and will not intervene or become involved with employment issues pertaining to their relatives who are also employed by the school.

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See also Section 2.08, Conflicts of Interest.

Section 2.08 Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of this policy is to provide employees with clarification on issues of acceptable standards of conduct regarding relatives and transactions with outside firms and individuals.

The actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or a relative of that employee. For this policy, a relative is a person who is defined as a relative under the School's Anti-Nepotism Policy (Section 2.07).

A dependent of a Board member (a person for whom more than half of whose support is obtained from a Board member) cannot be hired by the school except upon full consent of the Board Members. Neither a Board member nor their spouse or person who lives with a Board member, as explained in Section 2.07, may be hired or retained by the School Board.

School business dealings with outside firms shall not result in personal financial gains for any employee or his or her relatives (see Section 2.07- Anti-Nepotism). An employee who has, or whose relative has, a substantial personal interest in any decision of the school shall make known this interest in the official records of the school and shall refrain from participating in or influencing the School's position on any matter as an employee in such a decision. Personal gain may result not only in cases where an employee or relative has significant ownership of a firm with which the school does business but also when an employee or relative receives any kick-back, bribe, substantial gift, or special consideration as a result of any transaction or dealings involving the school. All transactions that can be interpreted to involve personal financial gain shall require specific Governing Board approval.

No employee of the school shall accept gifts from any person, group, or entity doing or desiring to do business with the school. The acceptance of any business-related gratuity is specifically prohibited, except for widely distributed, advertising items of nominal value.

Section 2.09 Filling Vacancies

A. Employment Applications. NCS relies upon the accuracy, completeness, and truthfulness contained in employment applications and other documents submitted therewith. An application must be completed and submitted along with any other documents as required. If recommended for hire, it is the responsibility of the applicant to pay a non-refundable fee, via money order, to begin the background check process for federal fingerprinting. Any misrepresentations, falsifications, or material omissions provided by an applicant or employee in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment. Unsolicited

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applications will not be accepted. Applications will be discarded at the end of 12 months, after the position has been filled.

B. The position(s) will be advertised for 15 business days via physical publication, ncswarriors.org, and via social media. After an applicant submits their completed application and should they be the only applicant, an interview date will be set without awaiting a pool of additional applicants.

C. In consultation between the Business Manager/Human Resource/ Human Resources , determines fund availability and vacancy; recommends to the principal the need to expend the funds and to fill the vacancy. The principal shall recommend to the board the findings of available funding resources to fill certain vacant positions.

D. Reassignment. The Principal is authorized to make in-house reassignments not to exceed one hundred twenty (120) days based upon an employee's request or based on the needs of the school All reassignments will be submitted to the board for final approval. Upon completion of the first 120 days, the Principal will have the option of implementing the second 120-day reassignment. (See Performance Evaluation: Section 3.09 B). All reassignments will be documented in writing by Human Resources and signed by both the employee and principal.

E. Former employees terminated from the school will not be considered for reemployment.

Section 2.10 Hiring Procedure

When a vacancy occurs, the Principal and Business Manager/Human Resource shall take the following steps:

A. Obtain or develop a Job Description for all positions associated with the school and present it to the principal. The principal recommends to the board for approval/disapproval.

B. Establish, with the approval of the Governing Board, opening dates for submission of applications and a timeline for the hiring procedure.

C. Identify and recommend in-house employees qualified for promotional opportunities in the event of any job openings.

D. Advertise job vacancies as required at 15 N.N.C. § 604(B), locally, in a newspaper, on a radio station, social media, local colleges/ universities, and on the BIE and NCS websites.

E. Make applications available at Naatsis'Aan Community School and on the school website.

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F. Screen or examine applications on file for qualified applicants and submit a list of qualified applicants to the principal. Qualified applicants meet the minimal requirements outlined in the Position Description and Manual. A record of all applications for each vacancy shall be kept for twelve (12) months from the date the position is filled, or if not filled, from the date of advertising. All applicants are subject to character/background clearance.

G. The Business Manager/Human Resource must make reference calls to all qualified applicants who meet the proper background requirements for the position applied for.

H. Schedule the qualified applicant(s) for an interview with the interview committee. The interview committee and principal will make recommendations to the Board for hiring.

I. The board authorizes the principal to make a contract offer to a qualified applicant.

J. Orientate all new employees on School Personnel Policies and Benefits (Human Resource within two weeks of employment).

K. Perform fingerprinting and background checks as set forth below:

1. All applicants offered employment (including volunteers and trainers) having control over students shall **first** successfully complete a fingerprint and background check as required by the Indian Child Welfare and Family Violence Prevention Act at 25 U.S.C. § 3201 *et seq.*, including compliance with 25 C.F.R. § 63.10 *et seq.*, the Crime Control Act of 1990 at 42 U.S.C. § 13041 and all amendments and regulations, prior to employment and/or prior to control over students as set forth by the:

   A. Federal (Fingerprinting can be completed in the NCS Business Office, bring State Issued Driver's License) Obtain Employment Background form from Human Resources.

   B. State/IVP Clearance Card (Department of Public Safety Fingerprint Clearance. $67.00 fee is applicable).

   C. Navajo Nation Background check back to 18th Birthday of applicant to Present Date is required of all new hires.

   Applicants for all staff positions shall, along with their certification, present a current fingerprint clearance card. All employees and volunteers shall complete fingerprint/background checks every five (5) years. Employment with the School is contingent upon the results of the fingerprint check or maintenance of the certificate or license, which satisfies the fingerprinting requirement.

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2. All applicants must sign an acknowledgment that they have not been arrested, convicted of, or are awaiting trial on the crimes identified in Policy 2.10 and/or the laws noted therein. This document must be signed under oath and penalty of perjury. See the attached application in Appendix A. Prospective employees shall certify in a sworn statement that they are not awaiting trial and have never been convicted of or admitted in open court or pursuant to a plea agreement of committing any criminal offenses in this state or any other jurisdiction as specified below:

   a) Sexual abuse of a minor

   b) Incest

   c) First or second-degree murder

   d) Kidnapping

   e) Arson

   f) Sexual assault

   g) Human Trafficking

   h) Sexual exploitation of a minor

   i) Felony offenses involve contributing to the delinquency of a minor.

   j) Commercial sexual exploitation of a minor

   k) Felony offenses involving the sale, distribution, or transportation of, offer to sell, transport, or distribute, or conspiracy to sell, transport, or distribute marijuana or dangerous or narcotic drugs or controlled substances.

   l) Felony offenses involving the possession or use of marijuana, dangerous drugs, narcotic drugs, or other controlled substances.

   m) Misdemeanor offenses involve the possession or use of marijuana, dangerous drugs, or other controlled substances.

   n) Burglary in the first degree

   o) Burglary in the second or third degree

   p) Aggravated or armed robbery

   q) Robbery

   r) A dangerous crime against children as defined in A.R.S. § 13-604.01.

   s) Child abuse

   t) Sexual conduct with a minor

   u) Molestation of a child

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v) Voluntary manslaughter

w) Aggravated assault

x) Assault

y) Exploitation of minors, involving drug offenses

z) Any crime involving a child, violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, crimes against persons, or felony drug offense.

3. Before offering employment to a candidate, make documented, good-faith efforts to contact previous employers to obtain information that may be relevant to a person's suitability for employment. See Appendix A, Background Check Form for Applicants.

4. The School may refuse to hire, review, or terminate any person who has been convicted of or admitted to committing any of the crimes listed above or a similar offense in another jurisdiction.

5. This section does not require minors (summer youth employment program), who are also employed by the school, to be fingerprinted.

6. The Business Manager/Human Resource is the adjudication official, and the school's Principal shall be the backup to the adjudication official. The adjudication official and backup shall receive appropriate training relative to adjudication officials as defined in federal law and shall be responsible for adjudicating all fingerprint, background, and criminal history check issues and appeals under 25 C.F.R. 63.10 *et seq.*, which is adopted herein by reference.

L. Ensure that all new employees obtain a Standard First-Aid certificate within the employee's initial thirty (30) days of employment. Each employee shall apply for recertification every two years or before the expiration date of the certificate. May be obtained by nfhslearn.com or in person.

M. Ensure that new employees obtain a Cardiopulmonary Resuscitation (CPR) certificate within the employee's initial 30 days of employment. Each employee shall apply for recertification annually.─May be obtained by nfhslearn.com or in person.

N. Ensure that full-time employees obtain a Security Awareness Certificate within 30 days of employment. Each employee shall apply for recertification annually. (BIE IMT, Security Awareness, etc.)

O. Ensure that all employees obtain a Defensive Driving Course within 30 days of employment. Each employee shall apply for recertification annually.

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P. Ensure that all employees obtain a Food Handlers Permit within 30 days of employment at their own expense. Each employee shall apply for recertification every two years. (ihs.gov or in person)

Q. Ensure that all new employees obtain their medical examinations as required and as outlined in Section 2.06 of this Manual.

R. Ensure that a performance evaluation is completed by the employee's immediate supervisor within the employee's sixty (60) day probationary period.

Section 2.11 Interview Committee

An Interview Committee shall be appointed by the principal to interview both certified and classified positions ensuring no conflict of interest and composed of three (3) to four (4) employees (Residential Supervisor, Facility Manager, Food Service Supervisor, and an Academic Staff) The Interview Committee shall be appointed by the Principal and shall be composed of three (3) to four (4) employees or Board members. In the event of a vacancy for the principal, the board will interview principal candidates.

The Interview Committee will interview and rank the applicants. The ranking or report of the Interview Committee shall be submitted to the Principal.

Section 2.12 Principal's Recommendation

The principal will submit his/her recommendation to the Board, under the Interview Committee's decision.

Section 2.13 Final Approval

A. The Governing Board will make the final decision. All decisions to hire, terminate, make salary determinations, or make all other final employment decisions shall be made by the Board. No staff person has the authority to hire or terminate employees absent specific direction or delegation by the Board. The Board reserves the right to interview applicants for the Principal.

B. Notification of Selection. The principal, or designee, shall notify the selected applicant and negotiate any outstanding terms and conditions of employment and the reporting date with the selected applicant.

C. Notice to Applicants. After the position is filled, all applicants will be notified in writing that the position has been filled.

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Section 2.14 Emergency Appointments

A. Emergency Certification. When an emergency occurs requiring the immediate services of a person in a particular position, the Business Manager/Human Resource may, with the concurrence of the principal, certify such position for restricted) advertising and hiring as determined by the Principal.

B. Requirements for an Emergency Classification. Emergency classification shall occur only if the Principal, or designee, makes written, affirmative findings that failure to immediately fill a position will: (1) pose a safety threat to persons or property; (2) jeopardize the integrity and successful completion of program objectives; and/or (3) result in the immediate loss or reduction of funds. One of the above factors may be sufficient for such action.

C. Hiring Roster. Should an emergency hiring occur, all current applications for the vacated position and all other readily identifiable candidates, including current employees, will be used to create a roster. Efforts will be made to secure the widest circulation of job announcements as permitted by the emergency situation.

Final Decision. The principal shall submit his/her recommendation on hiring to the Board with the reasons, therefore. The Board shall make the final hiring decision.

D. Maximum Appointment Period. No emergency hiring shall exceed one hundred and twenty (120) calendar days. At the expiration of the one hundred and twenty (120) day appointment, the contract will be terminated unless the employee has been duly appointed to that position after all employment procedures have been fulfilled.

E. Preference. Preference will not be given to persons filling emergency contracts unless all requirements have been documented and the employee has been certified eligible.

F. Pay. Where a current employee receives an emergency appointment under this section, rather than reassignment, the employee's pay will be adjusted to that of the new position. New emergency appointments are eligible for holiday pay, Undesignated Leave, Annual Leave, or health and life insurance. Emergency appointments are entitled to workers' compensation and overtime.

G. Provisional Hiring: In the event that a provisional hire will be implemented, the Human Resources shall submit a Consideration to the board and include the provisional hire's contract which will entail that the provisional hire is a conditional contract contingent upon:

- Submittal of an IVP Card clearance,
- Teacher Certification,
- Start clearance process within forty-five (45) days of provisional hiring.

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Section 2.15 Procedures for Background Checks, Employee Investigations, and Adjudication

I. PURPOSES:

A. The general purpose of this policy is to establish minimum standards of character and suitability for applicants, employees, consultants, contractors, and volunteers who have or may have regular contact with or control over all students of Naatsis'Aan Community School Inc.

B. The specific primary purposes of this policy are to protect all students, reduce incidents of family violence and violence against children in the community, and to provide a fair and objective adjudication process for all Naatsis'Aan Community School Inc. job applicants, employees, consultants, contractors, and volunteers.

C. To comply with federal regulations and directives while at the same time avoiding liability under the Navajo Preference in Employment Act (NPEA). This will require balancing the above two considerations in that at times the directives of the BIE extend beyond P.L. 101-630 and P.L. 101-647, thereby potentially exposing the school to liability under the NPEA in that adverse action beyond that required by statute may not qualify as just cause.

II. ADJUDICATION PROCEDURES

A. Pre-employment screening will be conducted before an offer of employment as required by 25 U.S.C. 3201 et. seq.

B. During employment, employees must notify their supervisor immediately of any arrest, charge, or conviction. When Naatsis'Aan Community School Inc. receives notice or information of any arrest, charge or conviction for any felony or misdemeanor noted herein, the employee will be notified by the principal and department supervisor and depending on the facts and circumstances immediate actions may be taken, including but not limited to administrative reassignment away from the workplace.

C. The adjudicating official will decide regarding suitability for employment or continued employment based upon reasonable, logical, and professional evaluation of all the above documents and these policies and applicable law.

Section 2.16 Pre-requisites to Beginning Work

All employees shall complete and submit the required employment documents before performing job duties.

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1. The employee has been checked through the Business Office, has completed all applicable federal and state tax declarations, and has executed all applicable salary payment and deduction agreements.

2. The Business Manager/Human Resource has enrolled the employee in all proper employee benefit plans and has prepared and obtained all required signatures on a fully completed contract containing the term of the contract and the salary to be paid to the employee. The employee shall present proof of all required certifications to the school at or before this time.

3. The Facility Manager and the employee have completed a housing rental agreement, if necessary, for the employee.

4. The employee has been given a copy of the Personnel Policies and Procedures Manual and handbook, has had the opportunity to read the same or has been interpreted to him or her, and has signed the declaration to that effect under Section 1.05.

5. A properly completed original copy of the United States Immigration and Naturalization Form I-9 U.S. (Citizenship and Immigration Services), as required by law, has been properly executed regarding the employee.

6. The Business Manager/Human Resource has completed his/her duties set forth at Sections 2.09 and 2.15 herein.

Section 2.17 Certifications and Qualifications

Failure to provide the school proof of possessing and maintaining current certifications, qualifications, training, degrees, credit hours and all other requirements set forth in Cognia regulations, any applicable federal or state laws, the current federal home living guidelines and related C.F.R.'s including, but not limited to, 25 C.F.R. §36.70 *et seq.* and 25 C.F.R. §36.75, all as may be amended, shall be grounds for disciplinary action up to and including termination and bars renewal of staff/employee's contract of employment. This policy is effective immediately, regardless of any time periods outlined in the above-described laws or regulations.

If an employee certification or background check expires shall be considered a breach of contract, leading to termination of employment.

If a certified teacher lacks state teaching licensure, they will be expected to continue taking the Arizona Educator Proficiency Assessment (AEPA). If the teacher does not pass, the state will grant an emergency certification for a maximum of three (3) years.

If a selected Classified applicant lacks educational credential(s), and Education Stipulation will be implemented in their Contract offer, specification: 3 credit hours per semester (Summer, Fall, Spring for the duration of their contract.

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Section 2.18 Document Retention and Destruction Policy

The purpose of this policy is to define and establish a document retention and destruction policy and procedure.

The Sarbanes-Oxley Act makes it a crime to alter, cover up, falsify, or destroy any document with the intent of impeding or obstructing any official proceeding. This policy provides for the systematic review, retention, and destruction of documents received or created by NCS. This policy covers all records and documents, regardless of physical form, and contains guidelines for how long certain documents should be kept and how records should be destroyed (unless under a legal hold, as hereinafter defined). It is designed to ensure compliance with federal and state laws and regulations; to eliminate accidental or innocent destruction of records; and to facilitate operations by promoting efficiency and freeing up valuable storage space.

Document Retention Procedure:

NCS follows the document retention procedures outlined in Appendix I. Documents that are not listed but are substantially similar to those listed in the schedule will be retained for the appropriate length of time.

Electronic Documents and Records:

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files, including records of donations made online, that fall into one of the document types outlined in the Appendix will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an e-mail message, the message should be printed in hard copy and kept in the appropriate file or moved to an "archive" computer file folder. Backup and recovery methods must be tested on a regular basis.

Emergency Planning Procedure:

NCS's records will be stored in a safe, secure, and accessible manner. Documents and financial files that are essential to keeping NCS operating in an emergency will be duplicated or backed up in a separate location or forwarded to be maintained electronically.

Document Destruction Procedure:

NCS's Principal is responsible for the ongoing process of identifying its records, which have met the required retention period, and overseeing their destruction. Destruction of retained documents will be accomplished by shredding. Document destruction will be suspended immediately upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

Compliance:

Failure on the part of NCS's Principal and Governing Board Members to follow this policy can result in possible civil and criminal sanctions against NCS and possible disciplinary action against responsible individuals. The School Governing Board will periodically review these procedures to ensure that they comply with new or revised regulations.

GUIDELINES FOR DOCUMENT RETENTION AND DESTRUCTION

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STUDENT RECORDS. (insert USDOI; BTFA Records Retention Schedule)

Student records must be kept in compliance with all applicable federal, tribal, and grant conditions. Where there are no such statutes or regulations, NCS shall use the records retention and disposition schedule in *the Arizona State Library & Public Records,* https://www.azlibrary.gov/arm/retention-schedules. It should be noted that this Arizona State document is used only as a reference and should not be construed to be controlling Arizona law relative to NCS. NCS affirms its sovereignty and uses the above-referenced Arizona material as a model and protocol it adopts, not as a law that controls Special Education.

A. Special education, including placement records, referrals, Evaluations, testing data, etc., shall be maintained for four (4) Fiscal years after a student's final enrollment in the special Education program.	4 years
B. Special education census records shall be maintained for Five (5) years after the fiscal year in which they were prepared.	5 years
C. NCS shall follow 34 C.F.R. § 300.624 regarding notification of parents and the destruction of information and records relative to to special education.	
D. Medicaid (MIPS) records.	5 years

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Item #	Records Series	Retention (Yrs.)	Remarks
1.	Daily Attendance Records (attendance records for the school and not individual student attendance records This series includes student sign in/out logs)	4	After fiscal year created or received
2.	School Registers	4	After fiscal year created or received
3.	Certificates of Educational Convenience (CEC)	4	After fiscal year of last attendance
4.	Disciplinary Records	4	After fiscal year of last attendance
5.	Excused Absence Records	4	After fiscal year created or received
6.	Child Abuse Reports	2	After student's 18th birthday
7.	Counseling Session Records	4	After fiscal year of last attendance
8.	Professional and Working Records	4	After fiscal year of last attendance
9.	Federal Survey Records	3	After fiscal year created or received
10.	Access and Release Records	4	After fiscal year of last attendance
11.	Grade Records (class grade books and not individual student's grades)	2	After grades transferred to permanent student records
12.	Standardized Test Score Sheets (including AIIMS)	3	After scores transferred to permanent student records
13.	Student Activities Records (including extracurricular activities, awards, recommendations, and other related records)	4	After fiscal year of last attendance

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Item #	Records Series	Retention (Yrs.)	Remarks
14.	Pesticide Notification Records	2	After posted
15.	Health Records (including basic identifying data, general medical history, medical reports, vision and hearing tests, student accident reports, and other related records but does not include immunization records)	3	After fiscal year of last attendance
16.	Immunization Records (card specified by Department of Health Services)	Permanent	Preserve pursuant to ARS §39-101
17.	Anecdotal Records	4	After fiscal year of last attendance
18.	Non-medical Professional Reports (including reports from psychologists, social workers and other related records)	4	After fiscal year of last attendance
19.	Student Withdrawal Notices	4	After fiscal year of withdrawal
20.	Permanent Student Records (including personal identifying information (name, student identification number, etc.), transcript of final grades, summary of attendance and standardized test scores)	Permanent	Preserve pursuant to ARS §39-101
21.	Special Education Records (including placement records, referrals, evaluations, testing data and other related records)	4	After fiscal year of final enrollment in program **(Parents must be notified prior to destruction of special education records)**
22.	Special Education Census Records	5	After fiscal year created or received
23.	Student Insurance Records	4	After fiscal year of last attendance

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CORPORATE RECORDS	
Annual Incorporation Reports	Permanent
Articles of Incorporation	Permanent
Governing Board Meeting and Governing Board Committee Minutes	Permanent
Governing Board Policies/Resolutions	Permanent
By-laws	Permanent
Fixed Asset Records (equipment, etc.)	Permanent
IRS Application for Tax-Exempt Status	Permanent
IRS Determination Letter	Permanent
State Sales Tax Exemption Letter for 501(c)3	Permanent
Contracts (after expiration)	7 years
Correspondence (general)	3 years
ACCOUNTING AND CORPORATE TAX RECORDS	
Annual Audits and Financial Statements	Permanent
Depreciation Schedules	Permanent
General Ledgers	Permanent
IRS 990 Tax Returns	Permanent
Business Expense Records	7 years
Cash Receipts	3 years
Credit Card Receipts	3 years
IRS 1099s*	7 years
Invoices	7 years
Journal Entries	7 years
Petty Cash Vouchers	3 years
Sales Records (registration forms, etc.)	5 years
BANK RECORDS	
Check Registers	Permanent
Bank Deposit Slips	7 years
Bank Statements and Reconciliation	7 years
Donor Records and Acknowledgement Letters	7 years
Electronic Fund Transfer Documents	7 years
Grant Applications and Contracts (after completion)	5 years after completion
LEGAL RECORDS	
Copyright or Trademark Registrations	Permanent
Insurance Policies	Permanent
Stock and Bond Records	Permanent
PRESS RELEASES/PUBLIC FILINGS	
Press Releases	Permanent
Other Publications, Photos, Press Clippings	7 years

*IRS 1099s

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APPENDIX II-A APPLICATION FOR EMPLOYMENT

NOTIFICATION/AFFIDAVIT/SIGNATURE

CONSENT TO CONDUCT BACKGROUND INVESTIGATIONS, CRIMINAL BACKGROUND CHECK, AND RELEASE

I, _____ [Applicant's name], have applied for employment with the School, Inc. (hereinafter "Naatsis'Aan Community School") to work as a _____ [Job Title].

Employees at Naatsis'Aan Community School are subject to the following federal and tribal laws:

1. The Indian Child Protection and Family Violence Prevention Act (P.L. 101-630) states that all Indian tribes which are contract or grant recipients under the Indian Self-Determination and Education Assistance Act or Tribally Controlled Schools Act of 1988 are subject to investigation and minimum standard requirements, and that character investigations are a federally mandated requirement.
2. The Crime Control Act of 1990, Child Care Worker, Employee Background Checks (P.L. 101-647) states that each agency of the Federal Government and every facility operated by the Federal government (or operated under contract with the federal government), that hires (or hire contracts) individuals involved with providing childcare services to children under the age of 18 shall assure that all existing and newly hired employees undergo a Criminal History Background check.
3. The Navajo Nation Privacy Act, Title 2, states that a protected record includes some employment records. This release is the written permission to release those records to NCS for the sole purpose of a background investigation.

It is the policy of Naatsis'Aan Community School not to discriminate based on race, color, religion, gender (including sexual harassment as described in NCS policies concerning sexual harassment), sexual orientation, age, national origin, disability, marital status, political affiliation, or veteran status in its educational programs, activities or employment policies as required by federal law with the exceptions provided to "Indians" under federal law and the preferences set forth under the Navajo Preference in Employment Act as it may be modified and as Navajo and/or federal law may otherwise direct. NCS abides by Navajo and applicable federal laws regarding people with disabilities. If you have a special need, reasonable accommodations will be made by Navajo and applicable federal law. Inquiries regarding compliance with any of the above may be directed to NCS's Business Manager/Human Resource/Office or the Director of the Office for Civil Rights, U.S. Department of Education, Federal Office Building, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582.

Every answer I have provided on this application is both complete and truthful. I understand and agree that: (1) if any information is omitted from, or not filled in on this application, or if any false information is furnished, NCS will reject my application; (2) if any false information is furnished, I will be ineligible for any consideration for employment and may be subject to criminal prosecution; and (3) if I am employed by NCS I may be dismissed from employment, criminally prosecuted, and if certified, my certificate may be revoked, if it is later determined that I have furnished false information on this application.

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I understand that for NCS to determine my eligibility, qualifications, and suitability for employment, Naatsis'Aan Community School will conduct a background investigation before I am considered for an offer of employment. This investigation may include asking my current and any former employer and educational institution I have attended about my education training, experience, qualifications, job performance, professional conduct, and evaluations; as well as confirming my dates of employment or enrollment, position(s) held, reason(s) for leaving employment, whether I could be rehired, reason for not rehiring (if applicable), and similar information.

Personnel employed by the NCS shall certify that they are not awaiting trial on and have never been convicted of or admitted in open court or under a plea agreement committing any of the criminal offenses listed in NCS Policy 2.10 on the Navajo Nation or similar offenses in any other jurisdiction. It is a violation of Naatsis'Aan Community School Policy for a person seeking employment with NCS to fail to give notice of any arrest, charge, or conviction for any felony or misdemeanor, such as those listed in NCS Policy 2.10.

Employment with NCS is conditional and rests upon (a) satisfactory pre-employment reference checks, (b) submission of a valid Arizona Department of Public Safety Fingerprint Clearance Card, (c) a criminal background check conducted by the Navajo Nation Police Department, (d) a background check conducted by a security clearance company chosen by Naatsis'Aan Community School, (e) if applicable, an investigation of your driving record to be conducted by NCS' insurance company, and is subject to (f) the policies and regulations of Naatsis'Aan Community School, (g) submitting documentary proof of authorization to work in the United States, (h) and, if required, proof of appropriate certification/licensing and/or Indian Blood. Employment will not be finalized until all requirements have been met to the satisfaction of NCS. Misrepresentation or omission of pertinent facts may be just cause for termination. Parties providing this information will be released from any liability in connection with reference and background checks made by Naatsis'Aan Community School.

Under penalty of prosecution and termination, I hereby swear and certify that the information presented on this application is true, accurate, and complete. I authorize the investigation of all statements contained herein and understand that agents of Naatsis'Aan Community School may review any document relevant to this information.

Dated this ____ day of _____, 20__.

_____	_____
Applicant's Signature	Notary
_____	
Applicant's Printed Name	
_____	_____
Witness Signature	My Commission Expires

Note: a photocopy or facsimile (FAX) copy form that shows my signature shall be as valid as an original.

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APPENDIX II-B BACKGROUND CHECK FORM FOR APPLICANTS

Applicant's Name: _____ Position Applied for: _____

Date of Background Check: _____

Name of Person Contacted: _____ Telephone: _____

Name of School/Business (if applicable): _____

Address: _____

Relationship to applicant:

- □ Former employer – position: _____
- □ Former supervisor – position: _____
- □ Personal reference

Method of contact: □ Telephone □ Letter □ Facsimile

QUESTIONS FOR FORMER EMPLOYERS / SUPERVISORS:

Dates of employment: _____

Position Held: _____

Final rate of pay: _____

Was the person reliable? □ Yes □ No; If no, explain: _____

Was the person satisfactory? □ Yes □ No; If no, explain: _____

Any concern about the person being late to work without authorization? □ Yes □ No.
If yes, explain:

_____

Any concerns with abuse of leave policies? □ Yes □ No.
If yes, explain:

_____

Any concern with abuse of other policies? □ Yes □ No.
If yes, explain:

_____

Any difficulty establishing communication and rapport with children? □ Yes □ No.

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If yes, explain:

_____

Any difficulties in establishing communication and rapport with supervisors? □ Yes □ No.
If yes, explain:

_____

Did the person ever receive a written counseling statement, letter of direction, or reprimand?
□ Yes □ No; If yes, describe:

_____

Did you ever take action or consider taking action to suspend, decline to renew, or dismiss the employee? □ Yes □ No; If yes, describe:

_____

Was there ever an allegation or complaint about the person involving:

Abusive language? _____

Insulting or derogatory comments?_____

Inappropriate contact with a child? _____

Verbal or physical contact of a sexual nature? _____

Dishonesty? _____

Substance Abuse? _____

Failure to provide adequate supervision? _____

Failure to follow reasonable directions or instructions? _____

If yes on any of the above, explain in detail:_____

_____

_____

Was the person ever involved in an accident that resulted in injury to an adult or child?
□ yes □ no; If yes, explain: _____

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Would you rehire this person? _____

_____

Can you identify anyone else who could provide relevant information regarding this applicant's fitness for employment as a [position applied for]? _____

_____

Is there any other information I have not asked about that would help us determine this person's eligibility, qualifications, and suitability for employment with our school? _____

_____

QUESTIONS FOR PERSONAL REFERENCE:

How long have you known the applicant? _____

What is the nature of your relationship? _____

Why do you think the applicant would be a good choice for this position? _____

_____

Do you know of any reasons that could prevent the applicant from fulfilling the functions of the position? _____

_____

Background check form completed by: _____

Date completed: _____

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APPENDIX III-A

CONSENT AND WAIVER TO CONDUCT BACKGROUND CHECKS

I, _____, DOB_____, SSN_____, residing at _____
[Printed Name of Potential Employee]

_____ has applied for employment with the Naatsis'Aan Community School, Inc. (hereinafter School). As indicated by my signature below, I understand that the School will conduct a background check of me through any or all of the following:

1. Bureau of Indian Education.
2. The United States of America and any of its branches, agencies, or departments.
3. The State of Arizona and any of its subdivisions, branches, agencies, or departments.
4. The Navajo Nation and any of its subdivisions, branches, agencies, or departments; and
5. Any private entity retained by the School to conduct such background checks.

I understand that the School will conduct these background checks to determine my criminal history, if any, and any other factors that may be relevant to my fitness for employment with the School.

As evidenced by my signature below I consent to any or all the above noted entities, all of my former employers and any other entity for whom I have provided work or services, provided all requested information and hereby waived and forever surrender any objection or claim I may have or acquire relative to the background checks or those providing information under the School's request. I further agree and direct that a copy of this request shall have the same force and effect as an original.

This consent is limited to requests for background information from the School.

And its authorized agents from _____ to _____.
[Month, Day, Year] [Month, Day, Year]

_____
Signature

_____
Date

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APPENDIX III-B

Notice of Contract Offer and Form For Accepting Contract Offer

(Employee must sign and return within 15 days of the date of this Notice)

The Naatsis'Aan Community School, Inc. School Board (hereinafter "Board") offers you the attached. Employment contract for the year _____. The date of this offer is _____.
[Month, Day, Year]

THIS OFFER OF AN EMPLOYMENT CONTRACT IS GOOD/VALID FOR ONLY FIFTEEN (15) DAYS FROM _____, WHICH IS UNTIL _____.
[Month, Day and Year] [Month, Day and Year]

If you wish to accept this contract, you must do so in writing (by completing the form below or otherwise) and delivering your written acceptance to the Naatsis'Aan Community School Business Manager/Human Resource on or before

_____.
[Month, Day, and Year]

If the School does not receive your written acceptance of the contract offered by _____, the School will assume that you have decided not to accept the offer, and the offer will be withdrawn and void, and the School will proceed to fill the position with another person.

- - - -

ARTICLE III. EMPLOYMENT STATUS AND RECORDS

Section 3.01 Employment Classification/Categories

The school intends to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

The School is informed that, due to recent federal court decisions, it appears that the Fair Labor Standards Act (FLSA) does not control the School or like entities. Therefore, the School disclaims any applicability of the FLSA and asserts its sovereign immunity from application of the FLSA to the School. Notwithstanding the foregoing, the School generally adopts, as its policy, not as federal law, the definitions, policies, and procedures outlined in the FLSA. By disclaiming the applicability of the FLSA, the School affirmatively states that it will not respond and is not required to respond to any federal claims or the jurisdiction of any federal court; however, it will respond in Navajo court to its decision to include similar employment provisions via its policies. While the School may use definitions and principles from the FLSA, it is not bound by the FLSA, and there shall be no jurisdiction over the School arising from the FLSA.

Exempt Employees – are those executive, managerial, professional, and administrative employees who are exempt from coverage under portions of the Fair Labor Standards Act (FLSA), including the requirement for paying overtime, by virtue of the employee's job duties and skills. Employees assigned to exempt positions are not eligible for overtime. Naatsis'Aan Community School, Inc., exempt employees include, but are not limited to:

1. Principal
2. Business Manager/Human Resource/Business Technician
3. Facility Supervisor
4. Teachers
5. ESS Coordinator/Teacher (SPED)
6. Residential Supervisor
7. Counselor

Non-exempt employees. Employees assigned to non-exempt positions are eligible for overtime under an extraordinary situation and with appropriate prior approval as authorized by the immediate supervisor, with the Principal having the final authorization.

In addition to the above categories, each employee will belong to one other employment category:

Consultants/Trainers/Volunteers/Substitutes. The Board shall, with the recommendation of the review committee, consider all hiring of consultants and/or trainers, by the procurement policy. Consultants or trainers shall receive no benefits. NCS reserves the right to request proof of liability insurance from contractors and consultants.

Section 3.02 Probationary Period

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Newly hired employees are probationary employees and shall be subject to a probationary period of sixty (60) calendar days. The probationary period may be extended for additional periods of thirty (30) days. A thirty (30) extension will be given if further improvement is necessary and not to exceed a total of ninety (90) calendar days. These extensions are intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance. New employees serving their probationary period will not be eligible to apply for other vacant positions until the successful completion of the probationary period.

