HOPI SCHOOL SYSTEM

POLICIES & PROCEDURES MANUAL

ADOPTED BY THE HOPI BOARD OF EDUCATION

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HOPI SCHOOL SYSTEM
POLICIES AND PROCEDURES MANUAL

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TITLE 1 - ORGANIZATION, PHILOSOPHY AND COMPREHENSIVE PLAN

CHAPTER 1000 - ORGANIZATION AND LEGAL STATUS

Section 1001 Establishment of unified Hopi School System

A. After much research, consultation and analysis, on August 7, 2019, the Hopi Tribal Council enacted the Hopi Education Code ("Code") by Tribal Resolution #H-061-2019, as the Tribe's new comprehensive law for education services on the Hopi Reservation.

B. The Code unifies all seven Tribally Controlled Schools into the Hopi School System ("HSS").

C. The Code established the HSS as the collective organization of all Tribally Controlled Schools within the exterior boundaries of the Hopi Reservation, including:

First Mesa Elementary School
Hopi Day School
Hotevilla Bacavi Community School
Keams Canyon Elementary School
Moencopi Day School
Second Mesa Day School
Hopi Junior Senior High School.

Section 1002 Legal Status under Single, Tribally Controlled Schools Act Grant

A. As required by the Code, the HSS shall be administered under a single P.L. 100-297, Tribally Controlled Schools Act grant, and shall have all rights and responsibilities as a Tribally Controlled Schools Act grant school. Legal Ref.: Code, sec. 3.4.

B. All powers and duties conferred and imposed by law respecting Tribally Controlled Schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed by law upon the Hopi Board of Education ("HBE").

C. The official name of the school system shall be: Hopi School System.

D. The governing body of the Hopi School System shall be: Hopi Board of Education.

Section 1003 Delegation to the Hopi Board of Education as the Grantee

A. The Hopi Tribal Council delegated all governance authorities and oversight of the HSS and the seven Tribally Controlled Schools on the Hopi Reservation to the HBE as a Hopi Tribal Regulated Entity. Legal Ref.: Code, secs. 2.1, 4.1.A.

B. The HBE shall serve as the Grantee and school board for the administration and management of all schools and all federal and other funds of Hopi schools.

C. The HBE shall provide oversight of the schools, effective governance and administrative and educational support. The HBE shall determine all policies and procedures, make all hiring decisions, and oversee operations of all schools within the Hopi Reservation.

D. HBE's governance, drafting of policies and procedures, hiring decisions and performance of specific duties shall be in keeping with the needs of students, the Tribally Controlled Schools Act, and all applicable federal, state and Tribal laws.

E. The HBE membership shall include one representative for each Hopi school and two At-Large members representing the entire Hopi Reservation. The Hopi Tribal Council has appointed the first interim HBE to lead the transition process to the HSS and serve as the first HBE for the HSS until elections are held to fill all positions.

F. Additional policies and procedures related to the HBE's authority and governance are located in Title 8 (Hopi Board of Education and Administration).

Section 1004 Central Administration Office and Chief School Administrator

A. The administrative services for the schools shall largely be provided by the "Central Administration Office" as is required by the Code. The Central Administration Office shall contain twenty to thirty HSS staff who shall provide administrative services and support to the schools. This will allow the school's administrative leaders and staff to focus on supporting and providing the school's educational services.

B. The Central Administration Office shall be overseen by the Chief School Administrator ("CSA") who shall serve as the Chief Operating Officer (superintendent) of the entire HSS and the schools. The CSA shall supervise and manage the Central Administration Office, and shall conduct annual evaluations of the school Principals.

Section 1005 Local Schools Administration

A. The school Principals shall have day-to-day management authority over their local schools and shall implement education policies established by the HBE.

B. A local school board shall be elected by each local school attendance area to implement education policies established by the HBE and to advise their local school on hiring recommendations, community and parental engagement, and other local school matters. Local school boards shall not have access to any confidential or personnel data protected by applicable law. The local school boards shall operate under the rules established in Chapter 6 of the Hopi Education Code.

Section 1010 Hopi School System Organizational Chart

After careful analysis and consultation with Hopi education stakeholders, the HBE adopted and approved the Organizational Charts for the Hopi School System at a duly called meeting on May 17, 2023, by Action Item #08-2023. See Appendix A. The HBE may review and revise the Organizational Charts as future needs are identified.

CHAPTER 1100 - PHILOSOPHY, MISSION AND VISION

Section 1101 Mission Statement

The HBE has adopted the following Mission Statement which was developed by Hopi school Principals, teachers, and education stakeholders to guide Hopi schools in providing education services for students of Hopi schools:

Hopituy öqalankyàakyangw puhupöhut ang itamuy tsaami'yma
"Encouraging the Hopi people and guiding (leading) them on a new path."

Section 1102 Vision Statement

The HBE has adopted the following Vision Statement which was developed by Hopi school Principals, teachers, and education stakeholders to guide Hopi schools in providing education services for students of Hopi schools:

To create an environment in which every individual is cared for intellectually, socially and culturally.

Whose people are connected and exposed to the best educational experiences and resources.

To enrich the lives of people through the integration of language, culture, and the Hopi principles.

Section 1103 Affirmation of Commitment

HBE hereby adopts the following "Affirmation of Commitment" to uphold and affirm the Hopi School System's commitment to Hopi children and all HSS students. HSS staff and stakeholders may state this affirmation as part of their meetings and other HSS events.

Itàatuptsiwni:	**Our Truth (Belief)**
Itam Hopisinom qa paysoq yeese.	We, the Hopi People, do not merely exist.
Itàatim:	**Our Children (truth we hold about them)**
Itàatim itamuy tsaami'ywisni.	Our children will lead us forward (future)
Itàatim itàaqatsiy àapi'ytotani.	Our children will continue our way of life.
Itàatunatya:	**Our Responsibility (vision-mission-work)**
Oovi itam pumuy matö'angwisni; yan itam wuuwantotakyang tumala'yyungni Askwali, Kwakwhà	Therefore, we will support them; and in this way of thinking (mindset) attend to/carry out our work.

Section 1104 Archiving Mission and Vision Statement records

The Chief School Administrator or designee shall archive development documents from the process of drafting and revising the HSS Mission and Vision statements in HSS Central Administration Office records.

Section 1110 Philosophy of the Hopi School System

A. The philosophy of the HSS is to be dedicated to teaching the "whole child." This entails a holistic approach that is inclusive of academics as well as the cultural, physical, social and emotional development of Hopi students.

B. The HSS shall strive to create positive and supportive learning environments and shall prioritize the long-term and overall development of HSS students as well as providing support and inclusiveness for our teachers, families, community members and administrative leaders.

Section 1111 Governing Principles of the Hopi School System

A. As part of its responsibility to establish a guiding vision for the HSS, the HBE shall develop and regularly review a set of governing principles which describes the HSS's beliefs, values and goals. The HBE and HSS staff shall incorporate these governing principles in all HSS programs and activities.

B. The HSS's primary responsibility is to provide a quality educational program that will prepare students for all stages of learning from pre-school to college, vocational education, and career readiness.

C. The HBE is further guided by governing principles it considers critical to meet this responsibility by providing a system of excellent schools where students can succeed. These governing principles are set forth below:

1. Student success. As its top priority, HSS schools will provide opportunities for individual students to succeed and overall student performance to improve, while integrating Hopi culture, language and history throughout the HSS.

2. Family involvement. HSS schools will involve parents, guardians and families in decisions regarding their children, the educational programs, and HSS schools.

3. Safe, orderly and inviting environment. HSS schools will create and maintain a safe and orderly environment where staff and students are focused on and excited about learning.

4. School initiatives. In HSS schools, each school will initiate improvements to the educational program and services for students, including providing for specialized needs and involving staff, parents/guardians and students in school-level decision-making processes.

5. Professional development. HSS schools will provide continuous professional development and training to help teachers and staff gain the skills and knowledge, including cultural knowledge, needed to meet HSS goals, especially as they relate to improving student performance.

6. Removal of barriers. HSS schools will prohibit illegal discrimination and harassment of staff and students, encourage tolerance and respect, and seek to eliminate or lessen other barriers that may impede a student's ability or opportunity to learn, including economic disadvantages, poor nutrition, mental/emotional and physical ill-health, and lack of transportation.

7. Stewardship of resources. HSS schools will conserve financial and environmental resources and operate in an efficient manner.

Section 1112 Educational Goals of the Hopi School System

A. The educational goals of the Hopi School System are to:

1. Provide an educational foundation that will prepare students for all stages of learning from pre-school to college, vocational education, and career readiness while being rooted in Hopi language, culture, history and values; and

2. Create a learning environment in which HSS students:

a. Are self-motivated, enthusiastic and excited to learn;

b. Freely explore their inherent gifts, talents and interests;

c. Exercise their imaginations, problem-solving skills, and creative learning spirit with care and compassion to their fellow students, teachers and staff;

d. Become life-long learners; and

e. Reach their full potential with a foundation to confidently contribute to their communities in any area they wish, e.g. career, technical, college, military, etc.

B. As these goals are developed into policies and procedures, each goal shall include measurable standards, performance indicators, and benchmarks that can be used to determine the HSS's progress toward meeting each goal.

Section 1113 Culturally Responsive, Place-Based Learning Model

To create a positive, effective and supportive learning environment, the HSS shall adopt a culturally responsive and place-based learning model which shall be centered on Hopi language, culture, history and homelands.

CHAPTER 1200 - HSS POLICIES AND PROCEDURES

Section 1201 Adoption of HSS Policies and Procedures Manual

A. The Hopi School System Policies and Procedures Manual (hereinafter "HSS Manual") shall be effective only upon its adoption by the HBE as the official policy of the Hopi School System. The HSS Manual shall be distributed to all HBE members, HSS employees and made available to the public.

B. All employees are expected to follow the policies and procedures in the HSS Manual and any amendments thereto as soon as they become effective.

C. In construing the provisions of the HSS Manual, all references to a "school" shall mean any of the HSS Tribally Controlled Schools, and all references to the "HBE" or "Board" shall mean the duly elected or appointed Hopi Board of Education. All references to "days" in the HSS Manual shall be "calendar days" unless expressly stated otherwise.

D. The policies and procedures of the HSS Manual and any amendments thereto which would be in violation of the Hopi Education Code shall be considered void.

Section 1202 Effective Date of the HSS Policies and Procedures Manual

A. Once the Bureau of Indian Education approves the HSS P.L. 100-297 grant, the effective date of the HSS Manual shall be July 1, or as may be otherwise notified by the HBE.

B. Upon the effective date of the HSS Manual, HSS schools shall discontinue use of their local school's policies and procedures and shall utilize the HSS Manual as their school's policies and procedures. If school administration identifies any policy or procedure need of their school which is not contained in the HSS Manual, the school Principal shall immediately notify the HBE of the need.

C. For the school year following the approval of the HSS P.L. 100-297 grant:

1. HSS schools shall utilize their existing administrative staff to implement the financial, personnel, administrative and other policies and procedures of the HSS Manual; and

2. HSS schools' administrative staff shall assist with the implementation and training of the Central Administration Office staff as they are hired to ensure a smooth transition to the unified Hopi School System.

Section 1203 Forms Available Online and in HSS Manual Appendix

All Forms and Notices referenced in or relevant to the HSS Manual shall be available electronically through the HSS's financial and personnel management software and/or HSS website and by hardcopy in the HSS Manual's Appendix B (Hopi School System Forms and Notices).

Section 1210 Amendments to HSS Policies and Procedures Manual

A. Duly enacted amendments shall replace former policies and procedures. The new amendments shall be considered part of the employee's employment contract with the HSS as soon as they are enacted.

B. The CSA, Principals and other staff, as directed by the HBE, shall review proposed amendments as necessary.

C. HBE shall obtain a legal opinion from the HSS legal counsel regarding said proposed amendments.

D. The HBE may publish the text of the proposed amendments in its minutes and by posting notice of said amendments. The HBE shall set a date and time for final consideration of said amendment not less than ten (10) calendar days after said publication. Staff and other persons may submit comments upon proposed amendments prior to final adoption by the HBE. If, in the HBE's opinion an emergency circumstance exists that limits the time available for public posting, the HBE may enact an amendment to the HSS Manual without the ten (10) day posting period and declare the amended policy effective immediately.

E. An amendment to the HSS Manual adopted by the HBE shall become effective immediately upon the HBE enacting an amendment. Copies of the amendments shall be thereafter distributed to all staff members and shall be posted at all HSS schools, HSS website(s), and other facilities, such as post offices, cultural centers, and village offices to notify all employees and the general public of the policy change.

Section 1220 Jurisdiction

A. Any legal matters and employment agreement disputes shall be determined according to and in accordance with the laws of the Hopi Tribe. The Hopi Tribal Courts shall have sole jurisdiction over any such disputes.

B. Any employee aggrieved shall exhaust the administrative remedies provided in the HSS Manual prior to seeking any relief in Hopi Tribal Courts.

CHAPTER 1300 - THREE-PART HOPI ACHIEVEMENT SYSTEM

Section 1301 Purpose

A. To provide students with the most effective, accountable, and consistent education, the HBE shall establish a Three-part Hopi Achievement System as required by the Hopi Education Code. Legal Ref.: Code, Chapter 9.

B. The Three-part Hopi Achievement System shall set goals for Hopi students, measure student achievement levels, and acknowledge school successes and provide support for improvement where necessary.

C. Until the HSS develops its own education standards, assessments, and accountability measures, the HSS shall follow Bureau of Indian Education ("BIE") requirements for standards, assessments and accountability measures, and may include additional measures that are culturally relevant for the HSS.

Section 1302 Structure of Three-part Hopi Achievement System

Applying the Elementary and Secondary Education Act, Pub. L. No. 89-10 (1965), as amended, the HBE shall consult with stakeholders and oversee the creation of the following Three-part Hopi Achievement System:

A. Education Standards.

1. The HBE shall approve and implement rigorous education standards that specify what students need to know and be able to do in order to be prepared for post-secondary life on or off the Hopi Reservation, including but not limited to college, vocational school, military service, apprenticeships, and career and life readiness.

2. The HBE has determined to adopt the BIE's College and Career Readiness Standards, and State of Arizona standards in content areas for which the BIE has not adopted standards.

B. Assessments.

1. The HBE shall oversee the development of a comprehensive assessments to include assessments aligned with the education standards to measure whether students are on track to meet the education standards.

2. The HBE has determined to adopt the BIE's Assessments aligned to BIE's academic standards, and Arizona State assessments in content areas for which the BIE has not adopted standards and assessments, including the Arizona Department of Education Civic Assessment.

C. Accountability.

1. An accountability system shall be established as follows:

   a. The HBE shall develop and implement a set of policies and procedures designed to evaluate local schools' and students' performance based on a broad set of outcome indicators, e.g. academic achievement and progress, graduation rates, and career readiness;

   b. The accountability system shall set goals and compare local schools' and student performance to those goals. This comparison shall reveal the areas of academic success and where the HSS needs to improve students' skills and knowledge; and

   c. To support continuous improvement, the CSA, in collaboration with local schools and local school boards, shall identify accountability results to include, but not be limited to rewards or recognition for high-performing schools, and resources, support, and interventions for schools that are struggling to meet education standards.

2. The HBE has determined to adopt the BIE's Accountability System.

Section 1303 Curriculum

The HBE shall approve a uniform curriculum for all Hopi schools that is aligned with the Three-part Hopi Achievement System to provide quality and effective formal education and to foster the learning spirit within HSS students.

Section 1304 Hopi Education Information System

A. The HBE shall establish and maintain a Hopi Education Information System ("HEIS") to create an uniform system of records and comprehensive database from pre-school to post-secondary activities across all Hopi schools. Legal Ref.: Code, sec. 9.4. Through the HEIS database, the HSS will be able to track students' academic performance, pre-academic skills, educational achievement, graduation, and post-secondary activities.

B. The collection of this educational information in the HEIS will assist the HSS, HBE, CSA, local school boards, pre-schools, and local schools in identifying those teaching methods, curriculum, and policies which are most effective in improving student achievement, academic results, and post-secondary success.

C. In establishing the HEIS, the HBE shall collaborate with all educational entities of the Hopi Reservation, including pre-schools and post-secondary programs, and use and incorporate all available tools, for example, Native Star and the Native American Student Information System ("NASIS").

Section 1305 Records Reporting

A. To ensure an effective educational accountability system, each HSS school shall provide academic test scores on each individual student to the CSA or designee.

B. The CSA shall oversee use of student test data to create Hopi achievement profiles. The achievement profiles shall be shared with each school to assist them in improving academic achievement.

C. On an annual basis, the HBE shall publish an Accountability Report, including each local school's rating, student achievement data, and related information for public dissemination.

Section 1306 Privacy of Student Records

The HBE shall oversee development of a student records privacy policy. The Hopi School System shall comply with this student records privacy policy and with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, in the use of student information for reports and research purposes.

CHAPTER 1400 - COMPREHENSIVE PLAN

Section 1401 Purpose

The HSS believes that careful planning is essential to effective implementation of HSS programs and policies. Comprehensive plans shall identify cohesive strategies for school improvement, provide stability in HSS operations, and be aligned to ensure consistency among HSS approaches for student academic growth and achievement.

Section 1402 Comprehensive 5-year and 10-year Hopi Education Plan

A. As required by the Code, the HBE shall appoint a "Strategic Planning Committee" to assist in strategic planning and with the creation of a Comprehensive 5-year and 10-year Hopi Education Plan for the HSS. Legal Ref.: Code, sec. 4.9.D(2). The HBE may also adopt additional comprehensive plans as needed and appropriate for local school and HSS needs.

B. The Comprehensive 5-year and 10-year Hopi Education Plan shall evaluate the mission of the HSS and shall address the significance of education for HSS students, desired educational outcomes for students, and the role of the Tribe's sovereignty and jurisdiction over the schools within the Hopi Reservation.

C. As part of the Comprehensive 5-year and 10-year Hopi Education Plan, the HBE and the Hopilavayi Committee shall undertake the creation of a comprehensive Hopi values, cultural, and language program and model for all Hopi schools that is also reflective of local community needs. Legal Ref.: Code, sec. 13.4.A.

Section 1403 Developing Comprehensive Plans

A. As appropriate, comprehensive plans may describe, but not be limited to, anticipated short- and long-term needs, measurable outcomes, priorities, activities, available resources, timelines, staff responsibilities, and strategies for internal and external communications regarding the plan.

B. The process for developing comprehensive plans shall include broad participation of school and community stakeholders. Comprehensive plans shall be available to the public and shall be reviewed at regular intervals as specified within the plan or as required by law.

C. All HSS comprehensive plans shall be reviewed and approved by the HBE.

CHAPTER 1500 - EMPLOYEE ACKNOWLEDGEMENT

Section 1501 New Employees to receive HSS Policies and Procedures Manual

All employees of the Hopi School System, shall, as part of their new employee orientation, receive a copy of the Hopi School System Policies and Procedures Manual.

Section 1502 Employee Acknowledgment Form

Upon receiving a copy of the HSS Manual, all new employees shall sign the Employee Acknowledgement Form. See Appendix B.

TITLE 2 – STUDENTS

CHAPTER 2000 – FOCUS ON STUDENTS

Section 2001 Purpose

A. The Hopi School System ("HSS") believes in maintaining a safe, positive school environment with educational services that promote student welfare, academic achievement, and cultural relevancy. The HSS shall support students to make good use of learning opportunities by demonstrating intellectual curiosity, motivation, regular attendance, appropriate conduct and respect for others.

B. The Hopi Board of Education ("HBE") is fully committed to providing equal educational opportunities and keeping HSS schools free from discriminatory practices. The HBE shall not permit the intimidation or harassment of any student for any reason. When conducting hearings related to discipline, attendance and other student matters, the HBE shall afford students their due process rights in accordance with applicable law and HSS policy.

C. The Chief School Administrator ("CSA") or designee shall establish and keep parents, guardians and students well informed about school and HSS rules and regulations related to attendance, health matters, records, grades and student conduct.

Section 2002 Definitions

For the purpose of this Title, the HSS shall use the following definition of terms:

A. Dependent Student: Any student who has not become eighteen (18) years of age.

B. Education records: Any records (in handwriting, print, tapes, film, or other medium) maintained by a HSS school, an employee of the school, or any agent of the school that is directly related to a student, except:

1. Sole possession records. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. :

2. Law enforcement records. Records of the law enforcement unit of the HSS, subject to the provisions of 34 C.F.R. 99.8 (records created by the law enforcement unit, created for a law enforcement purpose, and maintained by the law enforcement unit).

3. Employment records. Records relating to an individual who is employed by the HSS that are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose (e.g., does not include activities for which a student receives a grade or credit in a course);

4. Treatment records. Records of a student eighteen (18) years or older or who is attending a post-secondary institution that are:

   a. Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;

   b. Made, maintain, or used only in connection with treatment of the student; and

   c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.

5. Alumni records. Records created or received by the HSS after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; or

6. Peer-graded papers. Grades on peer-graded papers before they are collected and recorded by a teacher. 34 C.F.R. 99.3 ("education records").

C. Eligible student: A student who has reached age eighteen (18), is attending a postsecondary school after high school graduation/full time, or who has been declared emancipated by court order.

D. Flag: To mark or identify as pertaining to a missing child, or an indication identifying an item as pertaining to a missing child.

E. Missing child: A person who is under the age of eighteen (18) years, whose temporary or permanent residence is on the Hopi Reservation or in Arizona or is believed to be on the Hopi Reservation or in Arizona, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

F. Parent: A parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

G. Personally Identifiable Information: Any data or information that makes the subject of a record known. This includes, but is not limited to, the following:

1. The student's name;

2. The name of the student's parent or other family member;

3. The address of the student or student's family;

4. A personal identifier, such as the student's Social Security number or student number;

5. A list of personal characteristics that would make the student's identity easily traceable; or

6. Other information that would make the student's identity easily traceable.

F. Student: Any person who attends or has attended a program of instruction provided by a HSS school and regarding whom the school maintains education records.

Section 2003 Student Goals

The HSS shall provide supportive services and opportunities conducive to learning for each student by striving to meet the following goals:

A. Individualize the academic program to provide learning opportunities for each student;

B. Promote the self-image of each student by helping him/her feel respected, worthy and confident by promoting positive learning opportunities;

C. Promote creativity and achievement in academics and curriculum;

D. Promote opportunities for cultural relevancy in curriculum and language;

E. Promote understanding of civic rights, privileges and responsibilities of Hopi citizenship;

F. Promote personal growth as a responsible member of his/her family;

G. Promote development of motivation and desire to contribute to and engage in the learning process;

H. Promote values of good physical and mental health habits;

I. Develop skills and abilities to communicate ideas and feelings;

J. Acquire habits of analytical thinking and problem solving;

K. Develop skills necessary to utilize all available educational resources;

L. Understand economics and its relationship to a productive life;

M. Promote college and career education opportunities for students; and

N. Utilize guidance and counseling services available to help in the educational process.

Section 2004 Equal Educational Opportunities

A. The right of a student to participate fully in classroom instruction shall not be abridged because of age, sex, race, skin color, religion, national origin, disability, or any other reason not related to the student's individual capabilities.

B. The right of a student to participate in extracurricular activities shall be dependent only upon his/her maintaining the minimum academic and behavioral standards established by the HBE.

Section 2005 Student Handbook

The HSS shall develop a "HSS Student Handbook" for all students of the HSS which shall be based on the policies and procedures of this Chapter and other applicable HSS policies and procedures.

Section 2010 Student Rights and Responsibilities

A. This policy sets forth guidelines by which student rights are to be determined consistent with applicable law.

B. The HBE has the authority and responsibility to establish reasonable rules and regulations for the conduct and behavior of HSS students. No student shall be deprived of equal treatment and equal access to the educational program, due process, and free expression and association in accordance with these guidelines.

