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# KIN DAH ŁICHÍ'Í ÓLTA



## STUDENT HANDBOOK POLICIES & PROCEDURES 2021 - 2022

Adopted by Governing Board April 7, 2021

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### HOME OF THE WOLVERINES

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*"Where We Strive For Excellence"*

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# KIN DAH LICH'I'I OLTA

## **Mission Statement**

The mission of Kin Dah Lichi'i Olta' is to provide a child centered learning environment that promotes student achievement embedded in cultural diversity toward meeting the demands of a global society.

## **Vision Statement**

All students will have the opportunity to reach his/her unique potential in a safe and caring atmosphere enveloped by a spiritual, cultural, and emotionally enriching educational environment.

## **Philosophy**

Kin Dah Lichi'i Olta' believes that each child has the ability to learn. It is also believed that they acquire knowledge using several learning styles. Therefore, children are given the opportunity to explore, develop and enrich themselves. As educators, we believe in an integrated, holistic approach to learning and will provide programs that reflect and enhance real life interests and experiences. We aim to provide active student and parent participation through challenging instructional opportunities. With the help and reinforcement of involved parents, each child will develop confidence and be better able to contribute to the community in a positive way



## Table of Contents

STUDENT POLICIES AND PROCEDURES .....	1
SECTION 1.01 STATEMENT OF FUNDAMENTAL POLICY .....	1
SECTION 1.02 ENROLLMENT POLICY .....	1
SECTION 1.03 STUDENTS RIGHTS .....	2
SECTION 1.04 STUDENTS RESPONSIBILITIES / EXPECTATIONS .....	3
SECTION 1.05 STUDENT FREEDOM OF EXPRESSION .....	3
SECTION 1.06 GENERAL RULES .....	4
SECTION 1.07 SCHOOL RULES AND BEHAVIORAL EXPECTATIONS .....	4
SECTION 1.08 BUS SAFETY RULES .....	6
SECTION 1.09 SAFETY .....	7
SECTION 1.10 PROPERTY DAMAGE .....	7
SECTION 1.11 PERSONAL ITEMS .....	7
SECTION 1.12 FIELD TRIP RULES .....	7
SECTION 1.13 STUDENT DRESS CODE .....	7
SECTION 1.14 TRANSFER/DROP .....	8
SECTION 1.15 DAILY SCHEDULE .....	8
SECTION 1.16 CHECK OUT PROCEDURES .....	9
SECTION 1.17 EXCLUSION OF SEX OFFENDERS FROM SCHOOL PROPERTY .....	10
SECTION 1.18 FIRE EVACUATION/EMERGENCY PLAN .....	10
SECTION 1.19 ATTENDANCE .....	11
SECTION 1.20 GRADING PROCESS/REPORT CARD/PARENT-TEACHER CONFERENCE .....	12
SECTION 1.21 GRADE REPORT FOR SPECIAL EDUCATION .....	13
SECTION 1.22 GRADE REPORT FOR SPECIAL SUPPORT CLASSES .....	13
SECTION 1.23 DEFICIENCY REPORT .....	13
SECTION 1.24 PROMOTION OR RETENTION .....	13
SECTION 1.25 HONOR ROLL .....	14
SECTION 1.26 ATTENDANCE AWARDS .....	14
SECTION 1.27 AWARDS ASSEMBLY .....	15
SECTION 1.28 AWOL (Absent Without Leave) .....	15
SECTION 1.29 SPORTS POLICY .....	15
SECTION 1.30 SPORTS BANQUET .....	16
SECTION 1.31 HEALTH POLICIES .....	16
SECTION 1.32 GROOMING/PERSONAL HYGIENE .....	17
SECTION 1.33 SOCIAL INTERACTION .....	17
SECTION 1.34 STUDENT SOCIAL MEDIA/SOCIAL NETWORKING POLICY .....	17
SECTION 1.35 SEXUAL HARASSMENT .....	18
SECTION 1.36 PARENTAL INVOLVEMENT .....	19
SECTION 1.37 VISITORS .....	20
SECTION 1.38 TELEPHONE .....	20
SECTION 1.39 COURTESY AT ACTIVITIES .....	20
SECTION 1.40 SPECIAL EDUCATION AND SECTION 504 POLICIES .....	20
SECTION 1.41 STUDENT DISCIPLINE .....	35
SECTION 1.42 PROHIBITION OF HARASSMENT, INTIMIDATION AND BULLYING .....	37
SECTION 1.43 PERMISSIBLE PENALTIES .....	39
SECTION 1.44 IMPOSITION OF DISCIPLINE .....	39
SECTION 1.45 GENERAL DUE PROCESS RIGHTS .....	39
SECTION 1.46 DISCIPLINE OF SPECIAL EDUCATION STUDENTS .....	44
SECTION 1.47 REMOVAL FROM SCHOOL FACILITIES .....	44
SECTION 1.48 INCIDENT REPORT PROCEDURES .....	44
SECTION 1.49 CONFIDENTIALITY OF STUDENT RECORDS .....	45
SECTION 1.50 RECORDS RETENTION .....	51
SECTION 1.51 SEARCH AND SEIZURE POLICY .....	57

SECTION 1.52	STUDENT INTERROGATION-ARREST .....	57
SECTION 1.53	STUDENT GRIEVANCES .....	58
SECTION 1.54	CORPORAL PUNISHMENT PROHIBITED.....	58
SECTION 1.55	BOOK POLICIES .....	58
SECTION 1.56	EXCEPTIONAL STUDENT SERVICES .....	58
SECTION 1.57	STUDENT USE OF PORTABLE ELECTRONIC DEVICES IN SCHOOL .....	58
SECTION 1.58	ELECTRONIC INFORMATION SYSTEM/INTERNET ACCEPTABLE USE	
POLICY	.....	59
SECTION 1.59	STUDENT CLUBS/STUDENT COUNCIL.....	63

## **KIN DAH LICHIT' OLTA'**

### **STUDENT POLICIES AND PROCEDURES**

#### **SECTION 1.01 STATEMENT OF FUNDAMENTAL POLICY**

KDLO believes that students have the right to learn and grow in a safe, harmonious and welcoming school environment. School staff, students, parents/guardians have a joint responsibility for maintaining a positive learning environment and appropriate student conduct and discipline. Student rights and responsibilities are set forth in this manual. The manual explains what each student is entitled to expect, as well as responsibilities each student must accept and possible consequences for failing to act within these policies and procedures.

A student violating KDLO policies and rules will be held accountable for his/her behavior or actions and is subject to disciplinary action as set forth herein. The penalty for an infraction may include, but is not limited to restrictions, suspension, and/or Long-Term Suspension (LTS)/expulsion.

#### **SECTION 1.02 ENROLLMENT POLICY**

Pursuant to 25 C.F.R. § 36.11, this enrollment policy shall be applied consistent with 25 C.F.R. Part 31, Federal Schools for Indians, Navajo Nation statutes regarding education, and the statutes of Arizona where expressly applicable. *See former 25 C.F.R. §31.1 at the end of this Section.* Parents and Students interested in KDLO enrollment must be within KDLO's School boundaries. A Boundary Waiver may be considered.

##### **1. Application**

Written applications for enrollment must be submitted on or before May 14 of each year to be considered for enrollment during the following school year. On the application, the parent/guardian must indicate whether the child has been participating in any special education program, must include the child's entire disciplinary background, must include all health conditions, and must include all immunization records and transcripts from the student's previous school. If false information is provided on the application, enrollment can be denied or revoked.

##### **2. Age**

Unless otherwise provided in this policy or by law, KDLO shall admit students between the ages of five and eighteen. A child shall be deemed to be five years old only if he or she has a fifth birthday prior to September first of the school year to which the policy is applied.

##### **3. Request for records**

When KDLO learns that a child seeks or intends to enroll as a student at KDLO, KDLO may send a request to all of the child's previous educational institutions for the child's education records, including, but not limited to: documents regarding transcripts, grades, and test scores; personal documents, such as birth certificate, social security, certificate of Indian blood, and guardianship documents; disciplinary documents, such as records of disciplinary actions or proceedings taken against the student, records of investigation, adjudication, or imposition of sanctions with respect to an infraction or violation of the internal rules of conduct applicable to students, reports to law enforcement or juvenile justice authorities, description of any behavior engaged in by the student that required disciplinary action, description of disciplinary action taken, any other information that is relevant to the safety of the student and other individuals related to the student, and disciplinary action taken against the student related to weapons, drugs, or serious bodily injury; and special education records, such as evaluation results, psychological evaluations, speech evaluations, eligibility determinations, individualized education programs records and supporting documentation, behavior intervention plans, functional behavioral assessments, and records related to the provision of special education and related services. Pursuant to 34 C.F.R. § 99.31(a)(2) and 34 C.F.R. § 300.622(a), the request and disclosure of the records may be made without prior written consent. Pursuant to 34 C.F.R. § 99.34, a copy of the request will be provided to the child's parent/guardian. The child's parent/guardian must cooperate and assist in securing all such records for KDLO and failure to do so shall be grounds for denying enrollment.

#### 4. Rejection of application for enrollment

KDLO may deny the child's enrollment if the child's application or other information, such as school or Court records, demonstrate clear evidence that:

- a. The child is not eligible for enrollment under Navajo, federal, or state law (except that a child not eligible for enrollment may be enrolled pursuant to 25 C.F.R. § 31.3).
- b. The child has been expelled by any educational institution or who is in the process of being expelled from another educational institution or is not in compliance with a condition of disciplinary action imposed by any other educational institution or with a condition imposed by the juvenile court shall not be admitted to KDLO. Acceptance for enrollment may be revoked upon finding the existence of any of these conditions. KDLO is not required to review the reasons for expulsion or consider readmission.
- c. Would require expulsion under Navajo, federal, or state law.
- d. The child has brought a firearm to school or has possessed a firearm at school pursuant to 20 U.S.C. § 7961.
- e. The child has been found guilty of a juvenile criminal offense involving weapons, drugs, or dangerous acts towards another person.
- f. The child foreseeably constitutes a threat to the health, safety, or welfare of other students, or staff.
- g. Enrollment of the student would create overcrowding or stress on limited resources.

An adverse decision may be appealed using the Public Concern and Complaint Procedure set forth in these policies.

#### 5. Former 25 C.F.R §31.1 Guidance

Although no longer valid law, 25 C.F.R. § 31.1 will also be used as a guide in interpreting the enrollment policy. It states as follows:

- a. Enrollment in Bureau-operated [KDLO is a “Bureau-funded” school; however, this C.F.R. §31.1 is cited as persuasive, helpful guidance, not as controlling law.] schools is available to children of one-fourth or more degree of Indian blood residing within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs or on trust or restricted lands under the jurisdiction of the Bureau of Indian Affairs except when there are other appropriate school facilities available to them as hereinafter provided in paragraph (c) of this section.
- b. Enrollment in Bureau-operated boarding schools may also be available to children of one-fourth or more degree of Indian blood who reside near the reservation when a denial of such enrollment would have a direct effect upon Bureau programs within the reservation.
- c. Children of Federal employees, whether Indian or non-Indian, are deemed eligible on the same basis as other eligible students for enrollment at facilities provided by the school district (including cooperative schools) wherein they reside.

### **SECTION 1.03 STUDENTS RIGHTS**

Students at the KDLO have and shall be accorded the following rights:

1. To quality education.
2. To be free from unreasonable search and seizure of their personal and property, to a reasonable degree of privacy, and to a safe and secure environment.
3. To freely express their spirituality and culture in a manner that does not infringe on the rights of others.
4. To freedom of speech and expression so long as the speech and expression does not unreasonably disrupt the educational process or endanger the health and safety of the student and others.
5. To freedom of the press, except where material in student publications is libelous, slanderous, obscene or harmful to other students, staff or the School's mission.
6. To freedom from discrimination and sexual harassment

## **SECTION 1.04 STUDENTS RESPONSIBILITIES / EXPECTATIONS**

General student responsibilities are as follows:

1. Respect the rights of others to study and learn.
2. Attend school each day unless ill or properly excused.
3. Be on time for all classes.
4. Complete all in-class and homework assignment and meet deadlines.
5. Allow others the freedom to learn without upsetting the classroom environment.
6. It is prohibited to bring alcoholic beverages, drugs, weapons or stolen property onto the school property.
7. To fully comply with all of the KDLO's policies, procedures and rules as set forth by the Governing Board.
8. To respect other student's opinions and ideas.
9. To express their own religion and culture in a manner that is not prohibited by law or violate of other individual's rights.
10. To express opinions and ideas respectfully, not to slander or offend others, and to understand that others should be allowed to express their ideas.
11. To not discriminate against others.

## **SECTION 1.05 STUDENT FREEDOM OF EXPRESSION**

Students at KDLO have the right to freedom of expression that is appropriate for children in school. To ensure the educational mission of KDLO is not materially and substantially disrupted or interfered with, the following expressions are prohibited:

1. Expression which for any reason causes or is likely to cause a material and substantial disruption or interference with teaching of KDLO or the orderly operation and discipline of KDLO or school activity;
2. Cursing, profanity and other vulgar or indecent language;
3. Speech which is obscene to minors;
4. Speech which is slanderous or libelous;
5. Speech which invades the rights of other persons;
6. Speech which advertises or promotes alcohol, tobacco, illegal drugs, or any product or service harmful to minors and not permitted to minors by law;
7. Speech which could result in tort liability for KDLO;
8. Rude and discourteous speech inconsistent with habits and manners of civil discourse;
9. Insulting or fighting words (including but not limited to, slurs of another person's character, family, race, religion, sex, ethnic origin, physical appearance, gender identity, sexual preference, intellectual ability or handicapping conditions);
10. Threats of violence or other intimidating statements;
11. Abusive or harassing conduct (including speech) sufficiently severe and pervasive as to create a hostile learning environment for any student. This section also precludes cyber-bullying;

12. Speech which is likely to cause the commission of unlawful acts or the violation of lawful KDLO regulations;
13. Statements reflecting biases or prejudice in KDLO sponsored expressive activities such as student newspapers, yearbooks, and school plays.

Students shall obey the directions of KDLO personnel and cease prohibited expressions and activities noted above.

## SECTION 1.06 GENERAL RULES

The school rules are designed to keep the students and staff safe and healthy. These rules are not all inclusive, but provide some guidance on KDLO's PBS expectations of the students. A student who breaks any rule may be subject to discipline up to and including Short Term Suspension, Long Term Suspension or expulsion at the sole discretion of KDLO.

1. Students are to attend classes on weekdays, except for holidays. A routine attendance check will be enforced by KDLO staff.
2. Students must comply with the KDLO's policies, procedures, rules and regulations established by KDLO at all times.
3. Use of tobacco products is prohibited. This includes possession, use, distribution or selling of the products.
4. The possession, use, distribution or selling of drugs, alcohol and controlled substances is prohibited. Law enforcement and parents will be notified immediately of any violation of this rule.
5. Students, staff and visitors are to maintain buildings and quarters in good condition. Vandalism or property damage will not be tolerated. Law enforcement will be notified. Students causing property damage and their parents will be held responsible for all costs necessary to repair or replace said damage.
6. Stealing from students, school, and staff is prohibited. Law enforcement will be notified in the event of a theft.
7. Due to health, safety, and welfare factors, roller skates, roller blades "Heelys," and skateboards are prohibited on campus.

## SECTION 1.07 SCHOOL RULES AND BEHAVIORAL EXPECTATIONS

Area:	Be Safe	Be Respectful	Be Responsible
<b>Cafeteria</b>	<ul style="list-style-type: none"> <li>• Keep all food on trays and to self</li> <li>• Remain seated and face the table</li> <li>• Keep hands and feet to self</li> <li>• Use good table manners</li> <li>• Only three students are allowed at a time to put up trays</li> <li>• While in line in the cafeteria, no pushing or shoving</li> </ul>	<ul style="list-style-type: none"> <li>• Allow anyone to sit next to you</li> <li>• Use indoor voice and appropriate language</li> <li>• No gum chewing</li> <li>• Use good manners</li> </ul>	<ul style="list-style-type: none"> <li>• Remain in your seat until dismissed</li> <li>• Cleaning up your area placing trash in garbage can</li> <li>• Use the utensils correctly</li> <li>• Get adult help for accidents and spills</li> <li>• Do not bring in or take food out of cafeteria</li> </ul>
<b>Playground/Recess</b>	<ul style="list-style-type: none"> <li>• Be aware of activities and games around</li> </ul>	<ul style="list-style-type: none"> <li>• Play fairly</li> <li>• Include everyone</li> </ul>	<ul style="list-style-type: none"> <li>• Use appropriate hall/bathroom pass for leaving an area. Ask</li> </ul>



	you • No tackling, rough play or fighting • DO NOT throw improper objects (rocks, snow, sand, etc.) • Use equipment appropriately	• Share equipment • Use appropriate language • Return balls and equipment to staff	permission • Stay in your designated area • Stay on campus • Report immediately to classroom when called in
<b>Passing Areas, Halls, Sidewalks</b>	• Stay to the right • Allow others to pass • Walk facing forward • Keep hands, feet and objects to self • Follow Safety Signs/Rules	• Hold the door for the person behind you • Respect hallway displays • Follow Adult's direction • Use indoor voice and appropriate language	• Stay on sidewalks • Stay with your class • Respect the walls/bulletin boards • Do not hang on the clock cage • Hands off fire alarms/extinguishers (only if needed in an emergency)
<b>Restroom</b>	• Wash hands well with soap and water • Keep water in the sink • Use correct amount of hand towels • Keep the entrance clear • Do not stand on the commode • Keep feet on the floor	• Respect others • Use indoor voice and appropriate language • Use toilet paper/hand towels appropriately • Do not write on the wall/stalls	• Flush toilet after use • Return to classroom promptly • Do not clog sinks with toilet paper/paper towels • Dispose sanitary napkins/pads appropriately • Keep bathrooms clean and graffiti-free • Use classroom checkout procedures
<b>Assemblies/Special Events</b>	• Keep hands, feet and objects to self • Sit properly on bleachers or on seats • Stay with your class/group at all times • Wait for dismissal instruction	• Focus on presentation by listening • Keep feet still on bleachers • Use indoor voice and appropriate language • Stay seated • No food or drinks • Be on time • No negative comments or booing	• Enter and leave through assigned doors • Listen responsibly • Applaud appropriately • Stay seated in assigned area • Clean up after yourself • No running or pushing • No name calling • Focus on presentation
<b>Gym</b>	• Sit properly on bleachers • No food, drinks or gum in gym • Report accidents immediately	• Show good sportsmanship • Return equipment to designated area • Follow adult directions • Use appropriate language	• Be a team player, encourage others • Use equipment responsibly • Wear appropriate gym shoes • Clean up
<b>Classroom</b>	• Keep hands, feet, and objects to self • Use materials appropriately • Help keep the room clean and orderly	• Use quiet voices and appropriate language • Allow others to learn • Follow adult direction • Respect the viewpoint of others	• Have needed materials • Have homework • Complete all assigned classwork • Leave classroom with pass only • Allow others to work

			<ul style="list-style-type: none"> <li>• Do your best!</li> </ul>
<b>Library</b>	<ul style="list-style-type: none"> <li>• Keep hands, feet, and objects to self</li> <li>• Wait for adult instructions</li> <li>• Walk at all times</li> <li>• No food or drinks in the library</li> </ul>	<ul style="list-style-type: none"> <li>• Use indoor “library voice” and appropriate language</li> <li>• Follow adult directions</li> <li>• Handle the library books with care</li> </ul>	<ul style="list-style-type: none"> <li>• Return books on time to Librarian or Teacher</li> <li>• Be responsible for library books at all times</li> </ul>

Be Cool! Follow the rules (**The 3 “B”s – Be Safe, Be Respectful & Be Responsible**)

## SECTION 1.08 BUS SAFETY RULES

KDLO provides bus transportation to the students, and students shall abide by the following specific standards:

1. The bus driver is in control at all times; obey driver’s instruction(s).
2. Be ready to board the bus on time
3. Stand twelve (12) feet away from the road where the bus stops.
4. Assist in keeping the bus safe and clean at all times.
5. Keep hands, arms, legs and head inside the bus
6. Never experiment or tamper with the bus or any of its equipment.
7. Keep personal possessions out of the aisle.
8. Never throw anything in the bus or out the window.
9. Remain in seats until the bus comes to a complete stop. Students may be assigned seats if they misbehave as deemed necessary.
10. Not engage in disorderly behavior and obscene language.
11. Be courteous to fellow pupils, bus drivers and bus monitor.
12. Not smoke or chew tobacco in a school bus.
13. Not damage a bus. The student and/or the student’s parents will pay for damage by a student to the bus.
14. Students are to ride their assigned bus to and from KDLO every day. *KDLO will not accept phone calls for bus passes and no bus passes will be permitted after 1:00 pm.* A written bus pas must be submitted before start of classes in the morning or sent via email to Administrative Assistant or Health School Nurse in the front Office.
15. Activity bus runs (bus service associated with a KDLO extra-curricular activity) will be conducted. Departure time is generally at 5:00 p.m. or as special circumstances may require. It shall be the parent’s responsibility to become informed of the departure and drop-off time (either by calling the School, or otherwise obtaining the times).
16. If the bus should be late, it is the parent’s responsibility to wait for its arrival. Inclement weather and other conditions may make it impossible to arrive at the site at the scheduled time.
17. It is impossible for the School to adjust for each individual student; therefore, school bus drivers are under orders to pick-up/drop-off students at the designated points at the designated times, and proceed with their duties.
18. It is the parent’s responsibility to have their child prepared to board the bus. The bus drivers will wait 3 minutes maximum at each bus stop.
19. Bus drivers will remain on and within their bus routes. Bus drivers are not allowed to exceed their assigned boundaries.
20. Students are not permitted to “wait” more than 30 minutes at school between activities (games, assemblies, sports event, etc.) due to liability reasons. Parents are responsible for providing transportation to and from all activities. **Students are not allowed to ride the activity bus if they are not on the team roster.**
21. Students who have been suspended are not allowed to ride the bus, unless a parent conference has been held

## SECTION 1.09 SAFETY

Students will obey all KDLO “3 B’s” expectations and safety signs posted on and around school campus.