1. Progress reports at one (1) month intervals shall be conducted by the immediate supervisor and submitted to the principal.

2. Before the completion of the probationary period or any extension thereof, the employee's supervisor shall conduct and complete a performance evaluation of the employee and provide it to the Business Manager/Human Resource.

Probationary employees shall be eligible for workers' compensation insurance, social security, and health insurance, but not eligible to utilize undesignated or annual leave, holidays, bereavement, or any other leave, until completing the probationary period and obtaining the status of a regular employee. The employee's accrued undesignated or annual leave and other leave during the probationary period shall be fully credited to the employee from that time forward. There shall be no back pay for leave or holidays occurring during the probationary period.

A probationary employee who is transferred and/or promoted will continue to accrue their leave.

1. When an employee has been promoted or transferred before completing the probationary period, he/she shall be required to serve another probationary period of 60 calendar days.
2. When an employee has been promoted and transferred to a position but fails to complete the probationary period, the employee may return to their former position or an equivalent position. If such a position is not available, the employee may be detailed to a lateral position with an improvement plan.
3. When a supervisor fails to evaluate an individual on 30 calendar 30-day probationary period and takes no action, the Principal shall assume the responsibility to conduct an evaluation and may extend the probationary period and/or convert the employee to permanent status.
4. Probationary employees are not eligible for travel to trainings on/off-reservation but are allowed for in-house trainings during their 30-day probationary period.

5. Probationary employees may be terminated under the termination policies outlined in these policies and procedures on Section 8.02 Involuntary Termination (Dismissal Other than Layoff/Reduction-in-Force) Section 2.a. Involuntary Dismissal Procedures.

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Section 3.03 Volunteers

The principal welcomes and encourages community members to volunteer. Volunteers are not employees of the school, nor shall they receive compensation or benefits under these policies. Volunteers may apply for employment with the school through one of the above-described categories. A volunteer providing continuing services for the school must develop a plan including their scope of services and times, and which school employee will provide immediate supervision to the volunteer. The supervising employee must obtain approval from the Principal to utilize the volunteer services in their department/program. The supervisor and the Principal must approve volunteers before providing services. Volunteers must have completed a background and fingerprint checks as outlined in these policies before providing such services. Employment Reference Checks

To ensure that individuals who are employed by the school are well qualified and have a strong potential to be productive and successful, it is the policy of the school to check the employment references of all applicants. See Sections 2.10 and 2.15.

The Business Manager/Human Resource will respond to all reference check inquiries from other past employers. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No further employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry, unless required by law.

In addition, the school, through the Business Manager/Human Resource and/or Principal, shall submit a prospective for a new employee's name, social security number, and fingerprints to the appropriate agencies to ensure the background and fingerprint checks outlined in these policies.

It shall be a minimum qualification for every position at NCS for applicants to successfully pass their background investigation by demonstrating a successful work history at their last four (4) employers, and for at least the past five (5) years. A successful work history includes positive evaluations, a positive conclusion to the employment relationship, and successful multi-term employment in which goals were achieved.

Further, a minimum qualification for employment with NCS is that applicant/employee successfully pass the federal, state, tribal and any local fingerprint check regarding criminal history and have no criminal history precluded by the mandatory sections of P.L. 100-630, the discretionary standards found in P.L. 100-630 and related CFR's and are not precluded by the investigation of Personnel Security Consultants (PSC) or any other private entity. Applicants/employees not able to comply with and produce the foregoing record do not meet the minimum qualifications for employment at NCS and cannot be employed by Naatsis'Aan Community School.

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Section 3.04 Personnel Data Changes/Updates

It is the responsibility of each employee to promptly notify the School of any changes in personnel data. Personal mailing and email addresses, telephone numbers, numbers and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

Teachers, administrators, and other personnel required to be certified shall supply to the administrative office the required certification. It is the responsibility of each teacher and administrator, and other personnel required to be certified to obtain such certification, supply proof of such certification to the administrative office, and to keep their certification current.

Section 3.05 Access to Personnel Files

The school maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, employment contract, records of training, documentation of performance appraisals and salary adjustments, and other employment records. All information and materials related to an employee's background/criminal history shall be kept and secured in a locked filing cabinet.

Personnel files are the property of the School, and access to the information they contain is restricted and confidential by federal and Navajo law. Wherever the law allows, the confidentiality of the information shall be maintained. Unless the law directs otherwise, only the department manager, principal, or members of the Board who have legitimate reason to review information in a file shall be allowed to do so, with notification to the Business Manager/Human Resource. To the extent allowable by law, personnel files will not be considered public records.

An employee who wishes to review his/her file should contact the Business Manager/Human Resource. With reasonable advance notice, an employee may review his/her personnel file in the School's administrative office and the presence of the Business Manager/Human Resource. No documents may be altered, added to, or removed from the file during such review. Any employee who accesses a file shall record and sign the Personnel File Review sheet.

Section 3.06 Non-Disclosure

The protection of confidential information is vital to the interests, trust, and success of the school operation. Such confidential information includes the following examples:

Employee Compensation Data
Employee Medical File
Students Records
Pending projects and proposals
Contracts and Agreements related to school operations.

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Any employee who discloses confidential information will be subject to disciplinary action, up to and including termination of employment, even if he or she does not benefit from the disclosure of information.

Section 3.07 Employment Applications

The school relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions provided by an applicant or employee in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Section 3.08 Performance Evaluation

A. Policy. Performance evaluation is the continuing process of measuring employees' contribution to Naatsis'Aan Community School, Inc. The performance evaluation process: (1) provides the employee with the supervisor's assessment of areas of strengths and those needing improvement in the performance of assigned duties; (2) allows the employee and supervisor to plan professional development activities; and (3) provides the manager with a formal process for feedback to and from employees. Performance evaluation will be the supporting data used for individual personnel decisions such as promotions, demotions, incentive awards, reassignment, or other recognition. It will also be used to plan group training, organizational restructuring, and workforce expansion.

B. Evaluation Periods. Performance evaluations will be conducted as needed, and/ a minimum of two (2) performance evaluations will be conducted per employee by their supervisor, departmental supervisor, or designee. These will be conducted within the periods of November 15 to January 15 and March 15 to April 15. An additional performance evaluation will be conducted two weeks before the conclusion of the probationary period of a new employee. Performance evaluations may be conducted at any time determined advisable by the administration.

C. Performance Standards. Performance standards will be based upon the principal job elements outlined in the written Job Description and, where possible, written in measurable objective statements. Each supervisor will meet with staff within thirty (30) days of the beginning of each school year to review performance standards. New employees will review the performance standards with the supervisor within the first two (2) weeks of employment.

D. Deficiencies. A formal performance evaluation will be conducted when the immediate supervisor notes unsatisfactory work performance. Follow-up plans to improve performance will include specific actions needed to be performed by the employee, along with a timeline within which improvement should be noted. This plan has to be documented and

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acknowledged by Human Resource. The improvement will be filed in employee's personnel folder.

E. Administration. The Business Manager/Human Resource will provide supervisors with performance evaluation forms for each employee in their areas of responsibility. Copies of the performance evaluation will be filed in each employee's official personnel file.

F. Principal. The board is responsible for conducting annual evaluations for the principal. The evaluation shall be based on criteria taken from the job description. All evaluations will be discussed with the principal in an executive session of a duly called meeting in the months of December and May. The principal will be given a copy of the written evaluation. Typically, although not required, the annual evaluation should take place at the school board's annual meeting or as they may otherwise direct. It shall be the duty of the Business Manager/Human Resource to ensure that the principal's evaluation is completed annually. The Business Manager/Human Resource shall notify all Board members that the evaluation is due to be completed thirty (30) days before the evaluation date.

G. Employee Comments. Every performance evaluation form shall include space for comment by the employee. If the employee does not agree with the evaluation, a statement of non-concurrence can be included in the evaluation. An employee can request for a reevaluation via Human Resources. Both evaluations can be review by the staff member and Human Resource and/or immediate supervisor.

H. Upward Review will be conducted by the staff to rate their supervisor on performance throughout the school year.

Section 3.09 Position Descriptions

All employee positions shall have a Job Description. Supervisors/Managers shall use Position Descriptions to orient new employees regarding their duties and responsibilities. Supervisors shall use Job Descriptions and these policies as the basis for evaluating the performance of an employee.

Preparation of Job Descriptions shall be the responsibility of the Business Manager/Human Resource, who shall consult with department Supervisors/Managers and the Principal in developing said descriptions. All Job Descriptions shall be approved by the Board before use.

Section 3.10 Contract Renewal/Nonrenewal

A Letter of Intent will be issued the first week in February of the school year to establish plans for the upcoming year. A Letter of Intent is not a binding contract. Issuance of a Letter of Intent does not dictate nor approve renewal for the next School Year.

Upon the conclusion of Spring evaluation, 10-month Staff Contracts will be approved by the Governing Board during April Regular Board Meeting. 12-month Staff Contracts will be

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approved by the Governing Board during the May Regular Board Meeting. As established by the Navajo Supreme Court, a nonrenewal of an employment contract is not "adverse action."

The school does not recognize any tenure rights or rights to continued employment of any employee beyond the term of employment identified in an employee's current year contract. Because nonrenewal is neither a disciplinary action nor an adverse action under Navajo law, the decision to non-renew the employment of an employee by the school is final and not subject to an appeal or grievance.

Temporary Employees: Since temporary employees are not hired for any specific contract term, the contract renewal provisions described herein do not apply to temporary employees. As previously stated, temporary employees have no right to continued employment, can be terminated at the sole discretion of the employer, and have no right to appeal their termination, contract renewal, or non-renewal.

Section 3.11 One-Time Sign-On Bonus Compensation.

To attract highly professional and certified staffing, Sign-On Bonus Compensation will be offered for key positions due to our remoteness and to stay competitive with the regional schools (State school district, BIE Contract/Grant Schools, State Chartered Schools, and BIE Operated Schools).

As a remote school within the Navajo Nation, within the states and counties, we are confronted with hardship, which is a high deterrent factor for attracting highly qualified individuals.

A Sign-On, One-Time Bonus Compensation:

(1) $5,000 for the Principal position.
(2) $4,000 for Certified Counselor
(3) $3,000 for Certified positions

Will be paid in two installments at the beginning of their contract and at the month of January.

Section 3.12 **Bonus Compensation Policy**

To increase retention of employees; remain competitive with other similarly situated federal-funded and/or state-funded schools throughout Navajo Nation, Arizona, and Utah; and to provide incentives to achieve performance objectives determined by the Board, the School finds it reasonable and necessary to allow this discretionary, at the Board's sole discretion, service payments or bonuses to employees who have met or exceeded or determine-performance standard. The payout shall be at the discretion of the principal.

Meeting or exceeding performance standards determined by the board does not automatically require or give an employee the right to a bonus it merely qualifies an employee for steps consideration should the board determine that there is sufficient funding, **AND**, in the

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Board's sole discretion, that such service payments are bonuses are reasonable, fiscally responsible and in the School's best interest. Such bonuses will be contingent upon employees obtaining a rating of above-satisfactory or higher on his/her Spring performance evaluation from the previous school year and Fall performance evaluation from the current school year, and the School's progress in academic achievement and other performance indicators as determined by the Board.

Bonuses are subject to prior approval by and at the sole discretion of the board. The staff shall not be informed of or paid bonuses until such approval is obtained. Bonuses shall not be paid to any employees unless the School's Board, Business Manager/Human Resource, and Principal determine that the federal government and/or the State of Utah furnished sufficient funds to meet all the school's other budgetary needs for the school year.

There is no right to any such service payment or bonuses.

The denial of bonus compensation for the amount of any bonus compensation is not subject to grievance or appeal.

Section 3. 13 **Tuition Reimbursement**

We believe and recognize that continuing education and training are an integral part of NCS's success and efficiency. Further, NCS continuously encounters unsatisfactorily assessments by the Department of Dine Education (DODE) due to staff underperformance, And, staff are under tremendous pressure to achieve professional certifications, qualifications, training, and/or requirements established and demanded by these policies: Every Student Succeeds Act (ESSA), the Health, Education and Human Services Committee (HEHSC), grants may be in jeopardy, local control of our school lost, and replacement of the Board, administrators, teachers, and staff may occur if these standards are not met and maintained. More importantly, our children deserve the highest level of competency from the staff possible. Therefore, NCS must develop requirements and procedures to increase staff professionalism and competencies as required.

The tuition reimbursement program encourages personal growth through formal education needed because of the constant change in technological advancements, and to be up to date with applicable practices. Training and education costs will be subject to the availability of funds within each department and school-wide budget. Continuing education for college or university credits shall be reimbursed based on completion of the course and a passing grade, with prior written agreement between the employee and principal, with approval by the Board.

A written agreement between NCS and the employee will be required prior to the beginning of any such accredited college coursework or other educational activity for which NCS may authorize leave or provide reimbursement. Further, NCS must ensure prudent use of public funds and a benefit to NCS from any such education activity for which NCS may allow leave or provide compensation and/or reimbursement. Therefore, any employee who receives leave or an educational benefit under this section and who fails to remain employed with the school for two (2) years after receiving leave or educational benefit shall be subject to pay back the full amount received and forfeit any leave granted.

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A. CONTINUING EDUCATION PROGRAM

NCS may grant leave to all eligible full-time regular employees who meet the following two (2) requirements:

1. Employees must remain on active payroll and perform their jobs satisfactorily through the completion of each course.

2. Employees must take individual course(s) that are part of a degree, licensing, or certification program that must be related to the employee's current job duties or a foreseeable future position in the organization to be eligible for continuing education leave. NCS has the sole discretion to determine whether a course is related to an employee's current job duties or a foreseeable future position. Employees should contact the Business Manager/Human Resource for more information regarding educational leave.

3. An employee utilizing Federal Aide to cover tuition cost will not be subject to reimbursement from NCS.

NOTE: Employees cannot continue to earn college credits, receive reimbursement, and expect to earn more credits without obtaining a degree/license/certification.

Type of Leave:

1. Flexible schedules must be arranged with supervisors/managers. All leaves require the supervisor/manager's approval. A flex schedule should be provided to the Business Manager/Human Resource after solidified.

2. Other available accrued leave may be used.

B. REQUIREMENTS FOR INITIAL PROCESSING

The employee will submit a letter requesting continuing education leave to his/her supervisor for review and approval. This letter must be submitted thirty (30) days before the scheduled beginning of the accredited college coursework. This application for educational courses must be completed and submitted thirty (30) days before the beginning of the course. Forms are available in the Business Manager/Human Resource's Office. The manager will be responsible for obtaining approval from the Principal and Board. Upon all necessary approval for continuing education, accrued leave, LWOP, or flexible schedule shall be used for students to attend classes. The Business Manager/Human Resource will receive a copy of the employee file.

The following attachments are required for consideration and approval by the Board:

1. Application for Education Classes &Tuition Reimbursement

2. Letter of admission from the accredited school

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3. Degree plan showing coursework towards a degree or certification

4. Registration schedule/class schedule

5. An official receipt from the school

6. Approval from the supervisor and the Principal

7. Educational Expense Reimbursement Agreement

Continuing education leave is expected to enhance employee performance and professional growth; however, participation in a formal education program neither guarantees nor entitles the employee to automatic advancement, a different job assignment, or pay increases. The Board will make the final determination after review and consideration of funds' availability.

C. RESPONSIBILITIES

Employee responsibilities:

1. The employee's responsibility is to cover the full cost of tuition, which will be reimbursed within thirty (30) days upon successful completion of the required course and necessary documentation has been submitted.

2. Identify and become informed of the requirements and certifications necessary for job-related positions, and further possibly advance and understand policies related to ESSA, HEHSC, Cognia, DODE, and BIE, write a plan of action to timely obtain the requirements and certifications before the expiration of the time allowed.

3. Identify interest in continuing education towards a degree or certification.

4. Obtain the institution assessment outline.

5. Obtain the institution's curriculum program/schedule.

Supervisor Responsibilities:

1. Develop and enforce a training plan for each employee by using an Individual Development Training Plan (IDTP), which identifies the ESSA, HEHSC, Cognia, DODE, BIE, and other oversight entities' requirements and certifications necessary for the position and assists the employee in developing a specific, written plan of action to obtain the requirements and certifications before the expiration of the time allowed.

2. Identify costs and budgets that will depend on funding.

3. Submit the plan of attendance and solidify educational leave hours if applicable to the Business Manager/Human Resource/Human Resource.

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4. If an employee is absent from their duty station, ensure there is adequate coverage.

Business Manager/Human Resource/Human Resource will develop, coordinate, and implement development plans by:

1. Developing procedures for educational and training information.

2. Assisting the supervisors in determining staff needs, identifying educational or training resources, developing, and presenting training programs.

3. Developing a career development program to provide the school with qualified persons to meet anticipated needs and utilize the abilities of school employees.

The principal and supervisor will evaluate the staff request and ensure that it does not interfere with school operations.

D. PROCEDURES FOR REIMBURSEMENT

Limit on Payments – Tuition reimbursement, if approved, will be limited to a specific dollar amount per semester, and/or to a percentage of total tuition based on grade. The tuition reimbursement amount and conditions must be established and approved in writing before the employee starts the course(s). The employee will be responsible for her/his education. NCS will not pay for books, rooms, meals, mileage, or other miscellaneous expenses incurred. NCS may motivate employees by reimbursing them at a higher rate for a higher grade received at the end of the course.

NCS will not reimburse tuition if covered by Pell Grant, Financial Aid, scholarships, work-study program, other grants, or a combination thereof. Only out-of-pocket tuition expenses supported by original receipts will be reimbursed. Official transcripts are required to process all reimbursement requests within the same school contract year.

All reimbursement requests will be reviewed and considered by the Principal and Manager. In addition, the Principal, Business Manager/Human Resource will ensure that all credits earned are accounted for towards a degree or certification. Reimbursement guidelines are as follows:

A = 100%	C = 80%
B = 90%	Grade below C = 0%

These guidelines may not be applied in all or specific cases and are subject to other budget considerations.

Type of Leave and Reimbursement – All arrangements for Educational Leave and/or reimbursement must be outlined in a written agreement and have the written approval of the Supervisor or principal before beginning the course(s). Any leave and/or reimbursement will be strictly limited to and will be provided under the agreement.

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Type of Form – Application for Educational Classes & Tuition Reimbursement

NCS may verify the successful completion of the course or program of study by requiring employees to submit original receipts and official transcripts identifying the course. Receipts and original transcripts must be submitted to the Business Manager/Human Resource for consideration and approval by the principal.

Time of Payment – NCS will process reimbursement at the end of each term or semester. The employee will complete a form to request reimbursement and attach an official grade report. Reimbursement will not be made for a "D" grade, failing grade, or withdrawal from the course.

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Application for Educational Classes & Tuition Reimbursement
Naatsis'Aan Community School, Inc.

Name _____ SS# xxx-xx-_____

Job Title: _____ Dept. _____

BRIEF DESCRIPTION OF REASON FOR TAKING COURSES AND HOW IT RELATES TO PRESENT JOB RESPONSIBILITY

_____

_____

_____

NAME & ADDRESS OF ACCREDITED SCHOOL

ACADEMIC STANDING	PROGRAM
Undergraduate [ ] Graduate [ ]Other [ ]	Degree [ ] Certification [ ] Other Requirements [ ]
EXPECTED DATE OF GRADUATION	# OF CREDITS THIS SEMESTER
SEMESTER ___FALL ____SPRING ____SUMMER	REIMBURSEMENT BASED ON GRADE A=100% B=90% C=80%

Attachments to Application: 1) official letter of admission, 2) degree plan, and 3) copy of course schedule that shows dates and times of classes.

REQUIREMENTS FOR REIMBURSEMENT: Upon completion of courses, submit 1) official grade report or transcript and 2) original receipt for out-of-pocket tuition expense for payment to the Business Manager/Human Resource for reimbursement processing.

Signature of Applicant: _____ Date: _____

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A U T H O R I Z A T I O N S

NOTE TO SUPERVISOR: My signature below shall mean I have reviewed and authorized this request as follows:
(Supervisor may attach a copy of written agreement made with employee, such as, flexible schedule, time & date of leave.)

Supervisor: _____ Date: _____

Business Manager/Human Resource: _____ Date: _____

Principal: _____ Date: _____

School Board Member: _____ Date: _____

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Application for Education Reimbursement

NAME _____ SS# xxx-xx-___
JOB TITLE _____
DEPT_____

CLASSIFICATION: ☐ Certified ☐ Classified

PLEASE SPECIFY ANY PAYROLL ADJUSTMENT OR CHANGE YOU WISH TO MAKE

_____
_____
_____

TUITION FEE PER CREDIT HOUR_____ NUMBER OF CREDITS EARNED _____
TOTAL OUT OF POCKET EXPENSE $_____

REIMBURSEMENT FOR	REIMBURSEMENT BASED ON GRADE
Spring [ ] Summer [ ] Fall [ ]	A = 100% B = 90% C = 80%

NAME AND ADDRESS OF ACCREDITED SCHOOL

_____

ATTACH THE FOLLOWING DOCUMENTS:
1. Official copy of grade report or transcript
2. Original receipt for payment

I hereby apply for reimbursement of Out-of-Pocket tuition expenses for the course(s) specified above. I understand that upon completion of the course(s) with a grade of "C" or better, I will be reimbursed a percentage based on my grade, availability of funds, and in accordance with the policy. I understand that my work performance must not suffer as a result of spending time taking classes.

Signature of Applicant _____

Date: _____

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AUTHORIZATIONS			
Supervisor	_____	Date	_____
Business Manager/Human Resource	_____	Date	_____
Principal	_____	Date	_____
School Board Member	_____	Date	_____

Approved Amount _____

Identify Account No. _____

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ARTICLE IV. MANAGEMENT OF THE WORKFORCE

Section 4.01 Regular Hours of Work

Administrative Staff – regular hours of work are staggered from 7:30 a.m. to 5:00 PM-p.m. with one (1) hour lunch break. The total hours will not exceed 8 hours, unless pre-approved.

Academic Staff – regular hours of work from 7:30 a.m. to 4:00 p.m. with a thirty (30) minute duty-free lunch break.

Food Service Staff- regular hours of work are staggered from 6:00 a.m. to 5:30 p.m. with a thirty-30-minute lunch break.

Facility/Transportation Staff – regular hours of work are staggered from 5:00 AM – 6:00 PM with one (1) one-hour lunch break.

Residential Staff – depending upon residential student coverage, residential staff hours are staggered to cover 24-hour staffing, with a thirty (30) minute lunch break. Monday PM to Friday AM.

At times, circumstances will require schedules for employees to vary throughout the School. Also, different terms and conditions apply to exempt and non-exempt employees under these policies. This is particularly important relative to overtime eligibility. Supervisors will advise employees of their work schedules and any variations in such schedules. As stated, staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day of the week. The Principal is authorized to declare administrative leave when the situation dictates.

A. ADMINISTRATIVE ASSIGNMENTS

1. An administrative assignment is made when an employee assumes specific duties or responsibilities for a period of ten (10) or more calendar days, which is in addition to or in place of their current duties or responsibilities and which is not presently assigned to another position or being performed by another employee.

2. All administrative assignments require written approval of the Principal and Business Manager/Human Resource before the start of the assignment.

3. The request for administrative assignment of an employee must be submitted in writing to the Business Manager/Human Resource, outlining the following:

    a. The nature, period, and expected results of the assignment; and
    b. The employee's regular duties; and
    c. Additional duties or responsibilities are being assigned, and
    d. If duties or responsibilities are being assigned in place of the employee's regular assignment, then how will the employee's current duties and responsibilities be addressed during the assignment, and will that department assist in covering for the reassigned staff member?
    e. Reporting relationships; and

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f. Signatures of the appropriate supervisors and the employee.

4. If the administrative assignment is within the contracted work of the employee's department/program, the employee shall remain on the same payroll. If the assignment is outside of the contracted work of the employee's organization, the employee shall be paid from another appropriate source of funds for the duration of the administrative assignment.

5. An employee participating in administrative assignments may be eligible for additional compensation if:

   a. The assigned service is forty-five (45) calendar days or more; and

   b. The Principal will recommend to the Board for additional compensation needed, with verification from the Business Manager/Human Resource on funds availability. The Board must approve any additional compensation.

6. An employee who completes an administrative assignment will assume their regular duties at the previous rate of pay.

7. The Principal has the discretion and authority to make reassignments as set forth above and in the best interests of the school, students, and present needs. Assignments are not demotions; they are two (2) distinct and different actions. An employee may contest an assignment through the grievance procedures set forth herein in Section 7.03.

8. At the discretion of the Principal, the reassignment may become permanent.

B. ACTING STATUS ASSIGNMENT

1. An acting status assignment usually involves assigning an employee to a supervisory position for an area of School operations during an extended absence of an incumbent or a position vacancy.

   a. In the event that the Principal needs to take a leave of absence for an extended duration of time an acting status assignment will be implemented. An acting status assignment may not exceed 60 Business days without the written acknowledgment from the employee being assigned and written approval of the Principal.

   b. In the event that a department Supervisor needs to take a leave of absence for an extended duration of time, an acting status assignment will be implemented. An acting status assignment may not exceed 60 Business days without the written acknowledgement from the employee being assigned and written approval of the Principal.

   c. The duration of the Acting/Interim appointment will be at the discretion of the Governing Board.

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2. An acting status assignment usually involves assigning an employee to a supervisory position for an area of School operations during a position vacancy with the approval of the Governing Board in a duly call meeting.

   a. The acting status assignment will be contingent upon a requested from the Governing Board to the Human Resources to develop a list of staff who may meet the qualifications of fulfilling acting status.

   b. The Governing Board will appoint the employee to be in fulfill the position of Interim Principal until a Principal is hired.

   c. In the event that a Certified Teacher is appointed to acting status, they will still be considered a 10-month employee, thus, receiving a delegation stipend at $150 per day. The stipend will only be applicable if the delegate is physically on site/campus, on approved authorized school business travel, and on Federal Holidays as identified in the school year calendar. The stipend will not apply if the delegate is on undesignated or annual leave. Additionally, a short-term contract will be given outside their normal 10-month contract period.

3. For all other departments, the Principal shall submit a recommendation to the Governing Board to specify details of delegation of said position including but not limited to position description, duration of delegation, stipend associated with delegation etc.

4. An acting status assignment requires a memorandum that outlines:

   a. The nature, period, and expected results of the assignment.

   b. Assigned duties and responsibilities; and

   c. Reporting relationships and signatures of the appropriate supervisors and the employee.

   d. Compensation for the acting status assignment will be optional and will be based on the assigned duties and the employee's qualifications.

   e. In the event that an employee is delegated as substitute Supervisor on behalf of an employee currently assigned as Acting Supervisor, they will receive a delegation stipend at $75 per day. The Acting Supervisor will still receive the stipend of $150 per day. The stipend will only be applicable if the delegate is physically on site/campus, on approved authorized school business travel, and on Federal Holidays as identified in the school year calendar. The stipend will not apply if the delegate is on undesignated or annual leave.

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f. A copy of this memo should be sent to the Business Manager/Human Resource, and employee's immediate supervisor, and other applicable supervisor.

g. An employee on acting status assignment may be eligible for additional compensation if:

- The assigned service is forty-five (45) calendar days or more:
- The supervisor for the administrative assignment recommends additional compensation to the Business Manager/Human Resource. To the certified delegate in the amount of $150 per day. For the months of June and July, if there is not a certified staff on site, the Business Manager/Human Resource or Facility Supervisor will be delegated.
- The Principal will recommend to the Board any additional compensation needed, with verification from the Business Manager/Human Resource on funds availability.

h. An employee qualifying for additional compensation will receive 50 to 100 percent of the difference between their current salary and entry level for the acting status position, but not less than the equivalent of one step (prorated for the term of the assignment).

i. If the employee's current salary equals or exceeds entry level for the acting status position, the employee will receive additional compensation equal to t one-step increase over their current salary (prorated for the term of the assignment)

j. An employee who completes an acting status assignment will return to their previous position and assume their regular duties at the previous rate of pay.

A. DELEGATION OF SUPERVISORY AUTHORITY

1. When a supervisor must be absent from his/her position for more than a brief period (one hour), then they shall designate the next available person in the chain of command to act in their capacity.

2. Said delegation must be done in writing by memorandum, with copies of the memorandum provided to the delegating manager/supervisor's immediate supervisor, the Principal, and any other person, including, but not limited to, the departmental school receptionist/secretary, necessary to fully inform the school staff or the public as to the identity of the person in that position of authority at that time should the need arise. The Principal shall, in addition, provide such notice to department heads.

3. The written memorandum by the supervisor to the delegate and others shall note any pending or foreseeable issues and concerns that may exist or arise, and the supervisor's recommended action relative to those issues or concerns.

4. Failure of the delegating supervisor to follow the above-described procedures shall be grounds for disciplinary action up to and including termination.

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5. A person so delegated (delegee) must act within the School's policies and procedures and the policies and procedures of the supervisor for whom they are acting. A delegate shall act in a way that is supportive of and consistent with the actions of the supervisor for whom they are acting. Failure to so act or act in a way that is contra to or not supportive of the delegating supervisor is grounds for disciplinary action up to and including termination.

Section 4.02 Dress Code

Employees are expected to be neat in appearance and dress in a manner consistent with a professional organization that serves the public. The impression made on students, visitors, and co-workers must be of foremost consideration. The following are not acceptable: T-shirts with inappropriate logos, political statements, sweatpants, immodest attire (including clothing that is too short, see-through, low-cut, faded, stretched out, or overly worn), flip-flops, crocs, jeans with holes or that are deliberately torn, provocative or suggestive attire, tattoos, poor-grooming, neon dyed hair, body piercing (i.e., nose rings, tongue rings, ear gauges), hickies, etc., knee-length skirts must come to the knees. Knee length shorts are permissible during hot weather. Any existing tattoos must be covered. Footwear should be appropriate for the job.

On Friday, dress-down casual attire is permissible (blue jeans with NCS logo t-shirts). Traditional attire is encouraged throughout the school year for all concerned.

Employees may be sent home to change at their supervisor's discretion and will be charged for leave. If the employee is unable to correct the situation, they will be sent home on leave without pay. Department supervisors may alter dress code requirements to fit department and seasonal needs. In-service and summer attire is casual. Casual attire shall include jeans, shorts, and activewear that can be worn to work. However, attire should still be modest and work-appropriate.

If inappropriate clothing and/or footwear contribute to a workplace injury, it will be noted in the Worker's Compensation claim. NCS will mandate requirements of steel-toe boots/shoes with metatarsal guards for Facility/Maintenance and non-slip/steel toes required for Food Service staff. NCS will cover the cost via the following method: Staff may purchase their steel-toe boots/Shoes and submit their original receipts for reimbursement. Incidents or accidents occurring due to inappropriate footwear are not subject to Worker's Compensation.

All NCS department supervisors are expected to enforce the dress code. Any department supervisor or supervisor can send an employee from any department to put on appropriate work attire.

Section 4.03 Attendance and Punctuality

To maintain a safe and productive work environment, the school expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and the school. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they shall notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Extenuating health conditions

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requiring absenteeism should be reported, in writing, to the immediate supervisor. Supporting documentation shall be required upon returning to work.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

Section 4.04 Absences

The scheduling of leave should be a mutual process between the employee and the immediate supervisor by considering the needs of the school and the work to be completed. All staff are required to request leave three (3) calendar days before the requested leave, however, there are times when extenuating circumstances occur. When this happens, employees are expected to call the immediate supervisor as soon as possible if they are late or unable to report to work. If the employee does not call in within the first thirty minutes of the scheduled workday, the employee will be considered Absent Without Leave (AWOL).

The employee will call the school and speak to the immediate supervisor. The employee will state the reason for calling in and give a date of return to work. Calls should not be made for the employee by spouse, child, grandchildren, or other relatives. Employee calling in because of illness for more than two (2) or more days, a doctor's statement is required to be submitted upon return to work. The immediate manager/supervisor may verbally approve or deny a leave request for calling in based on school operational needs and NCS policies. Leaving voicemails or messages with other employees is unacceptable.

The employee is responsible for completing a Request for Leave form for all leaves. Failure to submit a leave request form within the payroll period may result in leave without pay.

Section 4.05 Absence Without Leave/Lateness

An employee shall be deemed "absent without leave" when absent from work during scheduled duty time without prior notification to their supervisor. This shall include lateness or leaving early, returning to campus housing, or any other absence that is not specifically excused. Lateness is defined as arriving one minute or more late to your workstation. Absences will not be excused unless the reason for absence conforms to the policy of leave or other specific policies on excused absences as adopted by the Governing Board. Chronic lateness, or not being at your assigned post, will be subject to disciplinary action.

Employees may leave campus during lunch period, but are otherwise expected to be on campus during scheduled duty time unless off campus on school business. Failure to report may result in disciplinary action. Every possible attempt should be made to notify the immediate supervisor. AWOL for three (3) consecutive days within a calendar month will be deemed a resignation from employment.

Employees shall not be compensated for time missed due to being absent without leave. A subsequent paycheck of the employee will be docked for minutes/hours missed.

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Section 4.06 Outside Naatsis'Aan Community School Employment

NCS employees shall not seek outside employment if it interferes with their duties at the school. Employees shall notify their supervisor in writing of any such outside employment, including elected public office.