C. Attendant upon the rights established for each student are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the rules and regulations of the HSS.

D. Students who have reached the age of eighteen (18) years possess the full rights of adults and may authorize school matters previously handled by their parents.

E. The CSA shall develop and issue administrative procedures consistent with law and HBE policy to ensure that student rights under varying conditions are properly set forth.

F. Such procedures shall be reviewed annually, updated as needed, and approved by the HBE.

Section 2011 Student Rights and Responsibilities – Guidelines

A. All students are entitled to enjoy the basic rights of citizenship that are recognized and protected by laws for persons of their age and maturity. Each student is obligated to respect the rights of classmates, teachers, and other school personnel. The HSS shall foster a climate of mutual respect for the rights of others. Such environment will enhance both the educational purpose for which the HSS exists and the educational program designed to achieve that purpose.

B. All HSS personnel shall recognize and respect the rights of students, just as all students shall exercise their rights responsibly, with due regard for the equal rights of others and in compliance with the rules and regulations established for the orderly conduct of the educational mission of HSS schools. Students who violate the rights of others or who violate rules and regulations of the HSS or of their school are subject to appropriate disciplinary measures designed to correct their own misconduct and to promote

adherence by them and by other students to the responsibilities of citizens in the HSS community.

C. The following guidelines of rights and responsibilities shall not be construed to be all-inclusive, nor shall it in any way diminish the legal authority of school officials and the HBE to address disruptive behavior.

D. Rights:

1. Students have the right to a meaningful education that will be of value to them for the rest of their lives.

2. Students have the right to a meaningful curriculum and the right to voice their opinions, through representatives of the student government, in the development of such a curriculum.

3. Students have the right to physical safety, safe buildings, and sanitary facilities.

4. Students have the right to consultation with teachers, counselors, administrators, and anyone else connected with the school if they so desire, without fear of reprisal.

5. Students have the right to free elections of their peers in student government, and all students have the right to seek and hold office in accordance with the provisions of the student government constitution and in keeping with the extracurricular guidelines of the school.

6. Students have the right to be made aware of administrative and/or faculty committee decisions and to be aware of the policies set forth by the HBE and school.

7. Legal guardians or authorized representatives have the right to see the personal files, cumulative folders, or transcripts of their children who are under the age of 18 years. HBE and the CSA may determine the time and manner of presentation of this information.

8. Students' academic performance shall be the prime criterion for academic grades; noncompliance with school rules and regulations may affect grades (e.g., unexcused absences).

9. Students shall not be subjected to unreasonable or excessive punishment.

10. Students have the right to be involved in school activities, provided they meet the reasonable qualifications of sponsoring organizations, state or Tribal organizations, and HSS policies and procedures.

11. Married students share these rights and responsibilities, including the opportunity to participate in the full range of activities offered by the school, and shall be subject to HSS policies and procedures.

E. Responsibilities:

1. Students have the responsibility to respect the rights of all persons involved in the educational process and to exercise the highest degree of self-discipline in observing and adhering to HSS policies and procedures.

2. Students have the responsibility to take maximum advantage of the educational opportunities available and seek to achieve a meaningful education.

3. All members of the HSS community, including students, parents, and school staff members, have the responsibility to promote regular attendance at school.

4. Students have the responsibility to protect school property, equipment, books, and other materials issued to or used by them in the instructional process. Students shall be held financially responsible for any loss or intentional damage caused to HSS property.

5. Students have the responsibility to complete all course assignments to the best of their ability and to complete make-up work after an absence.

6. Students have the responsibility to help maintain the cleanliness and safety of the school buildings and property.

7. Students have the responsibility to present themselves in class at the prescribed time and with the necessary materials.

Section 2020 Parent and Family Engagement

A. The HBE encourages parent, guardian and family engagement in HSS schools. The HBE has developed a Parent and Family Engagement Policy to help create and sustain a welcoming and responsive environment for all parents, guardians and families. See HSS Manual, Chapter 9000.

B. The HBE has authorized the establishment of a Family Teacher Organization ("FTO") at each Tribally Controlled School of the HSS and the hiring of a Family Liaison at each school to further assist and support parents, guardians and families of HSS students. See HSS Manual, Chapter 9100.

C. Parents and guardians are encouraged to contact the school administration for more information or to be involved in their student's education.

CHAPTER 2100 - ENROLLMENT

Section 2101 Enrollment requirements

A. "Any child(ren) who live on, near or adjacent to the Hopi Reservation shall be eligible to attend local schools of the Hopi School System." Legal Ref.: Hopi Education Code, sec. 3.5.

B. Eligible students shall include:

1. Students who are considered "eligible Indian students" as defined in 25 U.S.C. § 2007(f); and

2. Non-Indian students following requirements of 25 U.S.C. § 2007(g)(3).

C. Grade placements shall be the responsibility of the Principal or designee, and be based on general achievement, number of credits earned, and consideration given to the mental, physical, emotional, and social maturity of the child.

D. Students transferring into an HSS school shall generally be placed at the same grade level in the school from which they transferred. Students transferring, as well as continuing pupils, may be reduced or advanced in grade. The Principal or designee shall be guided by the recommendation of teachers and consult with the parents/ guardians of the student before the transfer or placement is made.

Section 2102 Student Attendance

A. The parent or guardian is charged by law with responsibility for the student's consistent school attendance. The CSA or designee shall enforce the laws regarding attendance, with consideration for the variables that affect children and families. The CSA or designee shall place emphasis on the prevention and correction of the causes of absenteeism.

B. Attendance Records.

1. Each time a class meets, the teacher shall check and formally record the attendance of all students assigned to the class. The name of any absent student shall be entered on the prescribed attendance/absence report and be submitted to the office.

2. A master list of student absences shall be prepared daily from attendance reports received in the office.

3. The Principal or designee is accountable for assuring that accurate and timely daily records of student membership and attendance are maintained.

Section 2103 Compulsory School Attendance

A. Compulsory school attendance of Indian children is provided for by law. Legal Ref.: 25 C.F.R. § 31.4. Under the Hopi Education Code, it is unlawful for any child who is not younger than five (5) years by the first day of September of the current school year, but who has not reached his or her eighteenth (18th) birthday to fail to attend school during the hours that school is in session, unless such child is excused as follows:

1. The student has successfully completed high school or a State- or Hopi-approved GED/Alternative school program;

2. The student is enrolled in a State- or Hopi-approved GED/Alternative school program;

3. The student is receiving a home education as provided by Chapter 15 of the Hopi Education Code; or

4. The student's absences are "excused." The HBE shall develop a policy determining:

   a. What conditions constitute an excused absence; and

   b. The form of evidence an individual responsible for a student under this Section shall provide to verify the reason for a student's absence from school. Legal Ref.: Hopi Education Code, secs. 1.5.A(6), 10.1.A, 10.2.

B. For those students who are evaluated as in need of Individuals with Disabilities Education Act education, the "Compulsory School Age" means a child who is not younger than three (3) years by the first day of September of the current school year, but who has not reached his or her twenty-second (22nd) birthday. Legal Ref.: Hopi Education Code, 1.5.A(6).

C. Notwithstanding any other law or exigent circumstance, school instruction shall be conducted in each local school for school sessions that total one hundred and eighty (180) days and shall meet the number of instructional hours required under federal law.

D. Unless a child is exempt as defined in Section 10.2 of the Hopi Education Code, any person who is responsible for a child of Compulsory School Age who "neglects or refuses, without good cause, to send his children or legal wards to school, is guilty of a minor offense." Legal Ref.: Hopi Code, tit. III, ch. 6, sec. 3.6.5. Such person shall be subject to the jurisdiction of the Hopi Tribal Court or court of competent jurisdiction to determine what penalties, if any, are warranted. Legal Ref.: Hopi Education Code, sec. 10.3.

Section 2104 Truancy

A. Where a parent or guardian complies with this Chapter by taking all reasonable steps to ensure the child is in attendance at school or is exempt from school attendance, but the child by his/her own actions does not attend school in compliance with Chapter 10 of the Hopi Education Code, and is not exempt under Section 10.2 of the Hopi Education Code, that child shall be subject to the jurisdiction of and may be found truant by the Hopi Children's Court or court of competent jurisdiction.

B. The HBE shall develop a policy to address truancy within the Hopi School System. Legal Ref.: Hopi Education Code, sec. 10.4.

Section 2110 Age Requirements for Admission by Grade

A. Admission to a HSS elementary school (Kindergarten through Sixth grade) shall be as follows:

1. A child is eligible for admission to Kindergarten, if the child is five years old on or before September 1st of the current school year;

2. A child is eligible for admission to First Grade, if the child is six years old on or before September 1st of the current school year; and

3. The Principal shall have the authority to waive the age requirements of this section on a case-by-case basis if the affected child's maturity and educational readiness are determined to be appropriate for the respective grade level. To be eligible for a waiver authorized by the provisions of this paragraph, the affected child must have reached the designated age no later than December 31st of the current school year. The decision to waive the September 1st age requirement for the Kindergarten and First Grade shall be made in consultation with the child's parent/guardian and classroom teacher.

B. Admission to Junior High School (Seventh and Eighth grades) shall be as follows:

1. Eligible students shall be admitted to any HSS junior high school if they hold a transcript, certificate or letter of promotion signed by the previous school's principal/administrator that they have passed the Sixth grade; and

2. Promotion requirements of this section shall apply to all junior high schools of the HSS when seeking admission.

C. Admission to High School (Ninth through Twelfth grades) shall be as follows:

1. Eligible students shall be admitted to high school if they:

a. Hold an eighth-grade certificate of promotion; or

b. Are between the ages of sixteen (16) and twenty-one (21) years.

2. Students under sixteen (16) years of age who do not hold an eighth-grade certificate of promotion may be admitted to high school if they meet competency requirements in the adopted standards for promotion of students from the eighth (8th) grade as determined by HBE in the areas of reading, writing, mathematics, science, and social studies.

    a. The CSA shall develop procedures for the student to demonstrate competency in the standards adopted by the HBE. Such procedures shall be approved by the HBE.

    b. The assessment instrument shall be based upon the standards adopted by the HBE. The instrument shall be prepared or selected by, and the result shall be verified by, a certificated person chosen by the CSA.

Section 2120 Admission Process

A. The person enrolling a student in a HSS school for the first time shall be asked to produce one (1) of the following proofs:

    1. A certified copy of the child's birth certificate;

    2. Other reliable proof of the student's identity and age, including an application for a Social Security number, original school registration records, or an affidavit providing the child's birth date and explaining the inability to provide a copy of the birth certificate; or

    3. A letter from the authorized representative of an agency having custody of the student (pursuant to statute) certifying that the student has been placed in the custody of the agency as prescribed by law.

B. The parent will be given thirty (30) days to provide documentation required by Section 2120 of the HSS Manual. If documentation is not provided, a letter will be sent to notify the parent that unless the documentation is provided within ten (10) days, the local law enforcement agency will be notified.

C. Nothing contained in this policy shall authorize the school to disclose to any person a student's educational record without prior parental consent unless the school makes a determination that disclosure is permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g and the HSS Manual.

Section 2121 Admission of Transfer Students

A. Academic credit for students who transfer from private, alternative schools, Tribal or public schools shall be determined on a uniform and consistent basis.

B. Elementary: Academic credit for placement in the common school subjects and grades shall be based upon teacher recommendations and previous grade level assignments

subject to the determination that the student can meet the standards adopted by the HBE for the grade level assignment.

C. Credit for Graduation Requirements: Each student who enrolls and requests the transfer of academic credits to fulfill graduation requirements shall be provided with a list specifying the courses for which credit has been accepted for graduation and those for which credit has been denied by the school. Transferred credit that satisfies any of the following criteria shall be acceptable for fulfilling HSS graduation requirements:

1. The credit was from a course taught by a teacher certificated by the Arizona or another state's Department of Education;

2. Awarding of the credit was based upon an assessment that included the standards adopted by the Arizona State Board of Education, other State Board of Education, or the Bureau of Indian Education and evidence of the student having achieved the standards is provided; and

3. The credit was awarded by a school accredited by one (1) of the following accrediting agencies of colleges and schools: North Central Association, Southern Association, Middle States Association, New England Association, Northwestern Association, Cognia, or Western Association.

D. When transfer credit is denied for a course, the student may request and take an examination on the course subject matter designed and evaluated by the CSA or designee in the receiving school who is certificated to teach the subject matter of the course for which the credit was requested. Upon receiving a satisfactory score as determined by the CSA or designee, course credit will be awarded to fulfill the requirements for graduation. All courses credited for graduation must meet the standards adopted by the State Board of Education where such standards exist. Where standards have not been adopted by the State Board of Education, courses credited for graduation must meet the standards established for the school to which the student has requested a transfer of credit.

Section 2122 Student Withdrawal from School/Dropouts

A. A withdrawal form shall be presented to the parent or legal guardian of a student who may or must withdraw from school. The withdrawal form shall include space for the reason for withdrawal and the signature of the Principal or designee of the school which the student has withdrawn.

B. Reasons for withdrawal may include:

1. Parents or legal guardians moving from the school;

2. Students' significant medical illness;

3. Parents requesting the withdrawal of students who have passed their sixteenth birthday; or

4. Expulsion or long-term suspension by the HBE.

C. Upon withdrawal, the student shall check in all books and other HSS property through the office of the school that was attended.

Section 2130 Attendance

A. 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.

B. If a student is sick, has a death in the family, must attend a religious ceremony or has another legitimate reason that keeps the student from attending school, the student shall do the following:

1. On the day following any absence, and at the beginning of the school day, bring and deliver to the Principal or designee 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 reason for the absence as defined herein, the absence will be "excused" and the student shall be allowed to make up their school work; and

2. Immediately upon returning from an excused absence, the student shall ask his/her teacher(s) for any missed assignments and makeup work. The student shall then promptly complete and turn in any missed work or assignments so they are not behind.

C. Students with perfect attendance at the end of each quarter shall be honored.

Section 2131 Notice of Absenteeism

A. A student who was absent from school without reason shall have their parents immediately contacted by the Principal or designee on the first day of the absence.

B. If a student misses three (3) days, parents shall be contacted by the Principal or designee. After five (5) days of absences in a school year, the parent or guardian shall be required to have a conference with the Principal or designee.

C. After ten (10) days of absences in a school year, a letter shall be sent to the parents regarding a student's absences and future consequences.

D. The HSS shall drop, retain a grade, or receive no credit for a student with eighteen (18) or more days of absences.

E. The HSS shall drop a student from membership for Indian School Equalization Program ("ISEP") purposes after ten (10) consecutive school days of absences. Legal Ref.: 25 C.F.R. § 39.210. See also HSS Manual, sec. 4205(B).

F. The HSS can count other categories of students for ISEP membership purposes, including: homebound, located in an institutional setting outside of a HSS school, taking college courses during the school day, taking distance learning courses, or taking internet courses. Legal Ref.: 25 C.F.R. § 39.211(a)-(e) (see 25 C.F.R. § 39.211 for additional requirements in each of these five categories) (see also HSS Manual, sec. 4205(C)).

G. Because students are required by law to attend school between the ages of six (6) and sixteen (16), students cannot be dropped from attending school for absenteeism between six (6) and sixteen (16) years of age.

H. For students over the age of sixteen (16), the HSS may drop students for truancy or excessive absenteeism but, annually or on the request of any student or the parent or guardian, HSS may review the reasons for the student's being dropped and consider readmission.

Section 2132 Excessive Absenteeism

Excessive student absenteeism shall result in parent/guardian notification, retention and referral to Hopi Tribal Child Protective Services by the Principal or designee. Excessive student absenteeism shall be defined as eighteen (18) days of absences in a school year.

CHAPTER 2200 – STUDENT RECORDS

Section 2201 General Policy

A. It is the policy of the HSS, and, therefore, the duty of all employees, agents, representatives and students of the HSS to respect and protect the privacy of all students and student records to the fullest extent possible within applicable law and to the degree possible given the informational needs in performing the educational mission of the HSS.

B. Violations of these policies are grounds for disciplinary action, up to and including termination.

Section 2202 Confidentiality of Student Records

A. The primary law governing protection of HSS student records is the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g and FERPA's implementing regulations in 34 C.F.R. Part 99.

B. Establishment, maintenance, correction, and disposition of student records shall be made in accordance with the FERPA, IDEA, and 25 C.F.R. Part 43 (maintenance and control of student records in Bureau schools) as applicable. The HSS shall follow all rules and regulations established by the FERPA regarding data collections, access to educational records, and the right to disclose information and Personally Identifiable Information (PII). The confidentiality of PII in education records of students with disabilities is further protected by Part B of the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400, et seq. and IDEA's implementing regulations in 34 C.F.R. §§ 300.500, et seq. Legal Ref.: See e.g., 20 U.S.C. § 1417(c); 34 C.F.R. §§ 300.610-300.627.

D. The HBE directs the CSA to establish procedures for compliance with this Chapter, including informing parents, students, and the public of the contents thereof. The CSA shall implement said procedures as required by law and shall establish procedures for addressing violations. Such procedures shall be approved by the HBE.

E. 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 shall immediately be investigated by the school and corrective measures shall be taken as necessary. The person has the right to file a complaint with the U.S. Department of Education, whose address and telephone shall be publicly posted.

F. In adopting this policy, it is the intent of the HBE that the policy and related procedures be implemented immediately. Copies of the Students Policy and Procedures shall be available for parents and eligible students to review in the office of each school and in the CSA's office.

Section 2203 Statement of Rights to Records and Disclosure Protections

A. Parents and eligible students have the following rights under the FERPA and this Chapter:

1. Parents and eligible students shall have the right to inspect and review the student's education records;

2. A parent or an eligible student shall have the right to request correction to school education records which the student or the parent believes to be inaccurate, misleading, or in violation of FERPA. If the HSS decides not to alter it, the parents or eligible students are entitled to a hearing to present evidence that the record should be changed.

3. If the parent or eligible student believes the HSS is in violation of the FERPA, he/she may file a complaint with the U.S. Department of Education.

4. In the case of an IDEA student, HSS schools shall comply with the request without unnecessary delay and before any meeting regarding an individualized education plan ("IEP"), any hearing relating to the identification, evaluation or educational placement, or the provision of free appropriate public education ("FAPE") with respect to the student;

5. If the requesting party is prevented by circumstances to review the record, the school shall either provide a copy of the records or make other arrangements which shall allow for an opportunity to inspect the records;

6. Parents and eligible students have the right to receive copies of this procedure and any other rights under FERPA.

B. All rights and protections given to parents under the FERPA and this Chapter transfer to the student upon the student becoming an "eligible student" as defined in this Title (except where the student has a disability). Legal Ref.: 34 C.F.R. §§ 300.625, 99.5(a)(1).

C. When a record contains information about students other than a parent's child or the eligible student, personally identifiable information regarding other students shall be redacted or removed.

Section 2204 Annual Notification

A. Within the first three (3) weeks of each school year, the school shall publish in a school communication a notice to parents and eligible students of their rights under the FERPA and this Chapter.

B. This notice shall be provided to each parent of new students who enroll at any time during the school year.

C. The school shall arrange to provide translation of the notice to non-English-speaking parents in their native language or mode of communication.

Section 2210 Records considered to be Student Education Records

A. With a few exceptions, FERPA broadly defines "education records" as any record (in handwriting, print, tapes, film, or other medium) that is maintained by a HSS school, an employee of the school, or any agent of the school, and that is directly related to a student. See 34 C.F.R. 99.3. The exceptions to what is considered "education records" are set forth in Section 2002(B) of the HSS Manual.

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 ensure 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/her parent, to the greatest extent possible.

Section 2211 Academic and Disciplinary Records to be Kept Separate

A. Students' academic and disciplinary records shall be kept separate to minimize the risk of improper disclosure. The disciplinary records shall be treated as confidential.

B. The contents of a student's disciplinary record may be made available for use within the HSS only on the written request of the parent or eligible student, on direction of the CSA or designee, or as otherwise allowed under applicable law and the HSS Manual.

Section 2212 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.

B. All student records which are physically maintained in written form shall be so maintained subject to the following safeguards:

1. All areas in which the student records are maintained or regularly used shall be posted with a warning notice as set forth in Appendix B to the HSS Manual;

2. 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, fire-proof file cabinets or a locked room; and

3. During non-working hours, access to the student records shall be secured and restricted by their storage in locked, fire-proof file cabinets or a securely locked room to which no keys are available but to authorized personnel.

C. 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 backed up daily.

D. All authorized personnel shall be, not less than annually, provided with a review of the security requirements contained herein by the Principal or his/her designee.

Section 2213 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 the HSS 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:

1. Alteration or destruction is properly undertaken in the course of an employee's regular duties or is specifically authorized by the Principal following all applicable policies and procedures for alteration or destruction of student records; or

2. Alteration or destruction is required by order of a court of competent jurisdiction.

Section 2230 Disclosure of Student Education Records

The intent of the HSS shall be to limit the disclosure of information contained in a student's education records, except records may be released as follows:

A. By the prior written consent of the student's parent or the eligible student;

B. As directory information; or

C. Under certain limited circumstances as permitted by the FERPA and its implementing regulations.

Section 2231 Release of Student Records with Parents or Eligible Students' Consent

A. A parent or eligible student shall provide a signed and dated written consent before the HSS discloses personally identifiable information from the student's education records, except as provided in 34 C.F.R. § 99.31. Legal Ref.: 34 C.F.R. § 99.30(a).

B. At a minimum, the written consent shall:

1. Specify the records that may be disclosed;

2. State the purpose of the disclosure; and

3. Identify the person or organization to whom the disclosure may be made. Legal Ref.: 34 C.F.R. § 99.30(b).

C. A copy of the Consent form is made a part hereof in Appendix B to the HSS Manual.

Section 2232 Release of Student Records Where No Consent is Required

The Principal of a HSS school or a person authorized in writing by the Principal (hereinafter "Principal") may disclose personally identifiable information from an education record of a student without the consent required by Section 2231, if the disclosure meets any of the following or other conditions set forth in the FERPA (34 C.F.R. § 99.31):

A. Principal may release to other school officials, including teachers, within the HSS whom the HSS has determined to have legitimate educational interests. Legal Ref.: 34 C.F.R. § 99.31(a)(1)(i)(A). A "legitimate educational interest" is a person's need to know in order to properly perform a necessary administrative task, 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. Principal may release, subject to the requirements of 34 C.F.R. § 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Legal Ref.: 34 C.F.R. § 99.31(a)(2).

C. HBE may release to organizations conducting studies to develop, validate or administer predictive tests, improve instruction and administer student aid programs as long as:

1. The study does not disclose personal identification of parents and student; and

2. Information is destroyed after conducting the study.

D. Pursuant to applicable law, Principal may release to applicable entities and local officials when the authorized reporting or disclosure concerns the juvenile justice system.

E. Principal may release to accrediting organizations to carry out their accreditation functions.

F. Principal may release to parents of a "dependent" student as defined by section 152 of the Internal Revenue Code.

G. Principal may release to comply with a judicial order or lawfully issued subpoena only if the Principal has made a reasonable effort to notify parents/eligible students of the order or subpoena in advance of compliance so that the parent or eligible student may seek protective action, unless the disclosure in compliance with:

1. A federal grand jury subpoena and the court has ordered that the information furnished in response to the subpoena not be disclosed; or

2. 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 and Emergencies:

1. Principal 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 Principal shall determine the existence of such an emergency by considering the following criteria:

a. Whether the person to whom the information is to be disclosed is qualified and able to deal with the emergency;

b. Whether the information is necessary for a prompt resolution of the emergency; and

c. Whether the seriousness of the threat to health and safety of students or other individuals warrants the disclosure of the information; and

2. Principal may include appropriate information in the education record of any student concerning disciplinary action taken against such student or conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. Legal Ref.: 20 U.S.C. 1232g(h)(1).