**Suspected Child Abuse and Neglect shall be timely reported pursuant to the SCAN PROTOCOL and as required by Federal and Navajo Law.**

## SECTION 1.10 PROPERTY DAMAGE

Any vandalism or intentional damage to KDLO property by a student will be the responsibility of the student and the student’s parent. The student and parent shall pay for any replacement and/or repair costs. Any such damage shall be paid within thirty (30) days of notice to the parent of the damage and amount. If payments are not received within the above stated thirty (30) day period, the student will not be allowed to return to school and transportation will not be provided until the debt is cleared. Disciplinary action will apply to incidents of property damage. Law enforcement will be notified and KDLO may initiate any action necessary to collect the damages arising from the student’s conduct. Refer to Appendix K, Lost and Damaged Items Cost Sheet.

## SECTION 1.11 PERSONAL ITEMS

Students are solely responsible for any personal items they bring to school. Electronic devices such as toys, video games, cell phones or other electronic devices are not permitted, as they may be distracting or disruptive. KDLO is not responsible for any lost, loaned, damaged or stolen items. Any personal item may be confiscated by the staff if the item is brought to school and will only be released to a parent or guardian. *NOTE: For identification purposes, **PARENTS SHOULD MARK THEIR CHILDREN(S) CLOTHING ITEMS***

## SECTION 1.12 FIELD TRIP RULES

Students shall:

1. Adhere to KDLO rules and regulations.
2. Remain with the class group unless you have permission to be dismissed.
3. Use appropriate etiquette and manners in public/social areas.
4. SHOPLIFTING or any unlawful activity is not permitted, if caught the crime will be reported to proper authorities and parents must pick up their child(ren).
5. Dialing 911 or making false reports to authorities is not TOLERATED.
6. Electronics are permitted including CD players, hand-held electronic games, DVD players, MP3 players, personal cell phones and cameras. KDLO will not be RESPONSIBLE for theft, damage or lost property. These items must be properly used. If in an event of misuse, KDLO will confiscate the item and returned them only to the parent or guardian. Only “PG” and “G” rated movies will be allowed to be used with the DVD players.
7. If the KDLO activity bus is being used, any movie that may be shown must be an educational video, rated PG or G and approved by the Sponsor.
8. Sponsors must carry Check-Out slips at all times during the trip (for Parents and students use).
9. NO SWIMMING WILL BE ALLOWED DURING CLASS FIELD TRIPS, regardless if parents are chaperoning with their child.
10. Parents who are asked to Chaperone must submit a fingerprint clearance card prior to the field trip.
11. Students that are on suspension will not be allowed to go on field trips. The Principal’s decision shall be final.

## SECTION 1.13 STUDENT DRESS CODE

KDLO believes that students should take pride in their attire and dress appropriately. In addition to the following guidelines, students should dress in a manner that takes into account the educational environment, safety, health and welfare for others. The following guidelines are provided to assist students, staff and parents in determining what “is” and what “is not” appropriate with respect to student attire. Failure to abide by the dress code may result in disciplinary action.

1. Sagging is prohibited. Sagging is wearing the pants on the hips or below which would allow underwear to show.

2. Clothing such as bare midriffs, halter-tops and spaghetti straps is unacceptable. See-through clothing is prohibited.
3. "Homie" T-shirts and other types of clothing and accessories that displays gang-style pictures, slogans or symbols are prohibited (i.e. "8-Ball," "South Side," "Low Rider," and Gothic images).
4. "Prison Garb" – Shirts and pants that are typically used as prison uniforms usually in solid color, but not limited to blue, brown or black, are prohibited. This type of clothing typically includes a cotton, collared shirt with matching pair of pants. The top button on the shirt is usually buttoned. Both shirt and pants are baggy and loose with shirt untucked.
5. "Bandanas" or scarves used for gang identification, any size, color or shape, will not be carried, worn or displayed on school property. This may also include anything that may represent a display of "colors."
6. Any type of jewelry or body adornment presenting a health and/or safety hazard to self or others is prohibited (i.e., nose ring, excessive earrings, body studs, tattoos—all existing tattoos must be covered).
7. Wearing chains in excess of twelve inches (12") long and with a chain link size greater than one-half inch (1/2") is prohibited. Further, chains less than twelve inches (12") long and less than one-half inch (1/2") in link size may only be worn when used to secure wallets, watches or keys. Chains not complying with the above-stated conditions will be confiscated, if found. Chains worn on the outside of the pants, hanging down and connected to a wallet are not allowed. These items will be confiscated, if found.
8. Any clothing or jewelry that symbolizes drugs, alcohol, sex, Satanism, tobacco, gothic image or any lewd act is expressively forbidden. This includes profanity or defamatory writing on clothing or jewelry.
9. Gang-related personalization of any sort is not permitted clothing, or one's person. This includes anything worn or carried on campus. Any type of clothing or headgear, which promotes gang activities or is worn in a manner that promotes gang activities is prohibited.
10. Shoes must be worn at all times. Bare feet are not acceptable. Close-toed shoes must be worn for any type of physical activity, such as recreation.
11. Sunglasses are to be worn outside only.
12. All belts will be tucked and will not be allowed to hang in front.
13. Obscene, sexually suggestive, or disruptive body language or movements and hand gestures (including gang related) will not be allowed.
14. Any individual who has a tattoo (fake or real) must cover it or wash it off to avoid exposure and any influence to other students.
15. Caps, hats, beanies, and hooded pullovers are not permitted inside the school building.
16. Absolutely no "Heelys" are allowed.

#### **SECTION 1.14 TRANSFER/DROP**

1. If a student(s) transfers, parents must complete a Transfer/Drop form with the Enrollment clerk. The Enrollment Clerk will complete the Transfer/Drop form and provide clearance from the classroom Teacher(s) and Librarian.
2. The Enrollment Clerk will automatically drop students that have been absent ten consecutive days without a Parent/Doctor statement. If a student misses 20 days throughout the school year, the student will not be promoted to the next grade.

#### **SECTION 1.15 DAILY SCHEDULE**

##### Start Time

K-6<sup>th</sup> Grade: Classes begin each day at 8:00 a.m. A student who arrives after 8:25 a.m. is considered tardy. Teachers are to pick up their students from the gym or playground at 8:00 a.m.

##### Dismissal

K-2 <sup>nd</sup> Grade:	2:55 p.m.
3 <sup>rd</sup> – 6 <sup>th</sup> Grade	3:00 p.m.

Bus drivers shall be in their assigned buses ready to receive students at dismissal time. Teachers must accompany their students onto designated buses.

\*If early dismissal is necessary, class dismissal will be announced. In cases of inclement weather, students on certain bus routes or all bus routes may be excused early as determined by the Principal.

**School Closing:** Occasionally, weather conditions or other emergencies may necessitate the closing of school as determined by Principal or his or her designee. We encourage all parents and guardians to listen to KTNN AM 660 or KHAC AM 880 for these special announcements during bad weather starting at 6:00 am. The Principal will designate a person to contact radio/TV stations (KOBTV Channel 4/KOAT Channel 7) in the case of a school closure or early dismissal.

The School has implemented an automated ALERT system in which emergency notices will be provided telephonically to all telephone numbers made available to the School by the parent or guardian.

## **SECTION 1.16 CHECK OUT PROCEDURES**

Parents or legal guardians of students must designate those persons who are authorized to check out their children on the student's "check out list." No phone calls or notes will be accepted for check out authorization; a fully completed written check out form is required. All persons on the list must be 18 years of age or older unless that person is a parent or guardian. Students may only be checked out by legal guardians or other persons that are listed on the student's check out list." This check out list is to be maintained in the student's cumulative folder. Check out lists will be provided to all teachers. This policy will be enforced to ensure student safety and avoid liability.

If any bus student is checked out during the school day, the Administrative Assistant will inform the teacher and bus driver.

NOTE: A person checking out a student must have signed/approved Checkout Form and should be prepared to show proper identification.

KDLO reserve the right to deny a check-out if, in the School's opinion based on a good faith belief, such check-out appears to be compromise the personal safety or welfare of the student. If the check-out is to be denied, it will be the responsibility of the Administrative Assistant to hold a meeting with the Principal, the parent and the student to discuss the matter. No person under 18 years of age will be allowed to check out a student. Any individual who appears to be under the influence of alcohol or drugs will not be allowed to check out a student. Parents will be responsible to pick-up their child(ren) with a check-out form. Siblings will not be allowed to check out students if they are not listed on the Student Check-Out form.

NOTE: A person checking out a student should be prepared to show proper identification.

No other checkout restrictions will be enforced against parents/guardians, unless they are ordered by Social Services, law enforcement or court order (Temporary Protection Order/Restraining Order). It is the responsibility of parents(s) to inform the school and to provide legal documents to ensure that the TPO has been issued, lifted or removed.

On designated occasions such as Navajo Tribal Fair, field trips, or special events, students may be checked out through the teacher only if the student's parent or guardian has provided prior approval in writing.

Check out time will be classified as follows:

8:10 a.m.-12:00 Noon

Full Day Absent (unexcused unless the requirements for an excused are met (See 1.18)

The absent full and ½ day designations will apply to "Regular School" days and during "Staff Development" days.

### **SECTION 1.17 EXCLUSION OF SEX OFFENDERS FROM SCHOOL PROPERTY**

Pursuant to the Adam Walsh Child Protection and Safety Act of 2006, the Navajo Nation enacted the Navajo Nation Sex Offender Registration Act, which requires sex offenders to register and maintain registration as a sex offender with the Navajo Nation. To further KDLO's commitment to providing a safe environment for its students, KDLO aims for awareness, prevention, enforcement and coordinated response.

No person that KDLO reasonably suspects as ever having pled guilty or nolo contendere to a covered offense or as being required to register with the sex offender registry may enter, be present upon, or be within 500 feet of any KDLO property, or at any KDLO event.

KDLO may check sex offender registry databases to determine whether visitors are registered sex offenders before allowing them onto KDLO property or to any KDLO event.

KDLO may periodically examine, print, and distribute information and pictures of sex offenders listed in the databases of the State of Arizona and the Navajo Nation to all key personnel, including administration, front office staff, and security, to be vigilant for any of the listed persons.

KDLO may register for community notifications so it will be notified by email when a sex offender registers a home, work, or school address that is near KDLO. Upon receipt of such notification, KDLO will take action necessary to keep its students safe, which may include written notification to staff and parents.

KDLO encourages periodic trainings and directives to staff regarding this policy and protocol.

If a person is found on or within 500 feet of KDLO property in violation of this policy, KDLO's protocol is as follows:

1. Advise person of this policy and ask person to leave KDLO property.
2. Contact security for assistance in escorting person off KDLO property.
3. Notify the Principal.
4. Contact the Navajo Police Department.

### **SECTION 1.18 FIRE EVACUATION/EMERGENCY PLAN**

KDLO maintains a written Fire evacuation plan, which is posted in each room of the school. All staff are expected to familiarize themselves with the emergency evacuation plan. In case of fire, the fire evacuation plan exists to prevent confusion and accidents. The general procedures for evacuation from the building are as follows:

1. The building shall be evacuated immediately.
2. Students and staff should not run or scream, or otherwise act in a manner that may create or exacerbate panic or fear.
3. All students and staff members must evacuate the buildings immediately and in an orderly manner (single file) to a designated area.
4. A designated staff member will hold doors open until the building is completely evacuated.
5. Students will be accounted for outside the building to assure all are out.
6. No one will stop to retrieve personal belongings. The building will be evacuated immediately.
7. Students and staff may not re-enter a building until a member of the fire department instructs them to do so.
8. Bus evacuation drills will be conducted two (2) times per year and may occur off campus.

Fire drills are to be conducted once a month during the day. The administrator conducting the fire drill will ensure that security goes from room to room to ensure that all staff and students have evacuated the building.

The staff shall report any safety issues or problems to their supervisor. The supervisor shall provide said reports to the COOP (Continuity of Operation Plan) Coordinator and Principal to ensure that corrective action is taken.

**NOTE:** Tampering with fire alarm (on school grounds, on field trips, and school buses) and sprinkler system are federal offenses. Proper authorities will be notified and disciplinary action will be taken.

## **SECTION 1.19 ATTENDANCE**

1. Students are required by Navajo law to attend school. It is important that students attend school every day. It is difficult to teach students and it is difficult for students to learn unless the student attends school regularly. If a student is sick, has a death in the family, must attend a religious ceremony or has another legitimate excuse that keeps the student from attending school, the student must do the following:
  - a. On the day following any absence, and at the beginning of the school day, bring and deliver to the student's teacher(s) a note from and signed by the student's parent, guardian, performing medicine man or doctor, which explains the reasons for the student's absence. If the note is sufficient and establishes a legitimate excuse for the absence as defined herein, the absence will be "excused" and the student will be allowed to make up their schoolwork.
  - b. Immediately upon returning from an excused absence, the student must ask the student's teacher(s) for any missed assignments and makeup work. The student must then promptly complete and turn in any missed work, assignments and materials so they are not behind.

All absentees will be marked "*Excused*" or "*Unexcused*."

### *Examples*

#### **Excused absences:**

Illness  
Medical Appointments  
Traditional Ceremony  
Death in the Family  
Inclement Weather  
Road Conditions  
Injury/Illness at school  
(When the nurse takes child home)

#### **Unexcused Absences:**

Going to town  
Babysitting  
"No clean clothes"  
Missed the bus  
Out of Town  
Overslept  
"Didn't feel like coming"  
NO NOTE

Students that are taken home by the school Health Office Assistant because of illness or injury will be considered "Absent." Upon return, students will be marked "Excused" absence if they provide a Doctor or parent's statement. Students will not be left at home unattended unless written permission to do so is granted by the parents.

Excessive student absenteeism will result in: (a) parent notification; (b) retention; and (c) referral to tribal Child Protection Services and/or law enforcement.

Students are required to be in school a minimum of one hundred sixty (160) days per school year, unless serious illness, serious injury or Special Education placement provides otherwise. A student who has not participated, either directory or through approved alternative instructional methods or programs, in a minimum of 160 instructional days per school year without a written excused absence shall not be promoted. There are one hundred eighty (180) days of school in a school year. Students with perfect attendance at the end of each quarter are recognized and honored. All students are required to attend classes when school is in session. A student who misses three (3) days of school will be visited by the Parent Liaison or Administrative Assistant I or Office Assistant at home.

"Early Checkouts" are detrimental to Student Achievement and KDLO's mission; therefore, "Early Checkouts" will be classified as unexcused absences for the full day unless the requirements of policy 1.16 and this policy are met. Please only check out your students early if it is absolutely necessary. A maximum of five (5) early check outs, which are defined as a check out before the normal close of school, will be allowed per year. Check outs in excess of this amount will be termed full day unexcused absences unless the requirements for an excused absence are met (See 1.16 and this policy).

A student absent for ten (10) consecutive days will be dropped from the school enrollment (Unless prior arrangements have been made under special conditions [see excused absentee list] with the Teacher and Principal.

When a student is going to be absent from class for a school activity, an approved list will be issued by the sponsor and distributed to the teachers. Students on the list shall NOT be marked absent and will not need to have a re-admit slip. Do not release students that are not on the approved list. This would apply in situations such as sports trips, spelling bee or field trips.

2. **TRUANCY OFFICER:** The KDLO Parent Liaison shall also function as the KDLO truancy officer and is hereby empowered, authorized and directed to investigate absences, contact parents, inform parents of the laws and sanctions and process truancy complaints in court against offending parents.

Excessive absenteeism will be referred to the Navajo Nation Family Court system for enforcement and sanctions under Navajo Nation law. To avoid this situation, please send your children to school every day. Parents/Guardians and like responsible adults are responsible for all court costs and fees that are associated with such referrals. This includes: filing fees, fines and any other fees the court may impose. Please help us avoid this outcome.

Perfect attendance is defined as no absences or tardies, excused or unexcused (except for school-sponsored activities for the time period (grading period, semester, year, etc.) considered.

ALL PARENTS, LEGAL GUARDIANS AND SIMILAR RESPONSIBLE ADULTS MUST READ, SIGN AND ABIDE BY THE NOTIFICATION AND ACKNOWLEDGEMENT OF KDLO ATTENDANCE POLICIES ATTACHED HERETO AS APPENDIX N.

## **SECTION 1.20 GRADING PROCESS/REPORT CARD/PARENT-TEACHER CONFERENCE**

The grading process is to ensure a common consistent reporting system for all students. All subjects assigned an achievement grade are evaluated by the following scale:

<u>Grades 2<sup>nd</sup> -6<sup>th</sup>.</u>	<u>K – 1st</u>
A = 4.0 Excellent	E- Exceeds
B = 3.0 Above Average	M- Meets
C = 2.0 Average	A –Approaching
D = 1.0 Below Average	F - Needs Improvement
F = Failing	
I = Incomplete	

An “I” (Incomplete) grade can only be changed to a letter grade within 2 weeks of the end of the quarter. After 2 weeks with no attempt to complete work, the “I” becomes an “F.” If a student transfers from our school with an “I” on their record, the “I” will be changed to an “F” unless the work is satisfactorily completed within two (2) weeks of the end of the quarter.

The quarterly grading periods end on the following dates:

1 <sup>st</sup> Grading Period	October 8, 2021
2 <sup>nd</sup> Grading Period	December 16, 2021
3 <sup>rd</sup> Grading Period	March 11, 2022
4 <sup>th</sup> Grading Period	May 17, 2022

Report cards will be given to parents during parent-teacher conferences. Report Cards that are not picked up will be mailed to the parents or guardian after the parent-teacher conference. Report cards will be released to the parents or to guardians only. At the end of the year, the final copy of the report card will be placed in the student’s Official cumulative file by the teacher.



Parent /Teacher conferences are the time when parents and teachers talk about children, their progress in school and their special needs. Twice a year we have conferences.

Teachers shall keep a Parent Sign in Log for every P/T conference and a copy should be submitted to the Head Teacher. It is mandatory for all Teachers to be in the classroom for P/T conferences. If a teacher cannot attend a P/T conference, it is his/her responsibility to arrange meeting dates for the parents. Teachers may only be excused from P/T conferences due to actual, unavoidable emergencies approved by the Head Teacher in writing.

#### **SECTION 1.21 GRADE REPORT FOR SPECIAL EDUCATION**

Homeroom Teachers will work directly and closely with Special Education teachers in the inclusion program. Co-teaching will be implemented. All students, including Special education students, are the responsibility of the homeroom teacher.

The Special Education Resource teacher shall provide a progress report for the homeroom teacher. The teacher will identify student's level at which the student is functioning at the end of each quarter for the classes classified as Resource or Special Education and any other related service (Speech, Occupational Therapy, or Physical Therapy), which the student is receiving or completing under special education supervision. *In no case shall the report card be designated "Resource" or "Special Ed."*

The Special Education teacher will mail a progress report to the parent(s) at the end of each grading period.

The Special Education Teacher will meet with all Teachers that will be receiving students receiving Special Education services to review their IEP goals and objectives and ensure compliance with the IEP. The teacher will modify lessons and services accordingly.

#### **SECTION 1.22 GRADE REPORT FOR SPECIAL SUPPORT CLASSES**

Special Support Classes grades are due to regular teachers one (1) week prior before the grades are due. These grades shall be submitted to the regular education teachers by P.E. and Navajo Language and Culture Teacher K-6<sup>th</sup> grade will receive, S-Satisfactory, U- Unsatisfactory Letter Grades.

#### **SECTION 1.23 DEFICIENCY REPORT**

Report Cards are issued four times a year after each quarter. Deficiency notices will be issued to students receiving a D or an F at the mid-term of each grading period.

1 <sup>st</sup> Quarter:	September 11, 2021
2 <sup>nd</sup> Quarter:	November 13, 2021
3 <sup>rd</sup> Quarter:	February 12, 2022
4 <sup>th</sup> Quarter:	April 9, 2022

A student's Deficiency Report shall be maintained for purposes of the Child Study Team (CST) referrals or retention.

#### **SECTION 1.24 PROMOTION OR RETENTION**

The decision of whether to promote a student to the next grade or retain them in the same grade shall be made by the combined efforts of the student teacher (s), Child Study Team, and Principal to ensure appropriate grade placement for each individual student. Pursuant to 25 CFR § 36.31, a student who has not participated, either directly or through approved alternative instructional methods or programs, in a minimum of 160 instructional days per school year without a written excused absence shall not be promoted. The Principal shall attempt to reach a consensual decision on promotion or retention with the foregoing persons and the student's parents; however, if this does not occur, the Principal shall make the decision to promote or retain the student. The

Governing Board may review a promotion decision and, if warranted due to compelling and/or extenuating circumstances, rescind in writing such action on a case-by-case basis.