Section 4.07 Health Standards

The good health of all persons associated with Naatsis'Aan Community School, Inc. is critically important; therefore, the School shall comply with all health standards and directives issued by the Centers for Disease Control guidelines, and the Public Health Office of the Navajo Nation. All staff NCS employees shall obtain an annual physical exam and undergo random drug testing. See section 2.06

Section 4.08 Chain of Command

All employees, including the principal, will follow the chain of command in accordance with the approved organizational chart of NCS. All employees shall not make demands on departments unless notified by the department supervisor. Issues concerning requests or recommendations will be addressed to the immediate supervisor. Do not go to other supervisors, Principals, or Governing Board members. In the absence of the immediate supervisor, the designated acting supervisor should be consulted per standing delegations as well as the main supervisor, principal, or designee. If further actions are required, the supervisor shall consult with the Principal. Personnel issues should be dealt with under conflict resolution. Violation of this policy may result in disciplinary action. (i.e. Paraprofessional reports to Principal)

Section 4.09 Training

Each employee is encouraged to attend school-scheduled training to enhance their job performance. When funds are available, training will be provided by the school. Any school-year employee who receives training at the school's expense during the summer is expected to work for the school the following year. Any employee who chooses not to work at the school during the year following summer training shall reimburse the school for the cost of the training. In addition, should an employee cancel scheduled training, they may be held accountable for cancellation fees. Fees will be payroll-deductible unless other arrangements are made. Training paid by the school during the school year is exempt from this ruling. All training requested must be relevant to the employee's scope of work. All proposed plans and arrangements related to training are at the discretion of the Principal unless the training is subject to the approval of the Governing Board.

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A. IN-SERVICE TRAINING

Workshops for school employees will be held as needed. Each department supervisor will be responsible for determining the type of training and scheduling of said training. An employee who attends off-site training may be required to provide in-service training to other employees.

B. OFF-SITE TRAINING

All training, which requires out-of-area travel and overnight stay, will be subject to the approval of the Governing Board. A training request will be placed on the Agenda at the next regular Board meeting after the request and a report from the Business Manager/Human Resource for funding availability have been submitted. The school reserves the right to make changes to travel arrangements as a cost-saving measure for the school, such as double occupancy booking, reduction of travel days, etc.

1. Employees on off-site training must conduct themselves in compliance with school policies. Employees are representatives of the school and should conduct themselves with integrity professionally and ethically.
2. Employees are expected to attend the entire training session as scheduled. Employees may not leave the training sessions without the supervisor's approval. Employees leaving the session without the supervisor's approval will be considered AWOL.
3. All employees are expected to participate in the designated training sessions fully and actively. For example, text messaging, visiting with others, non-attentive behaviors, etc., will not be tolerated.
4. Non-compliance with the above will result in disciplinary action, including termination.
5. Employees shall depart NCS at the date and time stated on their Travel Authorization and will return on the date and time stated on their Travel Authorization. E.g. Window Rock, Flagstaff, Page, Gallup, and Farmington will be classified as a half-day travel. Full day travel sites are beyond the aforementioned locations.
6. Employees who accrue unauthorized cost are responsible for charges made at their own discretion/expense. Any items charged to your lodging receipt must be out-of-pocket expenses and not charged to the traveler's room. The traveler is responsible for reviewing their receipts at time of check-out to ensure there are not unauthorized charges to their room.
7. Employees who request for Training and/or Professional Development and cancel after all registration, lodging, and/or any expenses the school shall incur in lieu of last-minute cancellations will be responsible for all costs associated. If a substitute staff is available to travel on the behalf of the staff who cancelled, it will be at the discretion of the Principal to select the substitute staff member who will travel. If there no staff available to substitute, the original requester will be liable for all expenses which the school is unable to recover.

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A. If the cancellation is due to any emergency, the staff must contact the Principal and the situation will be handled on a case-by-case basis.

Section 4.10 New Employee Orientation

The Business Manager/Human Resource is responsible for giving each new employee basic information concerning hours of work, wages, benefits plus key items in the Personnel Polices. The Principal will orientate on basic routine operation of the school, such as testing time clock, NASIS, campus tour, introduction of various department. The supervisor will inform the new employee of work expectation.

Provide orientation checklist training on Personnel Policies and Procedures.

Section 4.11 Timekeeping

Accurately recording time worked is the responsibility of every employee. In compliance with federal, state, and tribal laws, auditors require the school to keep an accurate record of time worked for employee pay and benefits. Time worked at is the actual time spent on the job, performing assigned duties.

Certified employees must record their time by clocking in and out with the electronic timekeeping clock, processed for arrival and departure. Employees must not sign for each other.

All non-exempt employees, such as Paraprofessionals, custodians, secretaries, bus drivers, cafeteria staff, residential assistants, maintenance staff, substitutes, and all other employees, must clock in and clock, and/or sign in to accurately record the time they begin and end their work. If non-exempt employees leave campus, they must notify their supervisor and clock out and clock in upon returning. They must record the beginning and ending times of any split or departure from work for personal reasons. Employees who fail to clock in and clock out habitually may be subject to disciplinary action.

Timekeeping methods are subject to change, employees are expected to comply with all changes. Clocking in and out, outside the assigned tour of duty, does not constitute overtime.

Section 4.12 Paydays

All employees are paid bi-weekly on every other Thursday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

If a regularly scheduled payday falls on a regular day off or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. Pay period adjust from fiscal year to fiscal year.

If payday falls during an inter-session (during the breaks), school-year employees will be paid on the regular payday.

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If an employee has a direct deposit to their account, the payroll clerk requires a 10-day advance notice to stop the direct deposit. The School strongly encourages direct deposit for all staff.

Section 4.13 Pay Deductions and Setoffs

The School offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to make bank deposits and make payments to other programs that accept payroll deductions.

Certified School Year Employees may elect to participate in receiving a lump sum payment at the end of their contract.

Payroll deductions taken by the School help pay off a debt or obligation to the School (i.e., meals, travel balance, etc.)

If you have questions concerning why deductions were made from your paycheck or how they were calculated, your Supervisor and Business Manager/Human Resource can assist in having your questions answered.

Section 4.14 Safety

To provide a safe and healthy work environment conducive to students, employees, and visitors, the School has established a workplace safety program. This program is a top priority for the School. The Principal has the responsibility for implementing, administering, monitoring, and evaluating the safety program; however, its success depends on the alertness and personal commitment of all. Everyone at all levels has the responsibility of ensuring a safe workplace.

The School provides information to employees about workplace safety and health issues through regular internal communication channels such as manager/supervisor-employee meetings, bulletin board postings, school emails, memorandums, or other written communications.

Employees and managers/supervisors shall receive periodic workplace safety training. The training shall cover potential safety and health hazardous situations and safe work practices with procedures to eliminate or minimize hazardous conditions.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are highly encouraged to raise them with their manager/supervisor or the Principal.

Each employee is expected to obey safety rules and exercise caution in all work activities. Employees must immediately report in writing (or may use a Work Order) any unsafe condition to the Facility Manager and Principal. Employees who violate safety standards, cause hazardous/dangerous situations, and who fail to report and seek appropriate remedy to address

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unsafe conditions and situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees shall immediately generate a written report and notify the immediate manager/supervisor, who will request medical assistance as needed. A written incident/accident report is necessary (within 8 hours) to comply with laws and initiate insurance and workers' compensation benefits procedures.

Section 4.15 Lunch Breaks

All employees are entitled to a lunch period/break of 30 or 60 minutes in length, depending on their position. All classified staff are qualified for Fair Labor Standard Act (FLSA) for a fifteen (15) minutes break for the first four hours and the second four hours of work time.

Managers/Supervisors will schedule meal periods to accommodate operating requirements. Each workstation will exercise and provide office coverage through staggered break times. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

School employees may be allowed to purchase and consume meals prepared by the School at the current meal cost rate of $4.00 per plate unless exempted, such as lunch monitors.

Section 4.16 Overtime / Field Trips

NCS is informed that, due to recent federal court decisions, it appears that the Fair Labor Standards Act (FLSA) does not control NCS or like entities. Therefore, NCS disclaims any applicability of the FLSA and asserts its sovereign immunity from the application of the FLSA to NCS. Notwithstanding the foregoing, NCS adopts, as its policy and not as applicable, federal law, the procedures and policies outlined in the FLSA relative to overtime. By disclaiming the applicability of the FLSA, NCS affirmatively states that it will not respond and is not required to respond to any federal claims or the jurisdiction of any federal court; however, it will respond in Navajo court to its decision to include similar overtime provisions via its policies. NCS intends by this action to implement a more informal policy designed to ensure equity and fairness to its employees and the best interests of NCS students, staff, and community. This system will be directed by the Principal and shall not be bound by the formal FLSA requirements. It shall be the general direction of these policies to limit overtime to the degree possible and to operate NCS in a manner that is fiscally responsible and at the same time fair to staff. The following requirements will be implemented consistent with this general policy statement.

OVERTIME WORK FOR NON-EXEMPT EMPLOYEES MUST ALWAYS BE APPROVED BEFORE IT IS PERFORMED.

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A. If emergencies arise, nonexempt employees may be called in to work overtime hours and will qualify for overtime as provided in this section. Emergencies will include, but are not limited to, major mechanical and structural breakdowns, which will affect the welfare of staff and students, or any situations that will compromise the health, welfare, and safety of students. Each emergency shall be reviewed on a case-by-case basis by the appropriate supervisors before approving overtime. All overtime work must receive the manager's/supervisor's prior authorization. Exempt employees are not eligible for overtime or compensatory time.

B. Overtime compensation is paid to all nonexempt employees similar to federal laws at the following rate(s): One and one-half times the employee's base straight-time rate for all hours WORKED over 40 hours in a work week. Exempt employees are not eligible for overtime regardless of the hours worked, absent a special authorization.

C. Overtime pay is based on actual hours worked. During the 40-hour pay period, if a holiday, undesignated, or annual leave is taken, the overtime is forfeited.

D. Working overtime without appropriate prior authorization will be grounds for disciplinary action. In emergency circumstances, the Facility Manager may authorize overtime to resolve the emergency.

E. Failure to work scheduled overtime assigned by the appropriate supervisor may result in disciplinary action, up to and including possible termination of employment.

F. There will be a flat fee stipend of $150 per day for all exempt and non-exempt employees chaperoning students. Overtime and compensatory time will not apply during field trips.

When operating requirements or other needs of the school cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime hours and will qualify for overtime as provided in this section. Advance notification of these mandatory assignments will be provided. All overtime work must be assigned by the supervisor and/or receive the supervisor's prior authorization. Exempt employees will not be paid overtime. Non-exempt employees may request compensatory time instead of overtime pay. Compensatory time must be used within thirty (30) days of being earned. If the compensatory time is not used within 30 days, it will be paid as overtime upon the availability of funds.

1. Bus drivers will be paid for each hour they are on a field trip in which they are performing work, required to attend a meal or event, or the employee is unable to use his/her idle time for his/her benefit due to restrictions placed on the employee.
2. Attendance on field trips is at the discretion of the immediate manager/supervisor. Additional policies and procedures are outlined in the Field Trip Manual.

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Section 4.17 Emergency Closure/Evacuation

At times, emergencies such as severe weather, fires, power failures, water/sewer line breakage, on-campus intrusion, etc., can disrupt school operations. In extreme cases, these circumstances may require the closing of a work facility. If such an emergency occurs during working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

A. SCHOOL CLOSURE: The Principal will determine to close the school for the above-mentioned reasons early in the day, administratively. Facilities, Residential, and Food Service staff must report for duty at their regular time if they live locally, or as directed by their supervisor. On-campus staff may be asked to assist in providing services for the residential and/or any students who make it to school. First and foremost, this policy is to ensure the safety and supervision of our students.

B. TWO-HOUR DELAY: The Principal will determine a two-hour delay for the above-mentioned reasons, early in the day. All employees, regardless of department, who live five (5) miles locally must report for duty at their regular time. On-campus staff may be asked to assist in providing services for the residential and/or any students who make it to school. Residential students will report to school when practical and when confirmation has been made that school will be in session. Residential employees will assist the academic staff with delivering instruction to the students. The two-hour delay is intended for the transport of students. In the event of a two-hour delay, all employees living off campus should report to work as safely and quickly as possible. First and foremost, this policy is to ensure the safety and supervision of our students.

C. EARLY DISMISSAL OF STUDENTS: The Principal will determine early dismissal of students for the above-mentioned reasons.

   All exempt employees will be required to work and will be compensated at their regular rate without any extra compensation.

D. In cases when there is a school closure due to adverse weather and when called by the Principal, all staff will be on Administrative Leave with Pay.

E. If necessary, the Continuity of Operations Plan (COOP) will be implemented.

Section 4.18 Use of Equipment and GSA School Vehicles

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using equipment, employees are expected to exercise care and follow all operating instructions, safety standards, and guidelines.

Employees shall notify the supervisor if any equipment, machines, tools, or vehicles appear damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent equipment deterioration and possible injury to employees or others. The supervisor shall answer any questions about an employee's responsibility for the maintenance and

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care of equipment or vehicles used on the job. Employee shall notify their supervisor immediately of any accident or incident.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic violations, can result in disciplinary action, including termination of employment.

No temporary employee may use a school vehicle without the written permission of the employee's supervisor. Student workers or non-employees are not allowed to operate a school vehicle.

When using school vehicles, employees are expected to exercise care and follow all operating instructions, safety standards, and guidelines as follows:

1. All operators of school vehicles shall be holders of valid Arizona/Utah operators' licenses, and if such vehicles are GSA rental vehicles, have on file an annual motor operator authorization memorandum and must be cleared and accepted for school insurance coverage. Employees must submit a clear photocopy of their driver's license to the Human Resource Clerk. The Human Resource Clerk shall provide a list of cleared and approved school vehicle drivers to the Facility Supervisor.
2. No person shall be permitted to operate a school vehicle without a valid state driver's license. Substitute employees and consultants are not authorized to drive school vehicles.
3. If a medical condition exists that may impair an employee's ability to drive, driving privileges will be suspended until a Physician has cleared the employee.
4. All employees are required to report any major violations that occur at any time, such as arrest, convictions of reckless driving while intoxicated/under the influence (DWI) of alcohol or illegal substance, vehicular homicide/manslaughter/endangerment.
5. All employees must report to their supervisors the loss of their driver's license due to suspension, revocation, or cancellation.

GSA VEHICLE USAGE

1. All school vehicle usage requests shall be in conformance with the school transportation policy.
2. All vehicle requests for field trips must be submitted seven (7) workdays in advance. Pre- and post-inspection must be conducted for all vehicles and note any damages.
3. Employees should refuel the GSA vehicle after use, sign the receipt, and record accurate mileage on the log sheet (follow instructions on the clipboard provided for each vehicle).

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4. No transporting of unauthorized persons, staff children, or pets/animals (i.e., non-employees, family members, friends, etc.) except parents who have means of transportation for their child(ren)'s medical appointments and school meetings
5. Vehicles should be cleaned after each use and be free from damage and vandalism upon return.
6. Vehicles used for athletic purposes must remove all sports equipment/supplies, ice chests, uniforms, etc.
7. Vehicle keys must be returned to the Transportation Office AFTER EACH USE. If keys are lost, the employee will be responsible for paying the full price of the replacement of the keys.
8. Employees are not allowed to take vehicles home without the approval of the Principal.
9. Employees must return the vehicle to the bus yard or designated area. Call security for after-hours assistance if needed.
10. There will be no talking or texting on cell phones while operating school vehicles. Further, there shall be NO SMOKING in the vehicles.
11. The improper, careless, negligent, destructive, or unsafe use or operation of vehicles, non-compliance, or violations of the transportation handbook will result in paying damages and disciplinary action, up to and including termination of employment.
12. If pulled over by a police officer while operating a school vehicle, you must report it immediately, not more than 24 hours, to the Principal.
13. Assignment of vehicles will be made by the Facility Manager or designee. Vehicle assignments will be made in the cost-saving interests of the school.
14. Vehicle assignments are the sole decision of the Facility Manager or designee. Only assigned vehicles will be taken.
15. Driving Under the Influence or any other controlled substance (i.e. alcohol, drugs, narcotics) will be grounds for disciplinary action leading up to termination.

Use of school vehicles is for authorized and official school business only.

PROPERTY/EQUIPMENT

All employees are required to abide by this policy to ensure the integrity of all real property is accounted for and cared for in a manner that satisfies requirements under various federal grant awards and sound business practices.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent equipment deterioration and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for the maintenance and care of equipment used on the job.

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Use of all school equipment shall be for official school use only. School equipment shall only be used for the specific purpose for which it was checked out. School equipment may not be loaned or used for personal use under any conditions. Use of school equipment in violation of this policy shall be a ground for discipline up to and including termination. Furthermore, the person to whom the equipment was checked out shall pay any damages or expenses arising from the misuse or violation of this policy.

Upon Governing Board approval, community use of any school facilities is contingent upon NCS employees agreeing to be present and be responsible for maintaining the facility. The event sponsor will be responsible for paying a fee to the employee, to be negotiated between the two. The sponsor shall be required to secure liability insurance coverage and school-approved security for public events or activities.

Section 4.19 Business Travel Expenses

The Principal is authorized to approve in-state/ within the Navajo Nation reservation boundaries travel for staff, including Arizona, Farmington, Gallup, and Blanding. Should in-state or travel be 2+ nights, the travel must be Governing Board approved.

1. For purposes of calculating travel expenses, the School shall be considered the official duty station.

2. The school will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location.

3. Employees with approved travel plans should make all travel arrangements through the Business Office.

4. All business travel verification will require funds availability by the Business Manager/Human Resource and approved by the Principal.

5. All travel advances will be paid at 100% before travel.

6. If a personal should be used, the vehicle must be able to transport employee to and from training site. Should the vehicle stalled during the trip, and employee is unable to attend the training, all fees will be reimbursed to NCS at prorated amount. Hence, school vehicle are available for use.

7. When approved, the actual cost, mileage, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed. The school will reimburse-using the GSA PER DIEM rate. Employees shall attach the original lodging and other expense receipts to the Travel Authorization form. Employees are expected to limit expenses to reasonable amounts.

8. The school will not be responsible for fees associated with pets, extra persons, or beds.

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9. Expenses that generally be reimbursed include the following:

    - Airfare, train, shuttle fare, bus service, and taxi fare for travel in coach or economy class.

    - If up to six (6) employees with the same destination for school-related travel should occur, they will utilize a GSA vehicle for travel and ride together. The School will not pay multiple mileage requests for the same trip absent special circumstances and prior written approval by the Principal. Mileage costs for the use of personal vehicles will be provided only under the following circumstances: (1) when less expensive transportation is not available, and (2) when school-provided transportation is not available. Mileage cost for use of personal vehicle will be reimbursed at the existing U.S. government published rate. All employees must obtain prior written approval from the Principal for the use of a personal vehicle.

    - In cases, depending on the availability of a GSA vehicle, when an employee refuses to accept the offer to use a school vehicle for travel to school-related activities and instead elects to use a personal vehicle, then mileage will be disallowed.

    - If travel exceeds ninety (90) miles one way, overnight, or out of state, use of personal vehicle (POV) and mileage reimbursement will be allowed and must be approved by the Principal.

    - The cost of standard accommodations in reasonably priced hotels, motels, or similar lodgings, if overnight travel is pre-authorized by the Principal, will be reimbursed.

    - The cost-reimbursement for meals shall be only under the following circumstances:

        1) The employee is on travel status away from his/her workstation overnight.

        2) Any other extra expenses (parking, taxi, shuttle, baggage, rental, etc.) will be reimbursed when the Travel Expense report is submitted.

If receipts are not submitted, reimbursement will not be provided.

- Charges for telephone calls, faxes, and similar services required for school business purposes will be allowed.

Any employee who is involved in an accident while traveling on school business must promptly report the incident to the immediate manager/supervisor. Any employee who incurs a traffic violation, citation will be at employees' expense for school while driving the school vehicle or a personal vehicle.

Vehicles owned or leased by the School may not be used for personal use.

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When travel is completed, employees shall submit completed travel expense reports with original receipts, sign-in sheet, agenda, and/or certification of completion, attached within ten (10) days.

Employees shall contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other school business travel issues.

Abuse of this policy, including, but not limited to, falsifying expense reports to reflect costs not incurred by the employee, or unreasonable/excessive expenses, shall be grounds for disciplinary action, up to and including termination of employment.

Section 4.20 Credit Cards

It is common for problems to arise overuse of a school credit card. It is also becoming increasingly difficult to arrange travel accommodations, etc., without a school credit card. Therefore, the School has obtained two (2) school credit cards for strictly limited school-authorized use. Because of the high potential for abuse of the school credit card, the use of school credit cards will be strictly limited, and any violations of this policy will be fully pursued. The following rules apply to the school credit card:

A. The School will have no more than two credit cards, if any, at a time.

B. Authorized users include only full-time School employees and principals who have a legitimate need for the credit card.

C. The school credit card shall remain in the physical possession of the Business Manager/Human Resource and Principal. The school credit card will only be checked out immediately before its use and shall be returned to the Business Office the same day the user finishes use of the credit card. If the user returns after business hours, the school credit card must be returned by the beginning of the next Business Day.-Users must submit all receipts and supporting documents at the same time the credit card is returned.-The Principal and Business Office staff shall attend training regarding these credit card policies.

D. Before checking out the school credit card, the user must have signed a Credit Card Acknowledgment and Authorization Form on file acknowledging the user's understanding of the school credit card policy, agreeing to any penalties that may be imposed by its misuse, and agreeing to pay back any unauthorized excessive or unacceptable charges on the card and any charges not supported by receipts. Immediate and authorized deductions from paychecks, stipends, per diems, etc., to recover said amounts are solely at the School's discretion.

E. All requests for credit card use shall be authorized and signed by the Business Manager/Human Resource and Principal on the Credit Card Acknowledgment and Authorization Form. A requisition form and supporting documents, such as vendor

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quotes, for purchases, are required to be attached to the Credit Card Acknowledgment and Authorization Form for the Principal and Business Manager/Human Resource to authorize such use.

F. All credit card purchases must comply with the school's procurement policies, including ensuring that purchases are reasonable per grant guidelines.

G. Only the Principal can authorize the use of the school's credit card. The school credit card shall only be used by authorized NCS employees for the following items:

1. Hotel/Motel rooms not otherwise reserved and/or paid for while on official authorized School business. As with travel in general, the room's charge should be as economical as possible. Renting special rooms or higher-priced rooms when others are available shall be grounds for the school's rejection of said charges and shall be assessed against the user.

2. Meals for students. The school credit card shall not be used for meals for School employees or the Board; instead, meals for employees and Board members should be pre-arranged and paid for via cash advances.

3. The school credit card shall not be used to pay charges covered by cash advances in the form of a check (i.e., Travel Advance). This is a form of credit card abuse and will not be tolerated by the school. Any such duplicate charges for items that should have been covered by cash advances will result in those charges being assessed against the user and shall be grounds for disciplinary action up to and including termination.

4. Gasoline/diesel purchases, including diesel exhaust fluid, for school-owned vehicles not leased by GSA. The school credit card shall be used to purchase gasoline/diesel for school vehicles only when on authorized travel for the School business. When using a private vehicle for School travel, the school credit card shall not be used for the purchase of gasoline/diesel, repairs, or other mechanical necessities.

5. The school credit card shall not be used for telephone calls, purchase of personal items, gifts, online purchases, or any other thing except as set forth above. The school credit card shall not be used for the purchase of any School goods except in cases of **emergency** (i.e., NCS equipment and parts, items/parts required for vehicle maintenance, food for students, etc.). Emergency purchases require authorization by the Business Manager/Human Resource and Principal, and only when other forms of payment are not acceptable. Such requests for purchases require requisition forms and compliance with other applicable procurement policies.

6. The school credit card shall only be used when no other form of payment is possible. When a check or Purchase Order can be used, the School credit card shall not be used.

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H. This policy applies to all employees, including the Principal, Business Manager/Human Resource, and board members. Misuse of the school credit card and/or violation of this policy will result in disciplinary action against employees, and recommendations for disciplinary action against Board members shall be reported to the Ethics and Rules Office of the Navajo Nation.

All users must acknowledge the limited use of the school credit card before it is issued to individuals. Any misuse of the school credit card shall be grounds for termination, and a lump sum payment shall be reimbursed via Payroll deductions. See Appendix IV A - School Credit Card Acknowledgement and Authorization Form.

Section 4.21 Control and Return of Property

Employees are responsible for all School properties, including but not limited to computers, printers, and all other electronic devices, software, computer-generated materials, other materials, or written information issued to them or in their possession or control. Employees must return all School properties immediately upon request or termination of employment. The Business Manager/Human Resource will determine the value of the unreturned or damaged property. The employee shall pay the cost of the equipment via Payroll deduction.

All information generated within the school computer automatically becomes the property of the school. All information shall not be damaged, copied, or removed from the school. This will be included in the check-out process.

Any materials, designs, plans, data, writings, drawings, or other information, from whatever source, electronic or written, done by an employee for and on behalf of the school, shall remain the property of the school. The school shall own and control all copyrights that may attach to such electronic or written information. Said property of the school shall not be given to an outside firm or individual except with appropriate authorization or upon an appropriate request under the Freedom of Information Act. Any unauthorized transfer, use, or disclosure of information will constitute unacceptable conduct.

Any employee who violates the provisions of this section will be subject to disciplinary action, up to and including termination of employment.

School staff and community members shall not use equipment for personal use. No school property shall be taken off campus without appropriate authorization (e.g., a Fire Truck, tractor, and flat-bed trailer).

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Section 4.22 Keys Policy

Keys to classrooms, dormitories, and other school buildings will be issued at the beginning of the school year and must be returned no later than the last day of their employment contract or upon the termination of employment with the school. Each employee shall be held strictly accountable for the key(s) issued to him/her. Should any key(s), including **Master Key(s),** be lost or misplaced, it will be immediately reported to the employee's immediate supervisor. The total costs associated with replacing the key, rekeying, or replacing other locks will be placed on the employee who lost the key. The amount to be charged to the employee will be determined by the Facility Manager in collaboration with the principal. If the Principal is responsible, the Board will take the appropriate action. The employee specifically agrees that the School may implement payroll deduction from any employee source to recover the cost. This will be included in the check-out process.

Section 4.23 Security Inspections

The school maintains a work environment that is free of controlled substances, alcohol, firearms, explosives, or other illicit, illegal mind-altering substances. To this effort, the school prohibits the possession, transfer, sale, or use of such mind-altering, illegal substances on its premises. The school requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but this storage space will be subject to inspection by the appropriate agency or representative of the school at any time, either with or without prior notice. Employee may be requested to empty their belonging (Purses, bags, laptop bags, etc.) upon reasonable suspicion of possession of controlled substances, alcohol, firearms, explosives, or other illicit, illegal mind-altering substances. Refusal to obey directives shall involve Law Enforcement.

Section 4.24 Telephone Policy

Except in an emergency, all telephones are restricted to official school business-related activities.

A. School telephones are for official business calls only. No personal long-distance calls are allowed.

B. Personal cell phones will be turned off or placed on silent mode during meetings, instructional time, and while performing lunch/playground duties. At no time should the use of a cell phone interfere with the performance of assigned duties.

C. Violation of this policy subjects the employee to disciplinary action: 1. Verbal Warning 2. Written Notice 3. Termination.

Section 4.25 Monthly Reports

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Each department head shall submit a written report, on the monthly report form, which includes the following: Progress/Achievements, Problematic Areas/Resolutions, and plans to the principal every month. Since Board meetings are scheduled for the third Monday of each month, all reports shall be due by close of business on the Wednesday before the Board meeting. All reports must be on time so that the principal can finalize them for submission to the Board. The Principal will also give verbal or written report at the local Naatsis'Aan Chapter meetings. Any report submitted late or not submitted will be deemed as neglect of duty.

Section 4.26 Staff Meetings

1. Each department will have at least one meeting a month to be scheduled by the Department Manager/Supervisor.

2. Department Manager/Supervisors meetings will be held.

3. A general staff meeting shall be held every month scheduled by the Principal.

4. An agenda form and sign-in sheet will be generated and placed on file for future reference with the Administrative Assistant.

5. There will be professional day(s) as identified on the school calendar.

6. There will be one week of orientation (3 days of orientation and 2 days of classroom set up).

7. There will be half days every other Wednesday with student release at 1:00 PM. Staff meetings will commence at 1:00 PM at the designated area.

Section 4.27 Family/Personal Matters/Gossip

We are a professional organization; therefore, we are expected to be professional and courteous with everyone. Employee gossip is unprofessional and is unsubstantiated statements without evidence, taking up valuable duty time, and will not be tolerated. Family problems should be left at the entrance gate. If family problems exist, professional help can be obtained from appropriate agents, and good mental health is a must for the total school management and operation, since our focus is student first.

- A conference will be held with the staff member.

- A verbal reprimand will be issued if the employee chooses not to comply with the policy.

Section 4.28 Violence in the Workplace

The property of Naatsis'Aan Community School is deemed a haven for our students, staff,

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and community members; therefore, acts of intimidation, threats of physical violence, harassment, coercion that involve or affect NCS will not be tolerated. Policies established through the Federal and Navajo Nation will be followed. NCS is a site for student learning, and all measures should be taken to be diligent in keeping our environment pleasant and safe.

Section 4.29 Political Activities

The school respects each person's right to participate in political activities and encourages its employees to participate in the political process. However, School employees shall not take an active part or engage in any political campaign activity while on official duty. The foregoing prohibition shall include the wearing of campaign buttons or other political campaign items while on official duty. Elected officials being NCS employees, the employee shall notify their supervisor by a written statement before running for office or election.

A. It is the policy of the NCS that student first is the understanding, therefore, 100% of the employee time should be dedicated to student achievement and enhancement in planning and strategy development. Any interference with student instruction creates disruption.

B. Employees may not participate in any campaign or election activities during duty hours.

C. An employee shall not use the property, supplies, or equipment of the school for political activities.

D. An employee shall not appear to represent the school in any political function or event, on or off duty.

E. An employee shall not participate in controversial and political issues outside the school campus in a manner that may reasonably be interpreted to be representative of the School or its position, reflect negatively on the School or P.L. 100-297 grant schools, or in a manner that hinders the operation of the School.

F. The school has a natural interest in ensuring its employees can effectively perform the critical functions related to educating children and relating to their parents, employees, and employees shall not participate in or promote issues, political candidates, activities, demonstrations, or other controversial issues or actions that create or exacerbate factionalism within the school.

G. Factionalism creates disharmony, inefficiency, and management difficulties, creating a lack of focus on the students, which detrimentally affects the achievement of the school's mission and goals.

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H. Grievance procedures and processes are designed to identify, explore, and resolve problems, complaints, or allegations about the school and its management/operation regarding political activity on school grounds.

I. The school is open to such concerns and desires to be informed of problems and issues so they can be investigated and resolved. However, the above action must be addressed through an orderly procedure as outlined in the grievance policies. These policies are designed so that such information can be presented and acted upon in a positive, constructive manner that allows change and correction without undue disruption and chaos.

Section 4.30 Stipends

Most staff are eligible for stipends for the performance of additional activities outside the regular tour of duty.

A. Stipends may be paid to any staff, who performs beneficial services to students or otherwise supports the school's academic or social programs. Stipends may not be paid for these activities or services if they are carried out during the regular working hours. The staff will be required to take leave without pay if services occur during working hours.

B. Those who are to receive a stipend will receive pay following the completion of the activity.

C. Stipends must be established and approved by the principal and the school Board in advance of the activity. All those who are to receive a stipend must sign a contract.

D. Stipends for chaperoning students on field trips.

A non-employee may receive a stipend for certain services provided to the school. Any such stipend or arrangement is subject to all school policies, including but not limited to the policy on stipends. Before any non-employee engaging in work under a stipend or other arrangement, said person must complete and pass a fingerprint and background clearance under Section 2.15.

Section 4.31 Personal Property

If a staff person brings personal property to the school or onto the campus, they do so at their own risk. If a staff person uses personal property in performing their duties at the school, they also do so at their own risk. The school will not be responsible for or pay for any loss of or damage to a staff person's personal property.

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Section 4.32 Breastfeeding in the Workplace

The school complies with the requirements of the Navajo Nation Healthy Start Act of 2008, which is incorporated herein by this reference. To this end, the school is committed to providing each working mother opportunities to engage in breast-feeding of their infant child or children or use a breast pump. Such opportunities shall consist of the following:

1. Providing a clean and private area or other enclosure near the employee's workspace, and not a bathroom, to allow a working mother to engage in breast-feeding or use of a breast pump; and

2. Providing a sufficient number of unpaid and flexible breaks within the course of the workday to allow a working mother to engage in breast-feeding or use of a breast pump. Regular breaks provided to staff in working mothers' classification and breaks allowed or required by the school policies or law may also be utilized for the above purposes.

A working mother who desires to take advantage of these opportunities should contact her supervisor to make the necessary arrangements. The supervisor shall have discretion with respect to selecting a clean and private area or other enclosure to accommodate the working mother and in scheduling breaks for the working mother. Such discretion shall be exercised in a manner that furthers the purpose of this Policy and the Navajo Nation Healthy Start Act of 2008, while also respecting the business needs of the school and the needs of the Naatsis'Aan Community school students.

Definitions

For purposes of this Policy, the following definitions apply:

A. *Breastfeeding* means the practice of allowing a working mother, with privacy and dignity, to feed her child milk from her breasts.

B. *Breast pump* means any electric or manual device used to mechanically remove milk from a human breast.

C. *Infant child* means a child between birth and the age of twelve (12) months, who is being breast-fed by a working mother.

D. *A working mother* means an employee of the School who is the natural mother of an infant child.

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ARTICLE V. EMPLOYEE BENEFITS PROGRAMS

Section 5.01 Employee Benefits

Eligible employees at the school are provided with the following benefits. Several of the programs (such as Social Security, workers' compensation, disability, and unemployment insurance) cover all employees in the manner prescribed by law. Benefits eligibility is dependent upon a variety of factors, including employee classification.