I. The disclosure is to the parent of a student or to an eligible student.

J. The disclosure is information which has been designated by the HSS as "directory information" and the procedures regarding disclosure of directory information have been followed. See HSS Manual, sec. 2234.

Section 2233 Conditions for IDEA Student Records

A. Records of students in IDEA education programs shall be kept by specifically designated school employees who shall receive training in the confidentiality policies and procedures required in the collection, storage, disclosure and destruction of student records. Such records shall be subject to the education records requirements of the FERPA, IDEA, and any other applicable policies, laws or regulations.

B. 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.

C. Parental consent shall 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);

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.

D. The school shall inform the parents when personally identifiable information is no longer needed to provide educational services to the student. If the parent so requests, the information shall be destroyed. Basic identifying data, attendance data and academic data may be retained by the school.

E. The policies related to the security of IDEA student records include, but are not limited to the following:

1. Original IDEA records shall be kept in the HSS Central Administration Office. The area where these records are kept will be labeled as a confidential area. It shall be a separate room and the files shall be kept in a large, fireproof safe or filing cabinet. The filing safe/cabinet shall be kept locked and a list of individuals who can access the files shall be updated yearly and put on the door or filing cabinet.

2. The local IDEA teacher shall have a working copy. At the school level, these records shall be kept in locked file cabinets with an access memorandum and sign in sheet on the front of the cabinet. In front of each student's file in the cabinet, there shall be a sign-in sheet for staff to sign when they access the student's file.

3. For IDEA records maintained electronically, access shall be password protected and follow all security protocols to ensure confidentiality of IDEA student records.

Section 2234 Directory Information

A. In accordance with FERPA, the HSS may disclose directory information about a student without prior consent of the parent or eligible student. Legal Ref.: 34 C.F.R. 99.37(a).

B. The HSS hereby designates the following information as directory information:

1. The student's name;

2. The student's address, telephone listing and electronic mail address;

3. Names of parent/guardian(s);

4. Student's photograph;

5. Gender;

6. The student's date and place of birth;

7. The student's grade level;

8. Dates of attendance;

9. Participation in officially recognized activities and sports;

10. The student's weight and height if member of athletic teams;

11. The student's degrees, honors, and awards received;

12. Tribal and Village affiliation(s); and

13. The most recent educational agency, school or institution attended before enrollment in a HSS school. Legal Ref.: 34 C.F.R. 99.3.

C. Within the first three (3) weeks of each school year, each HSS school shall publish in a school communication or send home with each student the list set forth in Section 2234(B), or a revised list, of the items of directory information it proposes to designate as directory information. For a student who enrolls after the notice is published, the list shall be given to the student's parent or the eligible student at the time and place of enrollment.

D. After the parents or eligible student have been notified, they will have two (2) weeks to advise the school in writing (a letter to the Principal's office) of any or all of the items they refuse to permit the school to designate as directory information about that student.

E. At the end of the two-week period, if the parents or eligible student have not returned the form indicating refusal to allow the use of directory information, the school shall assume it has their permission to use the information contained in Section 2234(B). This designation shall remain in effect until it is modified by the written direction of the student's parent or the eligible student.

F. 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.

Section 2240 Records of Access Requests

A. Each HSS school shall keep a log of all access requests with each student record. The log shall include:

1. The name of the individual or organization making the request;

2. The purpose or reasons for the request; and

3. The date of the request and whether or not the request was granted.

B. The log shall be maintained as long as the student's education record is maintained by the school.

C. 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.

D. No record shall be kept if the request was made by:

1. The parent or eligible student;

2. An authorized school official with a legitimate educational interest;

3. A party who has the written consent of the parent or eligible student;

4. A party seeking directory information; and

5. 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.

Section 2241 Destruction of Student Records

A. Records other than those containing basic identifying data, attendance data and academic data shall not be destroyed.

B. After five (5) years of being inactive, student records shall be archived at the Office of Trust Records/Indian Affairs Records Management.

Section 2242 Notice to be Placed on Records Released

A. All records released to any party outside of the HSS 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 the Hopi School System."*

B. All HSS schools shall not release any student records until all FERPA and HSS policies and procedures have been fulfilled.

Section 2243 Fees

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

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

Section 2250 Development of Procedures for Requesting Transfer of Records

The CSA shall develop procedures that comply with applicable law related to the request for, and the response to such request for, records of students who transfer into or out of the HSS from or to another school. Such procedures shall be approved by the HBE.

Section 2251 Requesting Records for Transfer Students

A. Upon enrollment of a transfer student from a private school, Bureau of Indian Education ("BIE")-funded school, alternative school, or from a public school in another district, the Principal shall request that the student's parent or an eligible student authorize consent for the request of the student's education records on the "Request for Student Records Form." See Appendix B.

B. Within five (5) school days after enrolling a transfer student, the HSS Principal or designee shall request directly from the student's previous school a certified copy of the student's record.

Section 2252 Responding to Requests for Student Records

A. Except as otherwise stated herein, the HSS shall comply with requests for student records within a reasonable time, which shall be no longer than forty-five (45) days of the date of the request.

B. Upon receiving a request for the records of a student who has withdrawn from a HSS school, the Principal or designee shall comply and forward the record within five (5) school days after receipt of the request, unless:

1. The record has been flagged in which case the record shall not be forwarded and law enforcement officials shall be notified. See A.R.S. 15-829 (missing child/ notification of school); see also HSS Manual, sec. 2254; or

2. The request does not conform to the requirements related to proper release of records under the FERPA and the HSS Manual.

Section 2253 Locations of Education Records

A list of types and locations of educational records collected, maintained, or used shall be provided to the parents upon request.

Section 2254 Records of Missing Students

A. When a child is reported missing by a parent or guardian, the law enforcement agency receiving the report shall notify, as soon as is appropriate, the school the child was attending, if any, or the CSA if the child was being instructed at home. See A.R.S. 15-829. The notification shall include all of the following:

1. The missing child's name;

2. The missing child's date of birth;

3. The missing child's county and state of birth;

4. The missing child's social security number, if any; and

5. The physical description of the missing child.

B. When a school is notified pursuant to subsection 2254(A) that a child is missing, the school shall flag the records of the child. If a copy of or information regarding the records is requested, the school shall immediately report the request concerning the flagged records to a local law enforcement agency.

C. The law enforcement agency receiving the report shall notify the school or CSA if the missing child is found and, if so, the school or CSA shall remove the flag on the records.

D. For purposes of this section:

1. "Flag" means to mark or identify as pertaining to a missing child, or an indication identifying an item as pertaining to a missing child.

2. "Missing child" means a person who is under the age of eighteen years, whose temporary or permanent residence is in the state of Arizona or is believed to be in Arizona, whose location has not been determined and who has been reported as missing to a law enforcement agency.

CHAPTER 2300 – HEALTH AND SAFETY

Section 2301 Safety

A. Students shall obey all safety signs and rules posted on and around school campus.

B. Students assigned to kitchen or multi-purpose building duty shall adhere to instructions and rules set forth by the staff who work there.

C. Students who handle food shall be trained by the kitchen staff and shall have a food handler's permit.

Section 2302 Classroom Safety

A. Teachers will be responsible for their classes at all times. At no time are students to be left unsupervised. Students are not to be sent on errands from the school premises.

B. Teachers have the authority to prohibit the use of and/or to confiscate any article that is a hazard to a student/staff member or that may damage school property.

C. Every student, teacher, and visitor shall wear appropriate protective eyewear while participating in or when observing vocational, technical, industrial arts, art, or laboratory science activities involving exposure to items such as dangerous, caustic, or explosive materials.

D. In the case of an emergency, the teacher will seek help from the Principal.

Section 2303 Supervision of Students

A. When students are in school, engaging in school-sponsored activities, or traveling to and from school on school buses, they are responsible to the school and the school is responsible for them.

B. Supervision shall include being within the physical presence and, whenever possible, within a line of vision of the students so that school personnel will have a reasonable opportunity to control the behavior of and assist the students if necessary. Teachers shall exercise supervision as appropriate from the commencement of the school day, before classes begin, during class sessions, during lunch periods, between classes, and at any other time when performing teaching or related duties on behalf of the school.

C. When it is necessary in an emergency situation for a teacher to leave the physical presence of the students, the teacher shall make a reasonable effort to obtain a school employee to supervise the students during the teacher's absence. In no case shall the teacher leave students unsupervised if there is a reasonable possibility that harm to students or property will result from the students being left unattended.

D. School administrators, teachers, and other staff members will ensure that anyone who wishes to contact a student during the school day is doing so for proper reasons.

Section 2304 General Safety Rules

A. Students are to attend classes on weekdays, except for holidays. A routine attendance check will be enforced by school staff.

B. Students shall comply with the HSS's policies, procedures, rules and regulations established by the HSS at all times.

C. Use of tobacco products is prohibited. This includes possession, use, distribution or selling of the products.

D. The possession, use, distribution or selling of drugs, alcohol and controlled substances is prohibited. Law enforcement and parents shall be notified immediately of any violation of this rule.

E. All visitors shall sign in and sign out at the front office and are required to obtain a pass before visitation.

F. Students, staff and visitors are to maintain buildings and quarters in good condition. Vandalism or property damage shall not be tolerated. Law enforcement shall be notified. Students causing property damage and their parents shall be held responsible for all costs necessary to repair or replace said damage.

G. Stealing from students, school, and staff is prohibited. Law enforcement shall be notified in the event of a theft.

H. Due to health, safety, and welfare, roller skates, roller blades and skateboards are prohibited on all HSS campuses.

Section 2305 Telephone

A. Office Phones. Office phones are for school use only. The only exception to use an office phone would be in cases of emergency, with permission from the staff.

B. Cellular Phones. Cellular phones shall be subject to the policies and procedures of Chapter 10400 of the HSS Manual.

Section 2306 Courtesy at Activities

Students and visitors to the school shall 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 2307 Check-Out Procedures

A. Parents or legal guardians of students shall designate those persons who are authorized to check out their children on the student check out forms. Notes signed by parents or legal guardians are required for check out authorization.

B. Except in the case of documented emergencies, phone calls will not be accepted for check out authorization.

C. Students shall not be checked out to a person who appears to be under the influence of alcohol or drugs.

D. The school reserves the right to deny a check-out if, in the school's opinion, such check-out appears to compromise the personal safety or welfare of the student. If the check-out is to be denied, it will be the responsibility of the Registrar or designee to hold a meeting with the Principal, the parent and the student to discuss the matter. The parents are to be advised in writing if the privilege is denied.

E. A person checking out a student may need to show proper identification to confirm the person is authorized to check out the student.

F. No other check-out restrictions will be enforced against parents/guardians, unless they are ordered by Social Services, law enforcement or court order.

G. It is the parent/guardian's responsibility to pick up students at their bus drop-off sites. See HSS Manual, sec. 6310.

Section 2310 Bus Safety and Rules

A. At any time when the HSS provides bus transportation to students, students shall adhere to the following bus safety rules:

1. Be courteous to fellow pupils and bus drivers;

2. Be ready to board the bus on time;

3. Stand twelve (12) feet away from the road where the bus stops;

4. Wait until the bus comes to a complete stop to board the bus;

5. Assist in keeping the bus safe and clean at all times;

6. Keep hands, arms, and all parts of the body inside the bus;

7. Keep personal possessions out of the aisle;

8. Never experiment or tamper with bus or any of its equipment;

9. Never throw anything in the bus or out the window;

10. Not smoke or chew tobacco in a school bus;

11. Not damage a bus. Damage by a student to the bus will be paid for by the student and/or the student's parents; and

12. Remain in seats until the bus comes to a complete stop and not engage in disorderly behavior and obscene language. Students may be assigned seats if they misbehave or it is otherwise necessary.

B. Students are to ride their assigned bus to and from the School every day. A student will only be excused from riding the bus if the student provides and turns in to the School office, by noon on a regular school day and by 10:00 a.m. on a half-day scheduled, a written note from the student's parent requesting that the student be excused from riding the bus that day and providing a reason for the change. Each note must be written, signed and dated by the parent. Bus changes should be limited to emergencies and may be denied if space is not available on the requested bus.

C. It is the parent's responsibility to promptly pick-up their students at bus drop-off sites. Buses will not remain at drop-off sites after students have disembarked from the bus. Bus drivers are required by school policy to drop off students at designated sites only and to leave the drop-off site immediately after the students disembark from the bus. These rules apply for regular bus runs and activity runs.

D. Activity bus runs (bus service associated with a school extra-curricular activity) will be conducted pursuant to the above noted policy. A block time (range of time) will be established for each activity bus service and publicized. It shall be the parent's responsibility to become informed of this block time (either by calling the school or otherwise obtaining the times) and to be at the site during that range of time. 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. If parents fail to pick-up their students two (2) times at the site at the appropriate time within a single school year, the student will be dropped from the activity.

Section 2311 Bus Evacuation Drills

All bus drivers shall practice bus evacuation drills at the beginning of the school term and at least twice more during the school year. The bus driver shall also train student leaders and helpers to conduct a bus evacuation independently. See also HSS Manual, sec. 6210(A)(5).

Section 2320 Fire/Emergency Evacuation Plan

A. The HSS shall develop a written Fire/Emergency Evacuation Plan and shall work with each school to develop a Fire/Emergency Evacuation Plan for each school site. These plans shall include training for staff at each school site.

B. The Principal shall be responsible for ensuring that school staff and students are informed of these plans.

C. In case of fire, the fire evacuation plan exists to prevent confusion and accidents.

D. The building evacuation plan shall include, at a minimum, the following general procedures for evacuation:

1. All students and staff members must evacuate the buildings immediately and in an orderly manner (single file);

2. Students and staff should not run or scream, or otherwise act in a manner that may create or exacerbate panic or fear;

3. A designated student or staff member will hold doors open until the building is completely evacuated;

4. Students will be accounted for outside the building to assure all are out;

5. No students will be allowed to stop or go to their locker to retrieve personal belongings;

6. Students and staff may take personal belongings at their desks with them;

7. Everyone is to report to a designated assembly area with shoes and appropriate clothing (if possible); and

8. Students and staff may not re-enter a building until an authority having jurisdiction, the Principal or designee, instructs them to do so only after the building has been cleared safe.

E. 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.

F. The staff shall report any safety issues or problems to their supervisor. The supervisor shall provide said reports to the Facility Manager and ensure that corrective action is taken.

G. A fire drill report shall be filled out by the Facility Manager after each fire drill and turned in to the Principal.

Section 2321 Tampering with Fire Alarms

Tampering with fire alarm and sprinkler systems are federal offenses. Proper authorities will be notified.

Section 2330 Property Damage

A. Any damage to HSS property by a student shall be the responsibility of the student and the student's parent.

B. The student and parent shall pay for any replacement and/or repair costs. Any such damage shall be paid within ninety (90) days of notice to the parent of the damage and costs.

C. If payments are not received within the ninety (90) day period, the services, including transportation, may be denied or suspended until the debt is cleared.

D. Disciplinary action shall apply to incidents of property damage. Law enforcement shall be notified.

Section 2340 Student Dress Code

A. The HBE recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The HSS 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.

B. The HBE and HSS staff shall not interfere with the right of students and their parents to make decisions regarding their appearance except when their choices affect the educational program of the schools or the health and safety of others.

C. The HBE authorizes the CSA to develop and enforce school regulations prohibiting student dress or grooming practices that:

1. Present a hazard to the health or safety of the student or to others in the school;

2. Materially interfere with school work, create disorder, or disrupt educational programming;

3. Cause excessive wear or damage to school property;

4. Prevent students from achieving their educational objectives; or

5. Represent membership in a gang.

D. Obscene language or symbols, or symbols of sex, drugs, or alcohol on clothing are expressly prohibited.

Section 2341 Student Dress Guidelines

A. 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 but are not intended to be an exhaustive list.

B. The following are not acceptable:

1. Slits and holes in clothing;

2. Bare midriffs;

3. Headwear in classrooms;

4. Dress indicating gang relations;

5. All clothing articles that contain logos of tobacco products, drugs, or alcoholic beverages;

6. Clothing that makes reference to sex, violence, or satanic images, or that contains obscene words in any language; and

7. Sunglasses in the building unless verifiable medical reason exists, e.g., prescription glasses.

C. Exceptions for special activities or health considerations may be pre-approved by the CSA or Principals.

D. Students who volunteer for extracurricular activities, such as athletics, band, chorus, etc., are subject to the standards of dress as defined by the sponsors of such activities.

E. Failure to abide by the dress code may result in disciplinary action.

Section 2342 Personal Items

A. Students are solely responsible for any personal items they bring to school.

B. The HSS is not responsible for any lost, loaned, damaged or stolen items.

C. A student's personal items may be confiscated by the staff if they or their use is deemed unsafe or if they are disruptive to the educational process.

D. For health reasons, the loaning of personal clothing items to another is prohibited.

E. Use of electronic devices is subject to the Student Use of Electronic Devices policy contained in Chapter 10200 of the HSS Manual.

Section 2350 Cafeteria

A. The cafeteria provides meals for students on campus and on some field trips. Students are counted for each meal they eat.

B. Students are expected to use good table manners and to behave appropriately in the dining room. Students shall assist in maintaining a clean and attractive cafeteria.

C. Cafeteria Rules. Students shall:

1. Walk, not run, in the cafeteria area;

2. Sit on chairs only;

3. Use good manners;

4. Maintain all tables, seats, and walls in good condition;

5. Discard gum and wrappers in the trash can (students shall not stick gum under the tables);

6. Be courteous toward fellow students, staff and visitors;

7. Not engage in horseplay or roughhousing;

8. Not take food or drinks out of the cafeteria;

9. Use dinnerware as eating utensils only; and

10. Caps, hoods, hats are not allowed to be worn in the school buildings or cafeteria.

Section 2360 Health Policies

A. Comprehensive health care remains the responsibility of the student's parent(s) and/or guardian(s).

B. Students may be referred to the Hopi Health Care Center or Tuba City Regional Health Care Center, as applicable, in the event of an illness or injury during the school day. In the event of such referral, an illness or injury during the school day, parents shall be notified and expected to pick up their child as soon as possible.

C. The CSA shall develop procedures for responding to students who appear to be under the influence of any drug, chemical, alcohol or any other intoxicating substance. Such procedures shall include provision of emergency first aid and any follow up treatment and shall be approved by the HBE.

Section 2361 Harm or Threat of Self

A. 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 Counselor or Principal shall immediately contact the Indian Health Service ("IHS") health psychiatrist in the counseling department of IHS at telephone number (928) 737-6000, and shall thereafter immediately contact the supervisor on duty and the Principal.

B. In such situations, the school shall undertake immediate intervention and make immediate referral for assistance.

Section 2362 Administering Medications to Students

A. When it is necessary for a student to take medicine during school hours, HSS schools shall cooperate with the student's family physician and parents/guardians and administer the medication(s) to the student if the following requirements are met:

   1. There must be a written order from the physician or Public Health Service stating the name of the medicine, the dosage, and the time it is to be given;

   2. There must be written permission from the parent to allow the school or the student to administer the medicine. Appropriate forms are available from the school office; and

   3. The medicine must come to the school office in the prescription container or, if it is over-the-counter medication, in the original container with all warnings and directions intact.

B. Medication shall only be dispensed in accordance with the directions given by the treating physician. It is the parent/guardian's responsibility to provide the school with current directions signed by the physician.

C. The medication shall be kept in a locked cabinet in a designated area.

D. Over the counter medications shall only be administered by a school Medical Technician and then only if a fully executed parental consent form is on file with the student's school.

E. The HSS reserves the right, in accordance with procedures established by the CSA, to circumscribe or disallow the use or administration of any medication on school premises if the threat of abuse or misuse of the medicine may pose a risk of harm to students.

F. This policy and any related policies or amendments to such policies shall be forwarded to the HSS liability insurance carrier for review.

Section 2363 Physical Examinations of Students

Each student participating in interscholastic athletics is required to submit to a physical examination or to submit evidence of being physically fit, as verified by competent medical personnel.

Section 2364 Immunizations of Students

A. Subject to the exemptions as provided by applicable law, immunization against diphtheria, tetanus, pertussis, poliomyelitis, rubeola (measles), mumps, rubella (German measles), hepatitis B, and haemophilus influenzae b (Hib) is required for attendance of any student in a HSS school.

B. A student's immunization record shall be submitted prior to attendance, although a student may be conditionally enrolled provided that necessary immunizations have been initiated and a schedule has been established for completion of the required immunizations. A student who fails to comply with the immunization schedule shall be suspended in accordance with HSS policies.

C. Any student with serologic confirmation of the presence of specific antibodies against a vaccine-preventable disease shall not be subject to immunization against that disease as a condition for attending school.

D. The HSS shall cooperate with county, state and Tribal health departments in programs of immunization. Parents' permission shall be secured before a student may participate in immunization projects.

Section 2365 Communicable / Infectious Diseases

A. Any student with, or recovering from, a communicable disease shall not be permitted in school until the period of contagion is passed or until a physician recommends a return, in accordance with appropriate regulations of the Hopi Tribe and the Hopi Health Care Center.

B. Parents shall be requested to provide a history of the communicable diseases for each student, and such records will be kept and maintained by the school.

C. A student suffering from a communicable disease shall be excluded from school to protect the student's own welfare and to protect other students and staff from illness. Early recognition of a communicable disease is of prime importance. The CSA and the Hopi Health Care Center shall make the decision for exclusion and readmission.

D. Pediculosis (Lice Infestation). Students with pediculosis shall be excluded from school until treatment specific for pediculosis has been initiated and the student is symptom free.

Section 2366 Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus Infections

A. Students ill with Human Immunodeficiency Virus ("HIV") or acquired immune deficiency syndrome ("AIDS") have a right to receive a public education. The HBE has a responsibility to assure that the schools provide a safe environment for all students and employees.

B. The HBE directs that:

1. Infected students receive a public education;

2. Information be provided for parents, faculty and staff members, and other concerned persons concerning the actual and potential dangers of transmission of the disease;

3. Decisions concerning the educational placement of infected students be determined upon the best medical knowledge available and on a case-by-case basis;

4. Restrictions be placed upon a student as required by the Hopi Health Care Center and advice of a physician selected by the HSS; and

5. Protection for the rights of each infected student shall be a primary consideration.

C. Decision(s) regarding the type of educational setting for the student who is infected with HIV shall be based upon the behavior, neurologic development, and physical and mental condition of the student. Recommendations shall be made upon consultation with public health personnel, school officials, the student's physician and parents, and, at the discretion of the school, a physician selected by the HSS.

Section 2367 Dental

When a student complains of a toothache, parents shall be notified and expected to pick up their child as soon as possible.

Section 2368 Grooming/Personal Hygiene

A. Acceptable personal hygiene (shower, brush teeth, etc.) is the student's responsibility.

B. Students with hair lice or nits are to notify their teachers. It is the parents' responsibility to immediately treat their child(ren) for such infestation.

C. 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 shall subject the student to discipline.

Section 2369 Students' Duty to Inform of Illness or Injury

It shall be each student's responsibility to inform the teacher or Principal of any illness or injury to him/herself.

Section 2370 Social Interaction

A. Students are expected to behave and conduct themselves in an appropriate manner on campus and in public.

B. Inappropriate behavior, such as cursing, throwing hand gestures, and indecent or excessive displays of affection (petting, kissing), are prohibited.

C. School staff are expected to counsel students who are not adhering to these rules.

CHAPTER 2400 – EXTRACURRICULAR ACTIVITIES

Section 2401 HSS Extracurricular Activities

A. The HSS shall offer a variety of extracurricular activities. These may include: volleyball, cross-country, basketball, flag football, softball, baseball, football, Student Council, cheerleading, etc.