#### Retention Process

1. Teacher Observation
2. Teacher Referral
3. Provide Strategies/assessments
4. Intervention
5. Consultant
6. Referral based upon consultant's finding

#### Promotion Process:

1. Grades – Students must have passing grades.
2. Attendance – Students who are not present a minimum of one hundred sixty-two (162) school days will be reviewed by the Child Study Team for promotion or retention.
3. In-class assessments – Students must show progress.
4. PARCC, SAT 10, NWEA assessments

If students are not meeting the promotion standards or have excessive absences, the following steps will be taken:

1. Notify the Parents or guardian.
2. The Child Study Team will discuss attendance, grades and progress and decide on promotion or retention.

Parents or guardians must be informed in writing of the possible retention by February of each year. It is the responsibility of the teachers to send Deficiency Report per Section 1.23 as a warning quarterly with concurrence by the Principal. It is then the responsibility of the student and parent to improve grades.

### SECTION 1.25 HONOR ROLL

To make the Honor Roll for Kindergarten, the student must fulfill the following requirements:

- A. Principal List.....Have earned (A's) in all core subjects.
- B. Teachers Honor Roll.....Have earned all (B's) to be eligible.

To make the Honor Roll for grades 1<sup>st</sup> through 6<sup>th</sup>, the student must fulfill the following requirements:

- A. Principal List.....Have all A's – 4.0 to be eligible.
- B. Teachers Honor Roll.....Have a B average to be eligible. (No letter grade "D")

Core Subjects included in Honor Roll eligibility are Math, Reading, Language Arts, Science and Social Studies.

### SECTION 1.26 ATTENDANCE AWARDS

To earn the attendance award for grades K-6<sup>th</sup>, the student must fulfill the following requirements:

1. Perfect attendance (End of the Quarter Award). Student must be in school for the entire quarter from 8:10 am-3:00 pm. (NO EARLY CHECK-OUT and TARDIES)
2. Perfect attendance (End of the Year Award). Student must attend school for the entire School Year of 180 days, from 8:10 am-3:00 pm daily. (NO EARLY CHECK-OUT and TARDIES)

Full and ½ day will apply to "Regular School" days and during "Staff Development" days.

*Note: Students with early checkouts and/or unexcused tardiness are not eligible for the Perfect Attendance Award. The Honors committee will review and consider all candidates for the End-of-the-Year Perfect Attendance Award in cases such as inclement weather/road condition.*

## **SECTION 1.27 AWARDS ASSEMBLY**

*At the end of each quarter*, students will be recognized in the classrooms for the following awards:

1. Principal's Award
2. Teacher's Honor Roll
3. Perfect Attendance

*At the end of the school year*, an Annual Awards Assembly will be held to recognize students for the following awards:

1. Academic Achievement (Principal's/Teacher's Award for all grading Periods).
2. Perfect Attendance for school year
3. Outstanding of Student of the Year
4. Most Improved Student of the Year – 2 students

The Honors committee will meet quarterly to decide on awardees' certificates, trophies, or field trips, all subject to final approval of the Principal.

Teacher will send home notices to parents if their child will be receiving awards.

## **SECTION 1.28 AWOL (Absent Without Leave)**

In AWOL cases, KDLO will attempt to notify the student's parents. If a student does not report to school or leaves the campus during regular school hours or extracurricular activities, the following steps will be taken to ensure the student's safe return:

1. The Principal will assign a staff member to notify the student's parent or guardian as soon as possible and if necessary, check at the student's home. The Principal will notify the law enforcement officials and request assistance in locating the student from search and rescue teams if necessary.
2. The following additional information will be needed by and provided to law enforcement officials:
  - A. Location
  - B. Type of incident
  - C. Number of people involved
  - D. Weapons, if any

Staff member reporting the incident will fill out the necessary forms. Students who have been AWOL are subject to disciplinary action as set forth herein or as determined by the administration.

## **SECTION 1.29 SPORTS POLICY**

KDLO offers a variety of extracurricular activities. These may include volleyball, cross-country, basketball, softball, cheerleading, etc. The sports usually include Junior Varsity team for grades 3rd-6th. Students must maintain a "C" or above average to be eligible to participate in extracurricular activities and other school-related/off-campus activities. Teachers will submit an "Ineligibility" form to Coach and Head Teacher if students are not demonstrating a "C" or above grade average in any academic core subject. *Students must be present at school the day before, during, and after each activity. If absent during any of these times, the student will not be allowed to participate in the next activity unless absence was due to illness or other excused absence. Refer to Behavioral Matrix.*

**All 3rd -6th Grade students who will participate in any sports activity are required to have an updated physical exam to be eligible to participate in all extracurricular activities. Physical exams must be dated for particular school year for participation, i.e.: 2019-2020.**

### SECTION 1.30 SPORTS BANQUET

1. The School will sponsor two (2) seasonal sports banquets, one in the winter and one in the spring of each school year. These banquets will be held to honor and present awards to participants in the activities during that period.
2. Any other such recognition will be independent of KDLO and will not be sanctioned, authorized or funded by the School. The School will not be responsible for any costs, responsibilities or liabilities, including, but not limited to, travel, organization, and supervision or funding of other recognition events.

### SECTION 1.31 HEALTH POLICIES

Student health care remains the responsibility of the student's parent(s) and/or guardian(s). Students may be referred to the Hospital/Clinic. Parents are required to complete a Student Health Form and return it to KDLO.

The KDLO does not assume responsibility for treating any student who appears to be under the influence of any drug, chemical, alcohol or any other intoxicating substance. However, it reserves the right to administer emergency first aid treatment in the above circumstances.

In the event of an illness or injury during the school day, students will be taken home to their parent(s) regarding such illness or injury.

1. *Injury:* All accidents and injuries of a potentially serious nature must be reported immediately to the CNA/Health Aide, Principal or person designated. The School Accident Report and Health Office Referral must be filled out for each accident. If a student is injured, an adult must stay with the student until help arrives. The CNA/Health Aide will inform the parent if the child was hurt or injured.
2. *Illness:* When sending a student to the school CNA/Health Aide, complete a School Health Office referral and send it along with the student. Parents will be asked to pick the student up if they are unable to return to class. Teachers will be informed by the Front Office whether or not the student is sent home. The CNA/Health Aide will then send a note with the student to take to the Office to be taken home. The CNA/Health Aide shall review all reports and notes to ensure pertinent information is sent home.
3. *Medication:* ALL medication must be kept at home, unless the parents come to the Health Office and gives written permission for the school or the student to administer the medication. There must be a written order from a qualified health care professional stating the name of the medication, the dosage and the time it is to be given. The medication must come to the school in the prescription container or, if it is over-the-counter medication, in the original container with all warnings and directions intact. **ONLY THE CNA/HEALTH AIDE, OR IN SPECIAL CIRCUMSTANCES THE CNA/HEALTH AIDE'S DESIGNEE, IS AUTHORIZED TO ADMINISTER MEDICATION.** There may be exceptions for students who have been diagnosed with anaphylaxis, breathing disorders or diabetes. It is the responsibility of the parent/guardian to inform the Teacher/school of their child(ren) taking medication either long term or short term. Students are not to bring medication on the bus to school. The school CNA/Health Aide shall communicate with the teacher of any students that are on medication and inform relevant staff of all issues relative to the medication. Students who are temporarily ill should not be sent to school with medication such as antibiotics or other short-term prescriptions. Students who are ill should not be in school.
4. *Emergency:* Immediate care and attention must be provided to a student that appears to be seriously injured, including calling for further emergency care from the nearest hospital facility. The person who is at the scene **MUST NOT LEAVE THE SCENE.** Staff possessing a First Aide or CPR certification should only provide assistance. Staff who do not possess a First Aide/CPR certification may assist the patient by comforting (talking/covering) and sending for the school Health Office Assistant or other office personnel to contact the nearest hospital facility.

5. *Dental:* When a student complains of a toothache, he/she will be taken home. Dental clinics only allow the parent(s) or legal guardian(s) to authorize treatment for children.
6. *Harm or Threat to Self:* If a staff member believes, or a student reports to a staff member, that a student may be depressed or may do harm to himself/herself or has threatened to do harm to himself/herself, the staff member shall immediately contact the supervisor on duty and the Principal. If appropriate, KDLO will undertake immediate intervention, make immediate referral for assistance and, as allowed by law, inform the student's parents.
7. *Allergies:* Parents must report all known food or other allergies to which their child is susceptible and all medical reports, information, prescriptions, procedures and orders related to such allergies.

### **SECTION 1.32 GROOMING/PERSONAL HYGIENE**

1. Acceptable personal hygiene is the parent's and the student's responsibility. Showering and brushing teeth at KDLO is permissible depending on circumstances at school.
2. Students with hair lice or nits are not allowed in school. Students with hair lice or nits are to notify their teachers. It is the parents' responsibility to treat their child(ren) for such infestation.
3. Students that are suspected of contagious infections such as, "Pink-eye," impetigo (open sores), etc. and Students who appear to be ill will be immediately taken home. It is the responsibility of the parents to seek further medical attention.
4. Self-mutilation (tattoos, excessive body piercing, rub-scratching into skin with erasers, fingernails or others), or assisting, encouraging or performing such acts on or by other students, is prohibited and will subject the student to discipline.
5. Students that are suffering from child neglect or abuse, in any form (poor hygiene, physical, mental, verbal, or sexual abuse) will be referred to Social Services.
6. It is each student's responsibility to inform the teacher or Principal of illness/injury.

### **SECTION 1.33 SOCIAL INTERACTION**

Students are expected to practice the "3 B's" – **Be Safe, Be Respectful and Be Responsible** and to conduct themselves in an appropriate manner on campus and in public. Inappropriate behavior such as calling names, cursing, excluding others and not using proper manners will not be tolerated and will refer for a disciplinary action.

Public displays of affection of students such as kissing, petting and embracing is not acceptable; and will result in disciplinary action and parents will be notified.

### **SECTION 1.34 STUDENT SOCIAL MEDIA/SOCIAL NETWORKING POLICY**

#### Introduction

Social media and social networking and their development has become, in recent years, an increasingly important feature of modern communication between individuals, but also in terms of business and organizational communication. The expansion of such networks on the internet has transformed ways we interact and KDLO views this as a positive opportunity for closer communication with a variety of people within our community and beyond.

Though this technology brings with it new and exciting methods of communication, it also brings with it increasing risks relating to appropriate usage. It is therefore important that as a School we develop systems to safely embrace this technology when engaging with others, as part of an effective communication strategy. It is therefore important that we balance activities to take into account legal requirements, the safety and well-being of our students, staff and community members, reputation and operation of KDLO, and ensure that all such participation and communication are within these and related KDLO policies.

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial

comments posted on the Internet, virtual reality sites (e.g., Second Life) and social networking sites (e.g., Facebook, MySpace, Twitter, Instagram, Music Lilly, Snapchat, eHarmony). Electronic media also includes all forms of telecommunication such as landlines, cell phones, tables, laptops and Web-based applications, all now existing and arising in the future.

Electronic communications and social media websites have become part of our everyday lives. They are how more and more people interact with each other. While these sites allow people to interact in ways never before seen, they bring with them a new level of responsibility for the user.

Therefore, in order to ensure that our students' use of social media and social networking is positive, constructive and in everybody's best interest and that it does not compromise the health, safety and welfare of students, KDLO staff, Board members, community members or others, we have established the following rules. Please be advised that violation of these rules, even after School hours and at your home or other places, will be grounds for disciplinary action if your use has a nexus or connection to KDLO and KDLO's operation and if such use may violate this or other KDLO policies or otherwise disrupt the operation of KDLO.

1. Please ensure that your use of the social media and social networking does not violate KDLO's anti-discrimination or harassment policy. This policy prohibits cyberbullying, discrimination and other conduct that has a connection or nexus to our School, regardless of where the conduct, actions or speech take place. Use of social media or social networking to cyberbully, publish threats or other such inappropriate conduct are violations of KDLO policy and will subject the student to discipline, up to and including, expulsion.
2. Any student use of social media or social networking that may convey a threat, exposure to danger, or which is otherwise disruptive to KDLO, is also prohibited in that this conduct may negatively impact KDLO, the operation of KDLO, the community sense of well-being for their children at KDLO, and it may have other negative consequences for KDLO.
3. Students shall not engage in personal social media or social networking relationships with KDLO staff. Students should not seek to be a "friend" under Facebook or establish other such electronic relationships with the staff of KDLO.
4. Students shall refrain from publishing names of fellow students or staff and providing identifying information with which students or staff can be identified. There are predators that use social media and social networking to identify possible victims. Students should exercise care to avoid this. KDLO photographs or videos taken at KDLO and involving students and others should not be published through social media or social networking.
5. Please note that social media and social networking are not private. Once something is published you cannot take it back.
6. We recommend that in all use of social networking or electronic media that students always be respectful, be careful, be responsible and be accountable.

In summary, although certain uses of social media and social networking can be negative, cause problems and can be grounds for discipline at KDLO, appropriate uses can support and enhance your development and your educational opportunities. Therefore, it is KDLO's goal to teach a positive and responsible use of social media and social networking to further enhance our students' development and at the same time, provide appropriate boundaries for such use to protect the student, others and KDLO.

### **SECTION 1.35 SEXUAL HARASSMENT**

KDLO is committed to maintaining a learning environment that is free of harassment. Sexual harassment of any student by any employee, student or other person at school or at any school-related activity is expressly prohibited.

Definition: Prohibited sexual harassment includes, but is not limited to; unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature.

Types of conduct which are prohibited in the School and which may constitute sexual harassment include, but are not limited to the following:

1. Unwelcome sexual flirtations or propositions.
2. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, notes, stories, drawings, pictures or gestures (body movements).
5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational environment.
9. Any act of retaliation against an individual who reports a violation of the School's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Each school staff person has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the School's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading or exploitative treatment or any other form of sexual harassment.

The Principal or designee shall ensure that students receive age-appropriate information related to sexual harassment. The Principal is the School's Title IX Officer and Sexual Harassment Officer. Students shall be assured that they need not endure any form of sexual behavior or communication. They shall further be assured that they need not endure, for any reason, any harassment, which impairs the educational environment or a student's emotional well-being at school.

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action. For students in grades K through three, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 6, the disciplinary action may include suspension and/or LTS-Long Term Suspension /expulsion.

Students are informed that they should immediately report any incidents to either a teacher, Counselor and the Principal if they feel they are being harassed. Any student, or parent on behalf of the student, who feels that he/she is being sexually harassed may pursue the complaint in an informal process or may file a formal complaint with the School. Within 24 hours, staff shall report complaints of sexual harassment to the Principal or his/her designee who will immediately log the complaint. Staff shall similarly report any such incidents they may observe even if the harassed student has not complained. If Principal are alleged to have committed sexual harassment, then a complaint shall be made to the School Board President.

The Principal, or designee, shall immediately investigate any report of the sexual harassment of a student. If a more extensive investigation is necessary, the School may utilize an outside investigator who shall serve as a fact-finder. Upon verifying that sexual harassment occurred, the School Principal shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of harassment. In addition, the student may file a formal complaint with the Principal, or designee, in accordance with the School's procedures.

The School prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be kept confidential to the extent possible, within legal constraints, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

### **SECTION 1.36 PARENTAL INVOLVEMENT**

KDLO believe that parents and family play an important role in student success. KDLO encourages parental involvement in the School. The School has an active parent volunteer association and provides accommodations for parent use. Parents are encouraged to contact the School administration for more information or to be involved.

Here are just a few suggestions on being involved in your child's school:

- Assist in your child's daily homework.
- Read the weekly newsletter.
- Set aside an area for homework and study time.
- Provide positive feedback to your child regarding school assignments.
- Attend Parent Advisory Committee Meetings, and activities.
- Communicate with your child's teacher often.

For more information on Parent Involvement, please contact the Parent Liaison, PAC or school administration.

### **SECTION 1.37 VISITORS**

**All parents and visitors must check in at the office to obtain a "Visitor's Pass."** Parents may visit their children only. Parents are not allowed to confront other children. Police, Child Protective Service, and other Agency representatives must have the Principal's approval/notification before they see a student. The following will apply:

1. Visitor(s) MUST sign in and obtain a visitor's pass.
2. NO VISITATION/DISTRACTION during the Reading Block from 8:15 -11:00 a.m.

Because KDLO is a Zero Tolerance school, any visitor(s) that are suspected of being under the influence of alcohol/drugs will be asked to vacate the premises. Should a situation arise in where the law enforcement is required, KDLO will immediately contact the Navajo Nation Police/Apache County Sheriff.

### **SECTION 1.38 TELEPHONE**

Office phones are for school use only. In cases of emergency, with permission from the staff, students may contact their parents (or vice versa).

### **SECTION 1.39 COURTESY AT ACTIVITIES**

Students and visitors to the School shall display KDLO "3 B's Behavior Expectations and conduct themselves in a courteous manner at all school functions. This means no booing, name calling, throwing objects, inappropriate whistling, cursing or other improper behavior.

### **SECTION 1.40 SPECIAL EDUCATION AND SECTION 504 POLICIES**

#### **1.40.1 Introduction and General Policy Statement:**

It is the policy of KDLO to adhere to and comply with federal and all other applicable laws and rules as they pertain to students with disabilities and the provision of a free, appropriate public education to all students within the school, regardless of the nature or severity of the disability.

These policies shall be implemented to ensure that the due process rights of students with disabilities and their parents are provided pursuant to and under IDEA 2004, Section 504 of the Rehabilitation Act and ADA as required and as these laws may be amended. Students may be identified as disabled under these laws even though they may not require specialized educational services. Confidentiality of student information and access to student files will meet the standards of the Family Educational Rights and Privacy Act (FERPA) in the implementation of these policies and otherwise.

The purpose of these policies are to ensure students with disabilities or suspected disabilities will be identified, evaluated, and provided appropriate educational services and/or accommodations within the definitions of IDEA 2004, Americans with Disabilities Act (ADA) or Section 504.



KDLO will take appropriate steps to ensure compliance with the following policies. However, nothing contained in these policies is intended to or will limit the authority of KDLO from its primary responsibility to secure care, custody and control of students. The citations noted herein shall be checked and adjusted annually. The most recent amendments of the laws and regulations cited in these policies are adopted herein by reference and shall apply in all circumstances.

Concerning the issues of Special Education Placement, Individual Education Programs (IEP's), and Least Restrictive Environment (LRE), KDLO may modify the delivery of special education services to eligible students if KDLO has demonstrated a bona fide security interest that cannot otherwise be accommodated [34 Code of Federal Regulations ("CFR") §300.324(d)(2)].

For the purposes of this document, the term "parent" refers to the parent of a minor child. Furthermore, the term "child" is referred to as any student under the age of 22.

#### **1.40.2 Free Appropriate Public Education (FAPE)**

KDLO ensures that all students with a disability under the age of 21 within its school have the right to a free appropriate public education (FAPE) except that a person who is being provided special education services at the time the person reaches eighteen years of age shall continue to receive special education services until the end of that school year. [34 CFR §300.101].

#### **1.40.3 Child Find**

- A. All students with a disability who are in need of special education and related services shall be identified, located, and evaluated [34 CFR §300.111].
- B. A practical method shall be developed and implemented to determine which students are currently receiving needed special education and related services [34 CFR §300.111(a)].
- C. This policy applies to children, including highly mobile and migrant students, who are suspected of having a disability under §300.8 and in need of special education, even though they are advancing from grade to grade [34 CFR §300.111(c)].

#### **1.40.4 Evaluation And Eligibility Determination**

- A. A full and individual initial evaluation shall be conducted for each student before the initial provision of special education and related services to a child with a disability. The initial evaluation must be conducted within 60 days of receiving parental consent for the evaluation [34 CFR §300.301].
- B. Procedures shall be established for conducting evaluations in accordance with the requirements described in §§300.300 - 300.311.

The evaluation must consist of procedures:

- a. to determine if the student is a "student with a disability" under §§300.8, 300.301;
  - b. to determine the educational needs of the student.
- C. The student's Individual Evaluation Program (IEP) team and other qualified professionals shall review existing evaluation data and collect additional data, if necessary, and use the results of the evaluation to determine a category of eligibility and the need for special education and related services [34 CFR §§300.8, 300.306].
- D. If a determination is made that a child has a disability and needs special education and related services, the IEP team shall use the results of the evaluation to develop the initial IEP or to review and revise an existing IEP [34 CFR §§300.306, 300.320-324].

- E. A reevaluation of each student shall be conducted every three years in accordance with §§300.300-300.311.

#### **1.40.5 Individualized Education Programs (IEP)**

Due to the confinement of students in secure care facilities, the IEP Team may need to modify the IEP due to a bona fide security interest that cannot otherwise be accommodated. Any modifications will be documented on the IEP [34 CFR §300.324 (d)(2)].

- A. An individualized education program (IEP) shall be in effect for each student with a disability at the beginning of each school year [34 CFR §300.323].
- B. Meetings shall be initiated and conducted for the purpose of developing, reviewing, and revising the IEP of a student with a disability [34 CFR §§300.300, 300.321, 300.324, 300.328 and 300.102].
- C. An IEP shall be developed and implemented for each eligible student served by KDLO [34 CFR §§300.320-325].
- D. Whenever appropriate, a child with a disability will be invited to each IEP meeting and will be afforded the opportunity to participate [34 CFR §§300.321-322].