The following benefit programs are available to eligible employees:

Annual Leave Benefits (Sec. 5.04)
Undesignated Leave Benefits (Sec. 5.05)
Benefits Continuation (Sec. 5.02)
Vision & Dental Insurance
Educational Leave (Sec. 3.13)
Family and Medical Leave (Sec. 5.11)
401 (k) Savings Plan (Sec. 5.13) including IRA
Holidays Pay (Sec. 5.06)
Jury Duty Leave (Sec. 5.09)
Life Insurance
Medical Insurance and Supplemental Insurance
Military Leave (Sec. 5.13)
Unemployment Benefits
Witness Duty Leave (Sec. 5.10)
Workers' Compensation Insurance (Sec. 5.03)
Social Security Dedication
Bereavement Leave (Sec. 5.04D)

Some benefit programs require contributions from the employee.

Section 5.02 Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) allows employees and their qualified beneficiaries to continue health insurance coverage under the school health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at school group rates plus an administration fee.

The school provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the school health

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insurance plan. The notice contains important information about the employee's rights and obligations.

Section 5.03 Workers' Compensation Insurance

The school provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital care and treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. Employees who sustain a work-related injury or illness should inform their supervisor immediately and complete an accident form within 24 hours of incident/accident. No matter how minor an on-the-job injury may appear, it must be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Supervisors shall maintain a written log of the time, date, place, and nature of all such reported injuries.

Neither the school nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the school.

Section 5.04 Annual Leave and Undesignated Leave

a. Definitions and Limitations

EMPLOYEES MUST EXERCISE GOOD JUDGMENT IN THE USE OF UNDESIGNATED OR ANNUAL LEAVE SO THAT THEY ENSURE THEY RETAIN SUFFICIENT UNDESIGNATED OR ANNUAL LEAVE FOR SICK LEAVE AND/OR EMERGENCIES.

b. Accrual of Annual Leave (aka Vacation Leave)

Full-Time twelve (12) months employees are eligible to accrue Annual Leave at a rate of 6 hours per pay period. If the available Annual Leave is not used by the end of the contract year, subject to contract renewal, employees may carry unused Annual Leave forward to the next contract year. The total amount of unused Annual Leave is capped at two hundred fifty (250) hours. After an employee has accrued two hundred fifty (250) hours of Annual Leave, no further Annual Leave will accrue to that employee until their Annual Leave is reduced to less than two hundred fifty(250) hours. When the employee uses Annual Leave time and brings the available amount below the cap, Annual Leave accrual will begin again. Upon separation from employment, employees may request to be paid for unused, accrued Annual Leave. Upon completion of contract, employees may request to be paid up to one hundred (100) hours of unused, accrued Annual Leave. Any payout requests must be submitted in writing to the Business Office no later than 30 days prior to completion of contract or separation of employment. Any such payment must be approved by the Governing Board. The Governing Board retains sole discretion to approve or deny such requests based on the School’s financial condition.

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In no event will the School pay out unused, accrued Annual Leave to an employee who is terminated for cause.

c. Accrual of Undesignated Leave (UDL)

All Full-Time employees shall receive ninety-six (96) hours of Undesignated Leave per contract year. Employees may carry over up to forty (40) hours of unused Undesignated Leave the new contract year. Part-time and temporary employees are not eligible to earn Undesignated Leave. Full-time employees may donate undesignated leave to a full-time employee who is experiencing a long-term, excused leave of absence. A returning employee may request to be paid out up to fifty percent (50%) of their UDL balance at one hundred percent (100%) of their hourly rate in June of the fiscal year. Upon separation from employment, individuals may request to be paid for unused, accrued Undesignated Leave. Any payout requests must be submitted in writing to the Business Office no later than 30 days prior to separation of employment. Any such payment must be approved by the Governing Board. The Governing Board retains sole discretion to approve or deny such requests based on the School's financial condition. In no event will the School pay out unused, accrued Undesignated Leave to an employee who is terminated for cause.

b. Bereavement Leave:

All employees of NCS will be eligible for bereavement leave. Subject to approval from the supervisor.

- Up to ten (10) days for immediate family (spouse, parents, children, brothers, sisters).
- Eight (8) hours for extended family or non-relatives (grandparents, aunts, uncles, cousins).

c. Use of Leave:

A newly hired employee cannot use leave benefits until they complete their sixty (60) day probationary period. (As described in Section 3.02) and any extension thereto must be satisfactorily completed. After that time, employees can request use of accrued paid leave time with their supervisor's approval.

Paid leave time can be used in minimum increments of one hour. To take leave, employees must request and obtain approval from their supervisors. For all pre-planned leave, the request must be made three (3) calendar days in advance if the need for the leave is known at that time. If sick leave is requested, attach an appointment note or a doctor's note is required. Requests will be reviewed based on several factors, including school needs and staffing requirements. Although the school shall try to comply with a request for leave, the school may disapprove the use of leave since the academic and business needs of the school shall come first before approving/disapproving.

No leave shall be granted as follows:

- The first ten (10) days of the school year are due to students returning to school.
- The last five (5) days of the school year.

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- During student summative testing and formative assessment.
- Professional Development days.

Under certain circumstances, approval may be granted by the supervisor and the principal.

Section 5.05 Holidays

The Naatsis'Aan Community School recognizes and honors all Federal and Navajo Nation holidays as listed below as holiday time off to all regular full-time employees.

1.	New Year's Day	January 1
2.	Martin Luther King, Jr. Day	Third Monday in January
3.	President's Day	Third Monday in February
4.	Sovereignty Day	Fourth Monday in April
5.	Memorial Day	Last Monday in May
6.	Juneteenth	June 19
7.	Independence Day	July 4
8.	Navajo Code Talker Day	August 14
9.	Labor Day	First Monday in September
10.	Veterans' Day	November 11
11.	Indigenous Thanksgiving Day	Fourth Thursday in November
12.	Indigenous Family Day	Fourth Friday in November
13.	Christmas Eve	December 24
14	Christmas Day	December 25

The school will grant paid holiday time off to eligible employees according to applicable restrictions. Holiday pay will be automatically calculated based on the employee's regular pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classifications include year-long and school-year regular full-time employees. Temporary and substitute employees are not eligible for holiday pay.

Newly hired probationary employees are not eligible for holiday pay during their probationary period. (School-year employees are eligible only for those holidays that occur during the school year.)

If an eligible non-exempt employee is required to work on a recognized holiday, he or she will receive holiday pay wages at two times his or her regular rate for the hours worked on the holiday. Exempt employees are not eligible for this holiday pay.

Paid time off for holidays will not be counted as hours worked to determine overtime or compensatory time. (Section 4.16 - Overtime)

Section 5.06 Declaring and Granting Personnel Emergency Leave

The principal or designee shall declare an emergency for any condition threatening the health and safety of students and staff. Examples: loss of power, prolonged inclement weather conditions, impassable roads, structural damage, outbreak of infectious disease, threats to the

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school and community, disasters, etc. Administrative Leave will be provided, and a make-up day will be scheduled.

In the event of an emergency, public notice will be disseminated through local radio stations (KTNN) and the and Class Dojo, Phone Tree, Facebook, and Social Media to inform staff members of the emergency.

Administrative Reassignment with Pay Due to Infraction or Alleged Infraction.

Certain employee infractions or alleged infractions may require an investigation or review by the school or an outside agent (e.g., law enforcement authorities, social services authorities, etc.). The principal shall place the employee on administrative reassignment away from student contact, while the school or outside agent investigates, or the principal may place an employee, who is the subject of such an investigation, on paid/unpaid leave until the investigation is completed. Depending on the investigation report, the principal shall recommend to the board to continue reassignment and/or termination of the employee to the board.

- Suspected Child Abuse and Neglect (SCAN) Report
- Suspected Substance Abuse
- Breaking Policy Rules

The Principal may reassign an employee based on their regular duties. The employee remains subject to the school and school policies during any administrative reassignment. Employees on administrative reassignment are still employed and shall be available during their regular work hours. Such employees shall follow directives and cooperatively participate in any relevant investigation (i.e., investigatory interviews). The Principal shall place appropriate restrictions on the employee during the administrative reassignment. If a person is on Administrative Reassignment and assigned to work from home status and submit required documents requested by the Principal or their Supervisor. A daily check- in with Human Resources is required. Should an employee need to leave their residence, they must submit a leave request to their Supervisor and the Principal. Employees shall continue to receive full payment at the rate for their regular duties. The placement of an employee on administrative reassignment shall neither constitute disciplinary action nor other adverse formal action nor entitle an employee to file a grievance with the school.

Failure to be readily available or to participate in the investigatory process is grounds for disciplinary action up to and including termination.

Section 5.07 Jury Duty

The school encourages employees to fulfill their civic responsibility by serving jury duty when required. Employees who have completed a minimum of 90 calendar days of service in an eligible classification may request up to three days of paid administrative jury duty leave over any year. Jury duty pay will be automatically calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.

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Supposed employees are required to serve jury duty beyond the period of paid jury duty leave (three business days). In that case, they may use available paid time off (e.g., Undesignated Leave or Annual Leave benefits) or may request an unpaid jury duty leave of absence, minus Jury Duty paid by State District and/or Tribal Courts.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

Either the school or the employee may request to be excused from jury duty if, in the School's judgment, the employee's absence would create serious operational difficulties.

The school will continue to provide health insurance benefits for the full term of the jury duty absence.

Section 5.08 Witness Duty

The school encourages employees to appear in court for witness duty when subpoenaed. Paid leave will only be allowed subject to the following conditions and when an employee has been subpoenaed to testify. Absent a subpoena document, paid leave will not be provided. An employee will not receive paid leave for voluntary appearances at hearings or to testify if they have not been served a subpoena. Employees will not receive paid leave when testifying or appearing as a party, either plaintiff or defendant. If employees have been subpoenaed as witnesses by the school, they will receive paid time off for the entire period of witness duty.

Employees will be granted a maximum of three days per year of paid time off to appear in court as a witness when subpoenaed by a party other than the school. Employees will be paid at their base rate and are free to use any remaining paid leave benefits (e.g., Undesignated or Annual Leave) to receive compensation for any period of witness duty absence that would otherwise be unpaid.

The subpoena must be provided to the employee's supervisor immediately after ~~it is~~ received, so that operating needs can be met, where necessary, to accommodate the employee's absence. If an employee fails to directly provide their supervisor with a copy of the subpoena, the employee will not receive paid leave for witness duty. The employee is expected to report for work whenever the court schedule permits.

Section 5.09 Family and Medical Leave Act (FMLA)

If the school has 50 or more employees, it will adopt and follow the Family and Medical Leave Act and all interim and final regulations interpreting the Family and FMLA issued by the U.S. Department of Labor. If the school has fewer than 50 employees, it is not subject to and shall not follow the FMLA, and all FMLA-related policies herein shall be void. **At the time of the adoption of these policies, the school did not have 50 employees; therefore, the FMLA and FMLA-related policies herein do not apply and/or are void.**

Section 5.10 Leave Without Pay

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If an employee exhausts their Undesignated Leave or Annual Leave, they may request leave without pay from their supervisor. The request must be made in advance of the time requested. Leave without pay may be granted for a period of up to ten (10) calendar days per contract year for 12- month staff. Leave without pay may be granted for a period of up to five (5) calendar days per contract year for 10- month staff.

Approval for leave without pay will be evaluated by the supervisor based on several factors, including anticipated workload requirements and staffing considerations during the proposed period of absence. The supervisor may deny the request for leave based on the above factors.

Subject to the terms, conditions, and limitations, the school will continue to provide health insurance benefits for the full period of the approved leave without pay.

Benefit accruals, such as Undesignated Leave, Annual Leave, or holiday benefits, will be suspended during the leave and will resume upon returning to active employment.

If an employee fails to report back to work promptly at the expiration of the approved leave period, the school will assume the employee has abandoned the position.

Section 5.11 Military Leave (National Guard)

A military leave of absence will be granted to full-time employees to attend scheduled drills or training, or if called to active duty with the U.S. armed services.

The leave will be unpaid; however, employees may use any available leave for the absence.

Benefit accruals, such as Undesignated, Annual Leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on two-week active-duty training assignments or inactive duty training drills must return to work for the first regularly scheduled shift after the end of the training, allowing reasonable travel time. Employees on military leave for longer than four (4) weeks must apply for reemployment per all state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Section 5.12 401(k) Plan

Naatsis'Aan Community School offers eligible employees an opportunity to participate in a 401(k) Savings Plan, allowing them to contribute a portion of their pre-tax income to the plan while working at Naatsis'Aan Community School. If an employee chooses to participate in the 401(k) Saving Plan, they can designate the amount of pay the employee would like to contribute to the account, up to the maximum allowable contribution allowed by the IRS is $24,500 for the 2026 calendar year permitted by the 401(k) Saving Plan. That amount will automatically be deducted from the employee's paycheck and distributed to the investment options they choose

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within the plan.

The 401(k) Savings Plan is made available to employees to provide them with the potential for future financial security for retirement.

To be eligible to join the 401(k) Savings Plan, an employee must complete ninety (90) days of employment with the Naatsis'Aan Community School and be 19 years of age or older. Eligible employees may participate in the 401(k) Savings Plan, subject to all terms and conditions of the plan.

The 401(k) Saving Plan allows employees to elect how much salary an employee want to contribute and direct the investment of the employee's plan account, so employee can tailor their retirement package to meet their individual needs. Naatsis'Aan Community School also contributes an additional matching amount to each employee's 401(k) Savings Plan contribution when funds are available and at the sole discretion of the Naatsis'Aan Community School Board, up to 5%.

Because an employee's contribution to a 401(k) Savings Plan is automatically deducted from their pay before tax withholdings are calculated, the employee saves tax dollars now by having their current taxable amount reduced. While the amounts deducted generally will be taxed when they are finally distributed, favorable tax rules typically apply to 401(k) Savings Plan distributions.

Complete details of the 401(k) Savings Plan are described in the Summary Plan Description provided to eligible employees. Contact the Business Manager/Human Resource for more information about the 401(k) Savings Plan.

Section 5.13 Undesignated Leave Donation

In the event that an employee should need extended leave and has depleted their undesignated leave balance, a colleague may donate up to sixteen (16) hours of undesignated leave. An employee who is willing to donate leave hours must maintain thirty-two (32) hours or more for themselves. Employee must authorize undesignated leave hours to be donated in writing to Human Resource and the Principal. (Refer to section 11.04)

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ARTICLE VI. STANDARDS OF CONDUCT

Section 6.01 Management/Supervisory Standards

Adherence to management/supervisory (hereafter "supervisory") standards, as set forth below, is necessary to the maintenance of fair and impartial employee relationships among staff persons and to the proper and effective functioning of the School. Therefore, all employees in supervisory positions are expected to comply with the following supervisory standards of conduct. Failure to comply with shall constitute a violation of this Manual and will be cause for disciplinary action. All supervisors shall comply with and fulfill the following standards of conduct:

A. Develop and maintain the highest possible level of performance in their work areas.

B. Develop and maintain good employee working relationships and conduct in their work areas.

C. Plan, organize, direct, coordinate, and supervise all functional activities and responsibilities within their assigned work areas.

D. Prepare budgets, performance reports, and other documents as required.

E. Submit reports and other documents to the Principal and School Board.

F. Implement personnel policies and procedures as outlined in the Manual.

G. Implement and maintain internal operating policies, procedures, and controls.

H. Safeguard and account for assets for the school, which is a custodial responsibility.

I. Represent the Naatsis'Aan Community School in official functions as directed.

J. Approve or disapprove documents by established policies and procedures.

K. Maintain reporting relationships.

L. Coordinate activities with other departments.

M. Monitor the presence of unauthorized individuals at the worksite and take appropriate action.

N. The supervisor shall always comply with all terms of the supervisory position description.

O. The supervisor shall always maintain open and honest communication with supervised staff personnel within different departments.

P. The supervisor shall always maintain a cooperative attitude toward all supervised staff within different departments to accomplish the defined goals.

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Q. The supervisor shall provide active support of supervised staff in accomplishing assignment duties and their efforts toward professional development consistent with school and departmental goals and policies, and within the limits of available funds.

1. Off-site Training and Professional Development requests from all staff must align with the staff's duties and responsibilities according to the Position Description.

R. The supervisor shall always adhere to all provisions of the Manual, including, but not limited to, Section 6.02, and shall enforce the terms thereof equally and fairly for all supervised employees.

S. Generally, employees of the Naatsis'Aan Community School are expected to conduct themselves on the job in a respectable manner. Employees are on the job when they are on campus or official school business on or off campus.

T. The Supervisor may implement an Improvement Plan when deemed necessary for Professional Growth and Performance of Duties & Responsibilities.

Section 6.02 Code of Ethics

NCS provides a service to the community of Naatsis'Aan and its neighboring communities. To provide the highest quality of service, employee shall demonstrate honesty, integrity, and respect for self in representing the school. All employees represent the school when interacting with the community at large should show the highest standard of conduct.

Section 6.03 Standards/Prohibited Conduct for All Employees

All employees shall be subject to Disciplinary Action for violating any of the following offenses:

A. The refusal, without just cause, to obey or carry out any directives, instructions, assignments, or duties within the time designated by one in a position of authority.

B. Not maintaining respect and professionalism to all persons, as an employee of Naatsis'Aan Community School.

C. Without notification to your supervisor. The unexcused absence from one's duties or duty station for more than thirty (30) minutes.

D. Refrain from profanity or abusive language, symbols, or exhibiting misconduct.

E. Excessive inactivity, napping, or unauthorized participation in non-job-related activities during duty hours.

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F. Any act or failure to act which will foreseeably endanger or cause physical, emotional damage, in educational or moral harm to any student of the Naatsis'Aan Community School at any time while he/she is enrolled as a student. Naatsis'Aan Community School disallows corporal punishment, which is defined as "intentionally striking the child or other forms of child abuse noted herein" (See Indian Child Protection and Family Prevention Act, P.L. 101-630). Group or Collective punishment will not be tolerated.

G. Any act or failure to act that will foreseeably endanger or cause spiritual, psychological, or environmental harm to another employee of the Naatsis'Aan Community School.

H. Failure to disclose or report to a person with authority any conduct, occurrence, misinformation, or condition, which if not so disclosed or reported, will or is likely to cause harm, loss, or damage to Naatsis'Aan Community School, an employee, or a student thereof.

I. Naatsis'Aan Community School will not accept any violation of the Drug Free Workplace Policy (see Section 6.05 et seq).

J. The unauthorized use of vehicles owned/leased by Naatsis'Aan Community School is not permitted.

K. The use of Naatsis'Aan Community School or governmental property without proper authorization from the Principal.

L. School records are not to be altered or falsified without proper authority, including but not limited to official school documents.

M. Theft of any property owned by Naatsis'Aan Community School or other property belonging to students or staff is not permitted.

N. No employee shall place himself or herself in a situation that will be perceived by a student or person as compromising the welfare, morality, or comfort of the student. Staff shall not influence, bribe, or promise a student in exchange for the completion of an assignment or sexual favors.

O. No employee shall either solicit or accept any reward, favor, gift, or any other form of gratuity for the anticipation of, or in return for, any performance or non-performance of any duty from a vendor, contractor, firm, or individual or any other source having or proposing to have or do business with the school, its programs, or operations.

P. No employee shall conduct or participate in any unauthorized political activity during working hours or when using school property or facilities.

Q. No employee shall presume to speak or act on behalf of Naatsis'Aan Community School unless authorized by the Board. An employee who is officially designated

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to speak shall always be accurate, shall exercise proper restraint, and shall show respect for the opinions of others when serving as a designated spokesperson in public statements and proceedings relating to the school, its policies, or operations.

R. Employees shall dress appropriately without displaying physical ornamentation (tattoos, body piercings, and other ornamentation) in a manner appropriate and proper to an educational institution with respect to their position, the occasion, and their function while on duty or when representing the school in any capacity. Inappropriate physical conditions (commonly referred to as hickey, love marks, etc.) shall not be visible. Tattoos shall be covered while on duty. Piercings and/or other ornamentation shall be removed while on duty. (Earrings are an exception)

S. No employee shall discuss or divulge confidential school information or its operations that are sensitive issues without the authorization of the principal.

T. Failure of a supervisor to comply with Section 6.01 of this Manual.

U. Employee shall not engage in any activity of misconduct, abuse, including unwelcome teasing or comments, or harassment of a sexual nature towards any other employee or student of Naatsis'Aan Community School.

V. Employees shall not use or be under the influence of any illicit substance that may alter the mind or impair physiological function while on duty.

W. Employees arrested or convicted by any recognized police branch or judicial body for abusing or being under the influence of any illicit substances, including alcohol, may be disciplined under these policies.

X. Employee shall not directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable in consideration for or on account of any appointment, grade, or promotion to a position at the school or affiliated agent with the school or any business transactions of the school.

Y. Employees of Naatsis'Aan Community School, examiners, or others shall not obstruct another from examination, eligibility certification, or appointment under these policies, nor furnish special or unpublished information to affect the rights or prospects concerning employment.

Z. Employees shall not influence or attempt to influence any employee or student to commit any unlawful act or acts in violation of these policies, Navajo Nation, United States, or State of Arizona or Utah laws or regulations.

AA. Employees shall not engage in vending, soliciting, or collecting contributions on the campus during working hours.

BB. Employees shall not engage in workplace incivility. These are behaviors that violate respectful workplace norms and are characteristically rude and discourteous, displaying a lack of regard for others. Examples of workplace

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incivility include insulting comments, denigration of a co-worker's work, spreading false rumors, and social isolation.

CC. Employees shall not use equipment of the school without proper authorization.

DD. Falsification of payroll documents (i.e., time sheets, leave slips, etc.).

EE. Employees will always be responsible for school funds and property; carelessness or negligence with the same shall be a violation of these policies.

FF. Employees shall not gossip or carry malicious rumors that may jeopardize or damage the integrity and reputation of Naatsis'Aan Community School, students, the Governing Board, and/or employees. This includes the inappropriate sharing of confidential information.

GG. Employees shall not violate any laws of any jurisdiction while on the school campus and related property (including school buses/GSA vehicles), on school business (including travel), or while involved in any school-related matter.

HH. Employees shall not possess, consume, or be under the influence of any alcoholic beverage or controlled substance while on school property (including school buses/GSA vehicles), on school business (including travel), or while involved in any school-related activities.

Section 6.04 Employee Impropriety

Employees are required to act in a way that reflects Navajo Culture/Custom and does not bring discredit to the school or cause the public to doubt the school or its employees, both on and off the job. The school and its employees must guard against actual improprieties and the appearance of impropriety. Employees must not be placed or allow themselves to be placed in a position that has even the appearance of impropriety and should conduct themselves in a manner that promotes and does not damage the school and its mission. Failure to do so may result in disciplinary action up to and including termination.

The mission of the school can only be carried out with the expectation of honesty and trust of school employees. All employees are held to high standards of honesty and are expected to refrain from any acts that may diminish the trust placed in the school. Employees are responsible for honestly completing all records, reports, timecards, and other school documents and must be honest in all verbal and written communication with the administration. Any intentional falsification, lying, or untrue verbal, written, or other communication will be considered dishonest behavior that may result in disciplinary action, up to and including termination.

Section 6.05 Consensual Amorous Relationships

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Naatsis'Aan Community School, Inc. strongly discourages any consensual amorous relationships involving any employee with another employee and prohibits such a relationship between an employee and a supervisor, where the supervisor has direct authority, influence, or responsibility regarding that employee. Such authority, influence, or responsibility includes, but is by no means limited to, in the employment setting, carrying out assignments, evaluations, promotion, or disciplinary decisions, and in the instructional setting. Such situations tend to interfere with the objectivity of the supervisor's decisions with respect to the employee.

In addition, the authoritative position of one party may create an environment that diminishes the freedom of the other to alter or terminate the relationship. Third parties may also be injured by a sexual relationship between other parties if they are denied privileges that accrue to those who participate in the relationship. Supervisors or other employees who engage in such consensual relations and do not voluntarily resign from their employment shall be subject to dismissal.

Section 6.06 Drug-Free Workplace

Naatsis'Aan Community School, Inc. must be a drug-free workplace to comply with tribal, state, and federal laws, to ensure the safety and productivity of staff remain stabilized, further to ensure a safe learning environment for our students. Therefore, the unlawful manufacture, distribution, transporting, dispensing, possession or use of any illicit controlled substance; alcoholic beverage; and/or lawful substance (prescription), when used other than as intended by the prescriber, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom, is strictly prohibited in the workplace, in school vehicles and while on school business.

Definitions of terms used in this Manual relative to these issues are as follows:

A. ***Conviction***: A finding of guilt or the imposition of sentence, or both, by a court of competent jurisdiction, concerning a criminal violation occurring in the workplace, of any drug law of the United States of America, the State of Arizona, or other states, or the Navajo Nation.

B. ***Drugs***: Alcoholic beverages, illicit controlled substances as defined in the Controlled Substances Act, Schedules I through V, 21 U.S.C. 812, the laws of the State of Arizona, and the laws of the Navajo Nation and any lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom.

C. ***Drug Abuse***: Unlawful manufacture, distribution, dispensing, possession, or use of an alcoholic beverage, an illicit controlled substance, or an otherwise lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom.

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D. ***Employee***: Every employee of Naatsis'Aan Community School, Inc.

E. ***Workplace***: Naatsis'Aan Community School, Inc., grounds structural buildings, equipment, vehicles belonging to, or under lease by the school, all roadways, parking lots, within the exterior boundaries of the land granted to Naatsis'Aan Community School, Inc. campus and any location, where the employee is performing school duties or activity functions. This definition shall specifically exclude the interior of residences used by employees exclusively for residential purposes, except for remote workplace designation, which is under the authority or maintenance of Naatsis'Aan Community School, Inc.

Section 6.07 Notice to Employees

A notice, substantially in the form as is outlined in this section below, shall be posted in each building in which the work of the school is conducted and shall be provided to every employee of the School under the Drug Free Workplace Act of 1988, P.L. 100-690. Those persons who are presently employed by the School shall be given a copy of the notice upon the adoption of this Manual by the Board. Thereafter, each employee shall be given a copy of the notice upon beginning his or her term of employment.

YOU ARE HEREBY NOTIFIED:

1. THAT the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance; the possession or use of an alcoholic beverage; and/or the use of an otherwise lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom, is strictly prohibited in the workplace.

2. THAT any violation of this prohibition may subject the employee to disciplinary action.

3. THAT, as a condition of your employment, you are required to:

   A. Abide by the terms and requirements of the notice provided and the conditions of the *Drug Free Workplace Policy* while in the workplace.

   B. Notify the principal in writing immediately, but no later than five (5) calendar days of your conviction by any court of competent jurisdiction of a drug abuse involving a controlled substance case.

   C. To assure a drug-free workplace, all government, school, and personal property on the school campus may be inspected without prior notice to the employee. Uniform Conditions of Employment.

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As a uniform condition of employment, every employee shall comply with the following:

A. Abide by the terms and requirements of this Manual and of the Notice to Employees provided in Section 6.06.

Section 6.08 Procedure Upon Receiving Notice of Drug Abuse Conviction

Upon receiving the conviction notice of ~~a~~ drug abuse-related illicit controlled substance, the principal shall provide the immediate supervisor of the convicted employee with a copy of the said notice.

A. The immediate supervisor of the convicted employee shall immediately institute disciplinary action against the employee, citing a violation appropriate provisions of Section 6.05 and Section 6.06. The supervisor must provide information regarding the employee's right to the grievance.

B. If the employee so chooses to proceed with their grievance, they must submit their grievance to the Business Manager/Human Resource within ten (10) days.

C. A certified copy of the case document shall constitute sufficient proof of a violation of the appropriate provisions of the Manual.

D. The principal shall refer the convicted employee to seek counseling assistance or a state-certified clinician to complete a psychosociological assessment to determine referral for a rehabilitation program.

In addition to the above, the principal shall prepare and cause notice of the said conviction to be provided to every grant or contract officer of programs for which the convicted employee was supplying services by his or her employment by the school. The notice shall be provided, in writing, to the appropriate grant or contract officer within ten (10) calendar days of receiving notice of a conviction. The notice shall contain the name and position title of the convicted employee, the identification number of each contract or grant so affected, the court date of conviction, and a summary of the offense for which a conviction was entered.

Section 6.09 Drug Awareness Program

A drug awareness program shall be instituted and provided annually as part of the employee orientation at the beginning of each school year.

A. The format and course content for the program shall be developed and maintained in consultation with the principal or their designee and such consulting experts as appropriate.

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B. The format and course content shall be reviewed biannually by the principal or their designee. Format and course content, and any modifications, shall be subject to the principal's approval.

C. At a minimum, the following topics:

1. The danger of drug abuse in the workplace.

2. The school's policy of maintaining a drug-free workplace.

3. Any available drug counseling, rehabilitation, and employee assistance programs.

4. The disciplinary penalties that may be imposed upon employees for drug abuse in the workplace.

Section 6.10 Controlled Substances and Alcohol

Employees are prohibited from using or possessing alcohol, controlled substances on school premises and in GSA vehicles. Any employee violating this policy shall be escorted off the school premises and will be reported to law enforcement. Any employee violating the controlled substance and alcohol policies is subject to appropriate disciplinary action, up to and including termination for the offense.

No employee shall be on the school premises who has consumed alcoholic beverages or controlled substances. Controlled substances and alcohol testing shall be require. Any school personnel should report reasonable suspicion to believe that an employee's job performance or an employee's behavior at a school function has been impaired using alcohol or a controlled substance. Reasonable suspicion shall be based on observations by school personnel and documented in writing by a signed statement. In addition, testing is required whenever the supervisor has reasonable suspicion, based on knowledge of the circumstances of an accident, to suspect that the employee's involvement in the accident was influenced any alcohol or a controlled substance. A signed statement shall document reasonable suspension.

If controlled substance or alcohol testing is required, the employee shall be immediately transported to an appropriate testing facility for breath analysis, urinalysis, and/or blood analysis as appropriate. Refusal to cooperate with required testing shall be considered grounds for discipline, including termination.

An employee, at their cost, may obtain a second opinion on the test results. It is the employee's responsibility to obtain any such second opinion.

This policy shall not limit the authority of the school to rely on information other than illicit controlled substances and alcohol testing in the discipline of employees for drug and alcohol use. In addition, nothing in this policy shall require termination of employees receiving ~~a~~ positive illicit controlled substances or alcohol test, and the school may choose to support ~~a~~ rehabilitation or other process at the discretion of the school.

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Section 6.11 Smoking/Chewing Tobacco/ Controlled Substances

In keeping with the school's intent to provide a safe, healthy work environment, smoking, chewing tobacco, vaping, and possession of alcohol or controlled substances are prohibited throughout the school campus. All said policies and penalties shall be considered cumulative. See Page 128 – Table of Disciplinary Penalties.

This policy applies equally to all board members, employees, and visitors.

Section 6.12 Illicit Messages

While on school premises, and when engaged in any school related business or activity, no employee or guest may wear or display any clothing, jewelry, footwear, hats, posters, book covers, and the like that depict, advertise, or promote tobacco, vaping, or tobacco products, alcohol or alcohol products, drugs and/or controlled substances.

The employees can wear acceptable clothing without promoting unhealthy messages for our students, youth, and community.

The school will not allow employees to wear or display any clothing, jewelry, footwear, hats, posters, etc. that promotes or are associated with the "drug culture" i.e., items that refer to satanic or demonic cults, items that refer to gang membership, and "heavy metal" or similar items that refer to or promote unhealthy messages for young people such as suicide, sadism, drug use, violence, disrespect for authority, vulgarity, obscenity, and/or sexual harassment.

Section 6.13 Community Standards

Employees acknowledge and understand that NCS belongs to the community, which it serves by providing educational opportunities to all. For this reason, all employees of NCS are expected to maintain high standards of conduct, in conformance with acceptable and reasonable community standards. It must be recognized that every school employee's actions and conduct will be viewed and appraised by the community, staff, and students. Employees who compromise or embarrass NCS by violating community standards are not considered appropriate for employment at NCS and are not suitable role models for the students. Such employees may face disciplinary action up to and including termination.

Examples of non-desirable conduct include, but are not limited to, the following:

- Public displays of affection
- Visible tattoos and piercings (treated on a case-by-case basis)
- Showing up to work with "hickeys" on visible parts of the body
- Inappropriate behavior in public (i.e., gossiping, slandering, threatening)

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Section 6.14 Motor Vehicle Operation

Naatsis'Aan Community School, Inc. (NCS) has been directed by the Bureau of Indian Affairs (BIA) officials to adopt a Motor Vehicle Safety Policy consistent with their directive. This policy is necessary given the documented national problem and resulting tragedies from unsafe driving in general and particularly driving motor vehicles while under the influence of alcohol or controlled substances. Allowing such conduct or the reasonable possibility of such conduct in school vehicles or in relation to school or school activities will not be tolerated.

I. Definitions

A. Employee. All Naatsis'Aan Community School permanent, temporary, intermittent, and contract employees; interns; student teachers; School Board members; volunteers, and anyone else who may drive a Naatsis'Aan Community School vehicle.

B. Motor Vehicle. A Naatsis'Aan Community School, GSA owned, rented, or leased motor vehicle and/or privately owned, rented or leased motor vehicle, with a gross vehicle weight (GVW) of less than 26,000 pounds, designed to transport less than 15 people, and which does not haul hazardous materials or tow vehicles with a GVW of 10,000 pounds or more (e.g., sedans, light trucks, sports utility vehicles (SUVs) and all-terrain vehicles (ATVs).

C. Motor Vehicle Operator. An Employee who drives a motor vehicle, including commercial motor vehicles, in the performance of their duties and responsibilities or while engaged in Naatsis'Aan Community School.