B. Sports usually include junior varsity and varsity teams.

C. Students shall be academically eligible and not involved in behavioral or disciplinary sanctions or activities to participate in certain student activities including: intramural activities, extracurricular activities and school-related-off-campus activities. To be academically eligible, a student must have at least a C (2.0) average in each course and report card category.

D. Each School shall have a Student Council. The Student Council gives students an opportunity to organize in a meaningful and effective way. The purpose of the Student Council is to create good relationships between the members of the student body, staff, administration and the community and to teach leadership and develop pride in the School. Students are encouraged to support and participate in the Student Council and its activities.

E. A number of student clubs and organizations exist within the school for students' interest. Membership in clubs and organizations is open to all students. All students are encouraged to join School clubs and organizations. Students wishing to form a club, which the School does not have, must apply to Student Council and Administration for permission to organize the club.

Section 2402 Applicable Interscholastic Regulations

A. The HSS shall offer interscholastic activities in grades kindergarten (K) through twelve (12) that are of a competitive nature and involve more than one school where a championship, winner, or rating is determined, and endeavors for which no credit is earned in meeting graduation or promotion requirements that are of a continuous and ongoing nature, organized, planned, or sponsored by the school, consistent with HSS policy, shall be conducted under the provisions of this policy.

B. The HSS shall follow and be subject to the following regulations:

1. High school shall follow and be subject to the Arizona Interscholastic Association regulations;

2. Junior high shall follow and be subject to the Northern Arizona Interscholastic Conference regulations; and

3. Elementary schools shall follow and be subject to the Hopi Elementary Athletic League regulations.

Section 2403 HSS Extracurricular Activities Procedures

A. Such activities shall be established and designed to offer students worthwhile athletic and leisure-time interests, wholesome recreational and social activity, and an opportunity to develop skills in democratic and cooperative management for these activities. These programs will be appropriate to the maturity of students and as varied as staff and facilities permit.

B. All such activities conducted under the auspices of the school shall be under the direct supervision of the certificated individual responsible for the activity.

C. It is necessary to have the extracurricular activities function within a realistic framework of control. In order that overenthusiastic students do not place a social or athletic function on a higher plane than the academic program, the following policy will be adhered to:

1. Students who, upon having their work checked on a cumulative basis at the end of each one week period, show that they are not working to capacity and have one or more failing grades will be removed from any athletic teams or extracurricular activities. After improving their respective grades such that they are passing on a cumulative basis, they shall be reinstated to the teams or extracurricular activities until a subsequent check is performed unless ineligible for some reason other than academic performance.

2. The eligibility criterion for extracurricular participation shall be a passing grade in all classes in which the student is enrolled, and the student shall maintain progress toward promotion or graduation.

3. The responsibility for notification of students and parents of these requirements and for enforcement of the above rule rests with the Principal or designee.

4. The student and the parents or guardian shall be notified of ineligibility in a manner such that confidentiality is maintained when:

   a. Ineligibility is pending; or

   b. Ineligibility is determined to be necessary.

5. Support services shall be made available to students who become ineligible for extracurricular programs as well as to students notified of pending ineligibility.

D. Students whose behavior presents a problem or jeopardizes school discipline may be ineligible for participation in extracurricular activities until such time as their behavior warrants reinstatement.

E. The same general standards shall apply for special education students except that such eligibility shall be determined on a case-by-case basis in relationship to the respective students' individual education programs.

F. The CSA shall consult with and invite comment on this policy from parents and teachers and shall make recommendations to the HBE regarding this policy, as necessary, after considering such comments. The HBE, as a part of the procedure for adoption of this policy, shall hold a public hearing on the contents of this policy as needed. The HBE, as a part of the procedure for adoption of this policy, shall form an advisory committee for input from parents and teachers.

G. The CSA shall establish procedures, with the approval of the HBE, to ensure that:

1. Necessary documents in support of this policy are maintained;

2. Necessary data related to ineligible students are collected and reported as required by law;

3. The cultural traditions of students are considered when establishing or enforcing rules related to participation in extracurricular activities;

4. The requirements of this policy are met; and

5. Additional procedures for the proper conduct of extracurricular programs and the implementation of the provisions of this policy.

Section 2410 Activity and Club Financial Procedures

A. Student activity funds and club financial procedures shall follow the policies and procedures set forth in Sections 2410-2417 and Sections 4230-4231 of the HSS Manual.

B. It is the policy that students at HSS schools shall:

1. Receive instruction and guidance in the use and protection of personal and club funds;

2. Have experience in the managing and accounting of funds for student activities and/or club funds; and

3. Learn how to use student banking services for their personal and group funds.

C. The HSS and the schools shall provide a plan for protection of the funds and a system for school personnel handling student funds.

D. The schools shall provide a means of bookkeeping which shall show the amount of student funds on hand at all times.

E. The schools shall provide locked protection for student funds.

F. The schools shall provide for timely deposit into a segregated account that is fully insured as are school funds under these policies, for each activity or club.

Section 2411 Activity Fund Guidelines

A. Activity funds consist of monies received and held by the HSS to be expended for the benefit of students in accordance with HSS policy, including Sections 4230 (Student Activities and Funds) and 4231 (School Banks) of the HSS Manual.

B. There are two types of Activity funds that are common:

1. The first type is a campus activity fund that is used for things such as reimbursements for field trips, class groups, vending, etc. These funds shall be used to promote the general welfare of the school, the HSS, and the educational development and morale of all students.

2. The second type consists of funds that are the property of student organizations such as student council, speech club, drama club, etc. The school is required to provide stewardship by properly safeguarding and accounting for these funds. Decisions on the use of student funds are the concern of the specific student groups to whom the funds belong, as long as the decisions regarding the use of funds do not conflict with HBE policy and/or legal regulations or restrictions.

C. Upon dissolution of any agency fund organization, the school Principal shall ensure that all liabilities of the group are liquidated. Any balance remaining upon dissolution shall be transferred to any other Student or Campus Activity Fund as designated by the outgoing officers of the dissolved organization. If no such designation is made, any remaining balance shall be transferred to the school's Campus Activity fund. Senior Class money will be transferred to the next year's Junior class.

Section 2412 Sponsors' Responsibilities

A. The sponsor of each student organization is required to sign a Sponsor Acknowledgement of Responsibilities form and submit it to the School Principal or designee.

B. The sponsor of each student organization is required to maintain adequate records to support the financial activities of the group.

C. Student Activity records should be retained for 5 years. These records are subject to review during the audit of the school's activity funds and should include, at a minimum, the following:

1. Monthly financial reports for the organization provided to the Principal or designee;

2. Copies of money receipts and tabulations of monies collected;

3. Copies of invoices or disbursement vouchers;

4. Minutes of the organization's meetings which detail, at a minimum, attendance, discussion of activities, and review and approval of expenditures and financial status; and

5. Accounts and bank statements must be reconciled monthly.

D. Each month, the sponsor shall compare his/her balances and financial records to those kept by the Finance Department.

Section 2413 Collection of Money

All money collected or to be deposited by an organization or club for fees, dues or other fund raising activities shall follow the collection of money procedures in Sections 4230 and 4231 of the HSS Manual.

Section 2414 Expenditures of Activity Funds

A. All expenditures from activity funds shall be made by check following the request for disbursement of funds in Table 4-1 of the HSS Manual. No expenditures may be made using undeposited cash. Prior to the expenditure of funds, an activity fund payment authorization shall be completed and signed by the sponsor, student officer, and Principal.

B. Expenditures shall be made in compliance with existing purchasing rules, laws, and regulations. Under no circumstances may purchases be made without proper approval. The HSS may only reimburse a sponsor for purchases properly approved in advance by the Principal and following the requisition procedures in Table 4-1 of the HSS Manual.

Section 2415 Fundraising

A. The purpose for the collecting or raising and expending of funds by student groups is for the direct benefit of the students. Funds are to be used to finance activities that supplement the educational curriculum of the school.

B. Fundraising activities shall contribute to the educational experience of the students and shall not conflict with the instructional program.

C. The faculty sponsor of a student club or group is responsible for maintaining adequate financial records.

1. Approval Required. All fundraising activities will be approved in advance by the school Principal. Prior arrangements with outside vendors or companies shall not be made until the fundraiser has been approved.

2. Accounting. An accounting shall be made of all items purchased for resale. A Fundraising Final Report shall be completed at the end of the fundraiser and kept on file by the organization for audit purposes.

3. Independent Outside Groups. Booster Clubs shall manage their own finances when conducting fundraising activities and may make donations to the school, club or organization as they elect and as may be lawful. Such contributions shall be expended at the discretion of the school Principal. The school Principal, secretary or other staff member should not be involved in receipting, depositing, or accounting for activities of any parental group or outside organization during school hours.

Section 2416 Use of Funds

A. Club and organization funds shall be used for the benefit of the students who participate in the club's activities.

B. These funds should be expended on an annual basis so that the students who generated the funds can have the benefit of their use.

Section 2417 Student Fees, Fines, and Charges

A. The HBE recognizes the need for student fees to fund certain school activities that are not financed by local, state, or federal funds. It recognizes that some students may not be able to pay these fees. No student will be denied an education as a result of inability to pay these supplementary charges.

B. Students will not be required to supply specific types of school supplies or equipment as a prerequisite to successful completion of a required course or project.

C. Students shall be responsible and accountable for loss of or damage to HSS property, including but not limited to textbooks, library books, technology equipment and athletic equipment.

D. The CSA shall establish procedures through which students may be held responsible and accountable for loss of or damage to school property, including but not limited to, textbooks, library books, technology equipment and athletic equipment. Such procedures shall be approved by the HBE.

Section 2420 Student Publications

A. The HSS recognizes the value of, supports, and encourages official school publications in teaching journalism, English, writing, and other skills. An official school publication is that which is made up of materials produced by students in a regularly scheduled class and intended for distribution to the student body.

B. Students shall be required to submit publications to the Principal for approval prior to distribution.

Section 2430 Sports Award Banquet

A. If funding is available, one sports award banquet shall be held per year for each HSS school. Any school may hold an additional banquet using school-only funds which are not P.L. 100-297 grant funds or HSS funds.

B. This banquet shall be held to honor and present awards to those participating in HSS school sports programs. The funding will be limited to reasonable amounts for food, decorations, and awards.

C. The banquet shall be limited to students who have participated in the programs and are receiving awards, their parents or legal guardians, staff, and HBE members.

Section 2440 Employment of Students

A. The HBE places a high value on education and strongly urges students to do likewise. All students are encouraged to continue with their educational program until graduation from high school.

B. The HBE is aware that many students, for various reasons, seek employment during the school year. These students are reminded that school work and activities must not be neglected, nor shall such employment conflict with the school schedule.

CHAPTER 2500 – STUDENT EXPRESSION

Section 2501 Student Freedom of Expression

A. Students at HSS schools have the right to freedom of expression that is appropriate for children of their age in school.

B. To ensure the educational mission of HSS schools 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 the school or the orderly operation and discipline of the school 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 the HSS;

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, 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;

12. Speech which is likely to cause the commission of unlawful acts or the violation of lawful school regulations;

13. Statements reflecting biases or prejudice in school sponsored expressive activities such as student newspapers, yearbooks, and school plays.

C. Students shall obey the directions of school personnel and cease prohibited expressions and activities noted in this section.

Section 2510 Student Involvement in Decision Making

A. A primary task of the HSS is to create a stimulating learning climate that develops active involvement of students in their education and develops a spirit of inquiry. This climate is created when students work together with school staff in such activities as planning and evaluating school programs.

B. The HSS encourages student involvement that will enhance:

1. Achievement of the course goals, improvement of the courses of study, and planning of classroom activities.

2. Freedom of expression, recognizing that every privilege and right has a corresponding responsibility.

3. Student participation in assembly programs and school-sponsored forums of interest.

4. Participation in student government organizations that provide students with a voice in school affairs.

5. Co-curricular or extracurricular activities that broaden their educational experiences.

Section 2520 Student Protests, Demonstrations, and Strikes

A. To ensure the orderly process of education and business affairs connected with the HSS and the safety of persons and property, the HBE directs that the procedures be followed in case of any type of disruptive demonstration on HSS property or within HSS buildings.

B. Since the HBE is required by law to provide proper school facilities and to maintain an appropriate program of instruction, and is further required to bar any disruption of the schools or interference with their normal operation, the following steps shall be taken in the event of any disruption of the normal operations of the schools:

1. The disruption shall be immediately brought to the attention of the CSA or designee by the Principal. The CSA shall have discretion to alert the police authorities.

2. Students participating in a disruptive demonstration shall be directed by the school Principal or designee to go to their regular classroom assignments. At the same time, the Principal or designee will arrange for a meeting between the administration and the individuals or leaders of the group, if feasible, to discuss in a rational, orderly manner, the problem that has caused the disorder.

3. Nonstudent demonstrators and other unauthorized persons will be directed by the Principal or designee to remove themselves from school property.

4. When necessary for their safety, students and staff members may be directed to leave the building and school property.

5. At no time, while any demonstration is in process, should the CSA or any school or HBE personnel enter into negotiations on the issues with the protesters, either orally or in written form.

6. As soon as normal educational and business processes can be resumed, the CSA shall be charged with establishing communications with the leaders of the protesting group in order to resolve their requests or to refer them to the HBE in an orderly manner.

7. Students and/or employees participating in a disruptive demonstration on school grounds shall be subject to suspension.

CHAPTER 2600 – PROHIBITION AGAINST HARASSMENT, INTIMIDATION AND BULLYING

Section 2601 Purpose

A. The HBE hereby adopts a zero tolerance policy and prohibits acts of harassment, intimidation or bullying.

B. A safe and civil environment in school is necessary for students to learn and achieve high academic standards.

C. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

D. 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.

E. The CSA may develop additional procedures, with the HBE's approval, to implement the policies of this Chapter.

Section 2602 Definition of Harassment, Intimidation or Bullying

"Harassment, intimidation or bullying", includes sexual harassment, and 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:

A. Is motivated by:

1. 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;

2. Any other distinguishing characteristic; or

3. The desire to or which has the effect of exercising or imposing undue and inappropriate power, authority, influence and/or control over another;

B. And which:

1. 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/her person or damage to his /her property; or

2. 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. Specific procedures regarding sexual harassment involving students are set forth in Sections 2630-2636 of the HSS Manual.

Section 2610 Reporting of Incidents of Harassment, Intimidation or Bullying

A. The Principal or the Principal's designee is responsible for receiving complaints alleging violations of this policy.

B. All school employees are required to report alleged violations of this policy to the Principal or the Principal's designee and shall follow the Anti-Harassment policies and procedures set forth in Sections 5430-5434 of the HSS Manual.

C. 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.

D. Students may report incidents they believe involve discrimination or harassment to any employee, and shall follow the reporting procedures set forth in Section 5433(B) of the HSS Manual.

E. The HSS 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 2611 Investigations

A. The Principal and/or the Principal's designee is responsible for determining whether an alleged act constitutes a violation of this policy.

B. In so doing, the Principal and/or the Principal's designee shall conduct a prompt, thorough and complete investigation of the alleged incident.

Section 2612 Response to Allegations

A. 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.

B. 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.

C. 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.

D. Institutional (i.e., classroom, school building, school) responses, shall include but are not limited to:

1. School and community surveys;

2. Mailings;

3. Focus groups;

4. Adoption of research-based bullying prevention program models;

5. Training for certificated and non-certificated staff;

6. Participation of parents and other community members and organizations;

7. 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

8. Involvement of law enforcement officers, including school resource officers.

Section 2620 Discipline

A. In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, several factors shall be considered including, but not limited to, the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.

B. 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.

C. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with case law, Federal and Hopi law and custom, regulations and policies, and HSS policies and procedures.

D. Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion.

Section 2621 Recommended Penalties for Violation of this Section - Actual Penalty may Differ Depending on Facts and Circumstances

A. First Offense:

1. A written warning;

2. Meeting with the student advisor or other designated staff to establish a behavior plan;

3. Orientation session regarding student behavior policies and how their conduct violated the policies. The student shall write an acknowledgement of the policy, their conduct which violated the policy, and their commitment not to further violate; and

4. Other disciplinary action which is appropriate under the circumstances.

B. Second Offense:

1. In School Suspension ("I.S.S.");

2. Behavior Contract; and

3. Other disciplinary action which is appropriate under the circumstances.

C. Third Offense and Continuing Offenses:

1. Suspension or Expulsion; and

2. Other disciplinary action which is appropriate under the circumstances.

Section 2622 Prohibition Against Retaliation

A. HSS prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying.

B. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Principal or the Principal's designee after consideration of the nature and circumstances of the act, in accordance with applicable case law, federal and state statutes and regulations and HSS policies and procedures.

Section 2623 False Accusations

A. 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.

B. Consequences and appropriate remedial action for a school employee found to have falsely accused another of harassment, intimidation or bullying shall be subject to disciplinary action, up to and including, termination.

C. Consequences and appropriate remedial 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 2630 Prohibition against Sexual Harassment

A. Each school staff person has the responsibility of maintaining an educational and work environment free of harassment, including sexual harassment. This responsibility includes discussing the HSS'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.

B. The HBE prohibits the sexual harassment of any student by any employee, student or other person at school or at any school-related activity.

C. The Principal or designee shall ensure that students receive age-appropriate information related to sexual harassment. The Principal is each HSS school's Title IX Officer and Sexual Harassment Officer (Education Amendments of 1972, 20 U.S.C. §§ 1681, et seq. ("Title IX")). 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.

D. 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 Third, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades Four through Twelve, the disciplinary action may include suspension and/or expulsion.

E. Students shall be informed that they should immediately report any incidents to either teacher, the Principal or designee 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.

F. The Principal or designee shall immediately investigate any report of the sexual harassment of a student. In addition, all reports or complaints of harassment, including sexual harassment, shall be immediately reported to and filed with the CSA. See HSS Manual, sec. 5433(A)(1).

G. If a more extensive investigation is necessary, the HSS may utilize an outside investigator who shall serve as a fact-finder. Upon verifying that sexual harassment occurred, the CSA and the 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.

H. The student may file a formal complaint with the CSA or designee, in accordance with HSS's policies and procedures. See HSS Manual, sec. 5433.

I. The HSS prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint, investigation or report 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 2631 Definition of Sexual Harassment

A. "Sexual harassment" is harassment which is of a sexual nature. Sexual harassment can include a range of behaviors, express or implied, including sexual insults and name-calling, off color jokes, intimidation by words or actions, leering, offensive touching, and pressure for sexual activity. The term "sexual harassment" includes but is not limited to the following:

1. Any sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including but not limited to:

2. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or

3. Such advances, requests or conduct have the purpose or effect of interfering with an individual's employment or education by creating an intimidating, hostile, unwelcome, humiliating or sexually offensive employment or educational environment;

B. Sexual harassment is a form of sex discrimination, which is prohibited under Title IX of the Education Amendments of 1972 regulations at 34 C.F.R. § 106.31(b)(1)-(7); and

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

Section 2632 Duty to Report and Cooperate with Investigations

A. Any employee having knowledge of conduct by another employee, volunteer, student or individual in the HSS community which may constitute sexual harassment of students is required to immediately report such conduct to the Principal or the Principal's designee.

B. Employees are hereby placed on notice that if any employee engages in acts which the HSS determines to be acts of sexual harassment, such acts are outside of the course and scope of the employee's employment. Such conduct may result in the employee having to obtain his or her own legal counsel, and sexual harassment or unlawful discrimination may result in a money judgment against the employee personally.

C. Private, personal, consensual conduct may at some point become unwelcome. Any student advised that a fellow student now believes certain conduct to be unwelcome shall cease such conduct immediately. Any conduct of a sexual nature following such notice may be determined to be sexual harassment. Students who participate in a consensual relationship, and who at some point wish to discontinue the relationship, should tell the other participant, either verbally or in writing, that the conduct is no longer consensual or welcome and all such conduct must cease.

D. All employees shall cooperate with any investigation of any alleged act of sexual discrimination/harassment conducted by the HSS or by an appropriate Hopi or federal agency. No employee of the HSS shall take any action to discourage a victim of harassment from reporting such an instance.

Section 2633 Confidentiality

A report of sexual harassment or intimidation and the investigation are to be kept in strictest confidence, where practical, and to the degree permitted by applicable law and the HSS's policies, for the protection of all parties involved.

Section 2634 Investigation

A. After receiving a report or grievance, an individual, as designated by the Principal, shall conduct an investigation and make written recommendation within fourteen (14) days to the Principal. In determining whether alleged conduct constitutes sexual harassment, the Principal will consider many items, including the facts of the allegation, case law, Hopi and federal laws, customs and regulations, the HSS's policy prohibiting sexual harassment and intimidation, any past behavior, any training the accused individual has received and other items as appropriate.

B. Upon receipt of a recommendation from the designee that probable cause exists to credit the allegations of sexual harassment or intimidation, the Principal may take action based on the report/recommendation, or the Principal may conduct his or her own investigation into the charges. The Principal may appoint an outside investigator to conduct the investigation.

C. Such investigation shall be completed within thirty (30) days of receipt.

D. Pending such an investigation, the Principal or other supervisor may take any action necessary to protect the alleged victim, or other employees or students, consistent with requirements of applicable regulations and statutes.

E. Consistent with the requirements of applicable regulations, statutes or policies, the Principal may take such action deemed necessary and appropriate after the completion of the investigation.

F. The Principal shall immediately provide a copy of the report detailing the results of the investigation to the CSA.

G. The final disposition of the case may be by action of the HBE if there is a recommendation for non-renewal or employment termination, or suspension or expulsion.

Section 2635 Sanctions

A. A substantiated charge against an employee of the HSS shall subject the employee to disciplinary action in accordance with any appropriate employee contract, up to and including discharge.

B. A substantiated charge against a student shall subject that student to student disciplinary action, including suspension or expulsion, consistent with the HSS's student discipline policy.

Section 2636 Remediation

A. A plan shall be developed to provide student and staff victims and witnesses of harassment with counseling and other support services to help them cope with the effects of harassment or intimidation.

B. Names, office locations and phone numbers of persons to contact for further information or assistance shall be provided to students and employees in their respective HSS Handbooks and other appropriate locations.

CHAPTER 2700 – STUDENT DISCIPLINE

Section 2701 Utilizing Best Practices to Prevent and De-Escalate Discipline Issues

A. The HBE 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 of their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems, de-escalate situations, and encourage students' abilities to grow in self-discipline.

B. The HBE 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

C. The HBE 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.

Section 2702 Student Discipline

A. Appropriate behavior is a necessary prerequisite to learning. Each student shall conduct himself/herself properly and in accordance with school rules, regulations, and policies at all times. Each HSS employee is responsible for helping to enforce proper student conduct.

B. Cooperation between parent(s), legal guardian(s) (hereinafter "parents") and the HSS and the schools are essential to positive, effective student discipline. To facilitate and further this cooperation, the HSS and the schools shall:

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; and

3. Recommend services and agencies that may assist with student behavior or related issues.

C. The following infractions (Section 2710) are considered unacceptable and a cause for disciplinary action. The following infractions are broad in scope and call for the administration and/or HBE to exercise discretion (within the law and policies) based upon the facts and circumstances of individual cases in terms of what appears best for the students, HSS and the schools. This list is not meant to exclude other infractions

that might occur that could jeopardize the health, safety, or welfare of others or interfere with the educational process.