#### **1.40.6 Least Restrictive Environment (LRE)**

- A. LRE placement changes may occur when there is a security interest. The IEP Team will review placement and document any changes [34 CFR §§300.114-300.117, 300.324(d)(2)].
- B. To the maximum extent appropriate, children with a disability are educated with students who are not disabled [34 CFR §§300.42, 300.114, 300.117, 300.320].
- C. Special classes, separate schooling, or other removal of children with a disability from the regular environment occurs only when the nature or severity of the disability is such that education in regular classes, even with the use of supplementary aids and services cannot be achieved satisfactorily [34 CFR §300.114(2)].

#### **1.40.7 Procedural Safeguards**

- A. KDLO ensures that students with a disability are guaranteed procedural safeguards with respect to the provision of a free appropriate public education [34 CFR §§300.500-300.536].
- B. The parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child [34 CFR §300.501(a)].
- C. KDLO ensures that the parents of a child with a disability must be afforded the opportunity to participate in meetings with respect to the identification, evaluation and educational placement of their child and the provision of FAPE to the child, and are members of any group that makes decisions on the educational placement [34 CFR §300.501 (b)-(c)].
- D. Parents of a child with a disability have the right to obtain an independent educational evaluation [34 CFR §300.502].
- E. A copy of the procedural safeguards notice shall be given to the parents of a student with a disability, at least one time a year and also upon initial referral for evaluation or request for evaluation, receipt of a request for due process under §300.507, in accordance with discipline procedures resulting in change of placement according to §300.530(h), and upon request [34 CFR §300.504].

- F. The consent of a student and parent of a minor student shall be obtained if after a review of existing information, additional data is needed for an initial evaluation or reevaluation, and before initial provision of special education and related services [34 CFR §§300.300(a)-(c)].
- G. A student, parent, or KDLO may initiate a due process hearing on any of the matters described in §300.503(a)(1) and relating to the identification, evaluation, educational placement of a child with a disability, and provision of FAPE [34 CFR §300.507(a)].

#### **1.40.8 Confidentiality of Information**

- A. Parents may inspect and review any educational records relating to their child that are collected, maintained or used by KDLO. Without unnecessary delay, KDLO shall comply with the parent's request and in no case more than 45 days after the request has been made [34 CFR §300.613].
- B. Procedures shall be established and implemented to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages [34 CFR §300.610].
- C. Students may request an amendment of records if they believe information in the records is inaccurate, misleading or violates privacy or other rights [34 CFR §300.618].

#### **1.40.9 Graduation**

KDLO shall provide FAPE to all eligible students until termination of eligibility due to graduation from secondary school with a regular high school diploma, or until the end of the school year in which a student receiving special education reaches 22 years of age, in accordance with §300.102. A GED shall not be considered a regular high school diploma [34 CFR §300.102(3)(iv)].

#### **1.40.10 Discipline**

- A. If a change in educational placement for disciplinary removal occurs for a child with a disability, KDLO shall provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP [34 CFR §300.530(d)].
- B. When a student with a disability is removed from his or her current educational placement, a change of placement occurs if:
  - 1. The removal is for more than 10 consecutive school days; or
  - 2. The series of removals constitute a pattern because they cumulate to more than 10 school days in a school year, because of such factors as length of each removal, total amount of time, or proximity of the removal to one another [34 CFR §300.536].
- C. When the removal of a child with a disability constitutes a change of placement, a review of the placement shall be conducted regarding the relationship between the student's disability and the behavior subject to the disciplinary action [34 CFR §300.530(e)].
- D. A student who has not been determined eligible for special education and who engages in behavior that violates any rules or code of conduct may assert any of the protections of a child with a disability pursuant to §300.534(a).

#### **1.40.11 Students With Disabilities/Section 504 of the Rehabilitation Act of 1973**

### **SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS FOR DISABLED STUDENTS**

(Section 504 of the Rehabilitation Act of 1973)

#### **A. Generally:**

It is the responsibility of the School to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.

For this policy, a student who may need special services or programs within the intent of Section 504 is one who:

1. Has a physical or mental impairment that substantially limits one (1) or more major life activities, including learning; or
2. Has a record of such impairment; or
3. Is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities in Education Act (IDEA).

Each qualified student within the School who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive free appropriate education in the School.

#### **B. Identification and Referral Procedures:**

1. Any student who needs or is believed to need special education or related services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certificated school employee for identification and evaluation of the student's individual education needs.
2. The identification and evaluation will be completed by persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The CEO will monitor the identification and evaluation to ensure that qualified personnel participate.
3. The School will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the School will inform the parents or guardian of this decision and of their procedural rights.

#### **C. Evaluation:** Evaluation of the student and formulation of a plan of services will be carried out by the School according to the following procedures:

1. The School will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.
2. No final determination of whether the student will or will not be identified as a student with a disability within the meaning of Section 504 will be made by the School without first inviting

the parent or guardian of the student to participate in a meeting concerning such determination.

3. A final decision will be made by the School in writing, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

**D. Plan for services:**

1. For a student who has been identified as having a disability within the meaning of Section 504 and in need of special education or related aids and services, the School shall be responsible for determining what special services are needed.
2. In making such determination, the School shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the School's professional staff.
3. The parents or guardian shall be invited to participate in School meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.
4. The School will develop a written plan describing the disability and the special education or related services needed. The plan will specify how the regular or special education and related aids and services will be provided, and by whom.
5. The School may also determine that no special education or related services are appropriate. If so, the record of the School proceedings will reflect the identification of the student as a person with a disability and will state the basis for the decision that no special services are presently needed.
6. A student with a disability shall be placed in the regular educational environment of the School, with the use of the supplementary aids and services, unless the School demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.
7. The School shall notify the parents or guardian in writing of its final decision concerning the services to be provided.
8. If a plan for providing related services is developed, all school personnel who work with the student shall be informed of the plan.

- E. Review of the student's progress:** The School will monitor the progress of the student with a disability and the effectiveness of the student's education plan annually to determine whether special education or related services are appropriate and necessary, and that the student's needs are being met as adequately as the needs of a nondisabled student.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

**F. Procedural safeguards:**

1. The parents or guardian shall be notified in writing of all School decisions concerning the identification, evaluation, or educational placement of students made under this policy.
2. The parents or guardian shall be notified that they may examine relevant records.
3. As to such decisions by the School, the parents or guardian shall have the right to an

impartial hearing ("Section 504 due process hearing"), with opportunity for participation by the parents or guardian and their counsel. In the notification of any School decision concerning identification, evaluation, or placement, the parents or guardian will be advised that:

- a. A request for a Section 504 due process hearing should be made within thirty-five (35) days of notice of right to file (but not less than thirty [30] days).
- b. The request shall be made to:  
  
Name: Delores Noble, Principal  
Kin Dah Lichi' I Olta' Community School  
P.O. Box 800  
Ganado, AZ 86505  
(928) 755-3439
- c. The hearing will be held in accordance with the Due Process Hearing Procedures detailed in Policy 1.40.11(G). The decision may be appealed only to a federal court of competent jurisdiction.
- d. Attorneys' fees are available only as authorized by law.

If a state due process hearing has been or will be held under the IDEA concerning issues relevant to the Section 504 proceeding, a hearing officer qualified as to IDEA and Section 504 proceedings may preside in a joint hearing. The issues for either IDEA or Section 504 determination shall be clearly defined at the outset, and determinations by the hearing officer will be separate and distinct.

If both the parents or guardian and the School agree that the student is not eligible for special education under the IDEA, neither party is required to exhaust administrative proceedings under the IDEA prior to the holding of a Section 504 due process hearing.

The hearing officer shall render a decision. The parents or guardian shall be notified in writing of the decision. Either party may seek review of the decision of the Section 504 hearing officer by a federal court of competent jurisdiction.

The parties shall abide by the decision of the Section 504 hearing officer unless the decision is appealed to a federal court of competent jurisdiction and the decision is stayed by the court.

**SPECIAL INSTRUCTIONAL PROGRAMS  
AND ACCOMMODATIONS FOR  
DISABLED STUDENTS**

**(Section 504 of the Rehabilitation Act of 1973)**

**G. Section 504 Due-Process Hearing Procedures:**

An impartial due process hearing will be utilized to resolve differences involving the education of a Section 504 qualified student with a disability when such differences cannot be resolved by means of a less formal procedure. In this instance, due process is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the committee regarding application of Section 504. A Section 504 due process hearing may be called at the request of the School or a parent, guardian, or surrogate of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. Impartial hearing officer means a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

In all related hearing matters the following definitions shall apply:

1. *Days* means calendar days.
2. *Placement plan* means the program by which the decision concerning the educational placement of the student is decided.
3. *Parents* means parents, guardian, or surrogate parent.
4. Parents or the School may initiate a due process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, or (3) provision of a free and appropriate public education to the student.
5. Requests for a due process hearing must be submitted in writing to the CEO. Hearing notifications to the parents shall be given at least twenty (20) days prior to the date set for the hearing. The notice shall contain:
  - a. A statement of time, place, and nature of the hearing.
  - b. A statement of the legal authority and jurisdiction under which the hearing is being held.
  - c. A reference to the particular section of the statutes and rules involved.
  - d. A statement of the availability of relevant records for examination.
  - e. A short and plain statement of the matters asserted.
  - f. A statement of the right to be represented by counsel.
  - g. All written correspondence shall be provided in English and/or interpreted in the primary language.

6. *Hearing Procedures*

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

- a. Present their evidence.
- b. Produce outside expert testimony and be represented by legal counsel and by individuals with knowledge or training with respect to problems of students with disabilities.
- c. Parents involved in the hearing will be given the right to:
  - i. Have the student present at the hearing.
  - ii. Open the hearing to the public.
  - iii. In cases where there are language differences, an interpreter shall be provided.
- d. The hearing officer shall review all relevant facts concerning the education placement.
- e. The hearing officer shall determine, subject to appeal by judicial review, whether the School has met all procedural aspects of the education accommodation plan.
- f. The hearing officer shall render a decision, subject to judicial review, that is binding on all parties, except that in all cases any action taken must comply with current Arizona Revised Statutes and federal court decisions.
- g. The hearing officer shall ascertain that:
  - i. The procedures utilized in determining the student's needs have been appropriate in nature and degree.
  - ii. The student's rights have been fully observed.
  - iii. The provision of aids, services, or programs to the student may afford a free and appropriate education.
  - iv. If the parents' primary language is other than English, then the hearing officer shall appoint an interpreter.

7. *Decision of the Hearing Officer*

- a. A copy of the hearing officer's decision shall be delivered to the School and the parent, guardian, or surrogate within ten (10) days following completion of the hearing, which in no event shall be later than forty-five (45) days after receipt of the request for a hearing.
- b. Notification will include a statement that either party may appeal the decision.



- c. The decision of the hearing officer is binding on all parties concerned; it is subject only to judicial review.

#### 8. *Record of Hearing*

A written or electronic verbatim recording of the Section 504 due process hearing shall be on file at the School office and will be available for review upon request to the parents and/or any of the involved parties. Parents may have a copy of the proceedings, in English and in the primary language of the home.

### **SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS FOR DISABLED STUDENTS**

**(Section 504 of the Rehabilitation Act of 1973)**

#### **POLICY MEMORANDUM**

TO: Staff

FROM:

RE: Responsibilities of the School to Students with Disabilities under Section 504 of the Rehabilitation Act of 1973.

This memorandum is to clarify certain responsibilities of the School under Section 504 of the Rehabilitation Act of 1973.

Section 504 prohibits discrimination against persons with disabilities, including both students and staff members, by school Schools receiving federal financial assistance. Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with disabilities be provided with free appropriate public education (FAPE). The regulations pertaining to FAPE are published at 34 Code of Federal Regulations, Part 104, Subpart D.) These regulations require identification, evaluation, the provision of appropriate services, and procedural safeguards.

With respect to most students with disabilities, many aspects of the Section 504 regulations concerning FAPE parallel the requirements of the Individuals with Disabilities Education Act (IDEA) (formerly the Education of the Handicapped Act) and Arizona law. In those areas, by fulfilling our responsibilities under the IDEA and state law we are also meeting the standards of the Section 504 regulations.

However, in some other respects the requirements of the laws are different. There are some students who are not eligible for IDEA services but who nevertheless are eligible under Section 504, and to whom the School may therefore have responsibilities.

The IDEA defines as eligible only students who have certain specified types of impairments and who, because of one (1) of those conditions, need special education. Section 504, on the other hand, protects all students with disabilities, defined as those having any physical or mental impairment that substantially limits one or more major life activities (including learning). Section 504 covers all students who meet this definition, even if they do not fall within the IDEA-enumerated categories and even if they do not need to be in a special education program.

An example of a student who is protected by Section 504 but who may not be covered by the IDEA is one who has juvenile arthritis but who has no mental impairments. Such a student has a health impairment but may not be covered by the IDEA if the student does not need placement in a special education program. However, the student is disabled for purposes of Section 504. A similar example might be a student with acquired immune deficiency syndrome (AIDS). Students with attention deficit/hyperactivity (ADD/H) or emotional disorders are another example. Such students may not meet the criteria for IDEA categories such as learning disabled or severely emotionally disturbed. However, if their disorders or conditions substantially limit their ability to function at school, they are disabled within the meaning of Section 504.

If the School has reason to believe that, because of a disability as defined under Section 504, a student needs either special education and related services or related services in the regular setting in order to participate in the school program, the School must evaluate the student; if the student is determined to be disabled under Section 504, the School must develop and implement a plan for the delivery of any needed services. Again, these steps must be taken even though the student is not covered by IDEA special education provisions and procedures.

What is required for the Section 504 evaluation and placement process is determined by the type of disability believed to be present, and the type of services the student may need. The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability, and the recommended services. Evaluations more limited than a full special education evaluation may be adequate in some circumstances. For example, in the case of the student with juvenile arthritis, the evaluation might consist of the school nurse meeting with the parent and reviewing the student's current medical records. In the cases of ADD/H students, current psychoeducational evaluations may be used if such evaluations assessed the ADD/H issue. In other cases, additional testing may be necessary.

The determination of what services are needed must be made by a group of persons knowledgeable about the student. The group should review the nature of the disability, how it affects the student's education, whether special services are needed, and if so what those services are. The decisions about Section 504 eligibility and services must be documented in the student's file and reviewed periodically.

For the juvenile arthritic student, Section 504 services might be the provision of a typing course and use of a typewriter/word processor to improve writing speed or to provide a less painful means of writing. For the AIDS student, Section 504 services might be the administration and monitoring of medication, or a class schedule modified to address the student's stamina. For an ADD/H student, services might include modifications in the regular classroom, special assistance from an aide, a behavior plan, counseling, and/or the monitoring of medication.

It should also be noted that, under Section 504, the parents or guardian must be provided with notice of actions affecting the identification, evaluation, or placement of the student and are entitled to an impartial hearing if they disagree with School decisions in these areas. For disabilities covered only by Section 504 and not the IDEA, a Section 504 hearing will have to be made available that is separate from the IDEA hearing process. The School is exploring different frameworks for the adoption of procedures for conducting Section 504 hearings in the School, should the need arise.

In summary, it is important to keep in mind that some students who have physical or mental conditions that limit their ability to participate in the education program are entitled to rights under Section 504 even though they may not fall into IDEA categories and may not be covered by that law.

#### **1.40.12 Behavior Management of Students with Disabilities:**

KDLO is committed to implementing positive, evidence-based, safe, and timely plans and procedures for all students who exhibit behaviors that interfere with learning or who place themselves or others in danger. This policy adopts by reference the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*, the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as well as their corresponding federal regulations, 34 C.F.R. § 300 *et seq.* and 34 C.F.R. § 104 *et seq.* respectively, as most recently amended. In the event of a conflict, the IDEA, Section 504, and their implementing regulations shall control.

##### **A. Response to Intervention**

Behavior interventions should:

1. Provide for regular small group, direct instruction to students who are experiencing difficulty understanding or abiding by behavioral standards. Supports may include strategies like targeted social skills training, increased reinforcement systems, self-management techniques, family mentoring, involvement programs, or providing families with a list of community resources.
2. Provide a range of individualized interventions designed to address the specific behaviors causing the student difficulty. A Functional Behavioral Assessment (FBA) and a Behavior Intervention Plan (BIP) should be included when a manifestation determination is necessary.
3. The FBA should identify triggers for challenging behavior and what subsequent responses by staff or other students reinforce the behavior's continuation.
4. The BIP should be developed from an FBA, and should prescribe methods the staff will use to prevent, manage, replace, and monitor behavioral changes. The BIP should be created using evidence-based practices and should support the goal of making the challenging behavior irrelevant, ineffective, and inefficient.

##### **B. Crisis Management**

Crisis management is the methods used by school personnel to respond to imminent danger to the student, other students, or staff. The two (2) most commonly used crisis management methods are restraint or seclusion.

##### **C. Seclusion**

Seclusion is the confinement of a student alone in any space from which the student is physically prevented from leaving. Seclusion does not mean (a) time out when it is used for a limited or specified time or (b) staff-monitored, student self-imposed voluntary isolation for the purpose of calming him/herself.

##### **1. General Seclusion Policies**

- a. Seclusion is to be used only in an emergency to protect persons from imminent, serious physical harm.
- b. An area used for seclusion must: be free of objects that could cause harm, provide for adequate visual and audial supervision of the student, provide adequate lighting and ventilation, and not be locked.
- c. School personnel must observe the student at all times during the seclusion period and periodically (usually between 30 and 90 minutes) reassess the student.
- d. The student must be released from seclusion as soon as he/she regains self-control.

- e. If seclusion is used, a written notice that includes the circumstances preceding the behavior, the behavior itself, the approximate length of time the student was secluded, the location of the seclusion, and the person who observed the student during the seclusion should be sent to parents and administrators within a reasonable time.
- f. A debriefing with affected staff, parents, and, if appropriate, the student should be conducted within forty-eight (48) hours to determine the need for an FBA.
- g. Each incident of seclusion must be recorded in the student's file.
- h. A student who has required crisis management by school staff more than three (3) times in a semester must have an FBA and, if appropriate, a BIP within a reasonable time following the third (3rd) incident. A BIP should be modified when the existing plan proves ineffective.

## 2. Prohibited Uses of Seclusion

- a. Seclusion is not to be used as punishment for violations of school rules, for repetitive behaviors, or because of teacher anger toward the student.
- b. Seclusion is not to be harsh, severe, or out of proportion with the offense committed and the age and physical condition of the student.
- c. Seclusion is not to be used to prohibit reasonable access for the care of the student's bodily needs.
- d. Seclusion must not deny a free, appropriate public education to disabled students through excessive or extensive use.
- e. No policy or practice shall limit the use of seclusion to disabled students.

## D. Restraint

### 1. The Use of Reasonable Restraint

An employee, while acting within the scope of his/her duties and responsibilities, may exercise the amount of physical restraint reasonably necessary to protect the safety of students or himself/herself.

### 2. Examples of unreasonable force would include, but are not be limited to:

- a. Use of physical force on a student while in a state of anger
- b. Anger displayed through yelling or the use of uncivil language
- c. Slapping or hitting a student for any reason
- d. Kicking a student for any reason
- e. Grabbing a student and throwing him/her up against a wall or onto the ground
- f. Placing hands or arms on or around a student's neck

### 3. Reasonable restraint commonly takes the form of firmly holding a student to keep him/her from harming others. This might be done by wrapping the arms around the

body or holding the arms of the student. Whenever possible, a staff member should first verbally direct the student to cease his/her actions.

#### 4. Physical Restraints

*Physical restraint* is the application of physical force by one (1) or more individuals that prevents or significantly restricts a student's movement. Physical restraint should be a last resort emergency safety intervention measure used when a student is imminently dangerous to himself/herself or others. Instances where reasonable and appropriate restraint may be used include, but are not limited to:

- a. Breaking up a fight;
- b. Taking a weapon away from a student;
- c. Briefly holding a student to calm and comfort the student;
- d. Applying minimum contact necessary to physically escort a student from one area to another;
- e. Momentarily holding a student in order to prevent an impulsive behavior that threatens the student's safety, the safety of others, or the destruction of property;
- f. Personnel using restraint must take extreme care to provide for the safety and comfort of the student during the restraint;
- g. The student must be released from the restraint as soon as the student regains self-control;
- h. If restraint is used, a written notice that includes the circumstances preceding the behavior, the behavior itself, the approximate length of time the student was restrained, the location of the restraint, and the persons who witnessed the student restrained should be sent to parents and administrators within a reasonable time;
- i. A debriefing with staff, parents, and, if appropriate, the student should be conducted within forty-eight (48) hours to determine the need for an FBA;
- j. Each incident of restraint must be recorded in the student's file;
- k. A student who has required crisis management by the school staff more than three (3) times in a semester must have an FBA and, if appropriate, a BIP within a reasonable time following the third (3rd ) incident. A BIP should be modified when the existing plan proves ineffective.

#### 5. Mechanical Restraints

*Mechanical restraint* is the restriction of movement by devices such as straps, duct tape, cords, or garments. Not included in this definition are:

- a. Restraints used to provide support to a student's orthopedic and assistive technology needs in order to permit him/her to learn and participate in school activities as identified in an individualized education program (IEP);

- b. Restraints identified by an IEP team as appropriate for a student to enhance his/her participation in learning activities;
- c. Vehicle safety restraints used in accordance with federal regulations;
- d. Restraints employed in school settings by law enforcement officers that are used in accord with their policies and appropriate professional standards.