D. Commercial Operator. An Employee who operates a commercial vehicle and is required to possess a Commercial Driver's License. (CDL).

E. Commercial Motor Vehicle. A vehicle having a GVW rating of more than 26,000 pounds, a vehicle towing a trailer weighing 10,000 pounds or more, a vehicle hauling hazardous material which requires display signs noting the hazardous material content of the vehicle, a vehicle designed to transport 15 or more people, including the driver, or a school bus. Operators of these vehicles must have a valid CDL.

II. Driver Qualifications

When a Naatsis'Aan Community School employee satisfies the following requirements, they may be authorized to drive an NCS vehicle for related school business or activities.

A. Must be 22 years of age or older.

B. Possess a valid State driver's license, CDL, or another required license.

C. Has the requisite experience needed to drive the type of vehicle being assigned or used.

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D. Has no convictions or uncontested citations within the three years immediately preceding their submittal of GSA Form 3607, Motor Vehicle Operator's License and Driving Record (or such similar form as may be developed by NCS), for Reckless Driving, Driving While Intoxicated (DWI), Driving Under the Influence (DUI) or leaving the Scene of an Accident; and, has not demonstrated a pattern of unsafe driving or behaviors (e.g., drug or alcohol abuse, multiple alcohol or drug-related traffic or other offenses, unusual aggression, etc.) that would cause a supervisor to question the likelihood that the individual will drive safely and prudently while on Naatsis'Aan Community School business.

III. Rules and Responsibilities

A. The Business Manager/Human Resource, in concurrence with the principal position at Naatsis'Aan Community School, presently, hereinafter "NCS BM", is responsible for carrying out the requirements of this policy.

B. Naatsis'Aan Community School, supervisors, administrators, and other applicable employees must:

1. Ensure that duties and responsibilities assigned to an employee under their supervision require the operation of a motor vehicle in the performance of official or contractual duties, responsibilities, or activities.

2. Ensure that each Naatsis'Aan Community School Motor Vehicle Operator under their supervision possesses a valid driver's license that indicates State authorization to operate the class of vehicle required in the performance of their duties. The supervisor shall also conduct an annual review of the employee's current license and current motor vehicle driving record. If at any time the supervisor has a concern with an employee's driving record, he or she will initiate an annual review of the employee's driving record. Failure to meet this responsibility may result in disciplinary action against the supervisor.

3. Based on available information, ensure authorization is not given to individuals with restricted driving privileges (i.e., home-to-work licenses).

4. Ensure that no Motor Vehicle Operator is permitted to operate a "motor vehicle" in the performance of official duties while:

   (a) intoxicated or influenced by ingesting controlled substances or consuming intoxicating beverages, including any impairment resulting from the use of prescription or over-the-counter drugs; or

   (b) impaired by a medical or physical condition, or other factor that affects his/her motor skills, reaction time, or concentration.

5. Immediately terminate driving privileges for a Motor Vehicle Operator who is:

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a. Arrested for, charged with, or convicted of Reckless Driving, Driving While Intoxicated (DWI), or Driving Under the Influence (DUI).

b. Arrested for, charged with, or convicted of a criminal offence related to a traffic incident involving alcohol or drugs, including but not limited to vehicular homicide, vehicular manslaughter, or endangerment.

c. Disqualified from holding a state driver's license, including restriction, suspension, revocation, or cancellation of a state driver's license for the type and class of vehicle operated.

d. If an employee is required to possess a CDL to perform their job-related duties and, upon request, fails to provide a valid CDL medical certificate.

e. If no positions are available for which the employee is qualified, that do not require a valid driver's license, the supervisor shall initiate termination proceedings under Naatsis'Aan Community School policies.

6. Employee's supervisor shall initiate appropriate disciplinary action against Employee under Naatsis'Aan Community School Policies and Procedures, up to and including termination, for the following.

a. Is convicted for operating a motor vehicle under the influence of alcohol, narcotics, psychotropic drugs, or an illegal substance.

b. Is convicted of leaving the scene of an accident without making his or her identity known and fails to submit an accident form, GSA incident form, or police form.

c. Is not qualified to operate a "motor vehicle" safely because of a physical or medical condition.

- No longer possesses a state license by revocation or suspension.

- Fails to report incidents noted in paragraph 6 above to his or her supervisor.

- Exhibits behaviors inconsistent with the safe and prudent operation of a motor vehicle.

1. Although not required of Naatsis'Aan Community School, a supervisor may, where appropriate, recommend an employee assistance program (EAP) and other

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programs if they are available to employees whose performance appears impaired using controlled substances, prescription drugs, or intoxicating beverages. Employee has no right to this action; it is entirely at the discretion of Naatsis'Aan Community School and is not a condition to, nor does it preclude termination; and

2. Take appropriate actions to investigate allegations of an employee's alcohol or drug use problem or history of unsafe driving, regardless of whether the Employee has ever been charged with an offense. Supervisors may, at their discretion, consider a pattern of unsafe driving acts as a factor in determining whether an employee meets driver qualifications. (For example, an employee is convicted of DWI or other unsafe driving practices over 10 years, with DWI arrest longer than three years preceding their submittal of GSA Form 3607 or similar Naatsis'Aan Community School Form, Motor Vehicle Operator's License, and Driving Record).

- Employees have a responsibility to inform supervisors of operator incidents or behaviors that would be considered covered by this policy or represent unsafe driving behavior. All Employees share an affirmative duty to ensure Naatsis'Aan Community School vehicles are used properly by responsible individuals who have a high regard for both personal and public safety while operating a government vehicle. Employees may report any suspected violations to their supervisor. Due to the public safety implications of this duty to report, employees failing to report as required under this policy shall be disciplined, including termination.

IV. Operator Requirements

Motor Vehicle Operators must:

A. Comply with State, local, and tribal traffic laws and the lawful instructions of emergency and law enforcement personnel.

B. Abstain from ingesting controlled substances, intoxicating beverages, prescription drugs, or other medications that caution against operating a motor vehicle when taken to avoid being impaired while driving.

C. Not transport intoxicating beverages, controlled substances, or any passenger who has intoxicating beverages or controlled substances without the written approval of the immediate supervisor. Exceptions to this prohibition are allowed for social services, emergency, and law enforcement personnel whose duties and responsibilities require otherwise.

D. Not transport unauthorized passengers in a Naatsis'Aan Community School-owned or leased motor vehicle.

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E. Report to his/her supervisor any medical or physical condition, including the use of controlled substances, prescription, or over-the-counter drugs, which may impair the drivers from the safe operation of a motor vehicle safely.

F. Complete motor vehicle safety training at least every three years.

G. Notify their supervisor immediately upon any driving or motor vehicle-related ticket, arrest, or conviction if their State driving privileges are restricted, suspended, revoked, or canceled, or if they have otherwise disqualified from holding a license. Employees are also responsible for reporting any situation that may alter their authorization or ability to operate a motor vehicle, such as any legal or court-ordered suspension of driving privileges or any limiting medical condition.

H. Report all incidents involving a "motor vehicle" that occur during the performance of their official duties.

I. Report all on-duty incidents involving a "motor vehicle" that could result in a violation, citation, charge, arrest, warrant, or civil action.

J. Report all incidents involving a 'motor vehicle' and the use of controlled substances or intoxicating beverages; impairment resulting from prescription or over-the-counter drugs, illness, or medical condition; or other factors that impair concentration, motor skills, or reaction time.

K. Report any restriction, suspension, revocation, or cancellation of their driver's license, for any length of time, or any disqualification from holding a State, commercial, or international operator's license; and

L. Notify supervisors of these incidents no later than the following business day after their occurrence. Failure to inform the supervisor of any such situation may subject employees to disciplinary action, up to and including termination.

V. Authorization Procedures

A. All employees must annually submit a GSA Form 3607 request authorization to operate a motor vehicle in carrying out the duties of their positions.

B. Supervisors will review the driving record and take action as appropriate, including the renewal or revocation of Naatsis'Aan Community School driving privileges.

VI. Failure to Report Incidents Involving Motor Vehicles.

Failure of the motor vehicle operator to report such incidents of traffic citations or accident violations to the supervisor as soon as possible after the occurrence, but no later than the next business day, may result in disciplinary or other adverse action.

- Immediately stop and ensure the bus/school vehicle is a safe space.

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- Call public safety (police) and then the supervisor to report the accident/incident. Notify public safety and supervisor if an ambulance is needed.

- Do not move the vehicle.

- Take pictures and document while waiting for supervisor's arrival.

- If students are involved, make sure they are safe and secure. If necessary, you may evacuate the bus/school vehicle.

- All documentations must be submitted to Human Resource and Principal before the end of business day (immediately).

VII. Should an employee's Naatsis'Aan Community School driving authorization be revoked under this policy, the employee may be reassigned to another position that does not require a Naatsis'Aan Community School Driving Authorization, if available, or be terminated as an employee. Failure to possess a valid and current Naatsis'Aan Community School Driving Authorization or valid state driver's license if either is required under the employee's job description or in the performance of their duties constitutes good cause for dismissal.

VIII. Appeals or grievances regarding any action taken under this policy should be made under the appeals and grievances procedures in these policies and procedures.

IX. This policy is enacted to protect the health, safety, and welfare of our students, staff, and community.

Section 6.15 Anti-Harassment Policy

A. Naatsis'Aan Community School is committed to maintaining an acceptable working and educational environment free from all forms of discrimination and harassing conduct, and other related activities. Naatsis'Aan Community School expects and requires all Board Members, employees, students, parents, vendors, guests, and other members of Naatsis'Aan Community School, community, and educational community (hereinafter referred to collectively as the NCS community), to conduct themselves appropriately with concern and respect for all other members of the NCS community. Discrimination or harassment based on race, national origin, religion, family or clan relations, age, sex, gender identification, sexual orientation, socioeconomic status, ability, or disability in any form will not be tolerated. Any student or employee of NCS who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any NCS educational program or activity may and is encouraged to file a complaint under this policy. Any questions regarding this policy should be directed to the principal or, if the principal is involved in the matter, the President of the

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Board. This policy is in effect in all academic programs, the workplace, and in other work/academic-related settings, such as Naatsis'Aan Community School-related trips, activities, and events.

B. It is the policy of Naatsis'Aan Community School to maintain an acceptable working and learning environment for students and employees that is free from discrimination or harassment of any kind, including sexual harassment, bullying, hazing, or similar activity. If such an incident of a case relating to such a matter, a complaint needs to be filed with the Business Manager/Human Resource or the Principal. It is a violation of this policy for any member of the NCS community, as identified in the first paragraph, to discriminate or harass another through conduct or communication as defined in this policy. Any allegation of discrimination or harassment will be investigated and, if a violation of this policy is substantiated, disciplinary action will be taken.

C. Each person in the NCS community is responsible for promoting the understanding and acceptance of and assuring compliance with applicable Navajo and Federal Laws, and NCS policies and procedures governing discrimination and harassment.

D. It is the responsibility of every employee, student, and parent to recognize the acts of discrimination and harassment and take every reasonable action necessary to ensure that the applicable policies and procedures of NCS are complied with.

E. It is a violation of this policy for any NCS community to engage in or condone discrimination or harassment at NCS or any NCS-related activities, furthermore, failure to report such an incident will result in disciplinary action.

F. This policy is not designed or intended to limit NCS's authority to take disciplinary or remedial action when such harassment occurs outside NCS, but has a connection to the school, or is disruptive to or materially and substantially interferes with an employee's work, personal life, a student's schoolwork, or participation in NCS related opportunities or activities.

Reports of cyber-bullying by electronic or other means, occurring in or out of NCS, will be reviewed and, when a connection to NCS, work, or school exists, they will result in discipline. Parents of students alleged to have engaged in cyber harassment will be invited to attend a meeting at which the activity, words, or images subject to the complaint will be reviewed. A student disciplined for cyber-bullying will not be re-admitted to the regular school program until the parent(s) attend such a meeting.

Refer to the Student/Parent Handbook and other referrals for applicable outside agents.

G. Any employee or student who believes that he or she has been subjected to harassment has the right to file a complaint and to receive prompt and appropriate

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handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any or all information received.

H. Knowingly providing false reports of harassment or manipulation of investigative processes will be subject to disciplinary action.

Any student or staff member who, after an investigation, has been found to have engaged in the discrimination or harassment of a student or staff member in any NCS setting or at any NCS-sponsored or related event will be subject to disciplinary action.

Definition of Terms

"Harassment" is conduct or speech that is unwelcome, intimidating, derogatory, hostile, and/or offensive, and has the purpose, or effect, of unreasonably interfering with a student's ability to learn or a staff member's ability to work. Harassment may be student-to-student, adult-to-student, student-to-adult, or adult-to-adult. Harassment may be offensive to a person for a variety of reasons, including sex, gender identification, race, ethnic background, religion, age, sexual orientation, socioeconomic status, ability, or disability.

"Conduct" includes gestures, "body language," speech, or physical contact; it also includes writing, electronic transmittals, displaying pictures, or making drawings.

"Sexual harassment" is harassment that is sexual. Sexual harassment can include a range of behaviors, express or implied, including sexual insults and name-calling, off-color jokes, intimidation by words or actions, leering, offensive touching, and pressure for sexual activity.

Sexual harassment is a form of sex discrimination. The term “sexual harassment” is defined as follows:

Any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (i) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (ii) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s employment or education by creating an intimidating, hostile, humiliating or sexually offensive employment or educational environment.

Under Federal Law, Title IX regulations, Sex Based Harassment and Discrimination, “sexual harassment” is defined as “verbal or physical contact of a sexual nature, imposed based on sex, by an employee or student, which is unwelcome, hostile or intimidating.” Letter to McCoy from OCR Region V, April 27, 1993, citing 34 CFR’s 106.31 (b)(1) through (4) and (7).

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Examples of sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, visual or physical contact of a sexual nature when that conduct has the purpose or effect of having a negative impact on performance or of creating an intimidating, hostile, humiliating, or offensive educational or work environment.

"Discrimination" for this policy is conduct or speech that conveys discrimination based on sex, gender identification, race, color, sexual orientation, socioeconomic status, age, religion, national origin, and/or disability in any educational programs, activities, or employment.

“Bullying” for this policy is the repeated use by one or more individuals of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (1) causes physical or emotional harm to the victim or damage the victim’s property; (2) places the victim in reasonable fear of harm to himself or of damage to his property; (3) creates a hostile environment at work, school, or NCS related activities for the victim; (4) infringes on the rights of the victim at work, school or NCS related activities; or (5) materially and substantially disrupts the work or education process or the orderly operation of NCS.

“Cyber-bullying” for this policy is defined as bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (1) the creation of a web page or blog in which the creator assumes the identity of another person or (2) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (1) to (5), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (1) to (5), inclusive, of the definition of bullying.

Bullying shall be prohibited: (1) on NCS grounds, property immediately adjacent to NCS grounds, at a NCS sponsored or NCS related activity, function or program whether on or off NCS grounds, or at a school bus stop, on a school bus or other vehicle owned, leased or used by NCS, or through the use of technology or an electronic device owned, leased or used by NCS and (2) at a location, activity, function or program that is not owned, leased or used by NCS, if the bullying creates a hostile environment at work, school or NCS for the victim, infringes on the rights of the victim at NCS or materially and substantially disrupts the education process or the orderly operation of NCS.

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"Hazing" is defined as any conduct or method of initiation into any student organization that willfully or recklessly endangers the physical or mental health of any student or person. Incidents of hazing must be reported to the appropriate law enforcement officials as soon as reasonably practicable.

Hazing is defined as any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

"Employee", for this policy, includes any individual who receives compensation from NCS for service provided at NCS or NCS-sponsored activities. It also includes contracted service providers and their employees and volunteers who work, provide services, or participate in activities at NCS or in NCS-related activities, or on NCS student or other vehicles.

Procedures for Reporting and for Conducting an Investigation

In responding to and resolving complaints, the NCS community will be guided by six goals:

- Focus on changing behavior rather than simply punishing the offender.
- Engage students and staff in dialogue so that they may learn more about the Impacts of behaviors and attitudes.
- Maintain, as much as practicable, the confidentiality of the alleged victims and
  offenders by involving as few people as possible in the resolution of the problem.
- Protect the complainant from retaliation.
- ensure prompt and thorough attention to all complaints; and,
- Stop the discrimination or harassment.

The students may report to any employee any incident they believe involves possible discrimination or harassment.

Any employee who has received a report regarding a student, verbally or in writing, will forward the report to the Principal and/or designee within twenty-four (24) hours of receipt of such report. Staff may also report incidents regarding adults to their supervisor, principal, or, in the event of a conflict, to the Board President. SCAN reports shall be filed separately as applicable and as required.

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Any employee who has reliable information that would lead a reasonable person to suspect that a person is an instigator/participant, or a target of discrimination or harassment, shall immediately report it to the administration.

Naatsis'Aan Community School shall document any prohibited incident that is reported and confirmed, as well as the resulting consequences, including discipline and referrals.

Oral and anonymous complaints will be reviewed but are inherently difficult to investigate and may not be procedurally fair; as a result, no disciplinary action shall be taken on anonymous complaints unless independently verified by other convincing evidence. All charges of discrimination or harassment, if not originally submitted in writing, should be summarized in writing and verified by the victim to include the specifics of the complaint to ensure the subsequent investigation is focused on the relevant facts.

In cases involving a staff member alleged to have engaged in discriminatory or harassing conduct or communication, the principal shall be notified immediately and either investigate or appoint an investigating officer within twenty-four (24) hours of receiving the complaint, or as soon thereafter as is possible and pertinent.

In cases involving a student alleged to have made discriminatory or harassing conduct or communication, the Principal or his/her designee will be the investigating officer.

Harassment or discrimination is determined from the viewpoint of a reasonable person in the complainant's situation. When an individual complains about harassment, NCS must assess the facts and circumstances from that viewpoint.

The investigating officer will initiate and complete an investigation as soon as possible, normally within two weeks. The investigation may, but need not necessarily, include interviewing the complainant; the person alleged to have made the harassing or discriminatory conduct or communication; and such other person(s) as the investigating officer deems necessary or appropriate to complete a thorough investigation of the allegation. An opportunity to be heard will be provided, consistent with NCS's policies and procedures on the same.

The principal, where appropriate, will assist the complainant to communicate directly to the alleged perpetrator, in person or writing, the negative impact of the behavior and the need to stop the behavior.

The investigating officer will conclude whether a violation of this policy or other policies has occurred and communicate such findings to the principal. The principal shall ensure that other parties, including the complainant and alleged perpetrator, are informed of the findings as appropriate under the circumstances.

Unresolved investigations will be reported as such.

Disciplinary Action

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Any violation of this policy will be subject to disciplinary action. In the case of a student found to have violated this policy, disciplinary action will be determined by the Principal and can range from a verbal warning to removal from the school setting. In the case of staff found to have violated this policy, disciplinary action will be determined by the Principal in consultation with the employee's supervisors and may include dismissal.

If the alleged sexual harassment constitutes sexual, physical, or emotional abuse of a child, then a report will be made immediately under the SCAN policy.

Retaliation

Retaliation is forbidden against any person who has alleged discrimination or harassment, testified, or participated in an investigation of a claim of discrimination or harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. If it occurs, it can be considered independent grounds for dismissal of staff personnel and/or removal from the educational setting for a student. Any allegation of reprisal will be subject to the same kind of investigation and disciplinary actions as are described above.

Reporting

Reporting shall be to the principal, who is the Compliance Officer. Reports shall be made using and complying with the Discrimination/Harassment Report Form (below). If the principal is allegedly involved in the report, then the report shall be delivered to the Education Board President or designee.

APPENDIX VI-A DISCRIMINATION/HARASSMENT REPORT FORM

COMPLAINT FORM
(To be filed with the Compliance Officer. The Compliance Officer is the Principal or, in the event the Principal is involved, the Board President or designee.

Please print:

Name:

Date:

Address:

Telephone No.(s):

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During the hours of:

I wish to complain about:

Name of person, school (department), program, or activity:

Address:

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, places, and witnesses (es).

Date(s) of the action(s) against which you are complaining:

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

NAME ADDRESS TELEPHONE NO.

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The projected solution:

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

I certify that this information is correct to the best of my knowledge.

_____

Signature of Complainant

The compliance officer shall give one copy to the complainant and shall retain one copy for the file.

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Section 6.16 Child Abuse Detection, Reporting, Prevention

A. Statement of General Policy

1. It is the policy of Naatsis'Aan Community School, Inc. that child abuse, whether physical, emotional, or sexual, be recognized and reported to the proper authorities. It shall be the duty and responsibility of each member of the Naatsis'Aan Community School staff in contact with students to be aware of the criteria for identifying a student's mood, conduct, physical condition, and educational performance as they may suggest the presence of abusive influences and experiences and to report the same to the appropriate authority. Classroom teachers, school counselors, and all staff whose duties require regular contact with students shall receive training in the recognition of the symptoms of abuse, recommended methodologies of interacting and counseling with students who are suspected to be the victim of abuse, and the record keeping and reporting procedures promulgated in support of this policy. This policy is enacted under the Indian Child Protection and Family Violence Prevention Act, P.L. 101-630, 1990.

2. NCS adopts and staff shall follow the SCAN protocols outlined in Bureau of Indian Education Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol (SCAN Protocol), Revised 2023, and any amendments thereto. **The SCAN Protocol can be accessed by Googling "BIE SCAN Report".**

3. Every time a SCAN event occurs, the individuals should reference the BIE website to ensure the use of up-to-date forms.

B. Reporting Requirements

All NCS staff are CONSIDERED "Mandated Reporters." Mandated Reporters, who learn of facts that give reason to suspect that a child has suffered an incident of child abuse; know or have a reasonable suspicion that a child was abused in Indian country; OR know that actions are being taken OR will be taken that would reasonably be expected to result in the abuse of a child in Indian country, MUST immediately contact local law enforcement, local child protective services or the Indian Country Child Abuse Hotline. The hotline number is 1-800-633-5155, and Michelle Begay, Program Specialist of the BIE, or her successor.

C. Failure to Report

Mandated Reporters who, while engaged in a professional capacity or activity on federal land or in federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, as defined in Public Law 101-630 (*Appendix A of the SCAN Protocol*) and Public Law 101-647 (*Appendix B of the SCAN Protocol*), and fails to make a timely report as required, shall be guilty of a Class B misdemeanor. The person may also be fined up to $5,000 and/or imprisoned up to 6 months in jail.

Any supervisor or person in authority who inhibits or prevents a Mandated Reporter from making a report may be fined up to $5,000 and/or imprisoned up to 6 months in jail.

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Instances where NCS has determined a mandated reporter fails to report, by SCAN protocol, NCS will take disciplinary action against the employee to include immediate termination of employment.

D. Types of Abuse

Child abuse can take many forms; however, four major types of abuse must be reported: spiritual, psychological, physiological, and social/environmental abuses, which include: sexual abuse, mental abuse, physical abuse, and neglect. When completing a SCAN Report, the individual completing the report must indicate the specific type of abuse for which they have knowledge or suspicion. For reporting purposes, any knowledge of or suspicion of sexual abuse, physical abuse, emotional abuse, or physical and/or emotional neglect, must be documented and if the abuse meets the definitions outlined in Public Law 101-630 (*Appendix A of the SCAN Protocol*) and/or Public Law 101-647 (*Appendix B of the SCAN Protocol*), the abuse must be reported to the proper law enforcement and child protection authorities immediately. Please refer to the SCAN Protocol for definitions and explanations of the four types of abuse.

E. Reportable Incidents

The SCAN Protocol establishes two distinct categories for reporting, with SCAN as the more serious and Incident Report as the least.

1. SCAN

    a. Where it is clear that abuse or suspected abuse has occurred ***to a child by an adult,*** and the circumstances meet the definition of child abuse, and/or the circumstances pose an immediate danger or short-term threat to a child. Such incidents include, but are not limited to:

        a. Any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, sexually explicit conduct, or prostitution.
        b. Evidence of physical injury, such as severe skin bruising and/or bleeding after being struck, thrown, or treated inappropriately.
        c. Evidence of burns, fracture of any bone, subdural hematoma (head injuries), soft tissue swelling, and/or such conditions that are not justifiably explained or may not be the product of an accidental occurrence.
        d. Confirmed or suspected malnutrition or failure to thrive.
        e. Confirmed or suspected fighting, threatening, or inflicting bodily harm on a child.
        f. Any situation that is comparable to the examples and situations identified above.

    b. When an allegation of ***sexual abuse*** has been raised where the alleged offender is another student, it is filed immediately as a SCAN report. All other child-on-child incidents are addressed by the established procedures of NCS.

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c. Allegations that are not clear that they meet the definition of "abuse" and/or the circumstance poses a near- or long-term threat to a child, which may include physical contact, are also considered SCAN reports. They include, but are not limited to:

    a. Corporal punishment, defined as punishment administered by an adult to the body of a child, ranges in severity from a slap to a spanking.

    b. Incidents of unwarranted grabbing or pushing a child, grabbing a child by their clothing, assaulting a child, or pulling a child's hair in such a way that is harmful and/or intentional.

    c. Lack of parental supervision/care:

        i. Child appears to be treated in a neglectful way, such as clothing inappropriate for weather conditions; lack of shelter, and/ or needed medical and/or dental care.

        ii. School-age child (1^{st} – 6^{th} grade) left without adequate supervision for extended periods during day or night, such as periods exceeding 2 hours or overnight (time of day and reason child is left alone must be taken into consideration) -- this could apply to students in the dormitory; and

        iii. A pre-school child was left without any supervision.

Note: Incidents that ensure a child's safety are considered "safety measures" and therefore are not reportable offenses.

2. Employee Incident Report – Actions by an employee, volunteer, contractor, or consultant that do not meet the definitions of "abuse" and where no physical contact is indicated. It is verbal. This includes, but is not limited to:

    a. Discourteous conduct involving a student, such as using inappropriate language, making inappropriate comments in a non-sexual manner, calling names, insulting, or humiliating a child, shouting, or cursing, etc.

    b. As stated in 62 BIAM 9.12… "Corporal punishment of all kinds, and solitary confinement, or anything which smacks of imprisonment calculated to bring shame and humiliation upon pupils, is prohibited and may be made the basis for charges with a view to possible dismissal."

3. Other incidents that do not meet the definition of child abuse but are criminal should be reported directly to local law enforcement. Examples of criminal incidents include, but are not limited to:

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a. Confirmed or suspected drinking with, transferring, or selling intoxicants to students on or off BIE/government premises.

b. Confirmed or suspected transferring or selling of marijuana, narcotics, or dangerous drugs to students on or off BIE/government premises.

c. Confirmed or suspected transferring or selling prohibited items, such as cigarettes, to students on or off BIE/government premises.

d. Any situation that is comparable to the examples and situations identified above.

F. Reporting Format – SCAN Report

1. The Suspected Child Abuse/Neglect Report, *Revised in 2019* and as may be amended, is used for documenting incidents of suspected child abuse within NCS. The report will be referred to as the "SCAN Report" (*Appendix D of the SCAN Protocol*) along with supporting documents; electronic forms are available at the BIE website. A report of suspected abuse is the equivalent of a request for an investigation by local law enforcement and/or child protection authorities. The formal investigation is the lawful assessment by an authorized agency to determine if harmful conditions (s) exist involving a minor and what emergency action should be undertaken for the safety of the child. The NCS's role is to ensure that suspected child abuse is reported in a manner that is clear and as accurately as possible, so an investigation is initiated by the proper authorities.

2. When a SCAN Report is filed, it is critical that the report be completed accurately, and all appropriate notifications made accordingly. Of equal importance is the action taken after the SCAN Report has been completed. Depending on the seriousness, some action must be taken almost simultaneously to completing the SCAN Report.

3. A SCAN Report will be completed when a Mandated Reporter, while engaged in a professional capacity or activity, learns of facts that give reason to suspect that a child has suffered an incident of child abuse. The Mandated Reporter does not have to prove the suspected child abuse has occurred, but they must describe the behavior or physical signs that led them to suspect a child has been abused. Persons who make a report of child abuse based upon their reasonable belief and in good faith are immune from civil and criminal liability.

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4. The Mandated Reporter will contact their immediate supervisor and work with their supervisor to complete the report. If the alleged offender is the Mandated Reporter's immediate supervisor or if the Mandated Reporter has concerns about reporting directly to their immediate supervisor, they may submit the SCAN Report directly to the BIE Program Specialist (SCAN) Office. The report must be completed within the Mandated Reporter's regularly scheduled workday, and the SCAN Report must be submitted to the BIE Program Specialist (SCAN) Office within the established timeframes. This includes those reports that are non-staff related. The timeframes for reporting are identified in Chapter 5 of the SCAN Protocol, and specific instructions on how to complete the SCAN Report are provided.

G. Reporting Format – Employee Incident Report

The Employee Incident Report Form (*Appendix E of the SCAN Protocol*) will be used to document non-physical incidents involving employees (s), volunteers, contractors, and consultants. The Principal/Administrator will intervene immediately to establish the validity of the report and resolve the issue(s) at the lowest level and as expeditiously as possible. A copy of the initial report with follow-up information must still be submitted to the Program Specialist (SCAN).

H. Confidentiality

1. All cases of child abuse allegations shall be treated within the guidelines of Federal laws protecting children, employees, and all parties involved. ***Confidentiality must be a priority throughout the process***. The Mandated Reporter may remain anonymous, but to document that a Mandated Reporter did not fail to report child abuse by Federal law, and so that law enforcement and child protective services can contact the Mandated Reporter if they need additional information, a SCAN Report must be completed. The SCAN Report has a section regarding protecting the confidentiality of individuals involved. On that section, the Mandatory Reporter must indicate whether they want their identity protected and initial their intent on the SCAN Report. If the Mandated Reporter indicates that they want their identity protected, a cover sheet indicating a protected source must be used to cover page 1 of the SCAN or Employee Incident Report (*Appendix F of the SCAN Protocol*). The identity of all reported victims must always be protected and must not be disclosed to anyone who does not need to know. Individuals who have a need to know are limited to direct line supervisors of the individuals involved, NCS legal counsel, the Program Specialist (SCAN), Law Enforcement representatives, and Child Protection Services personnel.

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2. Distribution, copying, or unauthorized use of the information contained in the SCAN Report or official SCAN Report file is strictly prohibited. The identity of the person making a child abuse report, as part of their official duties, will not be disclosed to individuals who do not need to know without the written consent of the individual. However, an investigative agency (law enforcement or social services) may provide information, records, and the name of the informant without written consent to a court of competent jurisdiction or an employee of a tribe, state or the Federal Government who needs to know the information in the performance of his/her duties.

I. Bad Faith Reporting

A NCS employee who knowingly files a false report will be addressed accordingly by NCS. Where a conflict of interest arises between employees, the Principal/Administrator will intervene and take all proper action(s) to resolve. There is no immunity from civil or criminal liability for Bad Faith Reporting and associated action.

J. Protection of the Involved Child

An initial assessment must be completed by the Principal/Administrator, and/or appropriate personnel at the time of the incident. The assessment will address whether there is a need for protection of the child and what action is required to ensure the protection and well-being of the child. Depending on the seriousness and the instruction received from local law enforcement or child protection services, action may include, but not be limited to, medical attention, counseling services, removal, or protective placement, contacting relatives, etc. All arrangements to protect the child shall be made immediately in conjunction with law enforcement and child protection services.

K. Mandatory Segregation

a. An employee who has had a SCAN report filed against them will immediately be removed from contact with or control over all children by re-assignment to another position or location away from contact with children for the duration of the investigation; if that is not possible, the individual will be placed on administrative leave until clearance is established. If the employee is placed on administrative leave, they will be advised that they must be available at any time for contact by local law enforcement, child protection services, and/or the respective Principal/Administrator.

b. For Employee Incident Reports, segregation is based on circumstances and at the discretion of the Principal/Administrator.

c. A non-employee with an NCS agreement or contract, such as a contractor or consultant, against whom an allegation of child abuse has been raised, will be immediately segregated from the child involved. The individual will also be immediately removed from contact with or control over all children indefinitely until the incident is resolved. The individual will be advised that they must be

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available for contact by local law enforcement, child protection services, and/or the Principal/ Administrator as part of the post-report process. As such, the alleged offender must provide contact information to the Principal/Administrator.

L. Notification to Alleged Offender

a. An employee against whom an allegation of child abuse has been raised must be notified in writing of the allegation and the resulting actions to occur. This notification [SCAN (*Appendix G of the SCAN Protocol) or* Employee Incident (*Appendix H of the SCAN Protocol*)] will include the date of the SCAN Report, the type of abuse alleged, a summary of the allegation, and the resulting actions. The resulting actions refer to the mandatory segregation, the expected duration of administrative leave, the possibility that the SCAN Report may result in action that may impact their employment status and/or their suitability to work with children. The employee will sign the document acknowledging he/she was informed of the report's filing, and the school Principal/Administrator will sign the document as the issuer. A copy of the ***Notification to Alleged Offender*** will be provided to the BIE Program Specialist for filing.

b. Non-employees with NCS agreements or contracts, such as contractors or consultants, against whom allegations of child abuse have been raised, must be notified in writing of the allegation via the ***Notification to Alleged Offender*** and meet the same requirements as above.

M. Closing a SCAN Report and Notification to the Alleged Offender

The *Notification of Case Closure* for SCAN (*Appendix J)* and Employee Incident (*Appendix K*) will be issued by the Principal/Administrator to the employee only after the appropriate investigation has been completed by law enforcement or the school Principal/Administrator, respectively, of the type of report. The notification will be issued to the employee, in person, so the Principal/Administrator can review the contents of the notification with the employee. The employee will sign a receipt page to document that they acknowledge this action. The school Principal/Administrator will also sign the document as the issuer. A copy of the *Notification of Case Closure* will be forwarded to the Program Specialist by the close of business of the report's closure. This final action closes the case. If administrative or proactive action is proposed or corrective action is required that affects the employee, it is the responsibility of the Principal/Administrator to ensure these actions (s) are carried out.