Section 2710 Infractions Against Public Order

A. Public nuisance:

1. Explosives;

2. Making bomb threats; and

3. Setting off false fire alarms.

B. Loitering/trespassing.

C. Disorderly conduct:

1. Disturbing a school meeting, activity or school event;

2. Vulgar or obscene language, gestures or ethnic slurs;

3. Arson or attempted arson;

4. Fighting;

5. Threatening violence or attempting violence; and

6. Possession and/or use of a weapon or dangerous instrumentality.

D. Infractions Against Authority:

1. Insubordination;

2. Obstructing an investigative process;

3. Insult or verbal abuse of faculty or staff members;

4. Assault of faculty or staff members;

5. Giving false identification or information;

6. Resisting authority;

7. Forgery; and

8. Violation of HBE or school rules.

E. Destruction of School Property:

1. Vandalism; and

2. Theft/graffiti/larceny.

F. Infractions Against Others:

1. Endangerment;

2. Creating a hazardous or physically offensive condition;

3. Harassment, threats, verbal abuse;

4. Slander;

5. Extortion;

6. Physical assault;

7. Improper sexual advances;

8. Fighting; and

9. Hazing (any act that injures, degrades, or disgraces - or tends to injure, degrade, or disgrace - any student).

G. Substance and Alcohol Abuse – HSS schools are Drug-Free Zones:

1. Use, possession, or sale of a controlled substance; and

2. A controlled substance is defined as: any substance defined as a controlled substance by Hopi, Arizona or federal law; narcotic drugs, harmful drugs, hypnotic drugs, opiates, cocaine, marijuana, and alcohol-based substances, and vapor-releasing substances, and use of a prescription drug without a prescription or other than prescribed.

H. Being Under the Influence of a Controlled Substance as defined in Section 2710(G)(2).

I. Use or Possession of Tobacco Products of All Descriptions.

J. Sexual or Physical Abuse of Students.

K. Date Rape or Statutory Rape.

L. Sexual Harassment or Sexual Intimidation.

Section 2711 Permissible Penalties

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

1. Category 1: Verbal warning;

2. Category 2: Written warning/notification to parents;

3. Category 3: In-school suspension (length contingent on infraction);

4. Category 4: Out-of-school short-term suspension (not to exceed ten (10) days);

5. Category 5: Long-term suspension (greater than ten (10) days);

6. Category 6: Expulsion; and

7. Category 7: 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.

B. 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 HSS 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. Penalties may be imposed either alone or in combination. For example, a student may receive a written warning and a short-term suspension.

Section 2712 Imposition of Discipline

A. Any staff person with responsibility to supervise students may impose the discipline described in Category 1 of Section 2711.

B. Supervisors may impose the discipline described in Category 2 of Section 2711.

C. Only the Principal, Principal's designee, the CSA or the CSA's designee may impose the discipline described in Categories 3 and 4 of Section 2711.

D. Only the CSA or CSA's designee may impose the discipline described in Category 5 of Section 2711.

E. Only the HBE, upon recommendation of the Principal and CSA, may impose expulsion as described in Category 6 of Section 2711.

F. Reports of lesser disciplinary action imposed by other staff persons shall be forwarded to the Principal or designee.

Section 2713 Corporal Punishment Prohibited

The Hopi School System prohibits corporal punishment as a form of discipline in any policy or practice of the Hopi School System. Legal Ref.: Hopi Education Code, sec. 4.11.E.

Section 2720 Student Discipline That Does Not Involve Suspension and/or Expulsion

A. For minor disciplinary offenses where the penalty is less than a suspension or expulsion, the accused student has the right to an oral or written notice (at the discretion of the school) of the reasons for the discipline to be imposed. The student has a right to meet with the Principal and/or his/her designee to discuss the student's position on the discipline and the circumstances surrounding the discipline.

B. After the student has had an informal opportunity to discuss the matter with the Principal and/or his/her designee, the discipline will be imposed. The decision of the Principal and/or his/her designee is final.

C. The discipline shall be recorded in the student's disciplinary file.

D. 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 review with the Principal and an opportunity to be heard.

E. The procedures contained in Section 2726 of the HSS Manual shall be followed in the case of any discipline involving an IDEA student.

Section 2721 Short-Term Suspension of 10 Days or Less

A. A student may be removed from contact with other students as a temporary measure.

B. The authority to suspend a student for up to ten (10) days, after an informal hearing is held, rests with the CSA. This authority may be delegated to other administrators. If a danger to students or staff members is present, the Principal may immediately remove the student from school, with prior contact with the parents and with a notice and hearing following as soon as practicable.

C. In all cases, except summary suspension where a clear and present danger is evident, the student shall remain in school until applicable due-process procedures are instituted. In no instance shall students be released early from school unless parents have been notified.

D. The HBE may designate a hearing officer for suspension hearings.

E. Non-IDEA Students. For non-IDEA Students, the HSS shall undertake the following steps to determine whether *Suspension for ten days or less* is the appropriate disciplinary measure for a student:

Step 1: The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.

a. After having received notice, the student will be asked for an explanation of the situation.

b. The authorized School personnel shall make reasonable efforts to verify facts and statements prior to making a judgment.

Step 2: Following Step 1:

a. Provided that a written record of the action taken is kept on file, authorized School personnel may:

i. Suspend the student for up to ten (10) days.

ii. Choose other disciplinary alternatives.

iii. Exonerate the student.

iv. Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.

b. When suspension is involved:

i. A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.

ii. A letter to the parents will be written within a reasonable time to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.

c. No appeal is available from a short-term suspension.

F. IDEA Students. For IDEA students, short-term suspension (ten (10) days or less) may be used for IDEA students for disciplinary reasons on the same basis as for a non-IDEA education student. It is not considered a change of placement and determination of discipline shall proceed as follows:

Step 1: The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.

a. After having received notice, the student will be asked for an explanation of the situation.

b. The authorized School personnel involved shall make reasonable efforts to verify facts and statements prior to making a judgment.

Step 2:

a. Provided that a written record of the action taken is kept on file, authorized School personnel may:

   i. Suspend the student for up to ten (10) days.

   ii. Choose other disciplinary alternatives.

   iii. Exonerate the student.

   iv. Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.

b. When suspension is involved:

   i. A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.

   ii. A letter to the parents will be written within a reasonable time to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.

c. No appeal is available from a short-term suspension.

d. The procedures contained in Section 2726 of the HSS Manual shall also be followed in the case of any discipline involving an IDEA student.

Section 2722 Long-Term Suspension more than ten (10) days

A. When the intended discipline involves a long-term suspension of more than ten (10) days from the school, the accused student has a right to the following before discipline is imposed (unless an emergency suspension exists as set forth in Section 2720(E)):

Step 3: If the offense is one that could result in a suspension of over ten days, in addition to Step 1 and Step 2 a formal hearing will be arranged and conducted by a hearing officer or by the CSA.

Step 4: A formal letter to the responsible parent or guardian will be mailed by certified mail with return receipt requested or delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing. A copy of this letter will remain on file, and the letter should contain the following information:

a. The charges and the rule or regulation violated.

b. The extent of the punishment to be considered.

c. The date, time, and place of the formal hearing.

d. A designation of the School's witnesses.

e. That the student may present witnesses.

f. That the student may be represented by counsel.

g. If a hearing officer has been designated, the name of the hearing officer.

Step 5: A formal hearing will be held, during which the student will be informed of the following:

a. Nothing in these procedures shall be construed to prevent the students who are subject to the action and their parents or legal guardians and legal counsel from attending any executive (closed) session pertaining to the proposed disciplinary action, or from having access to the minutes and testimony of such session or from recording such a session at the parent's or legal guardian's expense.

b. The student is entitled to a statement of the charges and the rule or regulation violated.

c. The student may be represented by counsel, without prejudice.

d. The student may present witnesses.

e. The student or counsel may cross-examine witnesses presented by the School.

f. The burden of proof of the offense lies with the School.

g. Either the hearing must be recorded on tape or an official record must be kept in some other appropriate manner. In addition, parents are to be allowed to tape-record the hearing at their own expense.

h. The School has the right to cross-examine witnesses, and may be represented by an attorney.

Step 6: The decision and appeal procedure, if applicable, upon the conclusion of the hearing will be as follows:

a. Upon the conclusion of a hearing by a hearing officer in which a decision of long-term suspension is made, the decision may be appealed to the HBE. To arrange such an appeal, the parent(s) of the suspended student or the student must deliver to the CSA a letter directed to the HBE within five (5) days after receiving written notice of the long-term suspension. The letter must describe in detail any objections to the hearing or the decision rendered.

b. The appeal to the HBE will be on the record of the hearing held by the hearing officer. If the HBE determines that the student was not afforded due-process rights

or that this policy was not followed in all substantive respects, the student shall be given another hearing. If the HBE determines that the punishment was not reasonable, they may modify the punishment.

c. The decision of the HBE is final.

B. IDEA Students. If a IDEA student is recommended for a suspension of more than ten (10) days during the school year (a possible change in placement), a manifestation determination conference shall be held and determination of discipline shall proceed as follows:

Step 1: A recommended suspension of a special education student for more than ten (10) consecutive days, or a series of suspensions totaling more than ten (10) days, may constitute a change of placement and shall require a manifestation determination conference. Such a conference shall be for the purpose of determining whether or not the offense is a manifestation of the student's disability.

Step 2: If the offense is not a manifestation of the disability of the student, the student may be suspended by following the HSS policies for students in general, provided that educational services are continued during the period of disciplinary removal for a student with a disability qualified under the Individuals with Disabilities Education Act (IDEA). A student with a disability qualified for educational services under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, and not qualified under IDEA, may be suspended or expelled from school, and educational services may be ceased, if nondisabled students in similar circumstances do not continue to receive educational services.

Step 3: If the behaviors are a manifestation of the disability of the student, the school may not extend the suspension of the student beyond the initial ten (10) school days.

a. An exception to the above allows for an IDEA qualified student to be given a change in placement to an interim alternative educational setting for not more than forty-five (45) days, in accord with federal law and regulation, if the removal is for IDEA defined drug or weapons offenses or is based upon a due process hearing officer's determination that injury to the child or another is substantially likely if current placement is maintained.

b. Any interim alternative educational setting must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP; and include services and modifications which are designed to prevent the behaviors for which the placement was made from recurring.

c. The procedures contained in Section 2726 of the HSS Manual shall also be followed in the case of any discipline involving an IDEA student.

Section 2723 Expulsion

A. Expulsion is the permanent exclusion of a student from school and school activities, unless the HBE reinstates the student's privileges to attend school.

B. The HSS shall follow the following steps to determine whether expulsion is the appropriate disciplinary measure for a student:

Step 1: Each recommendation for expulsion shall be delivered to the CSA. A recommendation for expulsion may be made before, after or in conjunction with a long-term suspension hearing, if one is to be held.

Step 2: If the CSA concurs with the recommendation, it shall be forwarded to the HBE.

Step 3: In each case in which a recommendation for expulsion receives approval by the CSA, the HBE will meet in executive session:

a. To determine whether the nature of the accusations against the student justify an expulsion hearing;

b. To determine whether the hearing will be held before the HBE or before a hearing officer;

c. To designate a hearing officer if one will be used; and

d. If the hearing will be conducted by the HBE to determine whether the hearing will be conducted in executive session. Under normal circumstances, the HBE will not review any documents or other pertinent evidence during this initial executive session.

Step 4: The expulsion hearing should be scheduled so that it may be resolved, if reasonably possible, during the period of any suspension.

Step 5: A formal letter to the responsible parent or guardian will be mailed by certified mail with return receipt requested or delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing. A copy of this letter will remain on file, and the letter should contain:

a. A statement of the charges and the rule or regulation violated.

b. The extent of the punishment to be considered.

c. The date, time, and place of the formal hearing.

d. A designation of the School's witnesses.

e. That the student may present witnesses.

f. That the student may be represented by counsel.

g. If a hearing officer has been appointed, the name of the hearing officer and how the hearing officer may be contacted, or a statement that the HBE will preside at the hearing.

h. Copies of this policy and applicable laws and regulations, unless previously provided in connection with the same infraction.

Step 6: The parent, guardian or emancipated student shall be informed of the following:

a. Nothing in these procedures shall be construed to prevent the students who are subject to the action and their parents or legal guardians and legal counsel from attending any executive (closed) session pertaining to the proposed disciplinary action, or from having access to the minutes and testimony of such session or from recording such a session at the parent's or legal guardian's expense.

b. The student is entitled to a statement of the charges and the rule or regulation violated.

c. The student may be represented by counsel, without prejudice.

d. The student may present witnesses.

e. The student or counsel may cross-examine witnesses presented by the School.

f. The burden of proof of the offense lies with the School.

g. Either the hearing must be recorded on tape or an official record must be kept in some other appropriate manner. In addition, parents are to be allowed to tape-record the hearing at their own expense.

h. The School has the right to cross-examine witnesses, and may be represented by an attorney.

i. If the hearing is held before a hearing officer, the hearing will be conducted in private with the attendance of only the hearing officer, administrative representatives, the student and parent(s), counsel for the parties, and witnesses necessary to the proceedings, unless the parent(s), guardian(s) or emancipated student requests in writing that the hearing be open to public attendance.

j. If the hearing is held before the HBE, the HBE will conduct the hearing in executive session with the attendance of only the hearing officer, administrative representatives, the student and parent(s), counsel for the parties, and witnesses necessary to the proceedings, unless the parent(s), guardian(s) or emancipated student requests in writing that the hearing be open to public attendance.

Step 7: A formal hearing will be held when a parent or legal guardian has disagreed that the hearing should be held in executive (closed) session, it shall be held in an open meeting unless:

a. If only one (1) student is subject to the proposed action, and disagreement exists between that student's parents or legal guardians, then the HBE (hearing officer), after consultation with the student's parents or legal guardians, shall decide in executive (closed) session whether the hearing will be in executive (closed) session.

b. If more than one (1) student is subject to the proposed action and disagreement exists between the parents of different students, then separate hearings shall be held.

Step 8: The decision and appeal procedure, if applicable, upon the conclusion of the hearing will be as follows:

a. Upon conclusion of a hearing conducted by a hearing officer, if a recommendation for expulsion is made, the decision may be appealed to the HBE at the time the HBE considers the recommendation.

b. A formal letter to the responsible parent or guardian will be mailed by certified mail with return receipt requested or delivered by hand (with an adult witness present) indicating the recommendation that will be made to the HBE. A copy of this letter will remain on file, and the letter should explain:

    i. The time and place of the HBE meeting at which the recommendation will be made.

    ii. That the recommendation may be appealed at the time the recommendation is made to the HBE.

    iii. That the appeal shall be in writing delivered to the CSA prior to the time of the HBE meeting.

    iv. That the written appeal shall indicate a spokesperson on behalf of the student.

    v. That the spokesperson will be given time to speak to the HBE on appeal.

    vi. The HBE may accept the hearing officer's recommendation or reject the recommendation and impose a different disciplinary action including assignment to an alternative educational program. The HBE may grant a new hearing, take the matter under advisement, or take any further action deemed necessary. If the HBE decides to expel the student the expulsion shall become effective the day after the HBE's decision.

    vii. Upon conclusion of a hearing on expulsion conducted by the HBE, the decision of the HBE is final and is not appealable.

C. IDEA Students.

1. A student qualified under the IDEA may not be expelled from school, but in compliance with federal law and regulation, may be given a change in placement. The Individualized Education Plan Team generally determines a change in placement of an IDEA qualified student.

2. The procedures contained in Section 2726 of the HSS Manual shall also be followed in the case of any discipline involving an IDEA student.

3. During any change in placement the school shall provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's Individualized Education Plan.

4. A student with a disability qualified under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 and not qualified under the Individuals with Disabilities Education Act as revised in 1997, may be suspended or expelled from school and education services may be ceased, if non-disabled students in similar circumstances do not continue to receive education services.

Section 2724 Emergency Suspension

A. In a situation where urgent circumstances require the immediate removal from campus of a student, the HSS may impose an immediate, emergency suspension of a student prior to a due process hearing as outlined above. The decision to execute an emergency suspension may be made by the Principal or his/her designee or by the CSA or his/her designee. If such decision is made by the Principal, he/she shall immediately notify the CSA.

B. Emergency removal of a student from the campus is justified where there is a serious, immediate, and continuing danger to the health, safety and welfare of the student or others on campus. Emergency removal of the student from campus is not in and of itself considered disciplinary action, but simply a means to protect the health, safety and welfare of the student or others.

C. The student suspended in an emergency situation shall be readmitted to the HSS as soon as the emergency has passed. Additionally, the student suspended on an emergency basis has the right to a due process hearing on the suspension within 3 days of the emergency suspension. Which due process hearing applies depends upon the discipline being imposed as set forth above. If the discipline intended to be imposed is a suspension for 10 days or less, the suspension for 10 days or less discipline policy shall apply. If the discipline intended to be imposed is for more than 10 days, the long-term suspension policy will apply.

D. At the time of the emergency removal, the student must be immediately informed orally by the HSS staff of:

1. The precise rule alleged to have been violated;

2. The facts which constitute the violation;

3. The right to a formal disciplinary hearing within 3 days from the emergency suspension; and

4. The facts which justify the emergency removal.

E. This oral notification shall be reduced to writing and mailed to the student and his/her parents and/or legal guardian within 24 hours of the emergency suspension. A full written report of the details surrounding the emergency suspension shall be provided to the Principal and CSA within 24 hours of the incident.

F. The procedures contained in Section 2726 of the HSS Manual shall also be followed in the case of any discipline involving an IDEA student.

Section 2725 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 applicable laws, rules or policies as alleged.

Section 2726 Discipline of IDEA Students

A. All disciplinary action relative to disabled students shall be taken pursuant to the IDEA and 34 C.F.R. §§ 300.530 through 300.536, references therein and amendments thereto. Copies of the above CFRs shall be kept by the IDEA Teacher and Teacher Supervisor and provided to the staff as needed. It shall be the duty of the Exceptional Student Services Director of the HSS to review said CFRs in January of each year and to supplement and amend these attachments as necessary to maintain their currency.

B. It should be noted that in general, removal of a child with a 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 pattern and cumulate to more than ten (10) school days in a school year constitute a change of placement. The procedures set forth in 34 C.F.R. §§ 300.530 through 300.536 must take place prior to the expiration of that time. It shall be the duty of the IDEA Teacher and Teacher Supervisor to ensure that the appropriate procedures take place in a timely manner.

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

Section 2727 Removal From School Facilities

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

A. 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.

B. 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.

C. If law enforcement is involved, parent will be notified.

Section 2728 Behavioral Referral Procedures

A. Discipline Report Procedures.

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

B. Behavioral Referral Process (Written Notice of Alleged Violation).

1. Behavioral Referrals 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. All contact with or providing documents to student, parent or guardian shall be noted on the form by the individual providing notice or documents and by indicating who was contacted, when they were contacted, by whom they were contacted, and what, if any, documents were provided and further providing the date and time of such activity.

5. 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.

6. A copy of the behavioral referral will be distributed as follows:

    a. Office/Principal (a copy goes into the student file folder);

    b. Teacher; and

    c. Parent/student.

7. Behavioral referrals will be mailed out as soon as possible within the same week.

8. The mail copies of the behavioral referrals will include:

    a. Name of school official whom the parent may contact for information;

    b. The school's phone number; and

    c. Explanation of the behavioral referral (how to read it, and what it means).

9. Duplication of behavioral referrals for the same violation is not permitted and will be screened by the Principal before filing in student folder.

10. The Principal or designee reserves the right to determine the validity of improperly filled out behavioral referrals and will make that decision before filing in student folders.

Section 2729 Search and Seizure Policy

A. The HSS has legal custody of students during the school day and during approved curricular and extracurricular activities.

B. During times of HSS custody, students possess the right of privacy of person as well as freedom from unreasonable search and seizure of property guaranteed by the Indian Civil Rights Act of 1968 ("ICRA"), 25 U.S.C. §§ 1301, et seq. This individual right is balanced by the HSS's responsibility to protect the health, safety, and welfare of all of its students and staff.

C. School employees may conduct searches when they have reason to suspect 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 that jeopardizes the HSS, 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 can be used to disrupt or interfere with the educational process, including but not limited to matches, lighters, fireworks, may be temporarily removed from a student's possession.

4. A student's person may be searched by HSS employees when there is reasonable cause to believe that the student has on his/her person illegal items, items that may interfere with school purposes, or which may constitute evidence of the violation of a HSS/school rule.

5. The HSS may and shall search student backpack or other personal items if there is reasonable cause to believe that those items contain illegal items, items that interfere with school purposes, or evidence of the violation of a school rule or matter that could jeopardize the health, safety and welfare of students and staff. The HSS maintains ownership of student lockers. The school may and shall 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 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. Motor vehicles parked on school property may be searched by school employees when there is reasonable cause to believe the health, safety, or welfare of students might be in jeopardy, or when there is reasonable cause to believe that a search will reveal evidence of the violation of a school rule.

Section 2730 Student Interrogation – Arrest

A. It is the responsibility of the school administration to make an effort to call parents with respect to questioning by law enforcement officials. HSS respectfully requests that all police interrogations of HSS students occur off campus, absent emergency or extremely compelling circumstances requiring otherwise.

B. While the student is within the care or custody of a HSS school, it is the responsibility of the school to make an effort to act on behalf of the parents/guardians with respect to interrogation by law enforcement officials. A parent or guardian 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 Hopi or federal statute as may be applicable.

C. 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. HSS 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.

TITLE 3 – INSTRUCTION

CHAPTER 3000 – INSTRUCTIONAL PROGRAM

Section 3001 Instructional Program across all Hopi Schools

A. The HSS will endeavor to create an education environment that fully supports the "whole child" from birth to adulthood. This environment will be conducive to both academic achievement as well as the social, emotional and cultural health and well-being of HSS students. To support this effort, the HSS shall adopt uniform standards, curriculum, assessments and accountability system across all Hopi schools.

B. The HSS shall develop a culturally responsive, place-based learning model ("HSS Model"). The HSS Model will include development of an evaluation rubric to assess the effectiveness of the HSS Model. Together, the HSS Model, the evaluation rubric and the selected HSS curriculum will create a fully immersive and joyful learning environment that combines rigorous academic curriculum with the language, culture, history, and values of the Hopi people in a holistic, culturally responsive.

C. The HBE hereby establishes an "Curriculum and Instruction Department" within the HSS Central Administration Office which shall be led by a "Curriculum and Instruction Director" to oversee and implement instructional, assessment, and professional development services for HSS schools.

Section 3002 School Year

A. Notwithstanding any other law or exigent circumstance, the school year shall be not less than one hundred and eighty (180) instructional days and shall meet the number of instructional hours required under federal law. Legal Ref.: Hopi Education Code, sec. 10.1.B.

B. Students are required to be in school a minimum of one hundred sixty (160) days per school year.

Section 3003 HSS Calendar

The HBE shall establish a universal school calendar applicable to all HSS schools after recommendations from the CSA and taking into consideration unique requirements of each school and communities.

Section 3004 School Day

A. The normal school day for the instruction of the students of this School shall be in accordance with applicable Arizona Revised Statutes and federal laws and regulations.

B. The regular school session may be temporarily altered by the HBE upon recommendation by the CSA when such alteration is in the best interest of the HSS.

C. The CSA may close the schools, delay the opening of schools, or dismiss school early for emergency reasons and to protect the health and safety of students and staff members, shall prepare rules for the proper and timely notification of concerned persons in the event of such emergency closing, and shall in all cases inform the HBE Chairperson as soon as possible.

D. The CSA shall develop guidelines that allow students to enter schools and to leave schools under exceptional conditions so that variances with the normal school schedule may be accommodated. Such guidelines shall consider inclement weather, family illness, and other similar circumstances.

Section 3005 Instructional Hours

A. Under 25 C.F.R. § 39.214, the HSS educational program shall meet the minimum full time program requirements of instructional/student hours for the corresponding grade level, which are as follows:

Grade:	Hours:
K	720
1-3	810
4-8	900
9-12	970

B. In the event it becomes necessary to increase instructional time, the HSS may:

1. Add days to the school year; or

2. Length the school day by increasing the number of minutes for a set number of school days, e.g., increase school day by 60 or 90 minutes for ten days.