6. Prohibited Uses of Physical and Mechanical Restraints

- a. Physical and mechanical restraints placing excess pressure on the chest or back or impeding the ability to breathe or communicate are prohibited.
- b. Use of mechanical restraint by a staff member who has not been trained is prohibited, except when the case presents extreme danger to the student or to others and the restraint is not:
  - i. Out of proportion to the danger, age, and physical condition of the student; and
  - ii. Used to prohibit reasonable access for the care of the student's bodily needs.
- c. Restraints that provide support to a student's orthopedic needs shall not be used as a means of punishment for noncompliant behaviors.
- d. No policy or practice shall limit the use of restraints to disabled students.

E. Training in Uses of Seclusion and Restraint

- 1. Personnel using seclusion and restraint must receive training in the use of these procedures.
- 2. Training should recur as needed with updates that are appropriate to the school setting and to the age and developmental level of students.
- 3. Training must include information about commonly accepted standards for the use of seclusion and restraint in a school setting.
- 4. Training must include information about the effects of medications students may be receiving and how seclusion and restraint procedures might affect the physical well-being of the student.
- 5. Training must include multiple methods for monitoring a student's well-being during a restraint.
- 6. Training must include certification in First Aid and cardiopulmonary resuscitation (CPR) in the event of an emergency.
- 7. Training must address the requirements for reporting incidents of crisis management to parents and administration.

## SECTION 1.41 STUDENT DISCIPLINE

Appropriate behavior is a prerequisite to learning. Therefore, each student must conduct himself/herself properly and in accordance with school rules, regulations, and policies at all times. Each employee of the School is responsible for helping to enforce proper student conduct.

Cooperation between parent(s), legal guardian(s) (hereinafter “parents”) and the School is essential to positive, effective student discipline. To facilitate and further this cooperation, the School will:

1. Inform parents of situations that may be developing prior to the need for disciplinary action whenever possible.
2. Develop and distribute to parents clearly stated discipline policies, rules, and regulations.

Students must accept responsibility for their conduct. The School will assist parents whenever possible by recommending services and agencies that may be of assistance in correcting unacceptable student behavior. However, ultimately parents must assume the responsibility for the conduct of their children.

The following infractions are considered unacceptable and a cause for disciplinary action. The following infractions are broad in scope and call for the administration and/or Board to exercise discretion (within the law and policies) based upon the facts and circumstances of individual cases and in terms of what appears best for the students and School. This list is intended as a guide and serious of example concerning discipline, which may result from inappropriate conduct. Any action, which is disruptive to the orderly operation of the school or its activities, and any action, which threatens the health, safety, or property of a student or other, will be cause for discipline as the school administration finds appropriate.

The following table suggests discipline, which may result from violations in the first, second, third or the fourth offense. When deciding what disciplinary action should result from a student's actions, the administration will consider the student's age, previous conduct, attitude, and severity of the offense. While disciplinary action will generally occur in a progressive manner based upon disciplinary history, a very serious offense may result in serious discipline the first time it occurs. In addition, any incident, which is hate, related will be considered a more serious offense.

### Behavior Matrix – Discipline Plan

The listed below are followed for all behavior referrals. This ensures equity and fairness in all situations. It is the intent of all disciplinary actions to treat students with respect and dignity.

### Behavior Matrix                      Discipline Levels and Consequences

<i>Group Offenses</i>	<i>1<sup>st</sup> Offense</i>	<i>2<sup>nd</sup> Offense</i>	<i>3<sup>rd</sup> Offense</i>	<i>4<sup>th</sup> Offense</i>
<b><u>Level 1</u></b> <b><u>INFRACTIONS:</u></b> <i>Profanity</i> <i>Insubordination</i> <i>Class Nuisance</i> <i>Lying/Cheating</i> <i>Truancy</i> <i>Electronic Device</i> <i>Excessive Tardiness</i> <i>Misbehavior on Bus</i>	Verbal Warning     Notify the Parents	Written Warning     Written Parent Notification	1 to 3 day in-school suspension   Mandatory parent conference prior to return to school  Counseling	

<b><u>Level 2</u></b> <b><u>INFRACTIONS:</u></b> <i>Slander</i> <i>Verbal Abuse</i> <i>Vandalism</i> <i>Theft</i> <i>Graffiti</i> <i>Gang Related Activity</i> <i>Destruction of School Property</i> <i>Discharging Fire Extinguisher</i> <i>AWOL</i> <i>LWOP – Ditching Constant Class Nuisance / Disruption</i>	Security will be called (SRO)  Police <i>may be</i> notified  Mandatory parent conference prior to return to school  One day suspension  Counseling  Behavior Contract	Three days out of school suspension  Mandatory parent conference prior to return to school  Counseling  Modify Behavior Contract	Five to ten day out of school suspension  Mandatory parent conference prior to return to school  Counseling  Modify Behavior Contract\  Refer to Social Services or Mental / Behavioral Health	
<b><u>Level 3</u></b> <b><u>INFRACTIONS</u></b> <i>Fighting/Physical Assault</i> <i>Fighting/Bullying and Cyber Threat</i> <i>Possession / Distribution of Alcohol/Drugs</i> <i>Under the Influence of Alcohol/Drugs</i> <i>Threatening students or staff;</i> <i>Possession of Weapons</i> <i>Sexual Assault</i> <i>Sexual Harassment</i> <i>Arson</i> <i>Bomb Threats</i> <i>Pulling False Fire Alarms</i> <i>Hate Crime</i>	Police will be notified  Parent notification  Three day Out of school suspension  Mandatory parent conference prior to return to school, three day suspension  Counseling  Behavior contract	Police will be notified  Parent notification  Five day out of school suspension  Mandatory parent conference prior to return to school,  Counseling  Modify Behavior contract  Refer to Social Services or Mental/Behavioral Health	Police will be notified  Parent notification and two days suspension  10 day out of school long term suspension	Administration reserves the right to Recommend expulsion depending on the severity of the incident, for the safety of all students and staff.



## **SECTION 1.42 PROHIBITION OF HARASSMENT, INTIMIDATION AND BULLYING**

### **A. Purpose**

The Board prohibits acts of harassment, intimidation or bullying.

A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying, and like other disruptive or violent behaviors, is a conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Since students learn by example, Principals, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

### **B. Definition of Harassment, Intimidation or Bullying**

"Harassment, intimidation or bullying" means any gesture or written, verbal or physical act that takes place on school property, at any school-sponsored function or on a school bus and that:

Is motivated by:

- a. Any actual or perceived characteristic, such as race, color, religion, ancestry, national, origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or,
- b. Any other distinguishing characteristic; or
- c. The desire to or which has the effect of exercising or imposing undue and inappropriate power, authority, influence and/or control over another.

And which:

- a. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or
- b. Has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school or the students' health, safety and welfare.

### **C. Expected Behavior**

The Board expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/guardians, staff and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff and community members.

The Board believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences on their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problem and encourage students' abilities to grow in self-discipline.

### **D. Discipline**

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, several factors will be considered including, but not limited to, the

developmental and maturity levels of the parties involved, the level of harm, the surrounding circumstances, the nature of the behaviors, past incidences or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the case law, Federal and Navajo Nation law and custom, regulations and policies, and school policies and procedures. Consequences and appropriate remedial action for students who commit acts or harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion.

**E. Recommended Penalties for Violation of this Section, Actual Penalty may Differ Depending on Facts and Circumstances**

**Refer to Behavior Matrix – Discipline Plan**

**F. Requirement to Report Incidents of Harassment, Intimidation or Bully**

The Principal or the Principal's designee is responsible for receiving complaints alleging violation of this policy. All school employees are required to report alleged violations of this policy to the Principal or the Principal's designee. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy. While submission of a written report is not required, the reporting party is encouraged to do so. Oral reports also shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely based on an anonymous report.

**G. Investigation**

The Principal and/or the Principal designee are responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the Principal and/or the Principal's designee shall conduct a prompt, thorough and complete investigation of the alleged incident.

**H. Response to Allegations**

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school level or by law enforcement officials.

The consequences and appropriate remedial actions for students who commit an act of harassment, intimidation or bullying, range from positive behavioral interventions up to and including suspension or expulsion.

In considering whether a response beyond the individual level is appropriate, the Principal or the Principal's designee will consider several factors including, but not limited to, the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

**I. Prohibition Against Retaliation**

The school prohibits reprisal or retaliation against any person who reports and act of harassment, intimidation or bullying. The Principal or the Principal's designee shall determine the consequence and appropriate remedial action for a person who engages in reprisal or retaliation after consideration

of nature and circumstances of the act, in accordance with case law, federal and state statutes and regulations and school policies and procedures.

**J. False Accusations**

Consequences and appropriate remedial action for a student found to have falsely accused another of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another of harassment, intimidation or bullying shall be disciplinary action for a visitor or volunteer, found to have falsely accused another of harassment, intimidation or bullying shall be determined by the Principal or the Principal's designee after consideration of the nature and circumstances of the act, including reports to appropriate Law enforcement officials.

### **SECTION 1.43 PERMISSIBLE PENALTIES**

The range of penalties that may be imposed for violations of student discipline rules include, but are not limited to, the following:

1. Verbal warning/notification to parents.
2. Written warning/conference with parents.
3. In-school suspension (length contingent on infraction)
4. Out-of-school short-term suspension (not to exceed ten (10) days)
5. Out-of-school Long-term suspension (greater than ten (10) days)
6. Expulsion by the Governing Board presented by the Principal (permanent removal of a student from KDLO for remainder of the year. Only the Governing Board may reinstate or approve re-enrollment).

Loss of privileges will accompany written warnings/notifications and infractions warranting higher penalties. A non-inclusive list of privileges that may be revoked are sports activities, trips, student council, clubs, other school activities, social contact and other extracurricular activities for one month.

Depending upon the nature of the violation, student discipline may be progressive, i.e., a student's first violation could merit a lighter penalty than the subsequent violations. A School employee should take into account all other relevant factors in determining an appropriate penalty, including, but not limited to, the following: the seriousness of the offense, the number of violations, the repetitiousness of the violations, and whether there are any aggravating or mitigating circumstances surrounding the violations. A written warning may be issued to the student together with any other penalty. For example, a student may receive a written warning and a short-term suspension.

### **SECTION 1.44 IMPOSITION OF DISCIPLINE**

Any teacher with responsibility to supervise students may impose discipline described in Category I and Category 2 of Section 1.43 above. Only the Principal, Head Teacher or their designee may impose Category 3 and Category 4 disciplines. Only the Board, upon recommendation of the Principal, may impose Category 5 and 6 discipline as described in Behavior Section 1.43. Principal Reports of lesser disciplinary action imposed by other staff persons will be forwarded to the Principal or designee.

### **SECTION 1.45 GENERAL DUE PROCESS RIGHTS**

Individual students at KDLO have, and shall be accorded the following due process rights in accordance with 25 CFR § 42 et seq; a copy of which is attached as Appendix AA to this policy. The School may also address an academic concern, behavioral concern or an alleged violation through the Alternative Dispute Resolution ("ADR") process described in 25 CFR § 42.4. The school must not use ADR processes in any of the following circumstances:

- a. Where the offense requires immediate expulsion;
- b. For a special education disciplinary proceeding where use of ADR would not be compatible with the Individuals with Disabilities Education Act (Pub. L. 105-17); or
- c. When all parties do not agree to using ADR processes.

**A. Discipline Which Involves Short-Term Suspension of 10 Days or Less**

1. No suspension will be made without giving the student an informal hearing by the Principal. This will include a review of the charges and an opportunity for the student to be heard.
2. After the student has had an informal opportunity to discuss the matter with the Principal, the Principal will decide whether the discipline will be imposed. The decision of the Principal or his/her designee is final.
3. The parent/guardians of the student are to be notified by mail of the suspension, with the notice being mailed within 24 hours of the suspension. The Principal will also attempt to notify the parent/guardian by telephone.
4. The discipline shall be recorded in the student's file.
5. The intention of this section is to allow the accused student an informal opportunity to be heard before discipline is actually imposed on the student. Where appropriate, necessary or due to urgent circumstances, discipline may be imposed prior to an informal opportunity to be heard or reviewed by the Principal. In such urgent situations, the student will, shortly after the imposition of the penalty, be given an opportunity for an informal hearing with the Principal and an opportunity to be heard.

**B. Long-Term Suspension/Expulsion**

1. When the intended discipline involves a long-term suspension of more than ten (10) days from the School or expulsion of the student from the School, the student is entitled to a hearing, unless the student's parent or guardian chooses to waive entitlement to a hearing. The student must be provided with written notice of the charges within a reasonable time prior to a hearing. Said written notice shall consist of notice of the charges, including reference to the regulation allegedly violated, the facts alleged to constitute the violation, copies of the School policy or policies allegedly violated and copies of any and all pertinent documents or exhibits that the School intends to use at the long-term suspension/expulsion hearing.
2. A fair and impartial hearing will be granted to the student prior to the imposition of disciplinary action, absent the actual existence of an emergency situation seriously and immediately endangering the health or safety of the student or others. In an emergency situation, short-term suspension may be imposed, but the Principal shall immediately thereafter report in writing the facts (not conclusions) giving rise to the emergency and shall afford the student a hearing which fully comports with due process, as described herein, as soon as practicable thereafter.
3. The above hearing shall be conducted by an independent hearing officer. The staff member, or his/her designee, recommending the long-term suspension/expulsion shall represent the School in presenting the School's case against the student. The student has a right to be represented by his/her parents or legal guardians or, at the student's and student's parent's or guardian's sole expense, to be represented by legal counsel or a legal advocate. The School may also be assisted by legal counsel. At the student's or student's parent's or legal guardian's request, and at the sole discretion of the School, said hearing may be delayed. The student, at the School's discretion and without a hearing, may be removed from the School during any such delay.
4. The hearing shall be tape recorded and a copy of the tape shall be retained for three (3) years following the close of that current school year.
5. The School, through the staff member or designee recommending said expulsion, shall present all testimony and evidence, including witnesses and documentary evidence against the student. The student and/or his/her representative shall have a right to cross-examine each witness introduced by the School staff member.
6. After the School has presented its case, the student through his/her parent and/or legal guardian and/or his/her legal representative shall have a right to present witnesses and testimony and documentary evidence on the student's behalf. The School through the staff member or designee shall have the right to cross-examine the student's witnesses.
7. The hearing will be confidential. All students' names and/or student witnesses that may testify at such a hearing shall be kept confidential. It is the intent of the School to maintain and protect the privacy of its students and student testimony will not be made public. Likewise, student's names and any public documents shall be referred to by a number or an alias so as to protect the confidentiality of the student.

8. After reviewing all the evidence and testimony, the Hearing Officer shall make its recommendation to impose discipline in writing and provide findings of fact and reasons for its recommendation.
9. The Hearing Officer's written recommendation must be submitted to the Principal within five (5) school days of the conclusion of the hearing. The Principal shall review the written recommendation and may do the following: (a) affirm the Hearing Officer's recommendation and refer to the Board; (b) reject the Hearing Officer's recommendation; (c) modify the Hearing Officer's recommendation and impose a lesser discipline on the student pursuant to the procedures for said lesser discipline. The Principal must make his/her determination within three (3) school days of receiving the Hearing Officer's decision.
10. If the Principal affirms the Hearing Officer's recommendation for long-term suspension/expulsion, then the Principal's recommendation and the written recommendation of the Hearing Officer shall be delivered to the Board for consideration at its next scheduled meeting and mailed to the student and his/her parents and/or legal guardians. The mailing to the student and his/her parents/legal guardians shall include a statement setting forth the student's right to appeal this decision. This notice shall be mailed to the student and parents/legal guardians' address of record at the School and within three (3) school days of the Hearing Officer's submission of the decision to the Principal.
11. If the student chooses to appeal the recommendation for long-term suspension/expulsion, the student may appeal the recommendation to the Board. Said appeal must be in writing and delivered to the Board at the School office within five (5) days of the mailing of the Hearing Officer's recommendation on the long-term suspension or expulsion. The letter shall describe in detail the reasons for the objections to the Hearing Officer's recommendation.
12. Once the Board has received the recommendation and/or request for an appeal, the Board shall review the recommendation based upon the record presented and written documents presented at the hearing.
13. After reviewing the record, the Board has a right to do the following:
  - a. The Board can affirm the recommendation and order the long-term suspension or expulsion.
  - b. The Board can reject the recommendation.
  - c. The Board can modify the recommendation and impose a lesser discipline on the student.
14. The decision of the Board is final.
15. Expungement

Allegations of misconduct and information pertaining to the allegations of misconduct shall be expunged from a student's school record in the event it is found that the student did not commit the violations of laws, rules or policies as alleged.

#### **Appendix AA – 25 CFR § 42 et seq.**

##### **§ 42.1 - What general principles apply to this part?**

1. This part applies to every Bureau-funded school. The regulations in this part govern student rights and due process procedures in disciplinary proceedings in all Bureau-funded schools. To comply with this part, each school must:
  - a. Respect the constitutional, statutory, civil and human rights of individual students; and
  - b. Respect the role of Tribal judicial systems where appropriate.
2. All student rights, due process procedures, and educational practices should, where appropriate or possible, afford students consideration of and rights equal to the student's traditional Native customs and practices.

##### **§ 42.2 - What rights do individual students have?**

Individual students at Bureau-funded schools have, and must be accorded, at least the following rights:

1. The right to an education that may take into consideration Native American or Alaska Native values;
2. The right to an education that incorporates applicable Federal and Tribal constitutional and statutory protections for individuals; and
3. The right to due process in instances of disciplinary actions.

##### **§ 42.3 - How should a school address alleged violations of school policies?**

1. In addressing alleged violations of school policies, each school must consider, to the extent appropriate, the reintegration of the student into the school community.
2. The school may address a student violation using alternative dispute resolution (ADR) processes or the formal disciplinary process.
  - a. When appropriate, the school should first attempt to use the ADR processes described in § 42.4 that may allow resolution of the alleged violation without recourse to punitive action.
  - b. Where ADR processes do not resolve matters or cannot be used, the school must address the alleged violation through a formal disciplinary proceeding under § 42.7 consistent with the due process rights described in § 42.7.

#### § 42.4 - What are alternative dispute resolution processes?

Alternative dispute resolution (ADR) processes are formal or informal processes that may allow resolution of the violation without recourse to punitive action.

1. ADR processes may:
  - a. Include peer adjudication, mediation, and conciliation; and
  - b. Involve appropriate customs and practices of the Indian Tribes or Alaska Native Villages to the extent that these practices are readily identifiable.
2. For further information on ADR processes and how to use them, contact the Office of Collaborative Action and Dispute Resolution by:
  - a. Sending an e-mail to: [cadr@ios.doi.gov](mailto:cadr@ios.doi.gov); or
  - b. Writing to: Office of Collaborative Action and Dispute Resolution, Department of the Interior, 1849 C Street NW., MS 5258, Washington, DC 20240.

#### § 42.5 - When can a school use ADR processes to address an alleged violation?

1. The school may address an alleged violation through the ADR processes described in § 42.4, unless one of the conditions in paragraph (b) of this section applies.
2. The school must not use ADR processes in any of the following circumstances:
  - a. Where the Act requires immediate expulsion (“zero tolerance” laws);
  - b. For a special education disciplinary proceeding where use of ADR would not be compatible with the Individuals with Disabilities Education Act (Pub. L. 105-17); or
  - c. When all parties do not agree to using alternative dispute resolution processes.
3. If ADR processes do not resolve matters or cannot be used, the school must address alleged violations through the formal disciplinary proceeding described in § 42.8.

#### § 42.6 - When does due process require a formal disciplinary hearing?

Unless local school policies and procedures provide for less, a formal disciplinary hearing is required before a suspension in excess of 10 days or expulsion.

#### § 42.7 - What does due process in a formal disciplinary proceeding include?

Due process must include written notice of the charges and a fair and impartial hearing as required by this section.

1. The school must give the student written notice of charges within a reasonable time before the hearing required by paragraph (b) of this section. Notice of the charges includes:
  - a. A copy of the school policy allegedly violated;
  - b. The facts related to the alleged violation;
  - c. Information about any statements that the school has received relating to the charge and instructions on how to obtain copies of those statements; and
  - d. Information regarding those parts of the student's record that the school will consider in rendering a disciplinary decision.

2. The school must hold a fair and impartial hearing before imposing disciplinary action, except under the following circumstances:
  - a. If the Act requires immediate removal (such as, if the student brought a firearm to school) or if there is some other statutory basis for removal;
  - b. In an emergency situation that seriously and immediately endangers the health or safety of the student or others; or
  - c. If the student (or the student's parent or guardian if the student is less than 18 years old) chooses to waive entitlement to a hearing.
3. In an emergency situation under paragraph (2)(b) of this section, the school:
  - a. May temporarily remove the student;
  - b. Must immediately document for the record the facts giving rise to the emergency; and
  - c. Must afford the student a hearing that follows due process, as set forth in this part, within ten days.

§ 42.8 - What are a student's due process rights in a formal disciplinary proceeding?

A student has the following due process rights in a formal disciplinary proceeding:

1. The right to have present at the hearing the student's parents or guardians (or their designee);
2. The right to be represented by counsel (legal counsel will not be paid for by the Bureau-funded school or the Secretary);
3. The right to produce, and have produced, witnesses on the student's behalf and to confront and examine all witnesses;
4. The right to the record of the disciplinary action, including written findings of fact and conclusions;
5. The right to administrative review and appeal under school policy;
6. The right not to be compelled to testify against himself or herself; and
7. The right to have an allegation of misconduct and related information expunged from the student's school record if the student is found not guilty of the charges.

§ 42.9 - What are victims' rights in formal disciplinary proceedings?

In formal disciplinary proceedings, each school must consider victims' rights when appropriate.