N. Reporting Procedures

1. SCAN Reports involving an NCS Employee

a. When a SCAN case is identified, all precise and pertinent information regarding the case will be obtained by the employee who made the initial contact with the child, and who has the information first-hand -- this employee is therefore deemed the designated mandatory reporter. The employee, working with the

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Principal/Administrator, will ensure that pages 1 through 4 of the SCAN Report are completed thoroughly as soon as possible, but no later than 24 hours after the disclosure of the incident, and with as much information as possible.

b. The Principal/Administrator will ensure that three (3) designated agencies are notified **within one hour**:

i. Local law enforcement and child protective services

1) The Principal/Administrator must ensure that page 4 of the SCAN Report (Tracking of Notifications) is thoroughly completed, and it indicates specific contact information for law enforcement and child protective services-- the name of the person contacted, their title, telephone number, and the dates these occurred.

2) Notification must be initiated verbally and followed up in writing by faxing the SCAN Report utilizing the designated SCAN FAX Cover Sheet (*Appendix I of the SCAN Protocol*). It must be confirmed that the fax number is correct, and the intended recipient is available to receive the facsimile transmission.

c. Notify the BIE Program Specialist (SCAN) immediately & submit a copy of the SCAN Report to the BIE Program Specialist (SCAN) office for review and the appropriate logging/tracking and follow-up action as necessary.

O. Actions after a SCAN Report

1. Pending the outcome of the report, the Principal/Administrator will ensure the employee is re-assigned with no contact with children as a first option, and Administrative Reassignment with pay off campus as an alternative, until clearance is established.

2. After an investigation, if law enforcement's documentation references prosecution as likely or imminent, the BIE Program Specialist (SCAN) will inform the Principal/Administrator verbally and in writing. The employee will remain in re-assignment or remain on Administrative Reassignment until official charges are filed or disciplinary/termination action is initiated and completed. Upon receipt of a notice that the individual has been indicted or otherwise officially charged with an offense in which imprisonment may be imposed, appropriate disciplinary or termination action will be initiated.

3. After an investigation, if law enforcement's documentation reflects the allegations as unsubstantiated and the investigation is closed, the BIE Program Specialist (SCAN) will inform the Principal/Administrator verbally and in writing. The Principal/Administrator will return the employee to duty or take such other action as may be appropriate under the circumstances. Administrative action may still be

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required for employee misconduct. Additionally, the employee's conduct, although it may not have risen to the level of a violation of law, may still have an impact on the individual's suitability for employment.

4. The Principal/Administrator will issue a Notification of Case Closure (*Appendix J of the SCAN Protocol*) to the employee against whom an allegation of child abuse was raised after law enforcement notification. The notification will be issued in person so the contents of the notification can be reviewed with the employee. The employee will sign a receipt page to document that they were informed of the closure of the SCAN Report. The signature receipt, along with a copy of the notification, will be included in the official SCAN Report file, with a copy forwarded to the BIE Program Specialist (SCAN). This final action closes the SCAN Report. If administrative or proactive action is proposed or corrective action is required that affects the employee, it is the responsibility of the Principal/Administrator to ensure these actions (s) are carried out.

5. When the SCAN Report is closed and the Notification of Case Closure form is completed, the Principal/Administrator will forward the official SCAN file to the BIE SCAN Office (Program Specialist), which serves as the official repository for SCAN files. The official file should include, but is not limited to:

    a. SCAN report (pages 1-4).
    b. Notification to Alleged Offender.
    c. Notification of Case Closure.
    d. Employee's/Alleged Offender's written statement, dated and signed; and
    e. Victim's and witness written statements, dated, and signed.

6. If a temporary file, also known as a suspense file, exists at the school, the Principal/Administrator will ensure it is submitted to the Program Specialist (SCAN) for final disposition.

P. Employee Incident Reports

1. When an incident is identified, all precise and pertinent information regarding the case will be obtained by the employee who made the initial contact with the child and who has the information first-hand – the employee is therefore deemed the designated mandatory reporter. The employee, working with the Principal/Administrator, will ensure that the Employee Incident Report Form *(Appendix E of the SCAN Protocol)* is completed thoroughly.

2. The Principal/Administrator will notify the BIE Program Specialist (SCAN) immediately and submit a copy of the SCAN Report for review.

3. The Principal/Administrator will issue the Notification to Alleged Offender (*Appendix H of the SCAN Protocol*) to an employee/alleged offender; the written notification addresses the allegation and the resulting actions to occur. It further includes the date of the Employee Incident Report, the type of incident alleged, a summary of the

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allegation, the resulting actions, and the role of the Principal/Administrator. The resulting actions refer to the mandatory segregation, expected duration of administrative leave, if warranted, the possibility that the Employee Incident Report may result in action that may impact their employment status and/or their suitability to work with children. The employee will sign a receipt page to document that they were informed of the notification of the Employee Incident Report. A copy of the Notification to Alleged Offender will be provided to the BIE Program Specialist (SCAN) for filing.

4. The Principal/Administrator will investigate the incident and determine if the allegations are substantiated. If the Principal/Administrator determines the allegations are unsubstantiated, the employee will be returned to duty, or other appropriate action shall be taken. Administrative action may be required for employee misconduct, if warranted. Additionally, the employee's conduct, although it may not have risen to the level of a violation of law, may still have an impact on the individual's suitability for employment.

5. The Principal/Administrator will issue a Notification of Case Closure (*Appendix K of the SCAN Protocol*) to the employee against whom an Employee Incident allegation was raised after the appropriate intervention. The notification will be issued in person so the contents of the notification can be reviewed with the employee. The employee will sign a receipt page to document that they were informed of the closure of the Employee Incident Report. The signature receipt, along with a copy of the notification, will be included in the official Employee Incident Report file and forwarded to the BIE Program Specialist (SCAN). This final action closes the Employee Incident Report. If administrative or proactive action is proposed or corrective action is required that affects the employee, it is the responsibility of the Principal/Administrator to ensure these actions (s) are carried out.

6. When the Employee Incident Report is closed and the closure notification is completed, the Principal/Administrator will forward the official file to the BIE SCAN Office, which serves as the official repository for Incident files. The official file should include, but is not limited to:

    a. Employee Incident Report Form.
    b. Notification to Alleged Offender.
    c. Notification of Case Closure.
    d. Employee's/Alleged Offender's written statement, dated and signed; and
    e. Victim's and witness written statements, dated, and signed.

7. If a temporary file, also known as a suspense file, exists at the school, the Principal/Administrator will ensure it is submitted to the BIE Program Specialist (SCAN) for final disposition.

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Q. Non-NCS Employee Incident Reports

1. The Principal/Administrator will establish an official file for the Incident Report. The Principal/Administrator will take appropriate action for all students, volunteers, or others who are alleged to have been involved in an Incident. All documentation must be made a permanent part of the official file. The Incident Report will remain open until resolution is made and documented.

2. A copy of the recommendations will be forwarded to the BIE Program Specialist (SCAN). The BIE Program Specialist (SCAN) will review the information and take appropriate action as necessary.

R. Training

1. Training will be conducted on a regularly scheduled basis to ensure child protection procedures are implemented properly and all NCS employees understand their responsibilities as Mandated Reporters.

2. Every NCS employee will receive the Responsibility Acknowledgement Form (*Appendix C of the SCAN Protocol*) advising them of the requirements of their positions to include child abuse or suspected child abuse reporting, Mandated Reporting responsibilities, the penalties for non-reporting, etc. NCS employees will receive this information upon a tentative offer of employment and annually thereafter.

3. All NCS employees are Mandated Reporters and must attend a re-orientation on the requirements of this designation upon hiring and annually thereafter, preferably at the beginning of each school year. Attendance is mandatory and will be documented through employee signatures of attendance rosters and through certificates that will be issued to attendees. The documentation of attendance will be maintained by the Principal/Administrator. If an employee refuses to attend such training, the appropriate corrective action will be taken.

4. All NCS supervisors must attend trainings pertaining to Mandated Reporters requirements and responsibilities of supervisors to include the proper completion of SCAN Reports and the follow-up procedures upon hire and annually thereafter, before each school year. Supervisors will then be qualified to administer training to their employees on the Mandated Reporters' requirements. Attendance is mandatory and will be documented through certificates that will be issued to attendees. Training and documentation will be maintained by the Principal. If an employee refuses to attend such training, the appropriate corrective action will be taken.

Section 6.17 Employee Social Media Policy

1. Definition

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal

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or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the School as well as any other form of electronic communication including the use of cell phones, computers, laptops, Tablets, and all types of similar devices.

2. Application

   These guidelines apply to all School employees to include clerical, maintenance, and educational staff, such as: teachers, student teachers, teacher aids, coaching staff, tutors, library personnel, volunteers, board members, contractors, vendors, and students or any similar types of people or those for whom they are responsible, who participate in, create or contribute to any form of social media or any other kind of social networking.

3. General policy

   Any of your participation in, communicating, communication under or interaction with any social media or social networking that adversely affects: your job performance; the performance of fellow School staff; any other persons, companies, groups, or families associated with the School; the students; the School, or otherwise disrupts the operation of the School or adversely affects the School's reputation in the community, shall be grounds for disciplinary action up to and including termination. Inappropriate postings or communication under social media or social networking of any type, that may include discriminatory remarks, harassment, threats of violence or similar inappropriate or unlawful conduct or postings which may otherwise disrupt the operation of the School shall likewise not be tolerated and may, in addition to being violations of other School policy related to harassment or discrimination, independently subject you to disciplinary action up to and including termination.

   The lines between public and private, personal, and professional are blurred in the digital world. Even when you have a disclaimer or use a different username, you will always be considered to be a School employee and will be held responsible as such under this policy.

   Do not denigrate or insult others, including students, staff, administration, board members, government, parents, governmental officials, other such persons, or other Schools. Do not use ethnic slurs, innuendos, obscenities, violent terminology, or any other inappropriate content. Do not post inappropriate photos or other communication that may violate the Family Educational Right to Privacy Act (FERPA), other School policies, community norms, decency norms, or contain material related to drugs or alcohol, or sexually or otherwise inappropriate materials. In your communications, represent the School, students, and parents you serve in the best light. Respect the privacy and feelings of others. Under no circumstances should offensive comments be made about students, staff, including administrators, board members, or the School in general. In addition to this policy, any such negative comments as noted above may also constitute cyber-bullying or other forms of discrimination or harassment under School policies and be grounds for disciplinary action under those policies. Refrain from commenting on or forwarding unsupported information and rumors. Do not post photos or movies of fellow employees, School activities, or students without the permission of the employees and parents of students.

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4. Staff-Student Relations

Employees are prohibited from establishing personal relationships with students that are unprofessional and thereby inappropriate. Examples of unprofessional relationships include, but are not limited to: employees fraternizing or communicating with students as if employees and students were peers such as writing personal letters or e-mails; "texting" students; calling students on cell phones or allowing students to make personal calls to them unrelated to homework or class work; sending inappropriate pictures to students; discussing or revealing to students personal matters about their private lives or inviting students to do the same (other than professional counseling by a school counselor); and engaging in sexualized dialogue, whether in person, by phone, via the Internet, or in writing. Employees shall not allow a personal "friend" relationship under any social media platform with a student or any other similar one-on-one electronic or digital relationship. Employees who post information on any social media platform or similar web sites that include inappropriate personal information such as, but not limited to: provocative photographs, sexually explicit messages, use of alcohol, drugs or anything students are prohibited from doing, or which would be inappropriate for an employee of the school, must understand that if students, parents or employees obtain access to such information and if found to: disrupt School operations or programs; damage the School's reputation in the community; cause a reasonable reaction that has a negative impact on the school's operation, their case will be investigated by school officials, and if warranted will be disciplined up to and including termination, depending upon the severity of the offense. Additionally, certified personnel, depending upon the severity of the offense, may have their case forwarded to the appropriate state department for review and possible further sanctions. The principal or designee reserves the right to periodically conduct Internet searches to determine if employees have posted inappropriate materials online. If inappropriate use of computers and websites is discovered, the principal or designee will download the offensive material and promptly take appropriate disciplinary action, up to and including termination of employment.

5. Specific Social Media/Social Networking Policies

A. Use of Social Media or Social Networking During Work Time
Unless you have been given express permission to utilize social media or social networking sites for the school or education, your use of any social media or social networking from workplace computers at any time is disallowed by this policy.

B. Social Networking on Personal Devices (Examples: cell phones, pda's, tablets, pc's)
Unless otherwise expressly allowed, there will be no communication through social media or social networking activity from personal devices during work time. When employees are on work breaks and lunch, activity is allowed only on devices that do not use this organization's network. During these times, it is especially important to adhere to the remainder of this policy for an understanding of potential consequences of posting information about our school, its programs, clubs, students, parents, faculty, school board and volunteers and to further ensure such use is strictly limited and does not go beyond lunch time or break time.

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C. Under no circumstances should offensive comments be made about students or colleagues (including administrators) or the school in general. Do not comment on or forward unsupported information and rumors. Negative comments about people could also amount to cyber-bullying and could be deemed a disciplinary offense. Your posts and comments should help build and support the school community. Always think through any negative consequences before you share school-related matters. There is no "un-send" button on our devices.

D. The Media
If a member of the media or non-traditional online media (can include bloggers) contacts a staff member, volunteer, or other agent of the school about the business of the school (e.g., programs, services, students, parents, clubs, policies, practices, or additional business information of any kind), the individual must contact the principal and immediate supervisor for direction before any response.

E. Use of School Name or Logo
You may not promote or sell any product or service online or off that would represent the School or bear the School motto, mascot, or logo without specific written permission from the principal and board of the school.

The main purposes of this policy are to protect our students, staff, families, board members, and community while ensuring the orderly operation of the School. This policy will be enforced to accomplish these purposes.

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APPENDIX VI-B

DRUG-FREE WORKPLACE

NOTICE TO EMPLOYEES

NAATSIS'AAN COMMUNITY SCHOOL

YOU ARE HEREBY NOTIFIED that it is a violation of Sections 6.05 through 6.12 (Drug Free Workplace Policies) of the school's policies and procedures for any employee to violate the law or School's policies in the manufacture, distribution, dispensing, possession or use, on or in the workplace, of alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. §§ 1300.11 through 1300.15, and amendments thereto.

The term "workplace" includes any place where work is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from the school or school activities; and off-school property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the School. In addition, the workplace shall include all property owned, leased, or used by the school for any educational purpose.

YOU ARE FURTHER NOTIFIED that it is a condition of your employment that you will comply with Sections 6.05 through 6.12 of the school's policies and procedures, and will notify your supervisor of your conviction under any criminal drug statute for a violation occurring in the workplace, not later than five (5) days after such conviction; that you will abide by the terms and requirements of this notice and those in the Drug Free Workplace sections (6.05-6.12) of the Policies and Procedures Manual, and, that you will make available and permit inspection, to assure a drug free workplace, of all school personnel or any other property in or brought into the workplace which is under your control or use; without prior notice.

Any employee who violates the terms of the school's drug-free workplace policies and procedures in any manner is subject to discipline, which may include, but is not limited to, dismissal and/or referral for prosecution.

I have been provided with two (2) copies of this **Notice to Employees** for my review and signature. I understand that a signed copy will be placed in my personnel file.

_____ _____

Signature of Employee Date

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ARTICLE VII. DISCIPLINARY PROCEDURE

NCS is an educational institution focusing on the education of our students, and because of the students, we all have a job. Our student's learning curve is at a standstill. Therefore, in school year 2026-2027, training will be provided for all staff with the understanding to reinvest their energy into the advancement of elevating the learning curve of our students. Please read the disciplinary procedures outlined below.

Section 7.01 Disciplinary Action

A. School policy towards disciplining employees is generally reflected in the recommendations in the Table of Penalties. If an employee engages in an act of misconduct, low performance, it will be determined by periodic review, which is not addressed in the Table of Penalties. The supervisor shall select an appropriate penalty in consultation with their immediate supervisor, department director, and/or the principal.

B. Notwithstanding Section 7.01 A and recommendations in the Table of Penalties, the specific type and degree of disciplinary action to be taken in a particular situation shall be determined by the facts and circumstances of each situation. Previously documented disciplinary action(s), the degree of the conduct involved, and other mitigating and aggravating factors shall be considered in determining what penalty should be imposed. Disciplinary action shall not be limited to that which is prescribed in the Table of Penalties, and actions may be combined.

C. Non-Disciplinary Action

Not all actions regarding an employee are considered disciplinary, even though they may involve alleged or possible violations of policies or rules by the employee. The following list constitutes examples of action taken which is not disciplinary and, consequently, are not eligible to be the subject of a grievance and/or appeal:

1. The employee's evaluation procedure or the resulting evaluations.

2. Letters or memoranda directed to an employee containing directives or instructions for future conduct.

3. Counseling of an employee concerning expectations of future conduct.

4. Non-renewal of the contract of an employee employed by Naatsis'Aan Community School.

5. Expectation Agreements, Professional Development Plans, and Personal Improvement Plans.

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6. Counseling Memoranda - Counseling memoranda may be used to inform employees of the above-described matters. Counseling memos are not discipline or disciplinary action.

7. Reassignment with Pay - An employee may be temporarily reassigned with pay by the principal to allow the school to complete an investigation while maintaining the status quo; to protect the health, safety and welfare of the students, staff, employees, and all other parties; other considerations relating to the rights of the parties or others; and, as may otherwise be in the best interest of Naatsis'Aan Community School and the orderly operation of Naatsis'Aan Community School. While on such temporary reassignment, the employee remains subject to the directives of the employee's supervisor, the principal, and the school board, and such other conditions as may be established to accomplish the above-stated purpose. An employee's failure to follow directives, participate in any investigation, and/or otherwise comply with reassignment conditions and school policies while on a reassignment with pay shall be deemed insubordination and shall be grounds for separate disciplinary action, up to and including termination.

D. Types of Disciplinary Action

When disciplinary action is to be taken, the following steps are recommended but not required:

a) Warning (Verbal/Written): When a warning (Verbal/Written) is issued, it should be done in private, and a copy of the letter covering the details of the warning sent to Human Resources. Written warning will, upon the employee's written request, be removed from an employee's personnel file after a 12-month good conduct period.

b) Suspension: Suspension consists of a period during which an employee will not work and shall not receive compensation. The maximum suspension period shall be thirty calendar days.

c) Termination: Involuntary Termination is covered in Section 8.02 of this Manual.

d) Demotion.

NOTE: This is a recommended procedure for disciplinary action. The facts and circumstances of a specific situation may preclude progressive discipline in favor of more severe initial disciplinary action.

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E. Guidelines and Procedures for Disciplinary Actions

1. Initiation of Disciplinary Action. Disciplinary action may be initiated by an employee's immediate supervisor, department head (with the concurrence of the principal), or by the principal, or in cases involving the principal, the Board. The employee shall be notified in writing and counseled about the disciplinary action and its basis. The employee's immediate supervisor or principal shall, in general, commence disciplinary action against the employee within five (5) days of being made aware of an offense; however, disciplinary action is not required to be taken during this time frame and may be delayed for additional investigation or other considerations, procedures or actions to ensure thoroughness and fairness to all. The person who initiates it shall sign the notification, and copies shall be supplied to the principal and the Human Resources Supervisor for placement in the employee's personnel file.

2. Authority to Carry out Disciplinary Action. Disciplinary action in the form of a written reprimand may be carried out by the appropriate supervisor. Disciplinary action in the form of suspension with or without pay, or discharge requires the approval of the principal.

3. Notification Disciplinary Action. Each form of disciplinary action shall include written notification to the employee, which includes:

   a) A description of violation-specific acts or omissions upon which the disciplinary action is based.

   b) An identification and/or description of the policies, laws, regulations, guidelines, or other requirements that were violated by the employee's acts or omissions.

   c) A summary of any, if any, prior discussions and/or formal or informal disciplinary actions regarding similar, related, or other matters/violations. Prior discussions or actions are not required, and disciplinary action may be imposed without them.

   d) The disciplinary action to be taken, including dates and duration, where applicable.

   e) The improvement or correction expected, if applicable; the consequences of the employee's failure to make required improvements or correction, or if such conduct or actions continue; and.

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f) The appropriate appeal procedure.

If the employee is present and available and other reasons do not prevent it, the employee shall be offered the opportunity to review, sign, and date any notice of formal disciplinary action. Given the opportunity, the employee shall sign the notice. The employee's signature indicates that the employee has had the opportunity for review, but not necessarily that the employee agrees with the action. If the employee refuses to sign, a witness to such refusal may sign and date the notice. Employee's refusal to sign the letter as described above shall be an additional incident of insubordination, which shall be the grounds for separate and additional disciplinary action up to and including termination. Where notices are not or cannot be issued in person, they shall be delivered by mail to the employee's last address of record with Naatsis'Aan Community School. It shall be the employee's responsibility to ensure that Naatsis'Aan Community School has the employee's correct, current mailing address and that the employee collects and reviews mail at that address in a timely fashion.

4. An employee may file an appeal regarding any formal disciplinary action. Employees should refer to the applicable policy, 7.03, for appeal procedures and timelines. Employee's failure to know and use the proper appeal procedure shall constitute a waiver of any such appeal.

5. Notice under these disciplinary, appeal, grievance, and termination policies shall be deemed given upon delivery to the employee or three (3) days after mailing to the employee's last address of record.

6. An employee must, and as part of their contract with the school, has agreed to exhaust this and all other possible remedies provided by the school before taking any action outside these policies. Employee's failure to exhaust employee's remedies provided under this contract shall be a breach of their contract and grounds for disciplinary action, up to and including termination of employment. Further action, including action outside the school, is contractually barred if the employee fails to exhaust the remedies available under these policies.

Section 7.02 Appeals Procedure

A. Purpose

The purpose of the appeals procedure is to provide those eligible employees with a uniform and equitable method of resolving actions taken while employed by the Naatsis'Aan Community School. This procedure is intended to ensure that any eligible employee will be treated fairly and within the policies and procedures of this Manual and any other applicable federal or Navajo Laws.

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B. Application

This procedure will be used for actions regarding reprimands/warnings, suspension, or demotion. This policy does not apply to nonrenewal of an employment contract.

C. Eligibility

All regular, full-time, and part-time employees are eligible.

D. Procedure

1. Appeals must be filed with the employee's immediate supervisor as set forth below. The appeal must state with specificity the action being appealed and must include specific grounds for the appeal, including, but not limited to, all relevant facts, circumstances, dates, times, places, statements, and witnesses. Appeals not containing all the above shall be dismissed, and the employee will be deemed to have waived their right to appeal.

2. Any employee desiring to file an appeal must do so within five (5) working days after being notified that they have been warned/reprimanded, suspended, or demoted. Appeals not filed within the designated time frames shall not be considered. Employee, for this section, shall be deemed to have been "notified" of the disciplinary action at the time the notice of disciplinary action is given. At the time it is delivered to the employee or three (3) days after the notice of disciplinary action has been mailed to the employee's last address of record with Naatsis'Aan Community School.

3. The immediate supervisor may respond within five (5) working days of receiving the appeal, elect to resolve the appeal in writing, or refer it to the principal with recommendations. The immediate supervisor shall provide the employee notice of the supervisor's action five (5) working days.

4. If the immediate supervisor takes no action within five (5) working days of receiving the appeal, the employee may, within the five (5) working days thereafter, appeal the decision to the principal.

5. If the immediate supervisor issues a written decision on the appeal, the employee may, in writing, within five (5) working days of the date of notice of the written decision, appeal the decision to the principal. Employee's request for further appeal shall be in writing, state the basis for the appeal, and be delivered to the principal's office within the above five (5) working days. Employee may come onto campus, notwithstanding the employee's letter of reassignment, to deliver this and any other further appeal unless expressly directed otherwise.

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6. If the employee timely appeals the immediate supervisor's decision or the immediate supervisor refers the appeal to the principal, the principal shall resolve the matter with employee's concurrence or hold a hearing within ten (10) working days after employee's appeal to the principal and render a decision that either supports or dismisses the appeal within ten (10) working days of the hearing. Written notice of the time and place of the hearing shall be delivered or mailed to the employee five (5) working days before the hearing. The principal may allow the appellant or other parties the opportunity to address the appeal. The parties may be represented by counsel and/or cross-examine witnesses. The principal, upon rendering a decision, shall provide notice of the decision to the employee. If the subject of an appeal is a warning/reprimand not initially imposed by the principal, the principal's decision is final. There is no further appeal. If the subject of the appeal is other than a reprimand/warning or if the principal initiates the reprimand/warning, then the appellant may proceed to the next appeal level.

7. If the appeal is still not satisfactorily resolved by the principal in writing, the employee may, in writing, request the board to add the appeal to the next regular board meeting agenda. This further request must be made by the employee within five (5) calendar days of notice of the principal's decision. The further request shall be made through the principal by delivery of the request to the principal's office within the time set forth above.

8. Upon receiving a timely appeal, the board shall, within a reasonable time, schedule a hearing before the board or a hearing officer. The board shall have the sole discretion to determine who will hear the appeal. If the appeal is to be heard by a hearing officer, the board shall have the sole discretion to select said hearing officer. After the hearing before the board or upon receiving the hearing officer's results, the board may, by vote at an open public meeting, affirm, modify, or dismiss the appeal. The board's decision shall be provided to the employee, immediate supervisor, and principal in writing within a reasonable time.

9. Naatsis'Aan Community School shall provide written notice to the employee and principal of the hearing date, time, and place within ten (10) working days of the regular board meeting at which the appeal was submitted or as soon thereafter as is reasonably possible. Naatsis'Aan Community School shall attempt to schedule the hearing within twenty (20) working days of the regular board meeting at which the appeal was submitted; however, it may extend that time based on the facts and circumstances of the case and the availability of necessary parties. At any such hearing, the parties may be represented by legal counsel, submit evidence in the form of exhibits or testimony, and cross-examine witnesses. The procedure shall be informal and as determined by the board or hearing officer.

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10. All decisions by the board shall be final.

11. If the appealing employee does not submit a written request to move the appeal forward within the specified time, it will be assumed the employee does not wish to continue the employee's appeal, and the appeal will be dismissed. The employee is responsible for identifying all issues and allegations relevant to the appeal in the employee's initial written appeal. No additional defenses, allegations, or requested remedies may be addressed that were not included in the initial appeal. The employee must state the specific remedy requested in the employee's appeal.

12. An employee must, and as part of their contract with the school, has agreed to exhaust this and all other possible remedies provided by the school before taking any action outside these policies. Employee's failure to exhaust employee's remedies provided under this contract shall be a breach of their contract and grounds for disciplinary action, up to and including termination of employment. Further action, including action outside the school, is contractually barred if the employee fails to exhaust the remedies available under these policies.

Section 7.03 Grievance Procedure

A. Purpose

The purpose of the grievance procedure is to provide a uniform and equitable method of resolving alleged complaints as quickly as possible and at the lowest possible level of supervision. This procedure is intended to ensure that any eligible employee will be heard, and that corrective action taken will be without reprisal or discrimination against the employee submitting the grievance.

B. Definition

A grievance is a complaint by an employee concerning the department's work rules, unsafe or unhealthy working conditions, and alleged improper treatment that directly affects work performance or his/her employment contract and which cannot be satisfactorily resolved between the employee and their immediate supervisor. The grievance procedure does not apply to disciplinary actions or disciplinary appeals.

C. Scope

All departments shall conform to this procedure. Actions for which another appeal procedure exists do not fall under the grievance procedure. Examples: dismissal, suspension, demotion, and alleged discrimination.

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D. Eligibility and Employee Rights

1. All regular, full-time, and part-time employees are eligible.

2. Employees have the right to seek the involvement of legal counsel, but only at their own expense. The school is also entitled to representation by legal counsel.

E. Time Limits and Procedures

1. An employee must file a written grievance with their immediate supervisor or the principal, if the complaint is against their immediate supervisor, within five (5) working days of the occurrence of the matter grieved, with a copy to Human Resources.

2. All supervisors shall meet grievant whom they supervise as soon as possible after a grievance is filed. "Note the supervisor must resolve the grievance in writing and within five (5) working days of filing, or the grievance goes to the next level." The supervisor shall clarify with the grievant(s) the exact issue(s) grieved and all relevant facts, i.e., date, time, place, statements, witnesses, and the grievant's requested remedy. The supervisor shall then attempt to resolve the grievance in consultation with the grievant and other necessary parties. Whether or not the grievance is resolved, the supervisor must submit a written report to his or her supervisor within five (5) business days of the grievance being filed. That report shall set forth the exact issue(s) grieved, relevant facts (date, time, place, statements, and witnesses) on what action taken and the status of the grievance (i.e., whether or not resolved and if so, how). If the grievance is resolved, the grievant must also sign the report noting that the grievance is resolved satisfactorily. All succeeding reviews of the grievance must be handled in this manner.

3. Abandonment of a case or noncompliance with required deadlines and policies by the aggrieved party will be grounds for termination of the grievance.

F. Grievance Steps.

1. An employee who has a grievance must file a written request/complaint within five (5) working days of the occurrence of the matter grieved with the immediate supervisor, or the supervisor of their immediate supervisor, if the complaint is against their immediate supervisor. The request/complaint must specify the actions or matters grieved and shall include specific supporting facts and circumstances to include dates, times, places, statements, and witnesses. If the specific items noted above are not outlined in the written grievance, the grievance shall be dismissed, deemed waived, and may not be grieved again by the grievant. If, after five (5) working days, the grievance is not satisfactorily resolved in writing, the employee shall progress to Step 2.

2. If the grievance is not satisfactorily resolved in Step 2, the employee may submit the grievance in writing to the principal. If, after five (5) working days, the grievance is still not satisfactorily resolved by the principal in writing, the employee may submit

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the grievance to the Board. This must be done through the principal's office within five (5) working days after the response deadline of the principal.

3. The principal shall, within ten (10) working days after written notice from the employee, request the board to add the grievance to the next regular board meeting and, under the following procedures, render a decision that either supports, dismisses, or otherwise determines the grievance.

4. The board, at its discretion, may determine the grievance based on the record before it, hold a hearing, or order a hearing before a designated hearing officer. Any hearing must be held within fifteen (15) working days of the Board meeting, or as soon thereafter as reasonably possible, and a Board decision must be rendered within thirty (30) working days of the Board meeting at which a hearing was scheduled. If the Board elects to hold a hearing, it shall provide written notice of a hearing, including the time and place of the hearing, to the grievant within ten (10) working days of the regular board meeting at which the grievance was submitted. At any such hearing, the parties may be represented by legal counsel, submit evidence in the form of exhibits or testimony, and cross-examine witnesses. The school attorney may not be used to represent individual school personnel. The previous procedures shall be informal and as determined by the board or hearing officer. Abandonment of a case or non-compliance with the required deadlines and other policies by the grieved party will result in the termination of the grievance.

5. All decisions of the board shall be final.

G. An employee must, and as part of their contract with the school, have agreed to exhaust this and all other possible remedies provided by the school prior to taking any action outside these policies. Employee's failure to exhaust the employee's remedies provided under this contract shall be a breach of their contract and grounds for disciplinary action, up to and including termination of employment. Further action, including action outside the school, is contractually barred if the Employee fails to exhaust the remedies available under these policies.

The decision of the Board is final.

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TABLE OF DISCIPLINARY PENALTIES

Guidelines	First Offense	Second Offense	Third Offense
Knowingly failing or refusing to carry out orders, instructions, assignments, or duties within the time designated by one in a position of authority.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days (Without pay) to Termination
Knowingly failing to maintain demeanor, and speech exhibiting the respect and professionalism appropriate to the employees and all persons of our educational institution.	Letter of Reprimand	1 day Suspension (without pay)	5 days (Without pay) to Termination
Failure without just cause, to obey or comply with any directive of the school, or any adopted and published policy of the school.	Letter of Reprimand to 30 days Suspension (Without pay)	1 day Suspension (without pay) to Termination	5 days (Without pay) to Termination
The unauthorized absence from one's duties of one hour or less more than twice in one week or four times in one year.	Verbal warning to Letter of Reprimand	Letter of Reprimand to 1 day Suspension (without pay)	1 day Suspension (Without pay) to Termination
The unauthorized absence from one's duties of more than one hour.	Verbal warning to 1 day Suspension (without pay)	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination
Idleness, sleeping or unauthorized participation on non-job-related activities during duty hours.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	3 days Suspension (Without pay) to Termination
Any purposeful act or failure to act, which will foreseeably endanger or cause physical or emotional damage or educational or moral harm to any student at any time while said student is enrolled at the school	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Any purposeful act or failure to act, which will foreseeably endanger or cause physical harm to another employee of the school	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
The failure to disclose or report, to a position of relevant authority, any conduct, occurrence, information, or condition, which if not so disclosed or reported, will or is likely to cause harm, loss, or damage to the school or any student or employee thereof.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Any violation of the Drug Free Policy.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	10 days Suspension (without pay) to Termination
The use without proper authorization or the illegal operation of any vehicle owned, leased or in the possession of the school or the intentional permitting of such unauthorized use of illegal operation.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination

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Guidelines	First Offense	Second Offense	Third Offense
The intentional use without proper authorization of school or United States Government property.	Verbal Warning to 3 days Suspension (without pay)	Letter of Reprimand to 10 days Suspension (without pay)	5 days Suspension (without pay) to Termination
The alteration or destruction, without proper authorization, of any official school record.	Verbal Warning to 10 days Suspension (without pay)	Letter of Reprimand to Termination	5 days Suspension (without pay) to Termination
Theft of property or records belonging to the school, the United States Government, or any employee of or student enrolled in the school.	1 day Suspension (without pay) to Termination	15 days (without pay)	Termination
Disclosure of confidential information vital to the interest of school.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Abuse of the Business Travel Expense Policy, which includes but is not limited to falsifying expense reports. (Note: Expenses provided in a falsified report will not be reimbursed.)	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Improper, careless, negligent destructive, or unsafe use or operation of equipment.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Abuse or neglect of a student by an employee.	3 days Suspension (without pay) to Termination	Termination	
Sexual relations with a student by an employee.	Termination		
Failure to report any knowledge of any of the above.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination

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APPENDIX VII-A

GRIEVANCE FORMS

LEVEL I GRIEVANCE FORM A

FORMAL GRIEVANCE

To be completed by Grievant and filed with Grievant's immediate or acting supervisor no later than five (5) working days after the Grievant knew or should have known of the act or omission giving rise to the grievance.