Section 3006 Academic Standards Adoption

A. Academic standards shall be determined by the HBE.

B. Academic standards proposals from the professional staff and stakeholders may be presented to the CSA, who shall be responsible for making recommendations to the HBE on such matters.

C. After careful research and consideration of stakeholders' recommendations, the HBE has determined to adopt the BIE academic standards for all HSS schools. See 25 C.F.R. § 30.104. These standards shall also include "alternate academic achievement standards for students with the most significant cognitive disabilities" consistent with the requirements of 25 C.F.R. § 30.104(d) and (e).

D. For content areas in which the BIE has not yet adopted standards, the HSS shall adopt the Arizona academic standards.

E. A long-term goal of the HSS is development of Hopi Educational standards to incorporate Hopi developmental, language and educational standards to create healthy, motivated and vibrant youth.

Section 3007 Assessments and Accountability System

A. HBE shall determine the assessment and accountability system for the HSS. After careful research and consideration of stakeholders' recommendations, the HBE has determined to adopt the BIE assessment and accountability system for all HSS schools consistent with 25 C.F.R. §§ 30.105 and 30.106.

B. BIE assessments include both academic content standards and academic achievement standards and will allow the HSS to evaluate student performance, learning and understanding. The assessment results will also assist the HSS in determining where and how to allocate resources, adjust curriculum, and provide support for students, teachers and schools.

C. The CSA shall establish procedures, with the HBE's approval, for assessing student achievement of standards adopted by the HBE and for reporting and utilizing test results and non-test indicator data.

D. The HSS shall provide to the parent or guardian of each student who participates the associated grade equivalents, percentiles, and stanines from standardized norm-referenced testing. The HSS shall provide the parent or guardian of each student the resulting scores on the test of standards adopted by the HBE.

E. The HSS shall provide the public, through the Annual State of Hopi Education Report, scores for each school in the HSS.

F. Students must be able to have a passing score on their Civic Assessment per Arizona Department of Education requirements.

Section 3008 Assessments for IDEA Students

A. HSS assessments shall provide for students with disabilities consistent with 25 C.F.R. §§ 30.107 and 30.108.

B. For students with disabilities, including those with the most significant cognitive disabilities, the HSS will provide "the appropriate accommodations, such as interoperability with, and ability to use, assistive technology . . . necessary to measure the academic achievement of such children relative to the BIE's challenging academic standards or alternate academic achievement standards." Legal Ref.: 25 C.F.R. § 30.107(a).

C. For students with the most significant cognitive disabilities, the HSS will further "provide for alternate assessments aligned with the challenging academic content standards for the grade in which the student is enrolled and alternate academic

achievement standards described in § 30.104(d) and (e)." Legal Ref.: 25 C.F.R. § 30.108(a).

Section 3009 Use and Dissemination of Test Results

A. Test scores may provide a record of each student's academic progress in comparison with national norms.

B. Test scores will be maintained as a part of the student's educational record. Such permanent record will be sent to another school system upon request of the school or the parent upon transfer of the student.

C. No individual or unauthorized agency outside the school system will be permitted to have access to a student's test record or permanent record without written permission from the parent, or from the student if 18 years of age.

D. The parent may have access to the test record of a student under age 18 by making an appointment with the Principal's office.

Section 3010 Curriculum Adoption

A. In compliance with section 9.3 of the Hopi Education Code, the HBE shall select a uniform curriculum across all Hopi schools.

B. All new programs and courses of study shall be subject to HBE approval, as will elimination of programs and courses and extensive alteration in their content.

C. Curricular proposals from the professional staff may be presented to the CSA, who shall be responsible for making recommendations to the HBE on such matters.

Section 3011 Curriculum Guides and Course Outlines

A. Curriculum guides shall be developed for the various subject areas. These guides shall present at least a minimal outline for instruction and a basis for further development of the particular courses.

B. The HSS shall develop its curriculum guides to reflect HSS and local needs. The guides shall be designed to assist users in implementing the HSS philosophy regarding the teaching of a subject and will, when possible, suggest a variety of possibilities for instruction, patterns of individualization, variations of approaches, and materials.

C. The CSA will formulate procedures for the development and use of curriculum guides, with the approval of the HBE.

Section 3012 Development and Use of Curriculum Guides and Course Outlines

A. Development of Curriculum Guides.

1. Curriculum guides will be developed by the staff members and teachers who are to use them.

2. If participation of the entire staff is not feasible, representatives of the staff and/or departments concerned shall be appointed to committees for study, creation, and revision of any particular guide.

3. When work is completed on a guide, the committee responsible for its development shall present it to the CSA.

B. Use of Guides.

1. Curriculum guides are to serve as a framework from which a teacher will develop units of study, individual lesson plans, and approaches to instruction that will serve the students' particular needs at a particular time. The guides shall be used to map the logical sequence of instruction.

2. The Principal, department heads, or other supervisors shall see that optimum use is made of available curriculum guides. Teachers will adhere to the guides.

Section 3013 Instructional Program

A. The various instructional programs will be developed to maintain a balanced, integrated, and sequential curriculum that will serve the educational needs of all school-aged children. The curriculum will be broad in scope and provide for a wide range in rate, readiness, and potential for learning.

B. The instructional program shall reflect the importance of language acquisition/reading-skill development as the basic element in each student's education. The first priority of the instructional program will be language acquisition through a planned sequence of reading skills and language experiences beginning in the kindergarten program. The improvement of specific reading skills of students should be continuous throughout their education.

C. The second priority of the instructional program will be mastery of the fundamentals of mathematics, beginning in the kindergarten program.

D. Attention to the above-listed priorities shall not result in neglect of other areas of the curriculum.

E. The instructional program shall include planned sequences in:

1. Language arts: reading, spelling, handwriting, English grammar, composition, literature, and study skills.

2. Mathematics.

3. Social studies: history, geography, civics, economics, world cultures, political science, and other social science disciplines.

4. Science.

5. Fine and practical arts experience: art education, vocal and instrumental music, and vocational/business education.

6. Technology skills.

7. Health and safety education.

8. Physical education.

9. Hopi/Navajo Native American or Foreign language.

F. The planned program for all students shall also include library instruction, individual study, guidance, other appropriate instructional activities, and all instruction required under Hopi Education Code, the Tribally Controlled Schools Act, and any other applicable law.

Section 3020 Class Size

A. Non-IDEA Education.

1. The teacher-student ratio for staffing in HSS schools shall be the responsibility of the HBE. Staffing patterns and student grouping shall be flexible so as to accommodate varied instructional delivery approaches, student needs, curriculum requirements, and fiscal resources.

2. Each year, the CSA will make staffing recommendations during the budget review and preparation process.

B. IDEA Education. It is the intent of the HSS to maintain a special education student-teacher ratio that shall allow the teacher to work effectively and efficiently toward the Individualized Education Plan objectives of each student with a disability and to work with classroom teachers to prevent learning problems whenever possible.

Section 3030 Access to Instructional Material by Parents/Guardians

A. The CSA shall establish procedures, with the approval of the HBE, that permit parents or guardians of students enrolled in the School access to the instructional materials currently used by, or being considered for use by, the school in accordance with the terms of this policy. The request by the parent or guardian must be in writing and must specify the materials that the parent or guardian wishes to review.

B. Such procedures shall make available at least one (1) copy of the instructional materials for review by the parents or guardians. Printed textbooks, printed supplementary books, and printed subject-matter materials may be checked out from the school premises by parents or guardians for periods not to exceed forty-eight (48) hours. All other materials, including films, may be reviewed only on the school premises.

C. Parents or guardians shall be notified when and where the instructional materials may be picked up or reviewed. Materials will be made available on a first-come, first-served basis.

Section 3040 Library Materials Selection and Adoption

A. The CSA shall annually recommend to the HBE an expenditure level for the purchase of library books and materials. The CSA shall approve the purchase of library materials that:

1. Enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;

2. Stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;

3. Provide a background of information that will enable students to make intelligent judgments in their daily lives;

4. Provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage;

5. Assure a comprehensive collection appropriate for the users of the library; and

6. Provide a current, balanced collection of books, basic reference materials, texts, periodicals, and audiovisual materials that depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.

B. The CSA is authorized to establish a professional library for the use of the School staff.

C. The CSA will establish procedures, with the approval of the HBE, for the removal of the following categories of books and other material from the library:

1. Damaged materials;

2. Materials that no longer present current information;

3. Materials that no longer support the goals of the School; and

4. Materials that have not been used frequently enough to justify the use of library space.

D. The following standards shall be used in the selection of library books and materials:

1. Materials that widen the boundaries of the students' thinking, that enrich their lives and help them fulfill their recreational and emotional needs;

2. Materials that have imaginative appeal and a style that is interesting and free from monotony;

3. Materials that stimulate the imagination, provide for mental growth, develop a taste for good writing, and draw attention to the beautiful and artistic;

4. Books that provide pleasurable reading for the reader's sake;

5. Books that are illustrated in a manner that complements the text, have quality art, and are suitable for the intended readers; and

6. Materials that adequately cover a wide range of reading ability.

Section 3050 Instruction on Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus

A. The HSS schools may provide instruction in kindergarten (K) through grade twelve (12) on acquired immune deficiency syndrome and the human immunodeficiency virus under the provisions of this section.

B. If instruction is to be offered at one (1) or more grade levels, the CSA shall develop and implement procedures on such instruction that conform to applicable law, with the approval of the HBE.

C. If instruction on acquired immune deficiency syndrome and the human immunodeficiency virus will be offered, a HSS school shall develop its own course of study for each grade. At a minimum, instruction shall:

1. Be appropriate to the grade level in which it is offered;

2. Be medically accurate;

3. Promote abstinence;

4. Discourage drug abuse; and

5. Dispel myths regarding transmission of the human immunodeficiency virus.

D. The HSS may request that the Arizona Department of Education provide the following assistance:

1. A suggested course of study;

2. Teacher training; and

3. A list of available films and other teaching aids.

E. At the request of a parent, a student shall be excused from the instruction on acquired immune deficiency syndrome and the human immunodeficiency virus. The HSS shall notify all parents of their ability to withdraw their children from the instruction.

CHAPTER 3100 – HOPI LANGUAGE, CULTURE AND PLACE-BASED LEARNING MODEL

Section 3101 Purpose

A. For the Hopi people, the process of learning is fundamentally rooted in the expression and continuation of our communities and lands which we call home. The Hopi Tribe is geographically located in the high-country plateau of the Mogollon Rim in the Southwest United States with an enrolled population of 14,535 with 7,464 members living on the Hopi Reservation (Hopi Enrollment Offices, August 9, 2020). While our homelands are quite arid, the Hopi people have mastered dry land farming and created food, soil, and water management systems that have sustained Hopi's traditional lifeways and which continues to the present day. Hopi's relationship to our homelands is based on an understanding, respect and responsibility to the plants, animals and natural resources with whom we share these lands.

B. In support of our cultural values and a uniform curriculum across all HSS schools, the HSS shall develop a culturally responsive, place-based learning model ("HSS Model") and a Hopi Language and Culture Program, as set forth in this Chapter.

C. The HBE hereby establishes an "Hopi Language and Culture Department" within the HSS Central Administration Office which shall be led by a "Hopi Language and Culture Director" to oversee the development of the HSS Model and Hopi Language and Culture Program for HSS schools.

Section 3110 Culturally Responsive, Place-based Learning Model

A. The HSS Model shall include development of an evaluation rubric to assess the effectiveness of the HSS Model. Together, the HSS Model, the evaluation rubric and the selected HSS curriculum will create a fully immersive, engaging and culturally relevant learning environment that combines rigorous academic curriculum with the language, culture, history, and values of the Hopi people.

B. The HSS Model will benefit Hopi students by providing deeper academic and creative learning opportunities rooted in understanding and pride in the history, knowledge, clanship systems, and culture of the Hopi people and our relationship and responsibilities to the lands which Hopi people have called home since time immemorial.

C. The HSS Model will rely on a holistic approach that ensures that all aspects of HSS organization structure, educational services and management are included. Examples include but are not limited to: school curriculum, teaching methods, discipline system, behavioral health, administrative services, and school buildings and classrooms (i.e., names of buildings/offices, aesthetic representations, documents/forms, etc.).

D. Hopilavayi and Hopi culture do not operate separately. They are interrelated and interdependent to one another, and it must be threaded throughout the full representation of the HSS. To be successful, the HSS Model must impact all aspects

of the HSS community and policy -- from staff to students -- so that all are invested in and practice the model. Staff will receive training and continual support in regards to the HSS Model. Staff will be encouraged to apply the HSS Model in their own interactions amongst staff to be examples so that the students are able to see how they should treat each other and staff.

E. The goals of the HSS Model will be to increase student engagement, boost academic outcomes, and create positive impact on students, our village communities and the greater world. Staff will be encouraged to help students discover their talents and passions in learning and to improve teaching techniques, materials, and classroom management to continually improve students' academic skills and knowledge and to become life-long learners.

F. The HSS Model will combine innovative instructional approaches that:

1. Ensures mastery of high academic standards;

2. Reflects Hopi language, culture, history, values, and homelands;

3. Tailors learning to students' strengths, needs and interests;

4. Addresses students' physical, social and emotional health; and

5. Promotes student agency and choice of learning to boost student engagement, motivation, opportunity and determination.

G. One of the HSS Model's goals is to weave innovative, creative and community-based learning techniques and classes into the curriculum design, for example:

1. Development of comprehensive Hopi language and culture program across all Hopi schools, including a pilot immersion Hopi language class and/or school;

2. Experiential learning (hands on, learning by doing/through experience);

3. Combining academic subjects, like science, mathematics, social studies, with cultural knowledge and relevancy, for example, Hopi dry land farming (water and soil management/seed science), Hopi history, Tribal and village governmental structures and civics, and traditional and nutritious Hopi foods;

4. Place-based/outdoor learning classes;

5. Creative learning skills, especially those which are culturally responsive, for example: arts and crafts, sports, music/singing, dance and theater, service learning activities and creative writing;

6. Independent and self-directed study in which students are given greater choice over their course of study. These programs give students greater agency, responsibility

and experience in making good choices, exercising problem-solving skills, and opportunities to participate in team building exercises; and

7. Social Emotional Learning tools/skills which can be combined with cultural knowledge and can help increase social and emotional development and decrease bullying. These include, but are not limited to:

    a. Nurturing a culture of kindness;

    b. Teaching decision-making skills;

    c. Allowing for structured and unstructured talk time;

    d. Students managing conflict through peer mediation;

    e. Students doing activities with partners, in groups, and to help others;

    f. Holding class meetings; and

    g. Encouraging expression and calmness through art, arts and crafts, creative writing, etc.

H. To support implementation and assessment of our HSS Model, the HSS will examine how Alternative Assessment Tools may be incorporated, as appropriate, including for example:

1. Observation, One-on-one conferencing and Interviews;

2. Teacher-created tasks (not just relying on textbooks);

3. Oral presentations, Visuals, Exhibitions, Performances, and Demonstrations;

4. Creative projects and Student Essays/Journals; and

5. Mini quizzes tailored to standards.

Section 3120 Hopilavayi and Hopi Culture Program

A. The Native American Languages Act of 1990 established federal policy to allow the use of Native American languages as the medium of instruction in schools, and affirms the right of Native American children to express themselves, be educated, and assessed in their own Native language. The Hopi School System, on behalf of the Hopi Tribe shall prioritize the integration of our Hopi language and culture to the fullest extent.

B. To provide consistency and alignment across these programs, the HBE will oversee development of a comprehensive Hopilavayi and Hopi Culture Program, which shall be led and overseen by the Hopi Language and Culture Department and Director. See Hopi Education Code, Chapter 13. At the center of the HSS Model will be a comprehensive Hopilavayi and Hopi Culture Program that infuses Hopi culture and

language into all aspects of school and HSS operations and services. See Code, Chapter 13.

C. HBE shall prioritize the Hopilavayi and Hopi Culture Program of the HSS and provide the time and space to continue developing a model for implementation. This will include developing a Hopilavayi curriculum, teacher resources and increasing the number of certified Hopilavayi teachers. This Program shall increase and require Hopilavayi lesson time in all HSS schools.

D. The HSS shall prioritize providing structural and resource support to and for our Hopi language teachers with a move toward long-term language planning and strategic capacity building. This will address and vision the feasibility of language revitalization outcomes within a HSS-wide and school-based language and culture program.

CHAPTER 3200 – EXCEPTIONAL STUDENT SERVICES

Section 3201 Providing Educational Services for HSS Exceptional Students

A. A long-range plan will be the basis for providing special education services for students with exceptional needs and education requirements. These services may include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual physical, social, intellectual, and emotional growth of exceptional students.

B. To ensure provision of these necessary services, the HBE hereby establishes an "Exceptional Student Services Department" within the HSS Central Administration Office. The Exceptional Student Services Department shall include, but not be limited to:

1. "Exceptional Student Services Director" to oversee and implement exceptional student services for all HSS schools;

2. Related services which may be contracted or in house employees, including but not limited to, School Psychologist, Occupational Therapist, Behavior Interventionist, Speech Pathologist, Mental Health Specialist, and Physical Therapist; and

3. A Gifted and Talented Education Coordinator to oversee provision of GATE services at HSS schools.

Section 3202 IDEA Student Records

A. The HBE will ensure that IDEA student's records will be kept in a confidential database within the Native American Student Information System which is supported by the Bureau of Indian Education.

B. IDEA Student records shall also comply with the policies and procedures set forth in Section 2233 of the HSS Manual.

Section 3210 Duty to Provide Special Instructional Programs and Accommodations for Disabled Students

A. It is the responsibility of the HSS 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.

B. 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;

2. Has a record of such impairment; or

3. Is regarded as having such impairment.

C. 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"). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under Policy IHB and its regulations and under state and federal laws and regulations.

3211 Developing Plan to provide FAPE to IDEA students

A. A long-range plan will be the basis for providing special education services for students with exceptional needs and education requirements. These services may include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual physical, social, intellectual, and emotional growth of exceptional students.

B. The CSA shall develop procedures, with the approval of the HBE, that provide educational opportunities for individuals with disabilities and that accomplish HSS compliance with applicable federal laws, including the IDEA, the Arizona revised statutes, and the policies and procedures of the HBE. Such procedures shall include, but not be limited to, the following provisions:

1. All children with disabilities aged birth (0) through twenty-one (21) years within the School's jurisdiction are to be identified, located, and evaluated including children attending religious or private schools who are in need of special education and related services.

2. A free appropriate public education (FAPE) shall be available to all children with disabilities aged three (3) through twenty-one (21) years within the HSS's jurisdiction, including children advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations, and any child with a disability the HSS has placed in or referred to a private school or facility. The HSS may refer to and contract with approved public or private agencies as necessary to ensure the provision of FAPE for children with disabilities.

3. A full individual evaluation encompassing existing and additional data shall be conducted for each child to determine if the child is a child with a disability and the educational needs of the child before the initial provision of special education and related services. A reevaluation of each child shall be conducted at least every third year.

4. An individualized education plan ("IEP") shall be developed and implemented for each eligible child served by the School and for each eligible child the School places in or refers to a private school or facility. An IEP or an individualized family

service plan ("IFSP") will be in place for each child with a disability prior to the provision of FAPE.

5. To the maximum extent appropriate, opportunities for the least restrictive setting, inclusion in educational exercises with regular program students, and for interaction with the total school environment will be provided to exceptional students, the exception to be only when the student's condition, with supplementary aids and services, make such regular class education unsatisfactory.

6. All required procedural safeguards must be guaranteed to the exceptional students and their parents. The parents will be provided with notices of procedural safeguards in each specified instance and all due process conditions will be satisfied with respect to the provision of a free appropriate public education.

7. The HSS shall follow the established state and federal standards to protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.

8. To the extent essential to provide FAPE to children with disabilities aged three (3) through twenty-one (21), extended school year services shall be made available and implemented as necessary.

9. Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be as specified in the HSS policy on graduation requirements. Such standards shall be equivalent to or greater than those established by the HBE.

10. Not later than March 1 of each year conduct a review of the reasonable and acceptable ratio of students per teacher for each disability category. The applicable ratios shall be specified in a regulation accompanying the School policy on class size.

11. The discipline of exceptional students, and unevaluated students suspected of having a qualifying disability, is to be conducted in such a manner as to comply with FAPE and requirements of the IDEA.

C. The CSA is authorized and directed to establish procedures, with the approval of the HBE, for the development and administration of the necessary programs, and to document HSS compliance with the law and this policy. Such procedures will be made available to staff members and to parents as necessary to enhance compliance.

3212 Identification and Placement of Exceptional Students

A. The HSS shall ensure that all children, including children attending private schools, within the HSS's responsibility who have suspected disabilities are identified, located, and evaluated. The process of identifying, locating, and evaluating students with disabilities is important to the provision of educational opportunities for all students.

B. It is this process of identification, evaluation, development of program, placement, and the provision of services - its sensitivity, its accuracy - that shall determine much of what happens with students during the remainder of their educational lives.

C. This process is guided by a variety of laws and regulations regarding identification, evaluation, development of program, placement, and the provision of transition services enacted at both the state and federal levels. The CSA shall oversee development of procedures, with the approval of the HBE, to be followed in the HSS to comply with applicable laws and regulations.

3220 Specific processes to provide FAPE to IDEA students

A. 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 CSA 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 HSS 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 HSS 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 HSS 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 HSS 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 HSS, 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 HSS 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 the Chief School Administrator, Hopi School System, Central Administration Office.

   c. The hearing will be held in accordance with applicable regulations. The decision may be appealed only to a federal court of competent jurisdiction.

   d. Attorneys' fees are available only as authorized by law.

4. 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.

5. 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.

6. 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.

7. 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.

Section 3221 Due-Process Hearings

A. 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.

B. In all related hearing matters and for purposes of this Section, 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.

C. Parents or the HSS 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.

D. Requests for a due-process hearing must be submitted in writing to the CSA. 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:

   1. A statement of time, place, and nature of the hearing.

   2. A statement of the legal authority and jurisdiction under which the hearing is being held.

   3. A reference to the particular section of the statutes and rules involved.

   4. A statement of the availability of relevant records for examination.

   5. A short and plain statement of the matters asserted.

   6. A statement of the right to be represented by counsel.

E. All written correspondence shall be provided in English and/or interpreted in the primary language.

Section 3222 Hearing Procedures

A. 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:

   1. Present their evidence; and

2. 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.

B. Parents involved in the hearing will be given the right to:

1. Have the student present at the hearing.

2. Open the hearing to the public.

C. 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.

1. The hearing officer shall determine, subject to appeal by judicial review, whether the School has met all procedural aspects of the education accommodation plan.

2. 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 and applicable Arizona law and federal court decisions.

3. The hearing officer shall ascertain that:

a. The procedures utilized in determining the student's needs have been appropriate in nature and degree.

b. The student's rights have been fully observed.

c. The provision of aids, services, or programs to the student may afford a free and appropriate education.

4. If the parents' primary language is other than English, then the hearing officer shall appoint an interpreter.

Section 3223 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.

Section 3224 Record of Hearing

A. A written or electronic verbatim recording of the Section 504 due process hearing shall be on file at the HSS office and will be available for review upon request to the parents and/or any of the involved parties.

B. Parents may have a copy of the proceedings, in English and in the primary language of the home.

Section 3225 Gifted and Talented Education Program

A. The HBE requires that appropriate instructional programs be conducted to meet the needs of exceptionally gifted students of school age, in keeping with the HSS's goal of developing the special abilities of each student. The HBE will ensure that the applicable provisions in 25 C.F.R. §§ 39.110 through 39.121 shall be implemented for GATE students within the HSS.