1. The victim's rights may include a right to:
  - a. Participate in disciplinary proceedings either in writing or in person;
  - b. Provide a statement concerning the impact of the incident on the victim; and
  - c. Have the outcome explained to the victim and to his or her parents or guardian by a school official, consistent with confidentiality.
2. For the purposes of this part, the victim is the actual victim, not his or her parents or guardians.

§ 42.10 - How must the school communicate individual student rights to students, parents or guardians, and staff?

Each school must:

1. Develop a student handbook that includes local school policies, definitions of suspension, expulsion, zero tolerance, and other appropriate terms, and a copy of the regulations in this part;
2. Provide all school staff a current and updated copy of student rights and responsibilities before the first day of each school year;
3. Provide all students and their parents or guardians a current and updated copy of student rights and responsibilities every school year upon enrollment; and
4. Require students, school staff, and to the extent possible, parents and guardians, to confirm in writing that they have received a copy and understand the student rights and responsibilities.

§ 42.11 - Information collection.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This part in §§ 42.6, 42.7, and 42.9 contains collections of information subject to the PRA. These collections have been approved by OMB under control number 1076-0163.

#### **SECTION 1.46 DISCIPLINE OF SPECIAL EDUCATION STUDENTS**

All disciplinary action relative to special education students must be taken Pursuant to 34 C.F.R. § 300.519 through 300.529, references therein and amendments thereto. Copies of the above CFRs shall be kept by Special Education Coordinator and provided to the staff as needed. It shall be the duty of the Special Education Coordinator of the school to review said CFRs in January of each year and to supplement and amend these attachments as necessary to maintain their currency.

It should be noted that in general, removal of a child with disability from the child's current educational placement for more than ten (10) consecutive school days and/or a series of removals that constitute a change of placement. The procedures set forth in 34 C.F.R 300.519 through 300.529 must take place prior to the expiration of that time. It shall be the duty of the Special Education Coordinator to ensure that the appropriate procedures take place in a timely manner

It shall be the duty of the Special Education Teacher to ensure that the appropriate procedures take place in a timely manner.

Special procedures for cases involving guns, dangerous weapons, and controlled substances are set forth in the above-noted CFR provisions.

#### **SECTION 1.47 REMOVAL FROM SCHOOL FACILITIES**

Before a student is removed from the school facilities, the following must be done:

1. Notify parent(s) and agency of emergency removal by home visit or such other reasonable means available and follow such notification with written notice as soon as practical.
2. If contact with parent(s) cannot be made, the student is not to be allowed to leave the School facilities unless an alternative, appropriate placement is available.
3. If law enforcement is involved, parent(s) will be notified.

#### **SECTION 1.48 INCIDENT REPORT PROCEDURES**

It is the obligation of every staff member to know the contents of this Manual regarding Student Rights and Responsibilities and to correct incidents of student misconduct and behavior if deemed necessary to promote discipline and to issue Student Discipline reports to any student observed violating this code.

1. Incident reports are to be filled out by the person(s) who witness and/or report the violation(s).
2. A staff member who witnesses the violation is to inform the student of his/her misconduct and let the student know what rule is being violated.
3. All of the information required by the incident report form is to be filled out.
4. Signing of the incident report by the student is an acknowledgement of receipt of the report by the student and is not an admission of guilt. Students are to be told this.
5. If the student refuses to sign, the incident report should be signed by someone witnessing the fact that the student received the report and immediately process it on to Principal or designee
6. It is recommended that statements be obtained from students, particularly the statements of the student or students charged, and especially in serious situations such as fighting.
7. If a student wishes to contest the facts on an incident report, the student will have three (3) days to appeal the incident report to the Principal in writing.



8. It is the responsibility of the Principal or designee to review and evaluate the incident report with the student and determine if the incident report will be changed or stand as written. If the incident report stands, it will be processed to the Head Teacher and student file. If the incident report is modified, the modified incident report will be processed to the Principal and student file. The decision of the Principal or designee is final.
9. A copy of the incident report will be distributed as follows:
  - a. Office/Principal (a copy goes into the student file folder)
  - b. Teacher
  - c. Parent/student
  - d. NASIS Student file
10. Incident reports will be mailed out as soon as possible within the same week.
11. A cover letter will accompany the mailed copies of incident reports to parents and will include:
  - a. Name of school official whom the parent may contact for information
  - b. The School's phone number
  - c. Title of person sending copies
  - d. Explanation of the incident report (how to read it, and what it means)
12. Duplication of incident reports for the same violation is not permitted and will be screened by the Principal before filing in student folder.
13. All appeals will be sent to the Principal or for filing in the student folder and an explanation will be sent with the copy to the parent.
14. The Principal or designee reserves the right to determine the validity of improperly filled out incident reports and will make that decision before filing in student folders.

## **SECTION 1.49 CONFIDENTIALITY OF STUDENT RECORDS**

### **1. General Policy**

It is the policy of the School and, therefore, the duty of all employees, agents, representatives and students of the School to respect and protect the privacy of all students and student records to the fullest extent possible within the law and to the degree possible given the informational needs in performing the educational mission of the School. Violations of these policies are grounds for disciplinary action.

### **2. Confidentiality**

Disclosure of student education records will be made in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232(g) and corresponding Federal Rules and Regulations set forth in 34 CFR 99, as well as the requirements under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq. and corresponding Federal Rules and Regulations set forth in 34 CFR 300.500. The making, maintenance and keeping of student records shall comply with 25 CFR 43 as applicable.

If a parent of a student or an eligible student has reason to believe that a violation of FERPA has occurred, that person should immediately contact a school official. Any alleged violation will be immediately investigated by the School and corrective measures will be taken as necessary. The person also has the right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C., 20202-4605. Copies of these policies and procedures will be available to a parent or eligible student at the office.

### **3. Definitions**

- a. **Dependent Student.** Any student who has not become eighteen (18) years of age.
- b. **Education Record.** All records which are directly related to the student and which are maintained by the School or an employee on behalf of the School. Not included are:

- i. Records by instructional, supervisory and administrative personnel which are kept in the sole possession of these individuals and are not revealed to any other person except a temporary substitute for the maker of the record.
  - ii. Records of the law enforcement unit of the School.
  - iii. Records made and maintained in the regular course of business and relating to the employment of a student who is employed by the School and whose employment is unrelated to the individual's status as a student.
  - iv. Records of a student eighteen (18) years or older or who is attending a post-secondary institution when those records are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with treatment of the student and are disclosed only to individuals providing such treatment. This does not include remedial educational activities or activities that are part of the educational program of the School.
  - v. Records containing information about an individual after (s)he is no longer a student at the School.
- c. Eligible student. A student who has reached eighteen (18) years of age or is attending a post-secondary school.
  - d. Parent. A natural parent of a student, regardless of whether that parent has custodial rights to the child, unless the School has been provided with evidence of a court order, state statute or other legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights; a guardian or an individual acting as a parent in the absence of a parent or guardian.
  - e. Personally Identifiable Information. This includes, but is not limited to, the following:
    - i. The student's name;
    - ii. The name of the student's parent or other family member;
    - iii. The address of the student or student's family;
    - iv. A personal identifier, such as the student's Social Security number or student number;
    - v. A list of personal characteristics that would make the student's identity easily traceable; or
    - vi. Other information that would make the student's identity easily traceable.
  - f. Student. Any individual who is or has been in attendance at the School and regarding whom the School maintains education records.

#### 4. Rights of Parents or Eligible Students

Parents, their designated representative, or eligible students have the right to be provided with an opportunity to inspect and review educational records within forty-five (45) days of the date such review is requested. In the case of a special education student, the School shall comply with the request without unnecessary delay and before any meeting regarding an IEP or any hearing relating to the identification, evaluation or educational placement or the provision of FAPE with respect to this student. If the requesting party is prevented by circumstances to review the record, the School will either provide a copy of the records or make other arrangements which will allow for an opportunity to inspect the records.

Parents or eligible students have the right to correct or amend the record if they believe that information contained in the record is inaccurate, misleading or in violation of FERPA. The School will decide within two (2) weeks whether or not the records should be amended. If the School determines that no amendment is appropriate, the parents are entitled to a hearing to challenge the School's decision.

Any hearing pursuant to this Section will be held within forty-five (45) days after the request has been made. Parents or eligible students will receive notice at least twenty (20) days prior to the hearing. Service of the notice shall be by personal delivery or certified mail, return receipt requested. The hearing will be conducted by a hearing officer who has no direct interest in the outcome of the hearing. Parents have the right to be represented by an attorney or other individuals at the parents' expense. The parents may present evidence and argument on all issues involved and have the right to cross-examine the witnesses. The hearing officer may make evidentiary rulings. Formal rules of evidence, such as are required in a judicial proceeding, need not be followed. The hearing will be confidential. The hearing officer's decision will be based solely on the evidence and will be issued within twenty (20) days after the conclusion of the hearing. The School will take appropriate action based on the recommendation of the hearing officer.

Parents or eligible students have a right to be notified of their right under FERPA and of the procedures thereunder. The School will provide a Notice to Parents and Eligible Students within the first two (2) weeks of each school year and to the parents of each newly enrolled student or eligible student thereafter. A copy of the Notice which is to be sent is attached hereto and made a part hereof as Appendix A to this Section. In the event that the home language of the parent or eligible student is not English, the School will either provide a written notice in the home language of the parent or eligible student or will communicate the information orally by means of an interpreter.

When a record contains information about students other than a parent's child or the eligible student, personally identifiable information regarding other students must be excised or blocked out. The parent or eligible student may not inspect and review the records of the other students.

#### 5. Fees

All records may be reviewed free of charge. The School may charge a reasonable fee for copying an education record at the request of a parent or eligible student.

No fee will be charged when the imposition of such a fee effectively denies access to the records by a parent or eligible student.

#### 6. Directory Information

The School will disclose directory information about a student without prior consent of the parent or eligible student. "Directory information" is such personally identifiable information contained in the record which the School does not consider harmful or an invasion of privacy if disclosed. The School hereby designates the following information as directory information:

- a. The student's name.
- b. The names of the student's parents.
- c. The student's address.
- d. The student's date of birth.
- e. The student's grade level.
- f. The student's extracurricular participation.
- g. The student's achievement awards or honors.
- h. The student's weight and height if a member of an athletic team.
- i. The student's photograph.
- j. The school or school district the student attended before enrollment in KDLO

The designation of directory information and the School's policy on disclosure of directory information will be provided to the parent or eligible student in the Notice to Parents or Eligible Students at the beginning of the school year or upon enrollment, if enrollment occurs during the school year. The Notice to be provided is attached hereto and made a part hereof as Appendix B to this Section.

Upon receiving the Notice, the parent or eligible student will have a period of two (2) weeks to object to the disclosure of all or part of the directory information. Any objection must be in writing. If no written objection is received during the specified time period, the School will assume that the parent or eligible student has consented to the disclosure of the directory information. The custodian of records shall indicate in each student's educational record whether or not the disclosure of directory information is permissible under this Section.

7. Access to Student Records by Persons Other Than Parents or Eligible Students Only By Consent

Except as specifically set forth herein, the School will release student education records only with a parent's or eligible student's prior written consent or as required by law. A copy of the Consent form is attached hereto and made a part hereof as Appendix C to this Section. At a minimum, the consent must include a description of the specific records to be released, the purpose or reasons for the disclosure, the person or organization to whom the records shall be released, the signature of the parent or eligible student, the date the consent is signed and the period of time for which the consent is valid.

8. Release of Records Where No Consent is Required

The Principal or a person authorized in writing by the Principal may release student education records without consent by the parent or eligible student under the following circumstances:

- a. To School officials with a legitimate educational interest.
  - i. A "legitimate educational interest" is a person's need to know in order to properly perform a necessary administrative task or to perform a necessary task directly related to the student's education or to perform a service or benefit for the student or the student's family.
- b. To another school where student intends to enroll.
- c. To organizations conducting studies to develop, validate or administer predictive tests, improve instruction and administer student aid programs as long as:
  - i. The study does not disclose personal identification of parents and student, and
  - ii. Information is destroyed after conducting the study.
- d. To state and local officials, pursuant to state law, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.
- e. To accrediting organizations to carry out their accreditation functions.
- f. To parents of a dependent student as defined by section 152 of the Internal Revenue Code.
- g. Pursuant to a judicial order or subpoena provided that the School has made a reasonable effort to notify parents/eligible student so that they may seek protective order, unless disclosure is in compliance with:
  - i. A federal grand jury subpoena and the court has ordered that the information furnished in response to the subpoena not be disclosed, or
  - ii. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the information furnished in response to the subpoena not be disclosed.
- h. Health/Safety Emergency:
  - i. The School may disclose personally identifiable information to appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals. The School will determine the existence of such an emergency by considering the following criteria: Whether the person to whom the information is to be disclosed is qualified and able to deal with the emergency; whether the information is necessary for a prompt resolution of the emergency; whether the seriousness

of the threat to health and safety of students or other individuals warrants the disclosure of the information.

- i. The School may include in a student's educational records disciplinary actions taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the School community.
- j. May disclose such information to teachers and School officials who have a legitimate educational interest in the student's behavior.
- k. May disclose such information to teachers and School officials in other schools if they have a legitimate educational interest in the student's behavior.
- l. The disclosure is to the parent of a student or to the eligible student.
- m. The disclosure is information which has been designated by the School as "directory information" and the procedures regarding disclosure of directory information have been followed.

9. Conditions Relative to Special Education Student Records Only

Records of students in special education programs will be kept by specifically designated School employees who will receive training in the confidentiality policies and procedures required in the collection, storage, disclosure and destruction of student records. The School shall maintain, for public inspection, a current listing of the names and titles of all employees who have access to personally identifiable information.

Parental consent must be obtained (1) before personally identifiable information is disclosed for any purpose other than meeting a requirement under this section (i.e., legitimate educational interest) or (2) if the information is to be disclosed to anyone other than officials of participating agencies who collect or use the information under IDEA or (3) whenever disclosure with parental consent is required under FERPA. The School shall inform the parents when personally identifiable information is no longer needed to provide educational services to the child. If the parent so requests, the information will be destroyed. However, basic identifying data, attendance data and academic data may be retained by the School.

10. Records of Access Requests

The School will keep a log of all access requests with each student record. The log will include the name of the individual or organization making the request; the purpose or reasons for the request; the date of the request and whether or not the request was granted. The log will be maintained as long as the student's education record is maintained by the School.

If the School releases information to third parties with the understanding that the requesting party will disclose the information to additional parties, then the log must also include the names of the additional parties and the legitimate interests which each of these additional parties has in obtaining that information.

No record will be kept if the request was made by:

- a. The parent or eligible student.
- b. An authorized School official with a legitimate educational interest.
- c. A party who has the written consent of the parent or eligible student
- d. A party seeking directory information.
- e. A party seeking the records pursuant to a Federal grand jury or other law enforcement subpoena and the Court has ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

11. Destruction of Student Records

Records other than those containing basic identifying data, attendance data and academic data will be destroyed after two (2) years.

## 12. Notice to be Placed on Records Released

All records released to any party outside of the School shall have attached to every page, or placed upon every page, a notice stating:

*“This student record is released to you on the specific condition that you will not permit any other party to have access to the information contained herein without the specific written consent of KDLO.”*

The School shall not consent to such secondary access unless and until the eligible student or the parent of the dependent student shall have executed a consent to such secondary access in writing.

## 13. Standards for Creation of Student Records

- a. Student records shall contain only information concerning a student which is relevant and necessary to the accomplishment of the educational and personal welfare of the student and is authorized by law.
- b. Student records which are used to make any determination concerning a student shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the student.
- c. Information which is or may be used in determining a student’s rights, benefits or privileges under any program, grant or contract, shall be collected directly from the student or his or her parent, to the greatest extent possible.

## 14. Secure Maintenance of Records

- a. All student records shall be maintained with appropriate administrative, physical or technical safeguards to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any student on whom such information is maintained.
- b. All permanent student records shall be kept and maintained in a locked container under the direct and immediate supervision and control of the Principal or designee.
- c. Temporary student records and copies of permanent student records shall be kept and maintained by the Principal or designee.
- d. All student records which are physically maintained in written form shall be so maintained subject to the following safeguards:
  - i. All areas in which the student records are maintained or regularly used shall be posted with a warning set forth in Appendix D to this Section.
  - ii. During working hours, the area in which the student records are maintained or used shall be occupied by authorized personnel, or access to the student records shall be restricted by their storage in locked metal file cabinets or a locked room.
  - iii. During non-working hours, access to the student records shall be secured and restricted by their storage in locked metal file cabinets or a securely locked room to which no keys are available but to authorized personnel.
  - iv. All student records which are electronically stored in a computer system, shall be maintained in a manner by which access shall be restricted by physical lockout of the computer or by access which is limited to a password known or available only to authorized personnel. All student records, so kept or maintained in a computer system, shall be recorded daily on a computer floppy disk, which shall be maintained with the same security required for physical records.
  - v. All authorized personnel shall be, not less than annually, provided with a review of the security requirements contained herein by the Principal or his or her designee.

15. Standards of Conduct for Authorized Employees

- a. No employee may disclose the information contained in, or provide or permit access to, student records unless that disclosure or access is permitted by this Manual or is made to the parent of a dependent student or to an eligible student to whom the record pertains.
- b. Every employee whose duties require or permit handling of student records shall, at all times, take care to protect the integrity, security and confidentiality of student records.
- c. No employee may alter or destroy a student record unless:
  - i. Alteration or destruction is properly undertaken in the course of the employee's regular duties or is specifically authorized by the Principal.
  - ii. Alteration or destruction is required by order of a court of competent jurisdiction.

**SECTION 1.50 RECORDS RETENTION**

Student records must be kept in compliance with all applicable federal and tribal statutes, regulations or grant conditions. Where there are no such statutes or regulations KDLO shall use the records retention and disposition schedule in *Records Retention and Disposition for Arizona School Districts*. 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 KDLO. KDLO affirms its sovereignty and uses the above referenced Arizona material as a model and protocol it adopts, not as law that is controlling. This action shall in no way subject KDLO to the jurisdiction of Arizona courts or the application of Arizona law.

## **APPENDIX A**

### **Notice to Parents and Eligible Students**

Dear Parent/Eligible Student:

If you need to have this letter translated, please contact the Principal.

KDLO has established a written policy governing confidentiality of student records, pursuant to the Family Education Rights and Privacy Act, 20 U.S.C. §1232(g) and 34 C.F.R. Part 99 and the Individuals with Disabilities in Education Act, 20 U.S.C. §1400 et seq. 34 C.F.R. §300.500 et seq. Copies of the relevant policies are provided to the student. Additionally, copies are available in the administrative office.

The student records maintained by the School include identifying data, attendance data, and academic data as well as health data, incident reports and psychological evaluations and reports. These records are located at the administration office under the supervision of a designated School employee. Generally, these records are available to teachers and staff members working with a particular student and assist the teacher and staff member in providing appropriate educational services to the student. You have the right to inspect and review any and all educational records maintained by the School and pertaining to your child. If you would like to inspect and review your child's record or, in the case of an eligible student, if you would like to inspect and review your own record (except for medical and mental health records), you must submit a written request to the School administrative office. The School will comply with your request within a reasonable time but, in any event, within forty-five (45) days of the date of the request.

The School is not required to give an eligible student access to his/her mental health or medical records. However, the eligible student may have the records reviewed by a physician or other professional of the student's choice, with the written consent of the student.

The School will charge a reasonable copying fee unless the imposition of such a fee would prevent you from exercising your right to inspect and review the records. In extraordinary circumstances, when it is not feasible for you to come and inspect the records personally, the School will mail a copy of those records to you at the address provided by you.

If you believe that information contained in the records is inaccurate or misleading, you may request that the records be amended. Your request must be in writing, contain the specific information which you believe to be inaccurate or misleading and must contain the reasons why you believe the information is incorrect or misleading. If, after a review of the records, the School does not agree with your conclusion that the record should be amended, you have the right to request a hearing on that issue. The hearing will be conducted by an individual who does not have a direct interest in the outcome of the hearing.

The School has designated the following information as "directory information": student's name, address, telephone listing, date and place of birth, the names of the student's parents, the student's grade, the student's extracurricular participation, the student's achievement awards and honors, the student's weight and height, if a member of an athletic team, the student's photograph, the school or school district the student attended before enrollment at this School.

You have the right to refuse permission for the School to use the above-designated "directory information", or parts of it, with respect to your child. In that case, you must notify the school of your refusal, in writing, within two (2) weeks from the beginning of the school year, or if your child enrolls after the beginning of the school year, within two (2) weeks from the date of enrollment. NOTE: If the School does not receive written notification from you within this two (2) week period, the School will assume that it has your permission to use the above-designated information.

If you believe that the School is violating public school records policies and procedures, you should immediately contact a School official. The School will promptly investigate your complaint and take



corrective action, if necessary. You also have the right to file a complaint with the Family Educational Rights and Privacy Act Office in Washington, DC.

If your child is receiving special education and services, the School will inform you when personally identifiable information is no longer needed by the School to provide services to your child. This information will be retained by the School for a period of two (2) years after the date your child was last enrolled in the School.

NOTE: Although destruction of this information is the best protection against unauthorized and improper disclosure, these records may be needed in the future for social security or other benefits.

## APPENDIX B

### Notice of Directory Information

KDLO will be publishing directory information on students. As an eligible student or parent of a dependent student, you are entitled to notice of this intended publication and of the categories of information about you or your child that may be published as a part of that directory information.