GRIEVANT	DATE THE GRIEVED MATTER OCCURRED OR AROSE
IMMEDIATE SUPERVISOR	DEPARTMENT DIRECTOR
JOB TITLE	POLICY NUMBER(S) AT ISSUE:

1) **STATEMENT OF GRIEVANCE** (Specify the actions, matters, or issues grieved and all relevant facts, i.e., dates, times, places, persons involved, statements, and witnesses. Describe incidents, give relevant background, and explain any attempts to resolve the grievance. Failure to fully comply with this section and provide all such information shall result in the immediate dismissal with prejudice.)**

2) **ACTION REQUESTED:**

Signature of Grievant

**Attach additional sheets if necessary. Identify attachments with the section number on the form.

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LEVEL I GRIEVANCE FORM B

DECISION OF IMMEDIATE SUPERVISOR

To be completed by the immediate supervisor within five (5) working days after formal filing of the grievance.

GRIEVANT

DATE OF FORMAL GRIEVANCE PRESENTATION

DEPARTMENT DIRECTOR

ADDITIONAL FACTS

DECISION OF IMMEDIATE SUPERVISOR AND REASONS THEREFOR:

Date of Decision

(Signature of Immediate Supervisor)

GRIEVANT'S RESPONSE [to be completed by the Grievant within five (5) days after the decision]:

□ I accept the above decision of the immediate supervisor.

□ I hereby refer the above decision to the principal with reasons detailing nonacceptance at Level I and any relief sought (Level II).

Date of Response

(Signature of Grievant)

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LEVEL II GRIEVANCE FORM C

REFERRAL TO PRINCIPAL

To be completed by Grievant within five (5) working days of the immediate supervisor's response.

GRIEVANT

DATE OF FORMAL PRESENTATION

DETAIL REASONS FOR NONACCEPTANCE OF GRIEVANCE DECISIONS AND ANY RELIEF SOUGHT:

□ The attached grievance is hereby referred to the principal.

Date of Referral

(Signature of Grievant)

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LEVEL II GRIEVANCE FORM D

DECISION OF PRINCIPAL

To be completed by the Principal within five (5) working days after formal filing of the referral to the Principal.

GRIEVANT

DATE OF FORMAL GRIEVANCE PRESENTATION

IMMEDIATE SUPERVISOR

ADDITIONAL FACTS

DECISION OF PRINCIPAL AND REASONS THEREFOR:

Date of Decision

(Signature of Principal)

GRIEVANT'S RESPONSE [to be completed by the Grievant within five (5) working days after the decision]:

□ I accept the above decision of the principal.

□ I hereby refer the above decision to the Naatsis'Aan Community School Board with reasons detailing nonacceptance at Level II and any relief sought (Level III).

Date of Response

(Signature of Grievant)

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LEVEL III (Final Action) GRIEVANCE FORM E

REVIEW BY GOVERNING BOARD

GRIEVANT

DATE OF FORMAL GRIEVANCE PRESENTATION

□ The attached grievance is hereby appealed to the Governing Board for review.

DETAIL REASONS FOR NONACCEPTANCE OF GRIEVANCE DECISION AT LEVEL II AND ANY RELIEF SOUGHT:

Date of Referral to Board

BOARD RESPONSE [to be completed by the Governing Board President within thirty (30) days of Board hearing]:

DATE APPEAL RECEIVED BY GOVERNING BOARD

DECISION OF GOVERNING BOARD AND REASONS THEREFOR:

Date of Decision

(Signature of Board President)

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CLE VIII. TERMINATION OF EMPLOYMENT

Section 8.01 Voluntary Resignation

1. Employees shall give at least twenty (20) days' written notice of their intent and request to resign. Providing timely written notice does not and shall not be construed to mean that the employee's request to be allowed to resign is granted. Regardless of a timely or other notice of intent and request to resign, the Naatsis'Aan Community School Board retains the sole discretion whether or not to grant the request to be allowed to resign. The Board shall make its decision whether or not to grant the request to resign based upon the best interest of Naatsis'Aan Community School, regardless of the employee's timely notice.

2. Earned compensatory time and accrued leave may be granted on a day-to-day basis during the final twenty (20) working days of employment.

3. An employee who has submitted a letter of resignation may not withdraw the resignation after it has been accepted by the board. The resignation shall become effective as of the date specified in the letter of resignation or as otherwise specified by the board in their determination of the best interest of Naatsis'Aan Community School. However, the board may at any time dismiss an employee as otherwise provided in this Manual.

4. The following procedures shall be followed in the case of resignation from employment.

    a) The employee shall provide a written notice of their intent to resign to Human Resources. The Human Resources shall provide a copy of the letter of resignation to the immediate supervisor.

    b) The principal shall place the resignation on the agenda for board review at the next scheduled board meeting.

    c) The employee shall be notified of when his/her resignation letter will be considered by the board.

    d) It is solely within the discretion of the board to accept or reject the letter of resignation, and if accepted, to establish the effective date of any accepted resignation.

    e) The immediate supervisor shall account for all school property issued to the employee before the effective date of the resignation.

    f) The Human Resources shall conduct an exit interview with the resigning employee before the effective date of resignation.

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g) If the employee has outstanding debts or owes property to the school, the immediate supervisor shall take all necessary steps to initiate repayment on the part of the employee and to receive receipt of the property from the employee before the final paycheck is released. The immediate supervisor shall notify Human Resources in writing that he/she has accounted for all school property issued to the employee, has taken steps to initiate repayment/receipt of property, and that the final paycheck can be released by the school.

h) After employee provides a letter of intent and request for resignation, said employee shall not participate in school travel, training, or other activities funded in whole or in part by Naatsis'Aan Community School.

Section 8.02 Involuntary Termination (Dismissal Other Than Layoff/Reduction-in-Force)

1. Employees may be terminated for cause. Examples of infractions which may result in disciplinary action, including involuntary dismissal, are included in the Table of Penalties. However, it is not possible to list all the forms of behavior which are considered unacceptable in the workplace, and the board may, in its discretion, dismiss any employee for unsatisfactory performance, unprofessional conduct, insubordination, violation of policies or laws, or such other conduct that constitutes cause to dismiss. While the board may choose to take a lesser disciplinary action, such as a warning or suspension for a first offense, the board may, in its discretion, dismiss an employee for a first offense if appropriate, depending on the facts and circumstances of the situation.

2. Involuntary Dismissal Procedures (other than Layoff/Reduction-in-Force)

   a) Dismissal of an employee may be recommended to the principal by the supervisor, department head, and/or Human Resources. The principal, in consultation with the supervisor, department director, and/or Human Resources will draft a notice of intent to terminate letter setting forth the reasons for the recommendation for termination, citing the specific policy violations violated by the employee and other specific matters identified in Policy 7.01(E)(3). A copy of this notice of intent to terminate letter will be hand delivered or by certified mail to the employee as required and under Policy 7.01(E)(5).

   b) The notice of intent to terminate letter will be provided to the board at a Board meeting, with a recommendation to the board by the principal as to whether reasonable cause exists to terminate the employee.

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c) If the board after reviewing the notice of intent to terminate letter and after receiving the recommendation from the principal, believes that adequate cause exists to terminate the employee, the employee will be sent by personal delivery or through certified mail a letter from the board terminating the employee and setting forth the reasons for the termination and citing policies violated by the employee. The termination will become effective five (5) days after the letter is sent unless the employee appeals the termination decision to the board within the five (5) working days. Should the employee appeal, the employee must submit a written appeal to the principal, which states the basis for the appeal and the specific facts, circumstances, evidence, and witnesses that support the appeal.

d) If the employee appeals the termination to the board, the employee will continue as an employee of the school pending the outcome of the termination appeal unless otherwise required by the circumstances.

e) Once the board receives the termination appeal, the board will hold a hearing to hear the employee's appeal. The board, at its discretion, may designate a hearing officer to hear the appeal.

f) The hearing on the dismissal appeal may, at the option of the employee, be done in executive session. If the employee does not opt to have the hearing in executive session, the hearing will be at an open public meeting.

g) At this hearing, the principal or designee shall present the termination against the employee and will present to the board testimony and other evidence about the termination. The principal or designee may be represented by counsel.

h) The employee shall thereafter present his/her testimony and evidence about the termination letter. The employee may be represented by counsel.

i) All testimony shall be taken under oath, the proceeding shall be tape recorded, and both sides shall have the right to cross-examine the other side's witnesses. Formal Rules of Evidence shall not apply, and the board will allow evidence that is relevant and non-repetitive.

j) Either side may be represented by counsel at the party's own expense.

k) After both sides have presented their case, both sides will be allowed a brief closing argument.

l) After both sides have presented closing arguments, the board shall deliberate and decide to: 1) uphold the termination; 2) reject the termination; 3) impose a lesser disciplinary action. If a hearing officer has been retained to hear the matter, after both sides have presented closing argument, the hearing officer shall provide the board with a written findings, conclusions,

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and recommendations and the board shall subsequently consider the hearing officer's findings, conclusions, and recommendations, then deliberate and decide to: 1) uphold the termination; 2) reject the termination; 3) impose a lesser disciplinary action.

m) The decision of the board shall be final and effective immediately.

3. An employee must, and as part of their contract with the school, has agreed to exhaust this and all other possible remedies provided by the school before taking any action outside these policies. Employee's failure to exhaust employee's remedies provided under this contract shall be a breach of their contract and grounds for disciplinary action, up to and including termination of employment. Further action, including action outside the school, is contractually barred if the employee fails to exhaust the remedies available under these policies.

Section 8.03 Layoff/Reduction-in-Force

This provision relates to any involuntary employment termination for non-disciplinary reasons, initiated by the organization due to economic need, insufficient federal funding, changing program needs, reduction in student count, reduction in workload or other factors which, in the sole discretion of the Governing Board, render such action prudent and in the best interest of Naatsis'Aan Community School. The principal shall notify the governing board when funding, workload circumstances, or other circumstances require a layoff/reduction-in-force and shall submit a layoff/reduction-in-force plan to the governing board.

In developing such a plan, the principal shall give preference in retention to positions essential to the administration and operation of Naatsis'Aan Community School. In considering the principal's plan, the governing board shall also give preference in retention to such positions.

The Principal and the governing board shall also consider the following factors in making layoff/reduction-in-force decisions, whether during the academic year or at the time for contract renewal decisions:

a. Definitions:

(1) "Employee" means both non-probationary and probationary employees.

(2) "Non-probationary employee" is an employee who has completed the probationary period.

(3) "Probationary employee" means a newly appointed employee or an employee who is promoted into a new position with a pay increase and who is subject to an initial thirty (30) working day period of probation.

(4) "Temporary employee" means an employee who is hired on an immediate need basis.

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b. Involuntary dismissal may occur on account of the abolishment of a position due to lack of funds, change in duties, reorganization, or lack of work. All terminations resulting from a reduction in force must be authorized by the board.

c. When more than one employee is affected:

(1). First and foremost, all decisions regarding which employees and/or employment positions to retain in any reduction-in-force shall be first and foremost made based on the best interest of Naatsis'Aan Community School and the students it serves. Any other considerations, including those set forth below, shall be secondary to this primary principle.

(2) The Governing Board may create a revised organizational chart for Naatsis'Aan Community School that reflects the positions that will exist after the reduction-in-force, including the number of positions that will be retained. If the Board decides to reorganize and revise the organizational chart so that new or consolidated positions are created with skill requirements that are different from Naatsis'Aan Community School's existing positions, position descriptions and qualifications for each of these new or consolidated positions will be established.

(2) a. The Human Resources with the principal shall establish lists grouping the positions that shall be retained within each job class (hereinafter "Job Class").

(2) b. Each Job Class will be made up of those positions with the same or similar required qualifications.

(2) c. If the school does not reorganize and/or revise its organizational chart, the Job Classes will be identified from the existing organizational chart and position descriptions.

(2) d. If there is only one position in the Job Class that has certain required qualifications, that one position will be its own Job Class.

d. Within each Job Class, the Human Resources, in consultation with the principal, will establish a list of current employees, ranking the employees in the order in which employees will be laid-off (the employees highest on the list are to be laid-off first).

The lists to be established are as follows:

(1) The first list will include current employees in that Job Class who are neither Navajo nor a spouse of a Navajo.

(2) The second list will include current employees in that Job Class who are Navajo or a spouse of a Navajo.

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(3) Within each of the above lists, groups will be developed, and the employees should be ranked with probationary and temporary employees grouped first and with permanent employees grouped last.

(4) Within each group, the least effective employees, as reflected by their performance evaluation(s) and disciplinary record(s), are ranked first, and the most effective employees, as reflected by their performance evaluation(s) and disciplinary record(s), are ranked last.

(5) If a tie exists within a group as to the effectiveness of two or more employees, the tied employees shall be ranked by seniority, with the employee with the least amount of seniority ranked first and those with the highest seniority ranked last.

e. For each Job Class, the Principal, in consultation with Human Resources, will determine how many positions in that Job Class are going to be eliminated based upon a comparison of the existing organizational chart and the revised organizational chart for the next year.

Once the number of employees to be laid off in each Job Class is determined, individual employees to be laid off are identified as follows:

(1) By going to the first list for that Job Class and beginning from the top and going down to the bottom.

(2) Then, going to the second list beginning from the top and going down to the bottom.

(3) Finally, to the third list beginning from the top and going down to the bottom, until the requisite number of employees to be laid off has been identified.

f. If new or consolidated positions have been created through the above process, those new or consolidated positions will be advertised. Current and qualified Navajo employees and secondary qualifying Navajo spouses have first preference for those positions absent a waiver of Navajo preference under Title 10 and these policies (waiver).

g. Any Navajo or qualifying Navajo spouse who is laid off through the above process has the right to displace a non-Navajo or Navajo spouse in any other position for which the Navajo or Navajo spouse demonstrates the necessary qualifications, absent a waiver.

h. Individual employees who are laid off through the above process shall be given thirty (30) days' written notice that their contracts will be terminated because of a reduction-in-force due to lack of funds, change in duties, reorganization, lack of work, or other reasons.

i Actions regarding reduction-in-force are not subject to the grievance procedures.

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j. Absent a waiver and irrespective of the qualifications of any non-Navajo applicant or candidate, any Navajo applicant or candidate who demonstrates the necessary qualifications for an employment position shall be retained by the employer in the case of a Reduction in Force (RIF) affecting such class of positions until all non-Navajos employed in that class of positions are laid off, provided that any Navajo who is laid off in compliance with this provision shall have the right to displace a non-Navajo in any other employment position for which the Navajo demonstrates the necessary qualifications. Further, any RIF shall in all other ways also comply with the NPEA.

k. In the event, there will be a Reduction In Force (RIF) due to budgetary reasons, the employee shall be notified in writing the third Friday of March.

Section 8.04 Reinstatement

Any employee affected by a reduction in force will be reinstated under the Personnel Policies and Procedures of Naatsis'Aan Community School (i.e., Selection Procedures) and qualifications for the position into a vacant position for which the employee qualifies and for which the employee is the best qualified Navajo. Such reinstatement may occur only within the contract year in which the layoff or reduction-in-force occurred. It shall be the employee's responsibility to remain informed of any vacant positions and make the appropriate application for reinstatement.

Section 8.05 Job Abandonment

Any employee of Naatsis'Aan Community School who chooses to leave his/her employment by not reporting to their immediate supervisor for three (3) consecutive days without prior notice shall be deemed a resignation from employment. This will be considered a self-invoked resignation.

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ARTICLE IX. PROCUREMENT

Section 9.01 Adoption of the Super Circular, 2 C.F.R. 200 *et seq.*

The school has adopted the Super Circular, 2 C.F.R. 200 *et seq.*, as may be amended ("Super Circular"). Therefore, all matters relative to property procurement, management, and disbursement not treated in these policies are generally controlled by, and shall be controlled by, the Super Circular and any applicable rules and regulations arising from the laws of the Navajo Nation, the federal government, and the school's contractual grant status.

The following are additional policies applicable to this subject matter area. In the event of a conflict between the various sources of policy, the laws, rules, and regulations of the Navajo Nation and the United States government, and those arising from the school's grant status the Super Circular controls unless the contrary is expressly noted in said law, rule, regulation, or policy.

The current Super Circular and any amendments thereto should be consulted and followed regarding the proper form and procedure for requisitions, Purchase Orders, bidding procedures, inventory control, receiving, and disbursements.

Section 9.02 Duty to be Informed of Rules and Regulations

The school administration, department supervisors, and all personnel performing under the policies and procedures of this Article shall familiarize themselves with the rules and regulations associated with the school's funding contract, applicable rules and regulations of the Navajo Nation and federal government, and provisions and procedures found in the Super Circular. Said individuals shall comply with the above-noted rules and regulations, policies, and procedures in performing their tasks and duties.

Section 9.03 Compliance With the Manual

Every procurement shall comply with the terms of the contract or grant that funds the procurement and the terms and conditions contained in this Manual. In all events, procurements shall comply with the requirements of 25 CFR 276 *et seq.*, Appendix A to 25 CFR 276 (consult for allowable cost), and the Super Circular. Should there be a conflict in the above-described documents, this Super Circular shall control.

Section 9.04 Prohibited Contracts

Procurement contracts providing for an aggregate value based on cost plus a percentage of the costs are prohibited and may not be awarded. Time and materials contracts must be restricted

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to those circumstances when no other contract type is available, and such contracts must contain a clause that limits the aggregate value to a definite amount.

Section 9.05 Procurement Records

Procurement records, including, but not limited to, solicitations, Purchase Orders, contracts, payment histories, and records applicable to significant decisions, must be retained for three (3) years after the school or school's agents, subcontractors or obligors make the final payment, and all other pending matters are closed.

Section 9.06 Property Management Records

Property management records of real and personal property, as required herein, must be retained for three (3) years from the date of disposition, replacement, or transfer.

Section 9.07 Procurement Standards

A. School employees with responsibilities for procurement shall ensure that the school's vendors, contractors, and/or subcontractors perform by the terms, conditions, and specifications of their contracts or Purchase Orders.

B. General standards of conduct of school employees who award and administer contracts are as follows:

1. No employee, officer, elected official, or agent of the school shall participate in the selection, award, or administration of a procurement if a conflict of interest, real or apparent, would be involved.

2. An employee, officer, elected official or agent of the school is not allowed to solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements with the following exemption: a financial interest that is not substantial and that is disclosed to the school and waived by the school, a gift that is an unsolicited item of nominal value.

3. A violation of these standards will be the basis for disciplinary action, up to and including termination.

C. The school employees responsible for procurement shall review proposed procurements to avoid buying unnecessary or duplicative items to ensure the reasonableness of the price of items purchased. Consolidating or breaking up procurement to obtain more economical purchases should be considered. Where

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appropriate, leasing and purchasing alternatives should be compared to determine which is more economical.

D. The school shall conduct all major procurement transactions by providing full and open competition, to the extent necessary, to assure efficient expenditure of funds and, to the extent feasible, in the local area. As provided herein, Navajo preference and Indian preference shall be applied in procurement awards.

E. The school shall make procurement awards only to responsible entities that can perform successfully under the terms and conditions of the proposed procurement. In making this judgment, the school shall consider such matters as the contractor's integrity, its compliance with public policy, its record of past performance, and its financial and technical resources.

F. The school shall maintain records on the significant history of all major procurement transactions. These records may include, but are not limited to, the rationale for the method of procurement, the selection of contract type, the contract selection or rejection, and the basis for the contract price.

G. School employees shall use good administrative practice and sound business judgment for processing and settling all contractual and administrative issues arising out of the procurement. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

Section 9.08 Contract Standards

A. All contracts in which the school is a party shall, at a minimum:

1. Be in writing.

2. Identify the interested parties in the contract and their authority and/or agency.

3. Clearly state the purpose of the contract.

4. State the work to be performed under their contract; and

5. State the terms and conditions of the contract, the time and manner of payments, and the process for making any claims.

6. Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, exhibits of performance bond, financial and technical resources, or accessibility to other necessary resources.

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7. A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order and to assure adequate and timely follow-up of all purchases.

8. Contain suitable provisions for termination by the school including how the school may terminate a contract and the consequences of such termination (i.e., what if any damages, payments, ownership of documents and materials and a provision that there shall be no payment for lost opportunity or profit) and all other conditions for a final settlement. Such contracts shall describe conditions under which the contract may be terminated for default, convenience, or circumstances beyond the control of the contractor or school.

9. All construction contracts shall contain references to applicable federal laws such as the Davis-Bacon Act, Copeland Anti-Kickback Act, and other such legislation and regulations.

B. All contracts should contain a provision informing the recipient that their award is funded with Indian Self-Determination Education Assistance Act funds and that the recipient is responsible for identifying and ensuring compliance with applicable federal laws, regulations, and Executive Orders.

Section 9.09 Navajo and Indian Preference

To the greatest extent possible, consistent with the law, Navajo and Indian preferences shall be observed and implemented in the advertisement, negotiation, procurement, and award of goods and services. The school shall comply with the Navajo Business Opportunity Act and 25 C.F.R. 276.13, which requires Indian preference and allows for tribal preference. Notwithstanding this policy of preference, school employees shall comply with all policies stated herein in the procurement of goods and services and are free to act in whatever way best serves the needs of the school.

Section 9.10 Purchasing Procedures for Purchases Less Than $20,000

A. Purchase Orders

Purchase Orders must be prepared for all school expenditures, except for salaries and related costs, and otherwise documented travel expenditures.

B. Definitions

1. Aggregate Value: The total cost or dollar value of a procurement contract.

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2. Procurement: The process for the acquisition of goods and/or services.

3. Purchase: A purchase for these policies and procedures is defined as the payment, with school funds, for any goods, services, or other expenses.

4. Unauthorized Purchases: An unauthorized purchase is any purchase that is not legally and appropriately approved within the school budget or by other school action allowed by these policies and procedures, or which does not substantially comply with these policies and procedures. The school may decline payment of any unauthorized purchase. The school assumes no responsibility for payment of unauthorized purchases, and any person initiating, causing, making, or otherwise executing an unauthorized purchase is solely responsible for payment thereof. All authorized purchases shall be legally budgeted or approved within an appropriate fund account, or the appropriate line item as approved by the school. Purchases that are not within the authorized budget or otherwise not properly approved by the school are unauthorized.

C. Requisition Process

All purchases for or on behalf of the school or for which the school pays shall be made under requisition, and this requisition process, unless such purchase or procurement requires bidding.

The requisition process is as follows:

1. Micro-Purchasing:

The requesting party shall:

a) Prepare a complete requisition form by the staff member. If this requisition a micro purchase in the amount of $5,000 or less, three quotations is not necessary. Attach pricing of the selected vendor for micro purchases.

Step 1: Submit completed requisition to department supervisor for approval.

Step 2: Submit completed requisition to Principal for approval.

Step 3: Principal will forward the approved requisition to the Business Office.

Step 4: Business Office will confirm order(s) and send notification of ordered goods.

Step 5: Order arrives to NCS, Business Office will complete inventory of goods received. If tagging of goods is required,

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this process will be completed by Business Office prior to distribution of goods to Requestor.

Step 6: Requestor will receive goods.

All information required by the requisition must be provided, including Sales Tax and Shipping and Handling charges. An incomplete requisition shall be declined and returned to the requester submitting the requisition without signature approval by the principal.

b) If the requisition is in excess of $8,000.00 (Micro-Purchase)

Step 1: Before submitting the requisitions for approval, all supporting documents are required to be attached, including three (3) quotes from three different vendors with an updated W-9 if applicable.

Step 2: Sign and date the requisition and submit said requisition to the appropriate approving authority (principal, coordinator, supervisor, etc.) for that Authorized Approver's signature.

Step 3: Submit the completed and fully executed requisition to the Business Manager/ Business Technician. Warehouse (hereinafter "Business Technician").

2. The Business Manager/ Business Technician shall:

a) Verify items that are not in stock. Only if the items are not in stock can department Supervisors notify the Business Manager/ Business Technician and initiate to fill out the requisition process. The procedures below are then to be followed in processing the requisition and maintaining inventory control.

b) Verify that sufficient budget capacity exists to make the expenditures requested and verify that sufficient cash balances are available to make expenditures.

c) Sign and date the requisition if sufficient budget capacity or cash balance is not available and return the requisition to the requestor with a copy to the Business Technician.

d) Select the proper purchase procedure, depending on the expected purchase amount.

e) Follow the guidelines concerning bids or quotes, except for purchases from GSA vendors.

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f) Attempt to ensure that all purchases are made at the best possible price by the following provisions.

g) Follow the Guidelines for Competitive Purchasing Below the Dollar Limits Required for Sealed Bids as found in the Super Circular.

h) Re-verifies budget capacity and cash balance, as applicable, if the actual cost exceeds the estimated cost recorded on the requisition. Prepare a four-part pre-numbered Purchase Order. The school should issue Purchase Orders in sequential order and numerically account for them. Those initiated, but not issued, should be voided to prevent re-use and retained in the numeric Purchase Order file. Purchase Orders must be signed by an individual authorized by the Governing Board.

i) Submit the requisition to the Business Technician.

3. Threshold Guidelines for Procurements:

a) Micro-Purchases less than $8,000.00: Purchase shall be made according to the best obtainable price.

b) Purchases of at least $8,000.00 but not more than $25,000.00: Purchase shall be made according to the best obtainable price, provided at least three **(3) bona fide written quotes** are obtained and include the signature of the authorized person to bind the vendor's company. Such purchases must have prior approval by the Board.

c) Purchases over $25,000.00: All purchases over $25,000.00 require formal bid procedures after receiving Board approval to solicit for bid. Requests for Proposals and Invitation For Bid solicitations will be adhered to. Prior to initiating solicitation, all projected costs must be approved in the current budget.

4. The Business Manager/ Business Technician shall:

a) Review and double-check the requisition for accuracy.

b) Notify the requestor and department if the requisition is rejected with reasons, therefore, and provide appropriate recommendations.

c) Verify that all parties have followed the bidding quotation rules, regulations, and procedures.

d) Submit all requisitions exceeding $8,000.00 to the board for review and approval.

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e) After the foregoing has been completed, and upon return of the requisition from the board, submit the approved requisition to the Business Manager/ Business Technician for the preparation of a Purchase Order To be issued to the selected vendor.

5. The principal shall:

a) Review all requisitions.

b) Return declined requisitions to the requestor and the Business Office with a justification.

c) Upon approval, and if necessary, board approval has been obtained, forward the requisition to the Business Office for processing the Purchase Order.

D. Purchase Order Process

1. A requisition approved shall be forwarded to the Business Office, who then shall print the Purchase Order and will print Purchase Order with Principal's signature utilizing signature feature in Visions.

2. The Business Manager/ Business Technician shall prepare Purchase Orders according to the following guidelines.

a) The Purchase Orders shall be consecutively and sequentially pre-numbered.

b) It is the Business Office's responsibility to numerically account for all Purchase Orders.

c) Each Purchase Order is accounted for by number in a Purchase Order log.

d) Purchase Orders initiated, but not used, must be marked "void" and recorded in the Purchase Order log and retained in the numeric Purchase Order file.

e) Purchase Orders shall be properly safeguarded.

f) Purchase Orders shall be in four-part form and distributed as follows:

i. Copy 1 (File) – filed.
ii. Copy 2 (Completed and signed) – reviewed when items are received.
iii. Copy 3 (Entity) – filed.

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iv. Copy 4 (Vendor) – faxed or emailed to the vendor when ordering items.

g) Prepare the Purchase Order according to the information provided on the requisition.

h) Order any necessary equipment tags.

i) Distribute the Purchase Order to the vendor.

j) Ensure that Purchase Orders are prepared and sent within less than five (5) working days.

k) Provide information regarding the Purchase Order upon the vendor's request.

E. Receiving Process for Goods Procured

1. The Business Office shall:

a) Maintain copies of Purchase Orders on file before receiving the goods.

b) Upon arrival, inspect the goods for visible damage in the carrier's presence. Damaged goods shall not be accepted and must be returned to the vendor.

c) Complete the receiving report indicating the quantity received, the date received, the condition of the goods, and the signature of the employee receiving the goods. If a copy of the Purchase Order is used as a receiving report, the quantity ordered should be blanked, and the quantity received should be recorded next to the description of each item.

d) If not, all items are received, a report shall be forwarded to the Business Manager/Business Technician, keeping a copy in the Business Office for filing, as the Business Office Staff follows up with the vendor until all items are received.

e) Tag all equipment items as required and maintain the log of tags and the inventory log of the model, name, serial number, price of equipment, and date equipment is received.

f) Maintain detailed records of the delivery of goods in the warehouse, indicating the department where the goods and materials, and equipment will be transferred.

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g) Inform the requestor that the goods have been received. Determine, with the requestor, the method of delivery of goods and secure proof of delivery by requiring the recipient to initial and date the receiving report.

h) Completed receiving copy **IMMEDIATELY** by the Business Office and filed, along with the shipping documents, such as bills, packing slips, or freight bills attached.

i) Reconcile all Purchase Orders that are twenty (20) working days or older with the account's payable technician every week.

2. The Business Office shall:

a) Arrange encumbered Purchase Orders by vendor's alpha file in such a manner that all vendors, suppliers, contractors, and related persons will be paid within four (4) weeks to six (6) weeks after sending the Purchase Order from the school.

b) Compare the receiving report with the copy of the Purchase Order on file. Ensure that the Purchase Order satisfactorily notes items received and the status of the Purchase Order (complete, partial, etc.).

c) Attach the receiving report with shipping documents to a copy of the Purchase Order and requisition, and file alphabetically in the vendor file until a receipt of invoice.

d) Receive the vendor invoice and record the date of receipt on the invoice.

e) Review the vendor's invoice for mathematical accuracy and indicate evidence of such review on the invoice.

f) Compare terms, quantities, and prices on the Purchase Order, vendor's invoice, and receiving report. Differences or open credit memoranda should be resolved before payment is made. If a partial shipment was received, the vendor should be paid only for the goods received.

g) Calculate cash discounts, if applicable.

h) Prepare checks, vouchers, or another appropriate payment device. Check to ensure that the amount of the payment device agrees with the requisition, Purchase Order, invoice, and is the appropriate amount owed.

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i) Submit the payment device to the proper party, i.e., the Administration Assistant and Board Member (authorized signers) for signatures.

j) Obtain a copy or lower portion of the check or payment device and keep in file with copies of requisition, Purchase Order, and invoices.

k) Properly record all fully executed expenditures.

3. The Business Manager/ Business Technician shall:

a) Review all checks and payment devices.
b) Execute, when appropriate, checks and payment devices.
c) Submit, when appropriate, payment devices to the Principal.

4. The principal shall:

a. Execute checks and payment devices, when appropriate.

b. Submit payment devices to the Governing Board for approval when appropriate.

Section 9.11 Advertised Procurement Procedures

A. General Statement of Process

There shall be two general types of advertised procurement procedures:

1. Advertised procurement by sealed bid requires that bids be publicly solicited, and a firm fixed price contract providing for either a lump sum or unit price is awarded to the qualified vendor/bidder whose bid conforms to all the material terms and conditions of the invitation for bids and is the lowest in price. To utilize this process, the following conditions should exist:

a) A complete, adequate, and realistic specification or description of the item or items to be procured is available.

b) Two or more responsible and qualified bidders are willing and able to compete effectively for the contract award.

c) The procurement lends itself to a firm fixed price contract, and the selection of the successful bidder can be made principally based on price.

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2. Competitive proposal procurement is used when procurement by sealed bids is not appropriate because one or more of the above conditions do not exist, which would, if present, justify the use of the sealed bid process.

B. Advertised Procurement by Sealed Bids

Advertised procurement by sealed bids shall conform to the following requirements:

1. The invitation for bids will be publicly advertised, and bids shall also be solicited from an adequate number of known vendors.

2. A reasonable and sufficient time shall be provided between the time of advertisement and the time when all bids must be received by the school.

3. The invitation for bids, which will include all specifications and pertinent attachments, shall define the items or services for the bidder to properly respond.

4. All bids will be publicly opened at the time and place designated in the invitation for bids.

5. A firm-fixed-price contract award will be made in writing to the lowest responsive and responsible bidder, rather than going by the lowest bidder, based on quality assessment. Where specified in the invitation, such factors as discounts, transportation costs, and maintenance costs may be considered in determining which bid is lowest.

6. Any or all bids may be rejected if the cause, therefore, is reasonable, in the best interest of the school, consistent with this Manual, and is fully documented. The procurement may thereafter be re-advertised for additional bids or, if consistent with law and this Manual, be procured by other means.

C. Procurement by Competitive Proposals

The process of procurement by competitive proposals requires that more than one source or vendor submit an offer of either a fixed-price or cost-reimbursable contract to the school for the goods or services to be procured. Such procurement shall be conducted as follows:

1. Requests for proposals shall be advertised within the Navajo Nation, County, and in the metropolitan areas where such goods or services may be available and shall identify all evaluation factors by which the proposals will be evaluated and their relative importance, in addition to a full description of the goods or services to be procured.