B. The framework for said programs shall encompass the following objectives:

1. Expansion of academic attainments and intellectual skills;

2. Stimulation of intellectual curiosity, independence, and responsibility;

3. Development of originality and creativity;

4. Development of positive attitude toward self and others;

5. Development of desirable social and leadership skills; and

6. Career exploration and awareness.

C. Ability of candidates for this program shall be evidenced by:

1. Achievement in schoolwork;

2. Scores on tests measuring intellectual ability and aptitude; and

3. The judgments of teachers, psychologists, administrators, and supervisors familiar with the demonstrated abilities of the students.

D. Procedures shall be established by the CSA, with the approval of the HBE, for identifying students of demonstrated achievement or potential ability.

CHAPTER 3300 – GRADING, PROMOTION AND GRADUATION

Section 3301 Grading Scale

A. Students shall receive grades based upon a four (4) point scale as follows:

A	=	Excellent	=	4
B	=	Above Average	=	3
C	=	Average	=	2
D	=	Below Average	=	1
F	=	Failing	=	0

B. An "I" may be given to indicate incomplete work. The makeup work shall be completed within two (2) weeks, or the "I" converts to a "F."

Section 3302 Report Cards/Student Progress Reports

A. School Report Cards.

1. Each school must distribute copies of an annual report card.

2. The annual report cards will be distributed to parents of students enrolled in a HSS school no later than the last day of school of each fiscal year, and a summary of the contents shall be presented at an annual public meeting held at the school. Notice shall be given at least two (2) weeks prior to the public meeting, clearly stating the purposes, time, and place.

B. Student Progress Reports.

1. It is essential that students' progress in school be fully communicated to their parents.

2. Each school shall report students' progress to the students and to their parents or guardians as appropriate. The reports will be clear, concise, and accurate, and will provide a basis of understanding among teachers, parents, and students for the benefit of the individual students. The CSA will develop progress report forms or cards in accordance with this policy.

3. The following specific requirements are hereby established:

    a. Parents will be informed regularly, and at least four (4) times a year, as to the progress their children are making in school.

    b. Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration. The progress of all students will be reviewed at the midpoint of each grading period.

    c. Insofar as possible, distinctions will be made between a student's attitude and academic performance.

    d. At comparable levels, the school will strive for consistency in grading and reporting except as this is inappropriate for certain classes or certain students.

    e. When grades are given, school staff members will take particular care to explain to parents the meaning of marks and symbols as they apply to student achievement.

    f. When no grades are given but evaluation is made informally in terms of the student's own progress, such evaluation will be a realistic appraisal of the skills developed by the student.

    g. Reports of progress for students qualified for services under the Individuals with Disabilities Education Act (IDEA) shall be based on their progress in the general curriculum and shall address whether the progress is sufficient to enable the student to achieve the goals stated in the student's individualized education plan (IEP) by the end of the school year.

Section 3303 Parent/Teacher Conferences

Parent/teacher conferences may be conducted. The CSA shall establish procedures for such conferences, with the approval of the HBE. In addition to scheduled opportunities, parents shall have opportunities to arrange conferences with teachers at other times during the year.

Section 3304 Class Rankings/Grade Point Averages

A. Rank in class is required by colleges and universities on transcripts submitted for entrance evaluation.

B. Class rank shall be determined as follows:

    1. Class ranking will be determined each semester beginning with the first semester of the ninth grade;

    2. Class rank will be based only on the grades earned in classes that meet or exceed graduation requirements; and

3. Total grade points begin accumulating with the ninth grade. These are divided by total units attempted to produce the accumulative grade point average. Students are then ranked according to grade point average, with 4.00 as high.

Section 3305 Homework

A. The development of study skills and self-discipline are integral and indispensable elements of a quality educational process.

B. Homework should be assigned consistent with the maturity, special needs, potential, and achievement level of the individual student. It should not carry the stigma of punishment. Its assignment should be specifically addressed to the objectives of the instructional program, and, in addition, students should develop responsibility for actively pursuing knowledge without immediate supervision outside as well as within the classroom.

C. Students, regardless of their intellectual capacity, should understand that mastery of skills is not always possible within the time constraints of the classroom. Each student should leave the District with a firm foundation for pursuing knowledge and developing skills on an independent basis.

D. The CSA is responsible for procedures, with the approval of the HBE, that will achieve objectives through homework, including, but not limited to, the following:

1. Intervention that changes deficient performance to performance that meets acceptable standards;

2. Reinforcement and mastery of critical skills and concepts. Special emphasis will be placed on the mastery of basic skills;

3. Challenge through exploration of concepts and skills that complement and elaborate those introduced in the classroom; and

4. Feedback from the teacher through correction and clarification of all outside assignments.

Section 3306 Make Up Opportunities

A. The CSA shall develop and implement standards that shall apply to requirements for student makeup assignments during absence for pesticide application periods and for other appropriate reasons.

B. When a student provides a written statement signed by a parent or guardian that the student will be or was absent because of the application of pesticides, each teacher will be notified and the following procedure will apply:

1. Each teacher will provide the student's assignment(s) and any handouts or materials necessary for accomplishment of such assignment(s) for a minimum period of one (1) day; and

2. It shall be the responsibility of any student who misses a laboratory assignment or test to arrange with the teacher a mutually convenient time to perform the laboratory assignment or to take the test.

Section 3307 Honor Roll

A. An honor roll system is an additional means for encouraging goal setting by students and for providing recognition of students who have achieved those goals.

B. Honor rolls will be used in grades three (3) through twelve (12). The CSA will establish the minimum achievement level for all honor rolls, and such determination may be subject to HBE approval. Students will be informed of the honor roll system and instructed to ensure an understanding of the specific grades and methods used to compute the honor roll formula.

C. The HSS shall promote public recognition of students who have attained honor roll status.

Section 3310 Promotion or Retention of Students

A. The HSS is dedicated to the continuous development of each student. The decision to promote a student to the next grade or retain a student shall be made by the combined efforts of the student's teacher(s), the Principal and the parent/guardian along with supporting documentation.

B. Promotion from year to year will be based upon standards for each basic subject area as identified in the course of study.

C. The HSS standards that students must achieve shall include accomplishment of the standards in reading, written communication, mathematics, science, and social studies as adopted by the Hopi Board of Education.

D. In addition to these standards, test scores, grades, teacher-Principal recommendations, and other pertinent data will be used to determine promotion.

E. Retention of students is a process that is followed when the professional staff, in consultation with the parent, determines it to be in the best interests of the student. Though primary grades are suggested as the most appropriate time, retention may be considered at any grade level.

F. When circumstances indicate that retention is in the best interest of the student, the student will have individual consideration, and decisions will be made only after a careful study of facts relating to all phases of the student's growth and development. The student's academic achievement level and mental ability are important, but

physical and social characteristics are also important factors. A decision should be based on sufficient data, collected over a period of time and motivated by a desire to place students in school programs where they will be the most successful.

Section 3311 Retention of Elementary Students

A. At the end of the first grading period, each teacher in HSS school shall send to the Principal a list of the students who are experiencing difficulty in their classes. At the earliest parent conference this must be shared with the parents and recorded in the student's cumulative folder. The teacher and the parent will discuss ways to assist the student in attaining expected achievement levels.

B. At the end of the second and subsequent grading periods, students - including new students - who achieve below expected grade level standards will be reviewed by the Principal and staff members to consider retention. Parent conferences will be held to inform parents of the concern and to involve them in this process.

C. No decision for retention shall be made without parent involvement and student counseling. Late entries should receive special consideration.

D. The final recommendation to retain should be made by the teacher. Consultation with the Principal and other staff members, and involvement of parents in all steps of the retention process are vital.

Section 3312 Promotion or Retention of IDEA Students

A. In addition to the provisions of Section 3310 of the HSS Manual, such decisions, when applied to IDEA students, shall be on a case-by-case basis, consistent with the individualized education plan and applicable regulations. Students who do not meet regular promotion requirements must meet the course of study and promotion requirements for special education. The programs for such students may include adaptations.

B. Any student unable to meet regular academic requirements for promotion must meet the requirements of an alternative curriculum derived from the regular curriculum, which will be developed by an IEP team on an individual basis. 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's teacher(s), the Promotion/Retention Committee, Principal and the parent/guardian. Efforts will be made to ensure the appropriate grade placement for each individual student.

C. Students placed in special education will complete the course of study as prescribed in their individual promotion plans and implemented through their individual education programs. Course work will be presented at a level commensurate with the student's ability. The student's permanent file shall identify the courses completed through special education; however, the student will receive the standard certificate of promotion.

Section 3313 Academic Awards Banquet

A. If funding permits, HSS will sponsor food and decorations for an annual academic award banquet in the spring of each year for each HSS school.

B. Attendance for the academic award banquet is limited to children who have made the honor roll in all four quarters and students scoring in the highest category of required assessments, their parents or legal guardians, staff, and HBE members.

Section 3314 Promotion Banquet

A. If funding permits, HSS shall provide up to $2,000 for food and decorations for a Sixth Grade Promotion Banquet and an Eighth Grade Promotion Banquet held in the spring of each year for each HSS Elementary School and each HSS Junior High School.

B. Attendance at the Sixth Grade Promotion Banquet shall be limited to sixth grade students being promoted, their parents or legal guardians, staff, and HBE members.

C. Attendance at the Eighth Grade Promotion Banquet shall be limited to eighth grade students being promoted, their parents or legal guardians, staff, and HBE members.

Section 3315 Selection of Valedictorians and Salutatorians

A. The selection of a sixth grade valedictorian and salutatorian shall be made as follows:

1. A student's grade point average ("GPA"), over the entire past two (2) academic years, shall be the determinative factor in the selection of a valedictorian and salutatorian. The student(s) with the highest GPAs will be the selected valedictorian and salutatorian, respectively, if they meet the other conditions set forth herein and if they have no disqualifying behavior or history.

2. A 3.2 GPA on a four-point scale is the minimum GPA for consideration for being selected valedictorian and/or salutatorian. Students must meet the minimum GPA to be considered for either honor. If no student meets the minimum GPA, there will be no valedictorian or salutatorian for that year.

3. To be considered, a student must have completed the entire last two (2) academic years (fifth and sixth grade) at the School, and only the students' GPA for those two (2) years will be used to compute the GPA that is to be used in the selection of a valedictorian and salutatorian and in this policy.

4. To be eligible for consideration for valedictorian and salutatorian, a student must have no significant disciplinary history and must have met minimum attendance requirements over the above-described three (3) year period.

5. The valedictorian and salutatorian shall be selected by the Sixth Grade Teacher and Principal based upon the above factors. The decision of the Principal is final.

B. The CSA shall, in consultation with the Hopi Junior Senior High School Principals, develop procedures for selection of Junior High and High School Valedictorian(s) and Salutatorian(s), with the approval of the HBE.

Section 3320 High School Graduation Requirements

A. Graduation requirements: A minimum of twenty (20) units of credit are required for graduation. Listed below are the units that must be completed before a student may receive a high school diploma. Each student shall demonstrate accomplishment of the standards in reading, writing, science, social studies, and mathematics adopted by the HBE.

1. Graduation requirements may be met as follows:

   a. By successful completion of subject area course requirements.

   b. By mastery of the standards adopted by the HBE and other competency requirements for the subject as determined by the HBE in accord with rules established by the CSA.

   c. By earning credits through correspondence courses that meet graduation requirements and/or by passing appropriate courses at the college or university level if the courses are determined to meet standards and criteria established by the HBE.

2. Graduation requirements are:

English	4.0 units
Mathematics	3.0 units
Science (with lab)	2.0 units
Geography/World History	1.0 unit
American/Arizona History	1.0 unit
American Government	1.0 unit
Physical Education/Band	1.0 unit
Industrial Arts or Fine Arts	1.0 unit
Computer Science	1.0 unit
Electives	5.0 units
Total	20.0 units

B. IDEA Education Graduation requirements.

1. The requirements that must be completed before a student may receive a high school diploma are listed in Section 3320(A) of the HSS Manual. Completion of graduation requirements for IDEA students who do not meet the required units of credit shall be determined on a case-by-case basis in accordance with the IDEA course of study and the individualized education plan of the student.

2. Competency requirements. Any student who is placed in IDEA classes, grades nine through twelve (9 - 12), is eligible to receive a high school diploma without meeting state competency requirements, but reference to IDEA education placement may be placed on the student's transcript or permanent file.

Section 3321 High School Graduation Requirements

A. Graduation exercises will be held for students who have met HBE and Arizona state requirements for graduation from high school.

B. Participation in high school commencement exercises is encouraged but is not compulsory. However, since these exercises require planning and rehearsals, the following rules shall apply:

1. Students who wish to participate must be present at the rehearsals. Failure to do so, except for legitimate reasons for absence, may be cause for excluding students from participating in the exercises; and

2. Students may not participate in the commencement exercises unless they have successfully completed the requirements for graduation.

CHAPTER 3400 – ADDITIONAL INSTRUCTIONAL PROVISIONS

Section 3401 Field Trips

A. Student field trips are encouraged and recognized as an effective learning device; however, field trips present additional concerns for the student and the HSS. During field trips, every effort should be taken for the protection of the health, safety and welfare of the student and the security and good reputation and integrity of the HSS.

B. All field trips shall follow the provisions of Chapter 6600 of the HSS Manual and this Section. The provisions of this Section shall also apply to all field trips.

C. Field trips shall be planned within the context of the school program and must be appropriate for the age level, grade level, and curriculum. Due to limitations imposed by local conditions, field trips may be limited by the CSA. All field trips must be specifically approved by the CSA long enough in advance so that arrangements can be made prior to the trip. Before any student is taken from the school grounds on a field trip, written permission must be obtained from the parents or legal guardians.

D. Transportation shall be provided only by the Schools' buses, driven by authorized personnel.

E. In general, field trips shall be conducted within the normal school day. All field trips that are off the Hopi Reservation, out of state, or overnight require HBE approval. The HSS will not sponsor, approve, support, or encourage field trips that do not meet the criteria outlined in this policy, unless the HBE gives approval after a presentation justifying the specific need for the exception.

F. Field trips are very useful to encourage learning through exploration of the environment not immediately accessible to the classroom. Approval of field trips will be based on a number of items such as availability of transportation, budget, personnel, weather, risks, and distance, as well as educational objectives.

G. It will be the responsibility of the staff and the Principal to organize field trips so that an experience is not repeated yearly for a student or group of students. There might be some justification for repeating an experience, but generally the same field trip will not be repeated for any one student within a three (3) year cycle.

H. The cost of transportation for field trips must be included in budget planning. Each teacher who wishes to plan field trips should make tentative plans with the Principal during budget planning. Such plans should include the place, time, and educational justification for each field trip. The school will attempt to have some capacity for scheduling field trips beyond those requested by the teachers as part of the budget process, but there can be no assurance that such unbudgeted trips can be accommodated.

Section 3402 School Volunteers

A. Volunteers can make many valuable contributions to the students and educational programs of the School. A volunteer program is approved subject to suitable rules, safeguards, and regulations as developed by the CSA.

B. The CSA shall promote appropriate annual recognition of volunteer services.

Section 3403 Community Resource Persons/Speakers

A. The HSS recognizes that one of the greatest resources of the school is to be found in the people of the community who have special knowledge and particular talents to contribute to the school program.

B. The use of community resources and citizens to serve in furthering the educational program is encouraged.

C. Staff members should study the needs of their respective schools, survey the resources available in the school community, weigh their probable usefulness, and then present to the CSA for approval any staff-developed plans for using those community resources.

D. The CSA will consider all such plans, on both their merit and their implications, as if they were to be carried out throughout the school and the HSS. Use of outside personnel and resources shall comply with procedures authorized by the CSA, as approved by the HBE.

Section 3404 Animals in Schools

A. The CSA may establish procedures for appropriately and humanely bringing live animals into a classroom, as approved by the HBE. Such procedures shall forbid the transporting of live animals on school buses.

B. Seeing-eye and service dogs are permitted on school buses and in classrooms to perform the functions for which they are trained. A dog's laminated identification card may be requested for verification.

Section 3405 Teaching about Controversial/Sensitive Issues

A. Democratic tradition often involves dealing with controversial issues. Knowledge and understanding of such issues are an indispensable part of education.

B. The teacher holds a position of authority and respect in the classroom and community, and by virtue of that position has great influence in the formation of the values of all students. It must be clear that personal views are not a part of the instructional program and must be tempered by the responsibility to maintain professionalism.

C. To ensure that controversial issues are dealt with fairly and objectively, and with instruction as their goal, such issues may be a part of the curriculum as long as the following policies are observed:

1. Teachers should instruct students in the principles and techniques of the scientific method and provide opportunities for practice in applying established facts to specific problems;

2. Teachers should seek to develop in students the ideals of truth and honesty;

3. All personnel should seek to create an atmosphere in which difference of opinion can be voiced without fear and hostility and with mutual respect for all viewpoints;

4. Constitutional guarantees of due process and freedom of speech will continue to be observed as to students and teachers alike when they are involved in a controversial issue;

5. Teachers should encourage the suspension of judgment and conclusions until all relevant and significant facts have been assembled, critically examined, and checked for accuracy;

6. Teachers should seek to develop in students a sense of responsibility for their beliefs, opinions, attitudes, and actions; and

7. Teachers should place major emphasis upon "why" and "how" to think rather than "what" to think.

Section 3406 Programs for Pregnant Students

A. Pregnant students shall have the same educational opportunities as their peers. Such students may also need additional counseling and health services that are available through the HSS.

B. Pregnant students may elect to remain in the regular school program and shall not be involuntarily excluded from any part of the school program, provided, however, that reasonable safeguards are maintained both for the HSS's and the student's best interests.

C. Pregnant students shall notify school authorities of their status as soon as it is ascertained. The CSA shall draft procedures, as approved by the HBE, as may be necessary to implement this policy.

Section 3407 Additional Accommodations for Pregnant Students

A. The School affirms the right of a pregnant student to continue her participation in the public school program.

B. As soon as the pregnancy is medically confirmed, the student shall consult with a member of the counseling staff or the Principal for the purpose of planning her educational program.

C. The student may be eligible for the following educational plans or may suggest alternatives, such as:

1. She may remain in her present school program, with modifications as necessary, until the birth of her baby is imminent or until her physician states that continued participation would be detrimental to her health; or

2. If eligible for homebound or chronic illness status, she may temporarily withdraw from school at the direction of her physician and may receive homebound instruction from the date of her withdrawal until her physician states that she is physically able to return to school.

D. Efforts shall be made by the HSS to ensure that:

1. The educational program of the student is disrupted as little as possible;

2. She receives information on available health and counseling services, as well as instruction; and

3. She is encouraged to return to school after delivery.

TITLE 4 - FISCAL MANAGEMENT

CHAPTER 4000 - PURPOSES, AUTHORITIES AND ADMINISTRATION

Section 4001 Purposes

A. The Hopi Board of Education ("HBE") recognizes that the business operations of the Hopi School System ("HSS") will support educational services by maximizing and prioritizing resources to provide a safe, healthy and vibrant learning environment for students and staff.

B. The HBE hereby establishes a "Finance Department" within the HSS Central Administration Office which shall be led by a "Finance Director" to oversee and implement financial services for the HSS and HSS schools.

C. The Chief School Administrator ("CSA") and the Central Administration Office's Finance Department shall ensure that the HSS's business operations are efficient and responsive to the needs of students, parents/guardians, staff, and the communities.

Section 4010 Alignment with the Super Circular, 2 C.F.R. Part 200, and other Laws

A. The HSS hereby adopts the Super Circular, 2 C.F.R. Part 200, as may be amended ("Super Circular"), and shall comply with all statutes, policies and regulations of the Elementary and Secondary Education Act, , Pub. L. No. 89-10, as amended, and the Tribally Controlled Schools Act, P.L. 100-297, as amended.

B. All matters relative to program design, implementation, and monitoring, evaluation of program funds, property procurement, management, disbursement, inventory control, auditing, and accounting shall be in accordance with the Super Circular and any applicable rules and regulations arising from the laws of the Hopi Tribe, the federal government, and the HSS's Tribally Controlled Schools Act grant status.

Section 4020 Hopi Board of Education Authority

A. The Hopi Tribe, through enactment of the Hopi Education Code ("Code"), delegated the sole authority and responsibility to manage the budget, accounting, and financial affairs of Hopi's Tribally Controlled Schools to the HBE.
Legal Ref.: Code, sec. 2.1.

B. The HBE shall review and approve annual appropriations and operating budgets for the Hopi School System, Central Administration Office ("CAO"), local school boards, and local schools consistent with the Code and applicable Tribal and federal laws. Legal Ref.: Code, sec. 4.6.A(5).

C. HBE expenses and compensation shall be administered as follows:

1. Each year, HBE shall approve a budget for all its travel, training, and other HBE expenses. HBE members shall also receive a meeting stipend for discharging their duties as HBE members;

2. The HBE's budget, expenses and stipends shall be included in the Hopi School System annual audit as part of the Annual State of Hopi Education Report;

3. The HBE's budget shall be developed in accordance with the Tribally Controlled Schools Act and other funding requirements applicable as federally-funded grant schools; and

4. HBE members' compensation for participation in HBE meetings shall be one hundred dollars ($100) per regular or special meeting. The HBE may hold as many meetings as needed per month, but shall only be compensated for one (1) regular and one (1) special meeting per month, except during the Transition Period, HBE members, once they are sworn in, shall be compensated for up to four (4) meetings per month. The HBE shall review this compensation rate every two (2) years, and may modify the rate as determined appropriate. If the HBE meeting compensation rate is modified, the HBE shall include such modification in its Annual State of Hopi Education Report. Legal Ref: Code, sec. 4.16.

Section 4021 Financial Management System

A. The HBE shall have in place a financial management system to account for:

1. An internal system of financial accounting and bookkeeping that provides checks and balances for the accounting of revenues received, business transactions, banking and investments whose controls are in keeping with accepted financial principles and practices and audit requirements;

2. All revenues shall be deposited in a valid, safe and secure bank account in the name of the HSS;

3. The financial portfolio of the HSS shall be invested in government market funds or other safe and secure accounts that are insured and collateralized;

4. Controls that will comply with federal and Hopi tribal financial management statutes, rules and regulations;

5. Controls that ensure all revenues and funds received and spent are for the purposes for which the funds were appropriated; and, that funds are spent solely for purposes of school administration and operations, personnel, services, goods, materials, educational programs, school transportation, and facilities maintenance;

6. Expenditures and investments of a speculative nature shall be prohibited;

7. The financial management system shall account for the financial solvency of the Hopi School System; and

8. Checks, cash and any payments to the HSS shall be kept in a secured safe or locking file.

B. The HBE shall meet periodically to ensure that its fiduciary duty is maintained. The HBE shall review the prior meeting minutes, the Finance Director's report, business items, educational items, the CSA's report, new business, and other relevant fiduciary and business items.

C. The HSS management system records shall be maintained in compliance with 25 C.F.R. § 900.41.

Section 4022 Principals and Local School Boards

A. The local school boards duties in regards to fiscal management shall consist of:

1. Advise their local schools on local school budget needs and proposed expenditures, Legal Ref: Code, sec. 6.6.D; and

2. Review and approve the local school's proposed financial plan based on local school budget needs and proposed expenditures and, together with the school Principal, provide this proposed financial plan to the HBE. Legal Ref: Code, sec. 6.6.E.

B. Each local school board's annual budget shall be as follows:

1. Each local school board shall have a total budget of $20,000 maximum per year;

2. The local school board budget shall include all local school board expenses, e.g., meeting stipends, trainings, meals, and other expenses;

3. The HBE may revise the local school boards' annual budget as needed;

4. Local school boards' budgets shall be developed in accordance with the Tribally Controlled Schools Act and other funding requirements applicable as a federally-funded school;

5. Local school board members' compensation for participation in local school board meetings shall be seventy-five dollars ($75) per regular or special meeting. Local school board members shall only be compensated for one (1) regular and one (1) special meeting per month. The HBE shall review this compensation rate every two (2) years, and may modify the rate as determined appropriate at increments not to exceed ten dollars ($10) every two (2) years; and

6. Operating expenses, member compensation, training and travel budget of local school boards shall be reviewed by the CSA who shall approve or deny expenses based on policies and procedures established by the HBE. Legal Ref: Code, secs. 6.7, 6.8.