It is not necessary that you provide your consent to the publication of this information. However, if you object to this information being included as it relates to you or your child, you may notify the Principal and that information will be excluded from publication. Below are the categories of information about you or your child that may be published.

*	Name	*	Address
*	Telephone listing	*	Date and place of birth
*	Major field of study	*	Activities and sports
*	Date(s) of attendance	*	Awards received
*	Tribal affiliation	*	Area affiliation
*	Agency affiliation	*	Chapter affiliation
*	Name of parent(s)	*	Sex
*	Grade classification		

If you have any questions, please give the Principal an opportunity to speak with you. You are welcome to call or visit at any time during regular business hours.

## **APPENDIX C**

### **CONSENT TO RELEASE OF INFORMATION**

I hereby authorize KDLO and consent to the release of the information specified below from the student records of:

I understand that the record or records of the above-named student to be released are as follows:

I understand that the reason or reasons for the release of this information are as follows:

I understand that this information/record will be released to the following party(ies) and to no other parties without my further express consent and authorization:

Signature of parent/guardian of eligible student

Date of consent

## **APPENDIX D**

### **Posted Area Notice**

**THIS IS AN AREA IN WHICH STUDENT RECORDS ARE MAINTAINED AND REGULARLY USED. ACCESS TO THOSE RECORDS IS LIMITED TO AUTHORIZED PERSONNEL.**

1. Personnel authorized to handle student records shall, at all times, take care to protect the integrity, security and confidentiality of student records.
2. No authorized personnel may disclose the contents of student records unless such disclosure is authorized by the Student Records Policy and Procedure Manual.
3. No authorized personnel may alter or destroy a student record unless:
  - a. Alteration or destruction is required by an authorized administrative decision by the Principal.
  - b. Alteration or destruction is required by the order of a court of competent jurisdiction.
4. Any person may be subject to a criminal penalty imposed by law for the unauthorized disclosure of student records.

Unauthorized disclosure, alteration or destruction of a student record may also be the subject of disciplinary action pursuant to the School's Policy and Procedure Manual.

## **SECTION 1.51 SEARCH AND SEIZURE POLICY**

Students possess the right of privacy of person as well as freedom from unreasonable search and seizure of property guaranteed by the Fourth Amendment of the U.S. Constitution. The individual right, however, is balanced by the School's responsibility to protect the health, safety, and welfare of all of its students and staff.

School employees may conduct searches when they have reason to suspect ("Reasonable Suspicion) that the health, safety, and welfare of students or staff may be in danger. Any school employee making a search or seizure will follow these guidelines:

1. General search of school property (including personal items found on school property) may be conducted at any time when there is reasonable cause for school employees to believe that something jeopardizes the School, staff, or students' health, safety, welfare and mission, or violates a law or a school rule is on school property. This search of school property may be made without the student being present.
2. Illegal items (firearms, weapons, drugs, alcohol) or other possessions reasonably determined to be a threat to the safety, security of others, or might possibly interfere with school purpose, may be seized by school employees.
3. Items, which are used to disrupt or interfere with the educational process, may be temporarily removed from a student's possession.
4. A student's back-pack, or belongings may be searched by School employees when there is reasonable basis to suspect that the student has on his/her person illegal items, items that may interfere with School or purposes, which may constitute evidence of the violation of a School rule, or which may present a danger to student or others. Searches should only be conducted with another staff person present and both staff persons should be of the same sex to be searched, unless exigent safety concerns require otherwise. Stop searches are not allowed except in the extreme case where there is an imminent extreme danger to the student or others. Law enforcement should be called to conduct highly intrusive searches.
5. The School maintains ownership of student lockers. The School may and will search student lockers on a periodic basis to protect the health, safety, and welfare of all students or to discover evidence of violations of school rules. General searches of lockers may be made without notice. The students should therefore adjust his/her expectations of privacy with respect to lockers accordingly. The personal footlockers or luggage items of students are subject to search if there is reasonable cause to believe that lockers or luggage contain illegal items, items that interfere with school purposes, or evidence of the violation of a school rule.
6. School employee may search motor vehicles parked on school property when there is reasonable cause to believe the health, safety, or welfare of students or others is in jeopardy, or when there is reasonable cause to believe that a search will reveal evidence of the violation of a school rule.

## **SECTION 1.52 STUDENT INTERROGATION-ARREST**

While the student is within the care or custody of the School, it is the responsibility of the School to make an effort to act on behalf of the parents with respect to interrogation by law enforcement officials. A parent may and a school staff person will be present during these interrogations, except when interviews are conducted by a child protective service worker pursuant to A.R.S. § 8-224(B) or similar Navajo Nation tribal or federal statute. Parents will be notified of any request by a police officer to interview their child, unless parents do not have a right to be present pursuant to applicable law.

When a student is taken into custody (arrested), the arresting officer shall be requested by the School to notify the student's parents or guardians. The arresting officer shall be responsible for the care and custody of the student and shall be responsible for reporting the arrest to the parents. However, the School personnel shall make every reasonable effort to ensure that parents have been notified of the fact that the student has been taken into custody. Personnel of the School shall cooperate with the police. When an arrest is formally made the School and its employees no longer exercise jurisdiction or control of the student.

### **SECTION 1.53 STUDENT GRIEVANCES**

Any student who has a grievance with a school staff member, absent a disciplinary matter, shall raise his/her grievance with the School official most directly involved with the circumstances giving rise to the grievance. If such an informal resolution is unsuccessful, then the student shall make an appointment to see the Principal for resolution for the grievance. The decision of the Principal is final. The student for disciplinary actions may not use grievance procedures. Disciplinary procedures and appeals are addressed under Student Discipline.

### **SECTION 1.54 CORPORAL PUNISHMENT PROHIBITED**

Corporal punishment is prohibited at Kin Dah Lichi'ii' Olta.' Corporal Punishment is defined as the punishment administered to the body of a child ranging in severity from a slap to a spanking. The intended use by an employee of KDLO of corporal punishment in order in order to exert physical force or mental abuse upon a student for an alleged offense or behavior, or use of physical force in an attempt to modify behavior, thoughts, or attitudes of a student is absolutely prohibited. Permission to administer corporal punishment will not be sought or accepted from any parent, guardian or school official.

If an employee is suspected of corporal punishment, the employee will be removed from the school ground and put on administration leave until further investigation with SCAN. The Navajo Nation police will be notified immediately, asked to investigate and asked to expedite the process and provide a written report of their findings to KDLO.

If a parent suspects corporal punishment, he/she should schedule a conference with the Principal and inform them of their concerns.

Staff 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; or know that actions are being taken, or will be taken that would reasonably be expected to result in the abuse of a child shall immediately document and report the incident as required by KDLO SCAN policies. Staff that do not report suspected child abuse will be subject to Navajo and federal law, which requires such reporting and disciplinary action by the school.

KDLO will provide training regarding positive student disciplining.

### **SECTION 1.55 BOOK POLICIES**

Students will be responsible for any lost or damaged books issued or loaned to the student by the School such as: library, classroom textbook and workbook. The parent and/or guardian will be notified is of such loss or damage and will be responsible for the payment of all lost or damaged books. The School must receive payment for the lost or damaged book before a new book will be issued. A Library Agreement Form will be on file for library requirements and expectations.

### **SECTION 1.56 EXCEPTIONAL STUDENT SERVICES**

Any student or parent who believes that their student may be eligible for Special Education may discuss their concerns with the student's teacher and/or Principal and may request an evaluation of their child to determine eligibility for Special Education. Evaluation requires written parental consent, and the evaluation process, services to be offered, confidentiality of records, and related procedures in compliance with applicable law.

### **SECTION 1.57 STUDENT USE OF PORTABLE ELECTRONIC DEVICES IN SCHOOL**

Students may possess and use Portable Electronic Devices (PED's), including but not limited to cellular telephones, MP3 and similar music players, radios, CD players, tape recorders and players, scanners, wireless e-mail devices, cameras, etc., subject to limitations of this and other policies of the School under the following conditions and guidelines:

- PED's shall not be turned on or used in any way during instructional time or when school personnel otherwise prohibit their use. Instructional time includes the entire period of a scheduled class, and

other times when students are participating in any instructional activities (for example, during student assemblies, awards or other public ceremony, etc.). If such PED's are used when prohibited by school personnel, the device may be confiscated by school personnel. The parent or guardian may obtain them from the Principal.

- Students are required to turn PED's over to school personnel when requested. Students who refuse to do so may be removed from class or other school activity, have committed insubordination and resisting authority and may be subject to disciplinary action up to and including suspension from school.
- PED's are allowed to be taken and used on school trips except that they may not be used during any instructional activity or at other times when school personnel prohibit their use. Coaches and sponsors are encouraged to set guidelines for their use.
- Use of cameras or the camera features on a cell phone or other PED's in a restroom or a locker room or for any use constituting an invasion of any person's reasonable expectation of privacy is strictly prohibited.
- The use of any PED to engage in any act of cyber bullying or other act to cause harm, shame or embarrassment to another will result in the confiscation of the PED and further disciplinary action against those engaging in such acts or behavior.
- Students violating this policy may be subject to disciplinary action up to and including suspension from school.
- There is, in certain instances, educational value in utilizing PED's in class or during instructional activities when such devices aid in extending, enhancing, and/or reinforcing the students' learning process related to the instructional objectives of the class they are attending. Approval for students' use of such devices will be at the discretion of the classroom teacher and/or Principal unless such device is mandated in the student's individualized education program (IEP) or the extreme nature of a bona fide emergency renders the securing of such permission impractical under the circumstances.

## **SECTION 1.58 ELECTRONIC INFORMATION SYSTEM/INTERNET ACCEPTABLE USE POLICY**

### **Preamble**

Kin Dah Lichi'i' Olta' (hereinafter "School") provides technology resources to its students and staff for educational and administrative purposes. The goal in providing these resources is to promote educational excellence in the School by facilitating resource sharing, innovation, and communication with the support and supervision of students, parents, teachers and support staff. The use of these technology resources is a privilege, not a right.

These technology resources include use of an international computer network variously identified as the Electronic Information System, the Internet, the World Wide Web, or the Information Superhighway. This resource provides access to other educational institutions, libraries, agencies, organizations and individual persons. This access can greatly enhance the educational mission of the School and its students' educational experience. This access also has the potential to provide material that may not be considered of educational value or which may be considered harmful or offensive. The School will make every effort to protect students and staff from any misuses or abuses of this service; however, personal responsibility is essential in the use of this system, and all users must be watchful to avoid inappropriate and illegal interaction with the information service. All users and, where applicable, all parents of users must familiarize themselves with the School's policies and rules regarding the usage of this resource and agree to adhere to said policies and rules prior to being granted the privilege of using this resource. Violations of the School's policies and rules concerning this resource may result in revocation of the user's privilege and may subject the user to disciplinary action.

Internet access will be provided to the students and staff in accordance with the terms of this policy. Internet access from School computers is reserved solely for educational purposes. Use by outside groups is prohibited. The School reserves the right to monitor all Internet activity including transmission and receipt of e-mail.

### **Acceptable Use**

The following are rules for the use of the School's electronic information system. Use consistent with these rules is acceptable. Use, which violates these or other School rules or policies, is unacceptable use, which may result in loss of Electronic Information System privileges and/or disciplinary action.

- A. Assigned computer/Internet accounts must only be used for educational research and personal growth.
- B. Users are responsible for the proper use of their account and shall use only their own personal account number to access the electronic information service. Users shall not allow any other person to use their account, nor give their account number to any other person, on or off line.
- C. Users shall not use the system to promote the use of drugs, alcohol or tobacco, nor deliberately promote unethical practices or practices, which violate any law or School policy.
- D. Copyrighted material may not be placed on the system without the express permission of the author who must be credited for the material. Copyrighted material may be downloaded for users' use only.
- E. Users shall not read the other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to delete, copy, modify or forge other users' mail or files.
- F. Messages should be kept as brief as possible.
- G. Use of any other organization's networks or computing resources must also comply with the rules of that network.
- H. Transmission of any material in violation of any federal, state or Navajo Nation laws is prohibited. This includes, but is not limited to copyrighted material, threatening or obscene material, or material protected by trade secret.
- I. Use for commercial activities is generally not permitted.
- J. Use for product advertisement or political lobbying is prohibited.
- K. Messages of a private or personal nature involving students, staff or other individuals are not permitted.
- L. Inappropriate use of electronic resources can also be a violation of local, Navajo Nation, state and federal laws, and a user can be prosecuted for violating those laws.
- M. Users granted access to the Internet through the School information system assumes personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by School policy.
- N. No user shall access, transmit or re-transmit material, which promotes violence or advocates destruction of property including, but not limited to, access to information concerning the manufacture of destructive devices such as explosives, fireworks, smoke bombs, incendiary devices or the like.
- O. No user shall access, transmit or re-transmit any information containing pornographic or other sexually oriented material (pornographic means pictures or writings that are intended to stimulate prurient or erotic feelings by the description or portrayal of sexual activity or the nude human form).
- P. No user shall access, transmit or re-transmit material which advocates or promotes Internet account.
- Q. No user shall commit or attempt to commit any wrongful act involving the use of the network, which disrupts the operation of the network within the School or any network connected to the Internet including the use or attempted use or possession of computer viruses.
- R. No user shall use the electronic communication system for harassment or bullying, electronic or otherwise. Harassment/Bullying is defined as the persistent annoyance or disruption of another user, or the interference of another user's work. Harassment includes, but is not limited to, the sending of unwanted mail.

### **Use is a Privilege**

The use of the School's electronic information system is a privilege, not a right, and inappropriate use may result in a cancellation of those privileges and further disciplinary action. The cancellation of this privilege



may be appealed through the regular student appeal procedures for disciplinary actions less than a suspension and the staff appeal process for reprimands. Any staff member may recommend that the network administrator deny, revoke or suspend a specific student account. Any supervisor may recommend that the network administrator deny, revoke or suspend a specific staff member's account. The network administrator shall, prior to denial, revocation or suspension of an account, inform the Principal of the network administrator's intended action in writing and may only take such action upon the Principal's approval.

### **Mandatory Internet Filters**

The School, through the Network Administrator and Principal, will equip the electronic information system available to users with software that seeks to prevent minors from gaining access to materials that is "harmful to minors" or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is "harmful to minors."

The Network Administrator shall research available software and Internet services to determine the software and/or service that will best serve the School and Users' needs, taking into consideration effectiveness in filtering such material and cost to the School. The Network Administrator shall summarize his/her research of the alternatives and make recommendations of which software and/or services should be purchased. The summary and recommendations should be submitted annually in writing to the Principal prior to July 1. The Principal shall submit said report to the Governing Board for its decision regarding purchase of said software or services prior to each new school year. The standards and rules set forth in the School's Electronic Information System policy shall be considered in selecting this software and/or service.

The term "harmful to minors" is defined as "That quality of description or representation, in whatever form, of nudity, sexual activity, sexual conduct, sexual excitement or sadomasochistic abuse when both: (a) to the average adult applying contemporary standards with respect to what is suitable to minors it both (i) appeals to the prurient interest when taken as a whole and (ii) portrays the description in a patently offensive way, and (b) taken as a whole, does not have serious literary, artistic, political or scientific value for minors."

- A. The above-described filters and filtering services cannot guarantee that a User will not encounter material that may be deemed offensive or harmful. A User, and where appropriate a User's parent/guardian, must be aware of this continuing possibility of encountering offensive or harmful material through the School's electronic information system. The continuing possibility of encountering offensive or harmful material via the electronic violence or hatred against particular individuals or groups of individuals or advocates or promotes the superiority of one racial, ethnic or religious group over another.
- B. No user shall use or possess bootleg software (bootleg software means any software which has been downloaded or is otherwise in the user's possession without the appropriate registration of the software including the payment of any fees owing to the owner of the software).
- C. No user shall use encryption software from any access point within the School.
- D. No user shall transmit credit card information or other personal information from an access point within the School.
- E. No person shall transmit e-mail through an anonymous e-mailer.

No user shall access the Internet from the School's access point, using a non-School information system should be considered when applying for the privilege of using the electronic information system, when authorizing such use for one's child or ward, and when using the electronic information system.

### **No Warranties**

The School makes no warranties of any kind, express or implied, relative to the service it is providing through its electronic information system. The School will not be responsible for any damage a user suffers. This includes, but is not limited to, loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions whether caused by the School's negligence or by the user's errors or omissions. Use of any information obtained via the electronic information system is at the user's own risk. The School specifically denies any responsibility for the accuracy or quality of information obtained through the electronic information system. All users must consider the source of any information they obtain and consider the validity of that information. Not all information obtained via the electronic information system is accurate or reliable,

particularly where the advice of medical, legal, accounting, or other professionals would be appropriate. Users are advised not to rely on advice found on the electronic information system. The School is not responsible for such advice.

Opinions, advice, services, and all other information expressed on the electronic information system are those of the on-line authors and not of the School.

The School does not guarantee or imply that access to the electronic information system will always be available when users want access or that the software provided by the School will always work as intended. The School is not responsible for failures in the Operation or technical functioning of the electronic information system, computers or software used to access the system.

### **Network Etiquette and Privacy**

You are expected to abide by the generally accepted rules of network etiquette. Failure to do so may result in loss of your electronic information system privilege and/or disciplinary action. The rules of network etiquette and privacy include, but are not limited to, the following:

**BE POLITE.** Never send, or encourage others to send, abusive messages.

**USE APPROPRIATE LANGUAGE.** Remember that you are a representative of our School on a non-private system. You may be alone with your computer, but what you say and do can be viewed worldwide. NEVER SWEAR, USE VULGARITIES OR ANY OTHER INAPPROPRIATE LANGUAGE. Illegal activities of any kind are strictly prohibited.

**PRIVACY.** Do not reveal your home address or personal telephone number or the addresses or telephone numbers of students or colleagues.

**ELECTRONIC MAIL.** Electronic mail (e-mail) is not private. Messages relating to or in support of **illegal** activities must be reported to the network administrator and local legal authorities.

**DISRUPTIONS.** Do not use the network in any way that would disrupt the use of the network by others.

### **OTHER CONSIDERATIONS:**

1. Check for spelling errors and make sure your message is easy to understand and read.
2. Use accurate and descriptive titles for your articles. Tell people what an article is about before they read it.
3. Send your messages to only the most appropriate audience, not to “everyone.”
4. Remember that humor and satire is very often misinterpreted and may not be funny to some people.
5. If you post to multiple groups, specify all groups in a single message.
6. Cite references for any facts you present.
7. Forgive the spelling and grammar errors of others.
8. Remember that all network users are human beings. Do not attack.
9. Post only to groups you know.

### **Web Publishing Policies**

General statement of policy: It is clear that there are significant risks, as well as significant advantages, involved with allowing students to be identified on the Internet. Therefore, students should not be easily identifiable from materials they might publish on the Internet. No directory information should be posted on the Web for students whose parents have returned the form asking that such information not be released.

#### **A. Rules for Web publishing.**

1. Only a student's first name shall be used in any student published work.
2. Pictures that are a part of student publishing shall not include identifying information.
3. Under no circumstances may students' home address or phone number is included in any publication.
4. If replies to published student work are appropriate, the sponsoring teacher's address should be the e-mail address displayed, not the student's.
5. No student's name or picture will be published unless a parent/guardian has signed a release

allowing publication. A separate release must be obtained for each publication.

**B. Closed forum. The School's Web site is a closed forum.**

1. Any Web site created by the School shall be a closed forum for School use only to transmit information to the public. All Web pages created by staff, students and student organizations on the School's computer system will be subject to treatment as School sponsored publications. Accordingly, the School reserves the right to exercise editorial control over such publications. In addition to editorial control, staff and student work published on the Web must meet standards of spelling, grammar, adequate research and other qualitative measures.

**C. Links to third party sites.**

1. The network administrator and Principal must approve any links to the School's Web site in writing.
2. Links to areas allow you to leave the School site. The link to sites are not under the control of the School, and the School is not responsible for the contents of any link sites or any link contained in a link site, or any changes or updates to said sites. The School is providing these links to you only as a convenience, and the inclusion of any link does not imply endorsement of the site by the School.

**SECTION 1.59 STUDENT CLUBS/STUDENT COUNCIL**

- A. KDLO believes that extracurricular and club activities are important to a well-rounded educational opportunity. Clubs and different organizations, especially student council, can teach governance, responsibility and practical living skills. KDLO requires a sponsor and a detailed plan of operation for all student activities or clubs. This requirement is to ensure the health, safety and welfare of students and to further ensure that the club's activities are properly supervised, documented, and operated in a way that benefits the students and KDLO. The form Plan of Operation attached hereto and made a part hereof as Addendum XIII must be completed for each such organization.
- B. A key organization at KDLO is the Student Council. Proposed Articles of Organization for the Student Council are attached hereto as Addendum XIV.
- C. Please be advised that Addendum XIII and XIV shall be treated as policies and sponsor's non-related parties must act in compliance of the Plan of Operation for their club and any other Articles of Organization.
- D. All student clubs including student council shall comply with all KDLO policies and procedures and shall submit club plans regarding planned activities as required herein, and ensure that all funding activities are preapproved and consistent with the KDLO Healthy Food Policy. Holiday Bazaars and like parent involvement activities shall be subject to approval by the Principal on a case by case basis to ensure that the multiple goals are achieved.

## APPENDIX E

### PLAN OF OPERATION

For

School Student Activities or Club

#### 1. NAME OF ORGANIZATION:

- A. The organization composed of students of the Kin Dah Lichi'i Olta shall hereafter be known as \_\_\_\_\_.