2. Proposals shall also be solicited from an adequate number of qualified sources previously known for their business with the school.

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3. As a part of the process, criteria will be promulgated that afford a means of objectively evaluating all qualified proposals submitted. The criteria will be retained as part of the documentation of the procurement. Such criteria may include such elements as bondability, experience, and history of providing like goods or services, qualifications of management and staff to be involved in providing the goods or services, price and pricing procedures, procedures, and mechanisms for resolving disputes and such other evaluation criteria as may be appropriate to the particular procurement.

4. Award of a procurement contract will be made based on the ranking of the proposals submitted based on the established criteria, price, and the advantage to the program to be served by the procurement.

Section 9.12 Emergency Procurement by Non-Competitive Proposal

Procurement by non-competitive proposal shall be used only when the award of a contract is not feasible under small purchase procedures, competitive proposals, or advertised procurement by sealed bids, and one or more of the following circumstances exist:

A. The item is available only from a single source.

B. The exigency or emergency necessitating the procurement will not permit a delay resulting from competitive solicitation.

C. The funding source authorizes non-competitive procurement.

D. After solicitation of at least three sources, competition is determined to be inadequate.

If one or more of the above circumstances are found to exist, then the school may solicit a proposal from one qualified vendor without competition.

Section 9.13 Construction and Facility Improvement Procurement/Acceptance of Regulation

For all construction and facility improvement contracts or subcontracts exceeding an aggregate value of $100,000.00, the school hereby accepts the bonding policy and requirements of the agency or authority of the funding source or awarding agency. All Facility improvement must be in accordance with BIE and processed through MAXIMO.

Section 9.14 Procurement Other than Through Purchase

In addition to purchase, personal property may be procured by a variety of other means, including securing assignment or gift of excess property from a federal agency, contractor, receipt of donations, loans, appropriation of resources from the Navajo Nation or other agencies, and/or Indian and public lands. Such procurement may be an asset or liability to the school; therefore, all

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such acquisitions must receive prior approval of the Governing Board, or the principal as authorized by the Governing Board. Any such property shall be treated as other property obtained under these procurement provisions.

Section 9.15 **Suspension and Debarment**

For all procurements over $10,000, the school will adopt and comply with 2 CFR § 180.995 to ensure that the vendor or entity is not suspended, debarred, or otherwise excluded from participating in the transaction. Annual verification will be accomplished by (1) checking with the System of Award Management (SAM) maintained by the General Services Administration (GSA) or (2) collecting a certification from the entity or adding a clause or condition to the covered transaction with that entity (2 CFR § 180.300).

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ARTICLE X. MANAGEMENT AND DISBURSEMENT OF PROPERTY

Section 10.01 Property Management

The school has adopted the Super Circular, 2 C.F.R. 200 *et seq.*, as may be amended ("Super Circular") for provisions regarding property management, warehousing procedures, and inventory issues. Further, the school requires compliance with GASB 34 regarding the management, inventory, and reporting of property. The principal, all relevant department heads, and all personnel whose responsibilities and duties relate to property management shall familiarize themselves with the relevant Super Circular provisions, the requirements arising from the school's funding contract, rules and regulations of the Navajo Nation and the federal government relative to said contract regarding property management, inventory, and disbursement reporting requirements. Failure on the part of the responsible party to comply with any of the above rules and regulations may result in disciplinary action.

Conflicts in Regulations

In any conflict between the Super Circular and the policies set forth herein and the rules and regulations, and requirements of the school's grant, and the laws of the Navajo Nation and/or the federal government, the Super Circular shall control unless expressly outlined in the foregoing.

Section 10.02 Applicability

All property, other than food or other perishable supplies, must be processed through the Business Office or their designee, who shall be responsible for tagging where necessary and tracking said property.

Section 10.03 Inventory

A physical inventory shall be conducted annually, in strict compliance with GASB 34. The results of the inventory shall be reconciled with the school's internal property and accounting records. The Business Office shall be responsible for said inventory.

Section 10.04 General Purpose of the Property Management System

The general purpose of the school's policies regarding property management is to account for all of the school's property, including property transferred by the Secretary for use under a self-determination contract or acquired with contract funds, and to establish requirements and procedures for the use, care, maintenance, and disposition of all such property.

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Section 10.05 Type of Property to be Tracked.

The property management system of the school shall track:

A. Sensitive personal property is all personal property that is subject to theft and pilferage.

B. The capitalization threshold is set at $5,000.00; therefore, all capital assets with an acquisition value of more than $5,000.00 shall be tracked as capital assets.

C. Real property provided by the Secretary (DOI) for use under the contract.

Section 10.06 Records and Internal Controls

The property management system shall maintain records that accurately describe the property, including any serial number, tag number, or other identification number. The records shall also contain the following information: Source of the property, titleholder, acquisition date, cost, share of federal participation in the cost, location, use, and condition of the property, and the date of disposal and sale price, if any.

Internal controls shall include procedures:

A. For the conduct of periodic inventories.

B. To prevent loss or damage to property, and

C. To ensure that the property is used for the school until the property is properly declared to be more than or insufficient for the needs of the school.

Section 10.07 Maintenance

All school property shall be properly maintained. Required maintenance includes the performance of actions necessary to keep the property in good working condition, the procedures recommended by equipment manufacturers, and the steps necessary to protect the interest of the school and funding entities, and any express warranties or guaranties covering the property.

Section 10.08 Federal Property

Additional requirements for federal property (i.e., property which the school chooses not to take title) are as follows:

A. Within ninety (90) days following the end of an annual funding agreement, the school shall certify and submit to the Secretary an annual inventory of all federally owned real and personal property used in the school program.

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B. Said inventory shall report an increase or decrease of $5,000.00 or more in value of any item of real property. Such property shall be disposed of as follows:

1. The school shall report to the Secretary, in writing, any federally owned personal property that is worn out, lost, stolen, damaged beyond repair, or no longer needed by the school.

2. The school shall state whether the school wants to dispose of or return the property. (e.g., GSA, other contracted entity).

3. If the Secretary does not respond within sixty (60) days, the school may return the property to the Secretary, who shall accept transfer, custody, control, and responsibility for the property (together with all associated costs).

Section 10.09 Property Receiving

All real property, other than food or other perishable supplies, must be processed by the Business Office before use by any department or employee.

A. The Business Office shall inspect the personal property so delivered to confirm whether the Purchase Order has been filled by the delivery and to identify those items that are subject to inventory.

1. The Business Office shall identify those items that were ordered and were not delivered, and so notify the ordering department and the Business Office.

2. The Business Office shall, after confirmation of receipt, deliver all shipping and billing documents to the Business Office.

3. The Business Office shall cause items that are subject to inventory to be tagged and included in the property inventory of the school.

4. The Business Office shall cause all remaining items to be delivered to the department that ordered the property.

5. Items or quantities of items that are too large to be accommodated in the office of the Business Office shall be taken directly to the department purchasing them, and the Business Office shall be immediately notified of the delivery. The Business Office shall immediately thereafter go to that department and conduct his or her responsibilities as provided in this Section. No property so delivered shall be placed in use until the functions of the Business Office have been completed.

B. The Business Office shall tag and enter the inventory records for all property subject to inventory. A Fixed Asset List and/or Inventory List shall be completed

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for each item of property subject to inventory. No such property shall be released to any person until such person has accepted custody of the property and signed the Fixed Asset List and/or Inventory List acknowledging that custodial responsibility.

Section 10.10 Food and Perishable Property

A. All deliveries of food shall be delivered to the cafeteria and properly and safely maintained in an appropriate storage area. All such property shall be inventoried upon receipt and properly used in an approved menu.

B. All perishable property shall be delivered directly to the department ordering such property.

C. All shipping and billing documents accompanying food or perishable property, together with the signed certificate of the receiving authority attesting to the receipt of all such property, shall be delivered to the Business Office by the department receiving such property.

Section 10.11 Hazardous Property

A. The department ordering hazardous property shall notify the Business Office of the order before delivery is made. The notice shall identify the nature and hazard of the property, the name of the supplier, and the approximate date of the intended delivery.

B. At the time of delivery, such property shall be placed in a secure location accessible only to authorized persons. Such locations shall be identified as having restricted access and as containing hazardous substances and equipment. The Business Office shall be immediately notified of the delivery so that he/she may perform their function regarding the property before any use thereof.

C. Hazardous property shall not be removed from that secure location except by persons properly authorized and trained to operate, handle, and transport that property.

Section 10.12 Inventory System

An inventory system of all real property subject to inventory and belonging to the school shall be maintained by the Business Office or designee. The inventory system shall be maintained in strict compliance with GASB 34. The inventory system shall be comprised of the following elements:

A. All items of personal property shall be tagged and identified as the property of the school and shall be identified with a property number and such other information as may be necessary for the proper control of the property.

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B. An electronic entry on the Fixed Asset List shall be prepared for each item of personal property subject to inventory. The Fixed Asset List shall identify the item of property, its property, serial, or identification number, if any, the model and make of the property, and contain such notations as will fully describe the property. The Fixed Asset Locator Lists shall also provide for a record of the delivery of the property to a custodian by date, department, name of custodian, signature of custodian, and the date upon which the item of property was returned to the Business Technician. Each subsequent delivery of the item of property to a custodian shall be entered on the Fixed Asset List. The Fixed Asset List shall also contain the following information: Source (where property was acquired); cost; source of funds for cost; use; condition; date of disposal, and sale price, if any. The Fixed Asset List shall be kept in an electronic format on the school's computer system with appropriate backup.

C. A computer program shall be maintained in which each item of personal property that has been inventoried has been entered. Each entry shall identify the property, its property number, the department to which the property is assigned, the name of the custodian, and the purchase cost of the property.

Section 10.13 Annual Inventory

An annual inventory shall be conducted not later than the 15th day of April every year. The said inventory shall be in strict compliance with GASB 34. The inventory shall be conducted by the Business Office and such other assistants as shall be designated by the principal. The inventory shall consist of a physical inspection of each item of personal property for which a Fixed Asset List has been prepared.

A. The physical inspection shall confirm the following:

1. The item of personal property is the property described on the Fixed Asset List.

2. That the item is in the custody of the named custodian.

3. That the item is in proper operating condition.

4. The item is in current use or remains useful to the custodian for the purpose and function for which it is intended.

B. When the Business Office or designee determines from the physical inspection that the item is not as it is described on the Fixed Asset List, a notation shall be made on the Fixed Asset List to that effect, and the discrepancy shall be resolved at the earliest reasonable time by the Business Technician.

C. When the Business Office or designee determines that the item is not in the custody of the person named on the Fixed Asset List, the item shall be removed to a central

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storage facility and not returned until a proper disposal/ transfer form has been entered on the Fixed Asset List.

D. When the Business Office or designee determines that the item is not in proper operating condition, the item shall be removed to a central storage facility until repairs can be made to bring the item into operating condition or until proper disposition can be arranged.

E. When the Business Office or designee determines that the item is no longer in current use or remains useful for the purpose or function for which it was intended by the custodian, then the property shall be removed to a central storage facility, advertised in all departments of the school to determine further usage, or until proper disposition can be arranged.

F. When the Business Office or designee determines that an item cannot be produced by the custodian for inventory, such fact shall be immediately reported to the principal for further action consistent with the terms of this Manual.

Section 10.14 Duties of Custodian

A custodian of property subject to inventory or items determined to be sensitive shall have the following duties concerning that property:

A. To take all reasonable and prudent precautions to protect the property from loss, theft, unauthorized use, and damage.

B. To report immediately any loss, theft, unauthorized use, or damage of the property to the appropriate department head and the Business Office.

C. To take all reasonable and prudent actions to recover or repair the property at the earliest reasonable opportunity.

D. To surrender custody and deliver the property to the Business Office upon the expiration of the need and proper use of the property, or upon the expiration of employment.

E. To cooperate and assist in the inventory of such property.

F. To use the property only for the use or uses intended by the grant of custody and the mission of the department or program, and to report immediately to the Business Office when such property is no longer of use to the custodian.

G. To pay the reasonable value or cost of repair of property to the school when said property is lost, stolen, or damaged due to the negligence or failure to perform the duties required of the custodian.

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Section 10.15 Responsibility of Department Supervisors

Every department supervisor should provide a secure space in which custodians of property may keep and store items of school property as necessary to fulfill their duty. Determination of Value or Cost of Repair of Lost, Stolen, or Damaged Property

The principal, after full and prudent inquiry, shall determine the responsibility of a custodian for the loss, theft, or damage to property in his or her custody and the reasonable and proper value or cost of the repair of the property. Such decisions shall be final, and such amounts as are determined to be due from the custodian shall be deducted from any money owing by the school to the custodian.

Section 10.16 Duties of Department Supervisors

Every department supervisor shall, before the annual inventory of school property, cause a survey of the property in the custody of his or her department to be made. Such surveys shall determine and identify, as to each such item of property, the following:

A. All property that is fully functional and of continuing use and benefit to the department in the accomplishment of the duties and responsibilities of the department.

B. All property that needs repair and, if repaired, would be of continuing use and benefit to the department in the accomplishment of the duties and responsibilities of the department.

C. All property that needs repair and which, if repaired, would no longer be of use and benefit to the department.

D. All property that is fully functional but is no longer of use and benefit to the department.

Section 10.17 Storage and Disposal of Property

A. At the time of the annual inventory, inoperable items of property and items of property that are no longer of use and benefit to the department shall be removed to a central storage facility, and:

   1. The Business Office shall release each item of such property from the custody of the custodian listed on the Fixed Asset List for that item of property and show on such card its return to the central storage facility.

   2. The Business Office shall cause a list of all such items of property to be circulated among the departments of the school.

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3. Thereafter, any department having a need and use for such property so listed may request that such property be transferred from the central storage facility to the custody of an employee within the requesting department. Necessary repairs of such property shall thereafter be the responsibility of the department taking custody of the item of property.

B. Any item of property that has remained in the central storage facility for five years or more, which has not been used or repaired during that time, shall be disposed of as follows:

1. The Business Office shall cause a list of all such items of property to be circulated among the departments of the school. The list shall identify the items of property intended for disposal unless a request for their custody and use is made prior thereto by any department.

2. Not less than thirty (30) days after the publication of the list among the departments of the school, a list of such properties then remaining for disposal shall be circulated among the villages served by this school and other schools in the Navajo Nation area. Items of property having a substantial value may be listed as being for sale at a price shown on the list. The sale of property shall be accomplished in compliance with 25 CFR 276.11.

3. Such property as is requested or purchased by other schools or villages shall be transferred to them.

4. All remaining property shall be sold at auction (if that is economically feasible), properly disposed of as waste, or disbursed in another reasonable manner approved by the Governing Board. The obvious outcome to avoid in any disposition is the appearance of impropriety, unfair personal gain, or favoritism.

Section 10.18 Development of Specific Procedures

Departments and functions that utilize specific property requiring more specific procedures than those which are contained herein, such as the use of vehicles, tools, or equipment, shall develop written procedures concerning such use or function and submit them to the principal. The principal shall, by memorandum, designate those departments and functions that must develop and provide such procedures. In addition to those procedures required by the principal, a department or function may develop such property procedures as will assist in the operation of the department or function. All such additional procedures shall be consistent with the policies and procedures contained in this Manual.

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Section 10.19 Approval of Specific Procedures

Such specific procedures as are developed shall be reviewed by the department head of the department promulgating the procedures and, if approved, then submitted to the principal for his or her review. If approved by the principal, such procedures shall become immediately effective and shall be identified by the date of approval and effect. The original of the procedures shall be returned to the Department promulgating them, and a copy shall be placed among the collected policies and procedures of the school.

Section 10.20 Amendment of Specific Procedures

Any such procedure that has been approved may thereafter be amended from time to time by the action of the department or function promulgating them with the approval of the principal. Such amended procedures shall be marked with the date of approval and effect and shall be placed among the collected policies and procedures of the school.

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ARTICLE XI. FUND BALANCE POLICY IN ACCORDANCE WITH GASB NO. 54

Section 11.01 Purpose

The purpose of this policy is to create new fund balance classifications to allow for more useful fund balance reporting and compliance with the reporting guidelines specified in Statement No. 54 of the Governmental Accounting Standards Board (GASB).

Section 11.02 General Statement of Policy

The policy of the School is to comply with GASB Statement No. 54. To the extent a specific conflict occurs between this policy and the provisions of GASB Statement No. 54, the GASB Statement shall prevail. This policy shall be implemented at the School.

Section 11.03 Definitions

1. "Assigned" fund balance amounts are comprised of unrestricted funds constrained by the school district's intent that they be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. In funds other than the general fund, the assigned fund balance represents the remaining amount that is not restricted or committed. The assigned fund balance category will cover the portion of a fund balance that reflects the school district's intended use of those resources. The action to assign a fund balance may be taken after the end of the fiscal year. An assigned fund balance cannot be a negative number.

2. "Committed" fund balance amounts are comprised of unrestricted funds used for specific purposes under constraints imposed by formal action of the applicable Board and that remain binding unless removed by that Board by subsequent formal action. The formal action to commit a fund balance must occur prior to fiscal year end; however, the specific amounts committed can be determined in the subsequent fiscal year. A committed fund balance cannot be a negative number.

3. "Enabling legislation" means legislation that authorizes the School to assess, levy, charge, or otherwise mandate payment of resources from external providers (i.e., P.L. 100-297 grants) and includes a legally enforceable requirement that those resources be used only for the specific purposes listed in the legislation.

4. "Fund balance" means the arithmetic difference between the assets and liabilities reported in a school district fund.

5. "Non-expendable" fund balance amounts are comprised of funds that cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact. They include inherently non-expendable items, such as, but not limited to, inventories, prepaid items, long-term receivables, non-financial assets held for resale, or the permanent principal of endowment funds.

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6. “Restricted” fund balance amounts are comprised of funds that have legally enforceable constraints placed on their use that either are externally imposed by resource providers or creditors (such as through debt covenants), grantors, contributors, voters, or laws or regulations of other governments, or are imposed by law through constitutional provisions or enabling legislation.

7. “Unassigned” fund balance amounts are the residual amounts in the general fund not reported in any other classification. Unassigned amounts in the general fund are technically available for expenditure for any purpose. The general fund is the only fund that can report a positive unassigned fund balance. Other funds would report a negative unassigned fund balance should the total of non-spendable, restricted, and committed fund balances exceed the total net resources of that fund.

8. “Unrestricted” fund balance is the amount of fund balance left after determining both non-spendable and restricted net resources. This amount can be determined by adding the committed, assigned, and unassigned fund balances.

9. “Encumbrance Reporting” means encumbering amounts for specific purposes for which resources have already been restricted, committed, or assigned should not result in the separate display of encumbered amounts. Encumbered amounts for specific purposes for which amounts have not been previously restricted, committed, or assigned will be classified as committed or assigned, as appropriate, based on the definitions and criteria outlined in GASB Statement No. 54.

Section 11.04 Classifying Fund Balance Amounts

Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual governmental fund may include non-expendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The general fund may also include an unassigned amount.

Section 11.05 Minimum Fund Balance

The School will strive to maintain a minimum unassigned general fund balance of 1.5 months of operating expenses.

Section 11.06 Order of Resource Use

If resources from more than one fund balance classification could be spent, the School will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

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Section 11.07 Committing Fund Balance

A majority vote of the Board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the Board.

Section 11.08 Assigning Fund Balance

The Board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The Board also delegates the power to assign fund balances to the principal. Assignments so made shall be reported to the Board monthly, either separately or as part of ongoing reporting by the assigning party if other than the School Board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

Section 11.09 Review

The applicable Board will conduct an annual review of the sufficiency of the minimum unassigned general fund balance level.

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ARTICLE XII. ACCOUNTING PROCEDURES

Section 12.01 General Accounting Policy

The School has adopted the Super Circular, 2 C.F.R. 200 *et seq.*, as may be amended ("Super Circular") in situations wherein there are no controlling or applicable policies in this manual. The School's accounting procedures shall be as set forth and recommended in the Super Circular and compliance with the requirements of GASB 54. The School's accounting procedures shall also include any rules, regulations, or requirements arising from the School's funding contract, rules, regulations, and/or laws of the Navajo Nation and the federal government. In the event of a conflict between the Super Circular and the policies set forth herein and the rules, regulations, and requirements of the School's funding grant and laws of the Navajo Nation and the federal government, the Super Circular shall control. In the event of a conflict between the Super Circular and these policies outlined in this Manual, the Super Circular shall control unless said policies expressly state that they control. The Principal and all relevant department heads and personnel with duties and responsibilities in these areas shall familiarize themselves with the above standard requirements, rules, and regulations. Failure on the part of responsible parties to comply with said guidelines, rules, regulations, and requirements may result in disciplinary action.

Section 12.02 Retention of Records

Financial records, including documentation of supporting costs incurred by the School, must be retained for three (3) years from the date of submission of the single audit report to the Secretary. Records pertaining to any litigation, audit exceptions, or claims requiring management systems data must be retained until the action has been completed. Please refer to section 2.18, Document Retention and Destruction Policy.

Section 12.03 Applicable Regulations

The School shall expend and account for contract funds and funds from any other revenue source by all applicable funding sources and Navajo Nation laws, regulations, and procedures.

Section 12.04 Minimum General Standards

The physical control and accounting procedures of the School shall be sufficient to:

A. Permit the preparation of reports required by any funding source; and

B. Permit the tracing of any funding to a level of expenditure adequate to establish that said funding has not been used in violation of any restrictions or prohibitions contained in any agreement with a funding source, the Navajo Nation, or the federal

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government. The School's financial and accounting systems shall include provisions for the following elements:

1. Financial Reports. The accounting system shall provide for accurate, current, and complete disclosure of the financial results of the School's activities. This includes providing the Secretary a completed Financial Status Report, SF 425.

2. Accounting Records. The accounting system shall maintain records sufficiently detailed to identify the source and application of all funds received by the School. The system shall contain sufficient information to identify contract awards, obligations, and unobligated balances, assets, liabilities, outlays or expenditures, and income.

3. Internal Controls. The accounting system shall maintain effective control and accountability for all School funding received and for all real property, personal property, and other assets furnished for use by the School.

4. Budget Controls. The financial management system shall permit the comparison of actual expenditures or outlays with the amounts budgeted by the School.

5. Allowable Costs. The accounting system shall be sufficient to determine the reasonableness and allocability of School costs based upon the terms of any funding agreement, the laws of the Navajo Nation, and the federal government. The accounting system of the costs should be consistent with the Super Circular, "Cost Principles for State, Local Governments and Indian Tribes."

6. Source Documentation. The accounting system shall contain the accounting records supported by source documentation, e.g., cancelled checks, paid bills, payroll records, time and attendance records, contract award documents, Purchase Orders, and other primary records that support all School expenditures.

7. Cash Management. The accounting system shall provide for accurate, current, and complete disclosure of cash revenues, disbursements, cash-on-hand balances, and obligations by source and application for all School transactions.

8. Compliance with GASB 34 requirements in general, including the reporting of capital assets and inventory requirements.

9. Compliance with GASB 54 and reporting fund balance according to the five (5) classifications: (a) no spendable, (b) committed, (c) restricted, (d) assigned, and (e) unassigned.

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Section 12.05 School Bank Policies

It is the policy that students at the School shall:

1. Receive instruction and guidance in the use and protection of personal and club funds.

2. Have experience in the management and accounting of funds for student activities and/or club funds.

3. Learn how to use student banking services for their personal and group funds.

The School shall provide a plan for the protection of the funds and a system for School personnel to handle student funds The Student Activities Treasurer will handle and adhere to the Student Activities Policy for post-fundraiser reconciliation in concurrence with the Business Office.

The School shall provide a means of bookkeeping that shall always show the amount of student funds on hand.

The School shall provide locked protection for student funds.

A. School Bank General Policies

1. Each student and authorized student club/organization shall be assigned an account in the School bank. All student clubs/organizations shall have their plan of operation approved by the School Student Council and Principal before the club/organization can raise funds and expend funds.

2. Every account, both individual and group, must always be solvent. No account overdrafts will be allowed.

3. Non-student funds shall not be kept in the School bank.

4. All student funds shall be secured in a locked security system.

5. It is imperative that the safe combination/keys be secured from unauthorized use.

6. Safe combinations should be changed as personnel changes occur or when there is reason to believe that the security of the combination has been compromised.

7. The Business Manager shall be appointed to oversee school banking procedures by the Principal.

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8. All student funds derived from class projects, student clubs, student associations, or other types of group activities shall be deposited and expended through the School bank.

B. Accounting

The following regulations and procedures shall be observed in connection with School bank accounting:

1. Basic Journal. A basic journal for all transactions shall be maintained by the assigned Business Technician.

2. Ledger. A ledger shall be maintained for all student accounts by the Business Technician.

3. Deposits. All deposit forms shall be pre-numbered and are to be accounted for. Money raised from activities by student clubs must be deposited in the student bank within two (2) working days of the fundraising activity.

4. Request for Payment/Withdrawal of Money. Each club shall fill out the appropriate form/requisition for payment/withdrawal of money before payment can be made. Request for payment/withdrawal of money shall be submitted no later than five (5) working days before the funds are needed. Minutes from the club and student council authorizing the expenditure/activity shall accompany the request for payment/withdrawal of money.

5. Bank Reconciliation. Promptly upon receipt of a monthly statement from a commercial bank, the statement will be reconciled to the journal.

6. Statement to Depositors. Monthly statements of club account balances shall be prepared by the Business Technician and given to depositors to inform depositors of transactions affecting their accounts. Monthly statements of club account balances shall be submitted to the Principal's office. The statement to depositors will provide the depositors with an opportunity to reconcile their records to the School bank records.

7. Receipts. Receipts for all student activity expenditures must be returned to the school bank within three (3) working school days.

8. The receipts must be original and have the printed name of the vendor on the receipt. Unused funds must be returned with the receipts. The receipts, plus unused cash, must equal the total of the receipt.

9. Closing Club Accounts. The club accounts that do not reflect any activity for one (1) year may be transferred upon the approval of the Principal to the School's general fund of the student activity account unless the approved plan of operation of such organizations makes contrary provisions.

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C. Activity Accounting Guidelines

1. Student activity operations must have the following:

a. Cash income must be secured by use of a cash box while the activity is in progress.

b. Two (2) persons shall always maintain the cash box during the activity.

c. Two (2) persons shall count the income at the end of the activity and verify the cash income by signatures.

d. A deposit slip should be prepared and signed by two (2) designated individuals.

e. Funds shall be deposited in the school bank (safe) or otherwise secured until they can be deposited in the school bank by the School bank deposit guidelines. Cash should be deposited at Wells Fargo Bank within two (2) days.

f. Sponsors of activities must make arrangements to secure the income of their activities in advance.

D. Audit

Accounting records and documents of the School bank shall be audited each school year. Audits may be performed by an independent firm of certified public accountants.

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Section 12.06 Whistleblower Policy

Board Resolution: The Naatsis'Aan Community School, Inc. ("NCS") Governing Board ("Board") approves the inclusion of the following statement in the Employee Handbook and directs the principal to ensure that it is given to and acknowledged by all employees. In addition, the Principal will ensure that whistleblower protection notification is posted in the workplace(s) as required by state law.

Notes: The Whistleblower Policy extends beyond the law by encouraging reporting of law violations as well as prohibiting retaliation. Whistleblower Posters can be downloaded from each state.

Policy: If any employee reasonably believes that some policy, practice, or activity of NCS violates law, a written complaint may be filed by that employee with the Principal.

NCS intends to adhere to all laws and regulations that apply to NCS, and the underlying purpose of this Policy is to support NCS's goal of legal compliance. The support of all employees is necessary to achieve compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of NCS and provides NCS with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees who comply with this requirement.

NCS will not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of NCS, or of another individual or entity with whom NCS had a business relationship, based on a reasonable belief that the practice violates law or a clear mandate of public policy.

NCS will not retaliate against an employee who discloses or threatens to disclose to a supervisor or a public body any activity, policy, or practice of NCS that the employee reasonably believes violates a law, or a rule, or regulation mandated under law or is in violation of a clear mandate or public policy concerning health, safety, welfare, or protection of the environment.

My signature below indicates my receipt and understanding of this Policy. I also verify that I have been provided with an opportunity to ask questions about the Policy.

_____ _____

Employee Signature Date

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Section 12.07 Conflicts of Interest Policy

Conflicts of Interest

Whenever an NCS Board Member has a financial or personal interest in any matter coming before the Governing Board, the affected person shall a) fully disclose the nature of the conflict of interest and b) recuse from discussion, lobbying, and voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested Board Members determine that it is in the best interest of NCS to do so. The minutes of meetings at which such votes are taken shall record such disclosure, abstention, and rationale for approval. The Business office will determine whether a conflict of interest exists. If the relationship or relative is based on the Navajo Clan (K'e) system, then a conflict of interest may not exist. A review will determine the outcome.

ARTICLE XIII. FRAUD POLICY

Section 13.01 Background

The School fraud policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against Naatsis'Aan Community School (the "School"). The School intends to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and the conduct of investigations.

Section 13.02 Scope of Policy

This policy applies to any irregularity, or suspected irregularity, involving employees as well as Board members, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the School.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the School.

Section 13.03 Policy

All employees are responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation, or concealment of a material fact to induce another to act upon it to his or her injury. Each employee will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity.

Any employee or Board member who detects or suspects any irregularity must report it immediately to the Principal, or if it involves the Principal, to the Board. The Board coordinates

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all investigations. Any employee who has knowledge of actions constituting fraud and fails to report the same to the Principal, or if it involves the Principal, to the Board, may be subject to disciplinary action, up to and including termination. Any employee or Board member who has knowledge of the actual commission of a federal felony and fails to appropriately report the same may be subject to criminal prosecution under 18 U.S.C.S. §4.

Section 13.04 Actions Constituting Fraud

The terms defalcation, misappropriation, and other fiscal irregularities refer to, but are not limited to:

- Any dishonest or fraudulent act.
- Misappropriation of funds, securities, or other assets.
- Impropriety in the handling or reporting of money or financial transactions.
- Disclosing confidential and proprietary information to outside parties.
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the School. Exception: Gifts less than $99.99 in value.
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment; and/or
- Any similar or related irregularity.

If there is any question as to whether an action constitutes fraud, contact the Principal, or if it involves the Principal, contact the Board for guidance.

Section 13.05 Investigation Responsibilities

The Principal, or if it involves the Principal, the Board, has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. If an investigation overseen by the Principal substantiates that fraudulent activities have occurred, the Principal will issue reports to the Governing Board. Under 2 C.F.R. §200.113, the School must disclose, promptly, in writing to the BIE, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the School's Federal award. Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or other regulatory agencies for independent investigation will be made in conjunction with the Board, as will final decisions on disposition of the case.

Section 13.06 Confidentiality

The Principal and Board shall treat all information received confidentially to the extent practicable. Any employee who suspects dishonest or fraudulent activity will notify the Principal immediately, or if it involves the Principal, the Board, and should not attempt to personally conduct

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investigations or interviews/interrogations related to any suspected fraudulent act (see **Reporting Procedure** section below).

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the School from potential civil liability.

Section 13.07 Reporting Procedures

Great care must be taken in the investigation of suspected improprieties or irregularities, so as to avoid mistaken accusations or, if necessary, to avoid alerting suspected individuals that an investigation is underway.

An employee who discovers or suspects fraudulent activity will contact the Principal, or if it involves the Principal, the Board, immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Principal, or if it involves the Principal, the Board. Unless otherwise directed, no information concerning the status of an investigation will be given out. The typical proper response to any inquiries is, "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

The reporting individual should be informed of the following:

- Do not contact the suspected individual to determine facts or demand restitution.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Principal, or if it involves the Principal, the Board.

Section 13.08 Termination

If an investigation results in a recommendation to terminate an individual, the recommendation will be made under Policy 8.02.

Section 13.09 Administration

The Principal, or if it involves the Principal, the Board, is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as needed.

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ARTICLE XIV. INVESTMENT POLICY

Purpose

The Board considers an investment program a critical ingredient of sound fiscal management. The Board authorizes the Principal or a Board-approved designee to manage all activities with the investment program in such a manner as to accomplish the objective of this policy.

Objective

The objectives of the investment program are to secure a maximum yield on investments to supplement other revenues for the support of NCS; safeguard and invest funds by applicable laws, as well as grantor requirements; and to maintain the liquidity necessary to meet NCS's cash requirements.

NCS may invest only in securities that are backed by the full faith and credit of the United States Government and in compliance with 25 U.S.C. § 2506(b) (2002). Permissible investments include:

1. Only obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual "or other" funds registered with the Securities and Exchange Commission, and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States.

2. Or investments deposited only into accounts that are insured by an agency or instrumentality of the United States or are fully collateralized to ensure protection of the funds, even in the event of bank failure. Said deposits or certificates of deposit should be fully insured by the FSLIC or FDIC.

Responsibilities

NCS Board:

The Board establishes the investment policy.

Principal

The Principal or designee, as approved by the Board, shall manage all activities associated with the investment program in such a manner as to accomplish the objectives of this policy.

The Principal or Board-approved designee shall prepare a written report each month that lists all investments. The report shall include the stated interest rate, the interest earned (on a cash basis), the profit or loss on each transaction, and the market value of each investment.

The Principal or Board-approved designee shall also prepare an annual review and assessment of NCS's investment program.

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Use of Funds

The Board shall determine in an open, regularly scheduled NCS Board meeting the use of funds for student educational programs that are deemed necessary and critical to the mission of the NCSI. The use of interest funds shall not be used to supplant regular education funds and/or balance the budget for NCS.

Currently, there is no allowance for investment of funds from the federal government. Allowable investments are any donated monies from a private source, without conditions.

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