#### II. PURPOSES OF ORGANIZATION:

- A. Educational instruction in:
1. The raising of and the expenditure of funds for various school activities.
  2. Maintenance of accounting records.
- B. To create good fellowship among members of the student body and staff.
- C. To create and maintain a high degree of pride in the group in particular and the school in general.
- D. To teach the elementary rules of parliamentary procedures.

#### III. FUND RAISING ACTIVITIES AND USE OF FUNDS:

- A. Fund raising activities of the \_\_\_\_\_ will be lawfully requested by the sponsor through the Student Council and approved by the Principal.
- B. The funds will be raised by: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_
- C. A plan of operation must be submitted prior to the fund raising activity.
- D. Funds of the \_\_\_\_\_ will be deposited and expended through the school's student fund account. All cash shall be turned into \_\_\_\_\_ within (24) hours of the fund raising event, be sure to be accompanied by a total amount of the receipts and signed by the club member who turns in the money.
- E. The use of the \_\_\_\_\_ funds will be expended for the benefit of students, in accordance with their wishes, and subject to approval by the sponsors. The funds will be expended for school related activities which are not already provided. Any remaining in the account at the end of the 2010-2011 school year, will be carried over to the 2011-2012 school year and applied to the \_\_\_\_\_ fund.
- F. The funds will be spent for: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_
- G. The organization will contribute \_\_\_\_\_ of the total funds generated at each fundraising event to the Kin Dah Lichi'i Olta Student Council.

#### IV. OFFICERS:

- A. The members of the \_\_\_\_\_ shall elect officers who shall act as representatives of the organization. Term of office shall be for a full school term. Nominations for office shall be made by open nomination. Election of the officers shall be held during the first month of school.
- B. Officers to be elected and their duties are as follows:
1. President: Shall preside over all regular and special meeting.
  2. Vice President: Shall preside over all regular and special meetings in the event that the President is unable to preside.
  3. Secretary: Shall keep minutes of all meetings, shall read the minutes at subsequent meeting, and record any actions to be taken as approved by the student body.
  4. Treasurer: Shall maintain the financial records of the organization, and co-sign all vouchers for payment along with the sponsor for the disbursement of funds. If bills are received after close of school, the Principal is authorized to sign the vouchers.

## V. MEETINGS:

- A. Meetings shall be held monthly. Special meetings shall be called by the President as required with sponsor approval.
- B. No business shall be conducted unless a quorum is present. A quorum shall consist of a majority of the members of the \_\_\_\_\_.

## VI. SPONSORS:

- A. The class sponsors will \_\_\_\_\_.
- B. If sponsorship changes during the school year, the Treasurer, sponsor of the school bank, and Principal will audit all records. The sponsor will be notified by the Principal that she/he has been relieved of sponsorship duties.

We certify that this Plan of Operation for the \_\_\_\_\_ was approved by a unanimous vote and that after following proper procedure, a class was held on \_\_\_\_\_. The results of which are:

President: \_\_\_\_\_

Vice- President:\_\_\_\_\_

Secretary:

Treasurer: \_\_\_\_\_

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Student Council President	Date
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Student Council Secretary
Date

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Student Council Advisor	Date
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APPROVED:

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Principal	Date
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Business Manager	Date
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Sponsor	Date
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Co-Sponsor	Date
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## **APPENDIX F**

### **ARTICLES OF ORGANIZATION KDLO STUDENT COUNCIL**

#### **ARTICLE I: NAME**

This organization shall be known as the Kin Dah Lichi'i Olta' Student Council

#### **ARTICLE II: PURPOSE OF STUDENT COUNCIL**

The purposes of the student council shall be:

- A. To enable students to participate meaningfully in the operation of their school;
- B. To teach students the principles of representative democracy in order to make them more effective citizens and participants in our local, state and national governments;
- C. To encourage leadership qualities;
- D. To foster a strong community spirit within the school;
- E. To establish close cooperation among the students, faculty and staff of Kin Dah Lichi'i Olta';
- F. To enhance the organization and efficacy of other student-led activities;
- G. To make official recommendations to the administration and other policymaking bodies;
- H. To explore ways for the school to contribute to our local, state and national communities;
- I. To promote the general welfare of the school and greater community;
- J. To provide a forum in which matters of importance to the school community may be addressed; and
- K. To authorize and coordinate fundraising activities in an equitable and prudent manner by approving Plans of Operation for School Student Activities or Clubs.

#### **ARTICLE III: MEMBERSHIP OF THE COUNCIL**

- a. One member shall be elected to the Student Council from each class in grades 3 through 6.
- b. To be eligible to be a member of the Student Council a student must:
  - 1. Maintain at least a "C" (2.0) average in all subject areas at all times.
  - 2. Have no more than 2 unexcused absences per quarter.
  - 3. Practice acceptable behavior (no more than one major incident report per school year).

#### ARTICLE IV: MEMBERS' DUTIES

The duties of Student Council members shall be as follows:

- A. To bring before the Council any matter which is of substantial concern to members or their constituents;
- B. To support the school-wide observance of, and respect for, all decisions of the Council regardless of the members original position on the issue;
- C. To otherwise contribute to the successful functioning of the Council;
- D. Participate in Student Council meetings;
- E. Act as examples of character and leadership; and
- F. Generally, pursue the best interests of the Kin Dah Lichi'i Olta student body.

#### ARTICLE V: REMOVAL AND REPLACEMENT OF MEMBERS

- A. If any member fails to continue to meet the eligibility criteria set out in Article III Section B, he or she shall be automatically removed from the Council by the Sponsor.
- B. In the event of any vacancy on the Council, the Sponsor shall appoint an eligible replacement member from the class in which the vacancy occurs.

#### ARTICLE VI: ELECTION OF STUDENT COUNCIL OFFICERS

- A. The officers of the Student Council shall be: President, Vice President, Treasurer, and Secretary. All terms are for one year.
- B. Nominations for Student Council officers shall take place at the first meeting following the ejection of new representatives in the fall.
- C. At the second meeting following the elections, each candidate will be allowed to make a short presentation. A secret ballot vote for officers will then be held.
- D. Election shall be by majority vote of the members present and voting.

#### ARTICLE VII: STUDENT COUNCIL OFFICERS' DUTIES

- A. The President Shall:
  - 1. Preside over Student Council meetings;
  - 2. Ensure the execution of these bylaws;
  - 3. Call meetings of the Student Council (with the Sponsor's approval);
  - 4. Prepare meeting agendas; and
  - 5. Represent the Student Council in the Community.
- B. The Vice President shall:
  - 1. Assume all duties of the President in case of his or her absence or removal from office; and
  - 2. Perform all other duties assigned by the President or Student Council.



C. The Treasurer shall:

1. Attend to all financial matter and act upon all appropriations and expenditures which the Student Council has approved;
2. Prepare and maintain an estimated budget and record of financial transactions; and
3. Submit a full financial report to the Student Council at each general meeting.

D. The Secretary shall:

1. Prepare copies of the agenda for Student Council, Advisor, and the administration;
2. Post agenda on the Council bulletin board 24 hours in advance of each meeting;
3. Take attendance and record the minutes of all meetings;
4. Prepare a copy of the minutes of each meeting for the Advisor's approval;
5. Post minutes on the Council bulletin board within five school days of the meeting, along with the date for the next meeting;
6. Keep photographs and records of all events sponsored by the Student Council;
7. Notify members once they have accumulated two unexcused absences.

#### ARTICLE VIII: MEETINGS

- A. The Student Council shall meet on a regular basis and the frequency and times of these meeting are to be determined by the Sponsor.
- B. The last Student Council meetings of the year will facilitate transition by addressing matters such as goal setting and other plans for the coming year, in addition to conduction regular business.

#### ARTICLE IX: COMMITTEES

- A. Student Council may create standing committees as needed. From time to time as issues and events require, the appropriate Advisor and presiding officer may name an ad hoc committee to investigate and deliberate on a specific issue, Committee members and chairs will be appointed by the presiding officer. Committee chairs must be prepared to report on their committee's area of responsibility at subsequent meetings.

## APPENDIX G

### **Kin Dah Lichi'i' Olta' Permission and Release to Publish Student's First Name and/or Picture on the Internet**

As the parent or guardian of \_\_\_\_\_, I understand the benefits and risks of publishing works on the Internet or other forms of publication. In consideration of the benefits of allowing my student to publish his/her work, first name and/or picture on the School's Web page or other forms of publication.

I hereby give permission for the student's

- a. First name and first name ONLY to be published on the Web or other forms of publication.

\_\_\_\_\_  
Name of student

Yes	No	Initials
-----	----	----------

OR

- b. First name and photograph with no identifying information to be published on the web or other forms of publication.

\_\_\_\_\_  
Name of student

Yes	No	Initials
-----	----	----------

Further, I accept full responsibility for the publication of the student's name and/or picture as set forth in the publication attached hereto and agree to release and hold the School harmless from any and all damages or injury to me or to the student arising from said publication.

\_\_\_\_\_  
Parent or Guardian (printed)

Date \_\_\_\_\_

\_\_\_\_\_  
Parent or Guardian (signature)

**APPENDIX H**  
**Kin Dah Lichi'i' Olta'**  
**USE OF COMPUTERS, THE INTERNET AND ELECTRONIC MAIL**  
**AGREEMENT AND PERMISSION FORM**

Kin Dah Lichi'i' Olta' (hereinafter "School") is pleased to offer students and staff (hereinafter jointly referred to as "Users") access to a computer network for electronic mail and the Internet. To gain access to e-mail and the Internet, all Users must sign this Agreement and students must obtain parental permission as verified by the signatures on the form below. Should a parent prefer that a student not have e-mail and Internet access, use of the computers is still possible for more academic or constructive purposes such as word processing.

**What is possible?**

Access to e-mail and the Internet will enable staff and students to explore thousands of libraries, databases, museums and other repositories of information and to exchange personal communication with other Internet users around the world. Families should be aware that some material accessible via the Internet might contain items that are illegal, defamatory, inaccurate or potentially offensive. While the purposes of the School are to use Internet resources for constructive educational goals, Users may find ways to access other materials. We believe that the benefits to students from access to the Internet in the form of information resources and opportunities for collaboration exceed the disadvantages. Ultimately, parents and guardians of minors are responsible for setting and conveying the standards that their children should follow when using media and information sources. Therefore, we support and respect each family's right to decide whether to apply for access.

**What is expected?**

Users are responsible for appropriate behavior on the School's computer network just as they are in their work, classroom or on a school playground. Communications on the network are often public in nature. General School rules for behavior and communications apply. It is expected that Users will comply with School standards and the specific rules set forth below. The use of the network is a privilege, not a right, and may be revoked and further disciplinary action may be taken if abused. The User is personally responsible for his/her actions in accessing and utilizing the School's computer resources. The Users are advised never to access, keep or send anything that they would not want their supervisors, parents or teachers to see.

**General conditions for use**

Privacy – Network storage areas may be treated like School lockers. Network Administrators may review communications to maintain system integrity and ensure that Users are using the system responsibly and within the School's policies and guidelines.

Storage capacity – Users are expected to remain within allocated disk space and delete e-mail or other material that take up excessive storage space.

Illegal copying – Users should never download or install any commercial software, shareware or freeware onto network drives or disks, unless they have written permission from the Network Administrator. Nor should students copy other people's work or intrude into other people's files.

Inappropriate materials or language – No profane, abusive or impolite language should not be used to communicate nor should materials be accessed which are not consistent with the rules of School behavior. A good rule to follow is never view, send or access materials, which you would not want your supervisors, teachers and parents to see. Should Users encounter such material, they should report it to the Network Administrator or their teacher immediately

## **Rules for usage**

These are rules and guidelines to follow to prevent the loss of network privileges and/or disciplinary action.

1. Do not use a computer to harm or bully other people or their work.
2. Do not damage the computer or the network in any way.
3. Do not interfere with the operation of the network by installing Illegal software, shareware or freeware.
4. Do not violate copyright laws. Copyrighted material may not be placed on the system without the express permission of the author who must be credited for the material. Copyrighted material may be downloaded for a User's use only.
5. Do not view, send or display offensive messages or pictures.
6. Do not share your password with another person.
7. Do not waste limited resources such as disk space or printing capacity.
8. Do not trespass in another's folders, work or files.
9. Adhere to the rules of net etiquette set forth in the School's Internet policy.
10. Read and adhere to the School's Internet policy attached hereto.
11. Do not reveal your home address or personal telephone number or the addresses and telephone numbers of students, staff or colleagues.
12. Do notify an adult immediately if, you encounter materials, which violate the Rules of Appropriate Use.
13. BE PREPARED to be held accountable for your actions and for the loss of privileges and disciplinary action if the Rules of Appropriate Use are violated.

**APPENDIX I**

**Kin Dah Lichi'I' Olta'**

**USER ACCEPTABLE USE AGREEMENT**

**USER**

Name \_\_\_\_\_

I understand that my computer use is not private and that the School will monitor my activity on the computer system.

I have read the School's electronic communications system policy and administrative regulations and net etiquette guidelines and agree to abide by their provisions. I understand that violation of these provisions may result in suspension or revocation of system access and/or disciplinary action against me.

User's signature \_\_\_\_\_ Date \_\_\_\_\_

Network Administrator's signature \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX J**  
**Kin Dah Lichi'i' Olta'**

**GLOSSARY OF TERMS**

**BULLYING:** Any written or verbal expression, or physical acts or gestures, directed at another person(s) to intimidate, frighten, ridicule, humiliate, or cause harm to the other person, where the conduct is not related to an individual's actual or perceived race, color, national origin, ethnicity, religion, sex, sexual orientation, age, or disability (i.e., protected status). Bullying may include, but is not limited to, repeated taunting, threats of harm, verbal or physical intimidation, cyber-bullying through emails, instant messages, or websites, pushing, kicking, hitting, spitting, or taking or damaging another's personal property.

**DISCRIMINATION:** Treating people differently, or interfering with or preventing a person from enjoying the advantages, privileges or courses of study in a school because of an individual's actual or perceived race, color, national origin, ethnicity, religion, sex, sexual orientation, age, or disability (i.e., protected status). A person may not be subjected to discipline or more severe punishment for wrongdoing, nor denied the same rights as other students, because of his/her membership in a protected class.

**HARASSMENT:** Harassment is oral, written, graphic, electronic or physical conduct on school property or at a school-related event, function or activity relating to an individual's actual or perceived race, color, national origin, ethnicity, religion, sex, sexual orientation, age, or disability (i.e., protected status), that is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the school's programs or activities, by creating a hostile, humiliating, intimidating, or offensive educational environment. For purposes of this policy, harassment shall also mean conduct, if it persists, that will likely create such a hostile, humiliating, intimidating or offensive educational environment. A single incident, depending on its severity, may create a hostile environment.

**RETALIATION:** Any form of intimidation, reprisal, or harassment by a student directed against any student, staff or other individual for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under the Comprehensive Civil Rights Policy, or for taking action consistent with the policy.

**HATE CRIME:** A hate crime is a crime motivated by hatred, bias, or prejudice, or where the victim is targeted or selected for the crime at least in part because of his/her actual or perceived race, color, ethnicity, national origin, religion, sexual orientation, age, disability or sex. A hate crime may involve a physical/verbal attack, threat of bodily harm, physical intimidation, or damage to another's property.

**APPENDIX K**  
**Kin Dah Lichi'i' Olta'**  
**LOST AND DAMAGED ITEMS COST SHEET**

**School Property**

Students are responsible for proper care of textbooks and school property.

**Lost and Damaged Items Cost Sheet**

Air Conditioner	\$150.00	Pencil Sharpener	\$20.00
Bathroom sinks/toilet	Cost of repairs	Phone, Laminator	(Cost of Replacement)
Blinds	\$50.00	Playground equipment	Cost of Repair
Board games	\$15.00	Radio/CD Player	\$50.00
Bulletin Boards	Cost of repairs	Security Lights	\$250.00
Bus seats	Cost of repairs	Security Cameras	Cost of Repairs
Camcorder	Cost of replacement	Smart Boards/projector	Cost of Repairs
Digital Camera	Cost of replacement	Smart Board equipment	Coat of Repairs
Cap/gown	\$20.00	Trashcans	\$10.00
Carpet	\$125.00	T.V. / DVD	Cost of Repairs
CD Software	\$20.00	Walls	\$25.00-\$40.00
Chalkboard	\$25.00	Water Fountain	Cost of Repairs
Computer/laptops	Cost of repairs	Windows	Cost of Replacement
Couch, shelves	Cost of repairs	Overhead Projector	\$50.00
Table, Desk, Chair	Cost of repairs	Lights	\$50.00
Dictionary/thesaurus	\$20.00		
Globes	\$20.00		
Door	\$100.00		
Door hinges	\$50.00		
Extension cords	\$5.00		
Fans	\$15.00		
Fire extinguisher	\$60.00		
Fire sprinkler	Cost of Repairs		
Hand dryer	Cost of repairs		
Head phones/headsets	\$20.00		
Jersey/uniforms	Cost of replacement		
Library books	Value of book		
Magazine rack	\$50.00		
New textbooks	Cost of book		

*Note: Not all items are listed. Costs are estimates and are subject to change depending on market value rate on most items. Cost of Repairs equates to Cost of Repairs and Replacement.*

**APPENDIX L**  
**Kin Dah Lichi'i' Olta'**

**PARENT/GUARDIAN ACCEPTABLE USE AGREEMENT, RELEASE AND WAIVER**

PARENT OR GUARDIAN

\_\_\_\_\_ I do not give permission for my child to participate in the School's electronic communications system.

I have read the School's electronic communications system policy, administrative regulations and net etiquette information. In consideration for the privilege of my child using the School's electronic communications system and in consideration for my child having access to the public networks, I hereby release the School, its operators and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my child's use of, or inability to use, the system including, without limitation, the types of damage identified in the School's policy and administrative regulations.

\_\_\_\_\_ I give permission for my child to participate in the School's electronic communications system and certify that the information contained on this form is correct.

Signature of parent or guardian:

Date:

\_\_\_\_\_

\_\_\_\_\_

Home address:

\_\_\_\_\_

Home Phone Number: \_\_\_\_\_



**APPENDIX M**

**Kin Dah Lichi'i' Olta'  
Student Handbook – Parent Acknowledgement**

I, \_\_\_\_\_, have read and discussed the Student Handbook with my child,

\_\_\_\_\_. I will support my child to abide by these rules and regulations.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

*Please return this form to your homeroom teacher within two weeks after enrollment or as established by the Principal.*

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**Kin Dah Lichi'i' Olta'**

**Student Handbook – Parent Acknowledgement**

**Check all that apply:**

1. \_\_\_\_\_ I have read the KDLO Student Handbook
2. \_\_\_\_\_ My teacher has reviewed the Student Handbook with me.
3. \_\_\_\_\_ I understand and will abide by the rules and regulations.

Student Signature \_\_\_\_\_ Date: \_\_\_\_\_

Teacher Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX N

### **Kin Dah Lichii Olta** Notification and Acknowledgement of School Enrollment of Truancy and Attendance Policies

Student: \_\_\_\_\_ Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_

#### ARIZONA STATE TRUANCY LAW

**A.R.S. §15-802** requires that a person having custody of a child between six (6) and sixteen (16) years of age must send the child to school full time when the school is in session, unless statutorily excused. Failure to ensure that a child attend school is a criminal offense and subjected to a fine of up to \$500 plus surcharges and a possible jail sentence of up to 30 days.

**A.R.S §13-3613 and 13-3612** require parent(s)/guardian(s) to not commit any act which causes, encourages or contributes to a child's dependency. A dependent child is one who, among other acts, refuses to attend school. Contributing to the Dependency of a Minor is a criminal offense, which carries a fine of up to \$2500 and a possible jail sentence of up to six (6) months in jail.

Pursuant to school policy, the school will notify the parent(s)/guardian(s) upon determining that the minor child is absent from school without permission. The parent(s)/guardian(s) must contact the school within twenty-four (24) hours of the notice regarding the unexcused absence and inform the appropriate school personnel the reason for the absence.

The school's attendance department must determine if the excuse is valid and acceptable. The attendance department may require further documentation to substantiate the reason for the absence. Students and parents must understand that school attendance is not a matter of choice, but a legal requirement.

#### NAVAJO NATION TRUANCY LAW

##### **(Title 10 Subsection §502 Compulsory School Attendance – Generally §118)**

Education in Navajo schools shall be compulsory as to children between the ages of five (5) and eighteen (18) years as prescribed and defined in 10 NNC §118 of the Navajo Nation Education Code.

##### **(Title 10 Subsection §503 Application of State Laws and Navajo Nation Laws §118)**

The Navajo Nation Council consents to the application of state compulsory school attendance laws to the Indian of the Navajo Nation and their enforcement on Indian lands of the Navajo Nation wherever an established public school district lies or extends within the Navajo Nation. In addition, 10 NNC §118 of the Navajo Education Policies regarding compulsory attendance shall apply to all Navajo minors between ages five (5) and eighteen (18) and to all persons having care and custody of such minors who are within the civil and criminal jurisdiction of the Navajo Nation.

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**I HAVE BEEN NOTIFIED OF THE ABOVE TRUANCY LAWS AND THE KDLO ATTENDANCE POLICIES AND ACKNOWLEDGE AND COMMIT TO COMPLIANCE WITH SAID POLICIES.**

\_\_\_\_\_  
Parent/Guardian Name

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date