CHAPTER 4100 - INTERNAL CONTROLS

Section 4101 Summary

A. Internal controls provide the HSS with the foundation to safeguard assets, implement policies, comply with federal and Tribal laws and regulations, and produce timely and accurate financial reports.

B. In addition to the measures throughout these policies and procedures, the HSS's internal control measures of this section comply with the internal control provisions of 2 C.F.R. § 200.303.

C. "Internal controls" means a process, implemented by the HSS, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations;

2. Reliability of reporting for internal and external use; and

3. Compliance with applicable statutes and regulations and the terms of the HSS's Tribally Controlled Schools Act grant.

D. As a federally supported entity, the HSS has additional responsibilities to ensure the public's confidence and the integrity of the HSS's activities.

E. The CSA and Finance Department are responsible for the business management of HSS operations in a responsible manner to ensure the fiscal solvency of the HSS.

F. HSS Administration, Department Directors and all personnel performing under the policies and procedures of this Chapter shall familiarize themselves with the rules and regulations associated with the HSS's funding grant, applicable rules and regulations of the Hopi Tribe and federal government and provisions and procedures of the Super Circular.

Section 4110 Record Keeping

A. To provide an accurate and auditable record of all financial transactions, HSS school books, records, and accounts are maintained in conformity with Generally Accepted Accounting Principles ("GAAP").

B. Hopi School System also requires that:

1. No funds or accounts may be established or maintained for purposes that are not fully and accurately described within the books and records of the HSS;

2. Receipts and disbursements shall be fully and accurately described in the books and records;

3. No false entries will be made on the books or records, nor any false or misleading reports issued; and

4. Payments may be made only to the contracting party and only for the actual services rendered or products delivered. No false or fictitious invoices may be paid.

Section 4120 Signature Authorities

A. To segregate duties within the Hopi School System, only the following HSS individuals shall have signatory authority and are responsible for authorizing transactions, requisitions and/or purchase orders:

1. HBE Chairperson;

2. Chief School Administrator;

3. Finance Director; and

4. Other Finance Department personnel designated by the Finance Director who shall inform the HBE of such designation.

B. At least two (2) authorized signatures from Section 4120(A) shall be required for all checks or other form of payment for HSS transactions, requisitions and/or purchase orders.

Section 4130 Chief School Administrator, the HBE, and the Bureau of Indian Education Access to Records

The Principal or his/her designee will provide access to his/her school's records and supporting records in a timely manner to the CSA, the HBE, and the Bureau of Indian Education ("BIE") or their designee.

Section 4140 Security of Financial Data

A. The HBE, through the CSA, performs periodic internal reviews of its accounting software and computer systems to ensure that general and application controls (i.e., proper password protection and authorizations for data input, inquiry or browse-only functions) are in place to prevent unauthorized access to data.

B. The Finance Director or his/her designee performs daily backups of the system's data to ensure the recoverability of financial information in case of hardware failure. The backups are stored in a secure, fire-safe area.

C. Other financial data, including unused and unclaimed checks, are secured from unauthorized access by the Finance Director or his/her designee.

Section 4141 Security of Hopi School System Documents

The Finance Director shall maintain and periodically verify the presence of originals for the following documents:

A. Initial Tribally Controlled School Act Grant and all amendments;

B. Meeting minutes of the HBE and committees;

C. Bank agreements, leases, loans, and mortgage (Employee Housing) agreements;

D. All employment contracts;

E. Insurance policies;

F. All procurement documents for instructional supplies and related materials;

G. All procurement documents for educational services;

H. Contract agreements;

I. Fixed asset inventory;

J. Annual narrative and financial reports;

K. HSS policies and procedures manual, including the finance and personnel policies and procedures manuals;

L. Any other documents required by the HBE;

M. All approved stipends for school employees and HBE members;

N. All approved overtime forms; and

O. All time sheets for school employees.

Section 4142 Use of Hopi School System Assets

No employee may access any HSS property, equipment, materials, or supplies for personal use without the prior approval of the HBE and/or CSA.

Section 4143 Use of Hopi School System Credit Cards

A. The HBE acknowledges that instances may occur when ready payment for goods or services is in the HSS's best interest. The CSA is responsible for the implementation of all aspects of the HSS credit card program. The HBE authorizes the CSA to secure and assign controlled-limit credit cards to designated personnel. HSS-assigned credit cards may not be used for personal expenditures.

B. HSS credit cards are issued with the approval of the CSA and the HBE and only with proper justification. The CSA and the Finance Director will review the cost/benefit to the HSS to ensure that no other method is more appropriate. Credit cards issued are assigned to specific individual employees and are used only for school-related expenditures.

C. An approved requisition is required before any goods or services can be purchased with a HSS credit card.

D. All HSS-issued credit cards shall be maintained in a locked cabinet in the front office of the CAO. Credit cards are checked out for the duration of the need for the card and are returned, to the front office, after use.

E. Individual employees shall ensure cards are maintained in the front office when not required for use.

F. Monthly credit card statements are reconciled to invoices and Travel Expense Reports and are approved by the Finance Director or his/her designee.

Section 4144 Conflict of Interest

A. The Hopi School System is guided by the principle of arms-length standards with all other organizations and individuals.

B. The Hopi School System may not operate for the benefit of:

1. Any other affiliated or unaffiliated organization;

2. Any individual in his/her own private capacity; or

3. Any related individuals to the HBE, local school board, or members of its management, unless the private benefit is considered merely incidental.

C. This private benefit prohibition includes, but is not limited to:

1. Sale, exchange, or leasing of property between the HSS and any other related organization or individual;

2. Lending of money or other extension of credit between the HSS and any other related organization or individual;

3. Furnishing of goods, services, or facilities between the HSS and any other related organization or individual;

4. Payment of compensation, unless authorized by the CSA and HBE, by the Hopi School System to any other related organization or individual; and

5. Transfer to, use by, or for the benefit of any other related organization or individual of the income or assets of the HSS.

D. The HBE shall also follow the conflict of interest provisions set forth in its Bylaws. Legal Ref.: HSS Manual, sec. 8101(F).

E. "Related organization" transactions include transactions between the school(s) and members of the local school board, the HBE, CAO, management, contracted vendors, employees, and related individuals.

F. "Related individual(s)" includes spouses, parents, children, spouses of children, grandchildren, siblings, father-in-law, mother-in-law, sister-in-law, and brother-in-law of the local school board, a HBE member, or HSS employee.

Section 4145 Prohibited Activities

A. Contributions associated with political activities are prohibited as follows:

1. No funds or assets of HSS may be contributed to any political party or organization or to any individual who either holds public office or is a candidate for public office;

2. The direct or indirect use of any funds or other assets of the HSS for political contributions in any form, whether in cash or other property, services, or the use of facilities, is strictly prohibited; and

3. The HSS cannot be involved with any committee or other organization that raises funds for political purposes.

B. Other prohibited activities include, but are not limited to:

1. Contributions by an employee that are reimbursed through expense accounts or in other ways;

2. Purchase by the organization of tickets for political fundraising events; and

3. Contributions in-kind, such as lending employees to political parties or using Hopi School System assets in political campaigns.

4. The Hopi School System and the HBE, like all non-federal entities, are prohibited from using any federal grant funds for lobbying activities or attempts to influence members of the U.S. Congress or federal agencies in regards to legislation. Legal Ref.: 18 U.S.C. § 1913.

CHAPTER 4200 - ACCOUNTING SYSTEM AND PROCEDURES

Section 4201 General Accounting Policy of the Hopi School System

A. Accounting procedures and records comprise the accounting system through which the HSS records, classifies, and summarizes its financial transactions and reports the financial position and results of operations of the HSS.

B. An accounting system's primary objectives are to provide the HBE and HSS management staff with reliable financial information which conforms to generally accepted accounting principles on a timely basis and which will safeguard assets.

C. The HSS has adopted the Super Circular, 2 C.F.R. Part 200, as may be amended, in situations wherein there are no controlling or applicable policies in the HSS Manual. The HSS's accounting procedures shall be as set forth and recommended in the Super Circular and in compliance with Statement No. 34 of the Governmental Accounting Standards Board ("GASB"). The HSS's accounting procedures shall also include any rules, regulations or requirements arising from the HSS's funding grant, and any applicable rules, regulations and/or laws of the Hopi Tribe and the federal government.

D. In the event of a conflict between the Super Circular, the rules, regulations and requirements of the HSS's funding grant, and applicable laws of the Hopi Tribe and federal government, the Super Circular shall control.

E. In the event of a conflict between the Super Circular and the policies set forth in the HSS Manual, the Super Circular shall control unless said policies expressly state that they control to the extent allowable by law.

F. The CSA, Principals, and all relevant Department Directors and personnel with duties and responsibilities in these areas shall familiarize themselves with the above standard requirements, rules and regulations. Failure on the part of responsible parties to comply with said guidelines, rules, regulations and requirements may result in disciplinary action.

Section 4202 Basis of Accounting

A. The HSS shall use a double entry accounting system (entering debits and credits per transaction) in accordance with the principles of fund accounting to maintain accounting records. See also HSS Manual, sec. 4210.

B. The HSS shall maintain its accounting records and related financial reports on the modified accrual basis of accounting throughout the year.

C. Records shall generally be maintained for three (3) years unless audit findings have not been resolved as well as other exceptions. Legal Ref.: 25 C.F.R. § 276.5.

Section 4203 Basis of Presentation

The accounts of the HSS are organized to be consistent with the chart of accounts set forth in the HSS Manual. The HSS shall record its financial transactions and the HSS statement of activities and statement of financial position.

Section 4204 Chart of Accounts

A. A uniform Chart of Accounts shall be used as the basis for managing HSS operations, recording and classifying transactions, preparing financial statements, and facilitating the preparation of the Annual Financial Statement required by the Tribally Controlled Schools Act under 25 U.S.C. 2505(b)(1)(A).

B. The HSS Chart of Accounts shall be based on the Uniform System of Financial Records ("USFR") and shall include additional account codes appropriate as Tribally Controlled Schools and as Hopi schools.

C. The HSS Chart of Accounts shall include codes specific to each Hopi Tribally Controlled School and shall be updated as circumstances and needs necessitate.

Section 4205 Revenues

A. The HSS shall receive revenues from the federal government as a Tribally Controlled Schools Act school system as well as other state, Tribal, local and private sources. The Indian School Equalization Program (applying "Average Daily Membership"), Part B Special Education funds, Title I and other Title programs, administrative costs grant, operations and maintenance, transportation, and other grants shall determine the federal funding to be provided to the HSS. Legal Ref.: See e.g., 25 C.F.R. §§ 39.2, 39.204-39.207.

B. The HSS shall drop a student from membership for Indian School Equalization Program ("ISEP") purposes after ten (10) consecutive school days of absences. Legal Ref.: 25 C.F.R. § 39.210. See also HSS Manual, sec. 2131(E).

C. The HSS can count other categories of students for ISEP membership purposes, including: homebound, located in an institutional setting outside of a HSS school, taking college courses during the school day, taking distance learning courses, or taking internet courses. Legal Ref.: 25 C.F.R. § 39.211(a)-(e) (see regulation for additional requirements in each of these five categories. See also HSS Manual, sec. 2131(F).

D. The following policies are adopted to strengthen internal accounting controls over revenues:

1. The Bureau of Indian Education shall, via electronic transfer, deposit funds into the bank account established by the HBE and shall notify the CSA of the date and amount of the deposit;

2. All other revenues received at the HSS shall be deposited at least weekly;

3. All deposits shall be electronically deposited, except for cash or if another method of deposit is necessary or required;

4. All revenues waiting to be deposited shall be maintained in a locked vault;

5. Revenues shall be recorded on a timely basis using account codes prescribed in the chart of accounts in the HSS Manual; and

6. The HSS shall segregate the duties of receiving, depositing and recording revenues among employees.

Section 4206 Expenditures

A. The following policies are comprised of those that shall be followed to comply with HBE requirements to strengthen the system of internal accounting control over expenditures:

1. The HBE is responsible for the implementation of expenditure policies and procedures;

2. The Finance Director, CSA or designee shall provide monthly reports of expenditure requests to the HBE, who shall review and approve all expenditure requests so presented. All HBE members shall sign the monthly expenditure reports;

3. The HBE shall not authorize expenditures in excess of the adopted budgets;

4. The HBE shall not authorize expenditures from cash controlled funds unless sufficient cash is available in the funds;

5. Bidding procedures established in accordance with rules prescribed by the HBE shall be followed;

6. Purchase orders shall be prepared for all HSS expenditures except for exempted items such as salaries and related costs;

7. Blanket purchase orders may be used for purchases of a recurring nature. If used, blanket purchase orders shall indicate a definite time period covered and a specified expenditure limit;

8. Receiving reports shall be prepared for all goods and services received. The date of receipt, quantity received and signature of the recipient shall be noted on the receiving report; and

9. The HSS shall prepare a listing of liabilities for all funds for goods and services received but not yet paid for on June 30.

B. Procedures: The expenditure cycle consists of six processes: budgeting, requisitioning, purchasing, receiving, paying and recording. Duties shall be adequately segregated among employees so that no individual performs all processes of the cycle. The Finance Director shall periodically review expenditure transactions to ensure that expenditures are made in compliance with the HBE's established policies and procedures.

C. Expenditure Processing Procedure: Table 4-1 includes representative procedures for processing expenditures. The HSS will utilize an electronic accounting software and all requisitions shall be entered into and routed through this software system under the appropriate codes. Routing and signatories may vary depending on the source of the funds.

TABLE 4-1: EXPENDITURE PROCESSING

PERFORMED BY:	PROCEDURE:
Secretary	(1) Prepares a purchase requisition which shall be signed and dated by the preparer and the individual authorized to approve the requisition. (2) Enters requisition into accounting software to begin electronic requisition approval process.
Principal or Department director	(3) Reviews, signs and approves or disapproves the requisition and determines if the item or service requested is needed by the school or department.
Federal Programs Director (if requisition fund requires)	(4) If applicable account codes/funds are to fund requisition, reviews, signs and approves or disapproves the requisition.
Chief School Administrator	(5) Reviews, signs and approves or disapproves the requisition.
Finance Director	(6) Reviews requisition for accuracy of account codes (7) Verifies that sufficient budget capacity exists to make expenditures from program funds, or returns it to the Secretary if sufficient budget capacity is not available. (8) If the amount of the purchase is between $10,000 and $250,000.00 for materials or services, requests price or rate quotations from an adequate number of qualified sources as determined appropriate by the HSS. (9) If the amount of the purchase exceeds $250,000.00 for materials or services, requests formal bidding procedures as approved by the HBE. (10) Selects a vendor in accordance with HBE-approved policies and procedures.
Accounts Receivable Staff/ Purchaser	(11) Prepares purchase order for the requisition (12) Email copy of Purchase order to the vendor and to the secretary
Warehouse/ Inventory Coordinator	(13) Receives alert of the processed purchase order (14) Performs the following steps when the goods are delivered: (a) Inspects the goods for visible damage in the presence of the carrier. Damaged goods shall not be accepted. (b) Counts, weighs or measures the goods, as applicable, to determine the quantity received. (c) Completes the receiving report, indicating the date received, quantity received, condition of goods and signature of employee receiving the goods. (15) Submits the completed receiving report to the Finance Director, with shipping documents such as freight bills attached.

PERFORMED BY:	PROCEDURE:
Accounts Receivable Staff/ Purchaser	(16) Compares the receiving report with copy one of the purchase order and requisition on file. (17) Notes items satisfactorily received on the purchase order and clearly indicates status of the purchase order (complete, partial shipment, etc.) (18) Receives vendor's invoice and records date of receipt of invoice. (19) Reviews vendor's invoice for mathematical accuracy, indicating evidence of such review on the invoice. (20) Compares terms, quantities and prices on the purchase order, vendor's invoice, requisition and receiving report. Differences shall be resolved before payment is made. If a partial shipment is received, the vendor shall be paid only for the goods received. (21) Calculates cash discount, if applicable. (22) Includes invoice in the file with the purchase order, requisition, receiving report and shipping documents. (23) Prepares an expenditure approval request. Classifies expenditure by proper account. (24) Forwards expenditure approval request to the Chief School Administrator, Finance Director, or designee for approval of payment. (25) Prepares check for vendor, acquire appropriate signatures and make payment to vendor. Only two HSS personnel can print checks: Finance Director and the Accounts Receivable/ Purchaser.

Section 4207 Cost Accounting

A. Practices used by the HSS in estimating costs in the grant are consistent with its accounting practices used in accumulating and reporting costs.

B. The fiscal year of the HSS is July 1st through June 30th. The same accounting period is used for all adjusting entries and accruals.

C. Gains and losses from the sale or other disposition of property are recorded as revenue in the year in which they occur, and are reflected as such on the Statement of Revenue, Expenditures, and Changes in Net Assets.

Section 4208 Incurred Costs

For the purpose of invoicing funding sources for allowable costs under cost reimbursement programs, invoices shall meet the timing and eligibility requirements of the funding Agency.

Section 4209 Disallowed Costs

A. Costs expressly disallowable or mutually agreed to be disallowable, are identified in separate general ledger accounts and excluded from billings to the grant with the Bureau of Indian Education, Department of Agriculture and the Department of Education.

B. Available guidance includes, but is not limited to, 2 C.F.R. § 200.1 ("Disallowed costs").

C. The HSS maintains separate records of all identified disallowed costs.

Section 4210 Fund Balance Policy in Accordance with GASB No. 54

A. Purpose. The purpose of this policy is to create new fund balance classifications to allow for more useful fund balance reporting and for compliance with the reporting guidelines specified in Statement No. 54 of the Governmental Accounting Standards Board ("GASB").

B. General Statement of Policy. The policy of the HSS is to comply with GASB Statement No. 54. To the extent a specific conflict occurs between this policy and the provisions of GASB Statement No. 54, the GASB Statement shall prevail. This policy shall be implemented at the HSS.

C. Definitions.

1. "Assigned" fund balance amounts are comprised of unrestricted funds constrained by the HSS's intent that they be used for specific purposes, but that do not meet the criteria to be classified as restricted or committed. In funds other than the general fund, the assigned fund balance represents the remaining amount that is not restricted or committed. The assigned fund balance category will cover the portion of a fund balance that reflects the HSS's intended use of those resources. The action to assign a fund balance may be taken after the end of the fiscal year. An assigned fund balance cannot be a negative number.

2. "Committed" fund balance amounts are comprised of unrestricted funds used for specific purposes pursuant to constraints imposed by formal action of the HBE and that remain binding unless removed by HBE by subsequent formal action. The formal action to commit a fund balance must occur prior to fiscal year end; however, the specific amounts actually committed can be determined in the subsequent fiscal year. A committed fund balance cannot be a negative number.

3. "Enabling legislation" means legislation that authorizes the HSS to assess, levy, charge, or otherwise mandate payment of resources from external providers (i.e., P.L. 100-297 grant) and includes a legally enforceable requirement that those resources be used only for the specific purposes listed in the legislation.

4. "Encumbrance Reporting" means encumbering amounts for specific purposes for which resources have already been restricted, committed or assigned should not result in separate display of encumbered amounts. Encumbered amounts for specific purposes for which amounts have not been previously restricted, committed or assigned, will be classified as committed or assigned, as appropriate, based on the definitions and criteria set forth in GASB Statement No. 54.

5. "Fund balance" means the arithmetic difference between the assets and liabilities reported in a school district fund.

6. "Non-spendable" fund balance amounts are comprised of funds that cannot be spent because they are either not in spendable form or are legally or contractually required to be maintained intact. They include items that are inherently un-spendable, such as, but not limited to, inventories, prepaid items, long-term receivables, non-financial assets held for resale, or the permanent principal of endowment funds.

7. "Restricted" fund balance amounts are comprised of funds that have legally enforceable constraints placed on their use that either are externally imposed by resource providers or creditors (such as through debt covenants), grantors, contributors, voters, or laws or regulations of other governments, or are imposed by law through constitutional provisions or enabling legislation.

8. "Unassigned" fund balance amounts are the residual amounts in the general fund not reported in any other classification. The general fund is the only fund that can report a positive unassigned fund balance. Other funds would report a negative unassigned fund balance should the total of non-spendable, restricted, and committed fund balances exceed the total net resources of that fund. Unassigned funds cannot be from federal funds.

9. "Unrestricted" fund balance is the amount of fund balance left after determining both non-spendable and restricted net resources. Unrestricted funds are not federal funds, and examples include, but are not limited to Tribal funds, private grant funds, and bequeathed gifts.

D. Classifying Fund Balance Amounts. Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual governmental fund may include non-spendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The general fund may also include an unassigned amount.

E. Minimum Fund Balance. The HSS will strive to maintain a minimum unassigned general fund balance of 1.5 months of operating expenses.

F. Order of Resource Use. If resources from more than one fund balance classification could be spent, the HSS will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

G. Committing Fund Balance. A majority vote of the HBE is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the HBE.

H. Assigning Fund Balance.

1. HBE, by majority vote, may assign fund balances to be used for specific purposes when appropriate. HBE delegates the power to assign fund balances to the CSA. Assignments so made shall be reported to the HBE on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the HBE.

2. An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

I. Review. HBE will conduct an annual review of the sufficiency of the minimum unassigned general fund balance level.

Section 4211 Bank Accounts

A. The HBE shall only authorize the establishment of one bank to conduct HSS business which shall be insured by Federal Deposit Insurance Corporation ("FDIC").

B. The HSS Accounting System shall maintain a current listing of all bank accounts, which may include but not be limited to: General Fund account, Facilities account, Investment account, Facilities Investment account, Payroll account, Employee Benefits account, Quarters account, Student Activities Fund account, and Parent Committee account.

C. The Finance Director prepares a monthly Schedule of Accounts and Grants Receivable for review by the CSA and initiates drawdown procedures, as necessary.

Section 4212 Bank Statement Reconciliation

A. The HSS shall receive monthly bank statements that summarize the monthly activity and report the ending cash balances for each bank account. Bank statement cash balances may not agree with the HSS's records because checks may be outstanding, deposits may be in transit or pending, and the HSS may not have recorded bank charges. A reconciliation is performed to verify the accuracy of both balances.

B. Bank reconciliations shall be prepared by a Finance Department designee and shall be signed, dated, and approved by the Finance Director. To properly reconcile bank accounts, the preparer shall:

1. Receive the unopened envelope containing the bank statement and canceled checks;

2. Obtain the check register and file of validated deposit slips or verification for the bank account;

3. Compare the canceled checks to the check register to ensure that the number, date, payee and amount are in agreement. Canceled checks shall be examined for alterations, authorized signatures and irregular endorsements;

4. Prepare a listing of outstanding checks. Outstanding checks are checks that have been issued and deducted from the check register balance that are not returned canceled by the bank;

5. If the listing of outstanding checks discloses checks that have been outstanding for six months (180 days) or longer, the appropriate HSS personnel shall delete those checks from the listing of outstanding checks and adjust the check register to reflect the voided checks;

6. Compare the date and amount of each deposit shown on the bank statement to the validated bank deposit slip or verification maintained on file and to the check register;

7. Prepare a listing of deposits in transit or pending. Deposits in transit or pending are deposits made subsequent to the bank statement date and, therefore, are not included in the bank balance or shown on the bank statement;

8. Differences in canceled checks and deposits shall be resolved and the check register balance adjusted, if necessary;

9. Record the bank charges indicated on the statement in the check register;

10. Compute the month-end reconciled balance as follows:

    a. Ending balance per bank statement;

    b. (+) Deposits in transit;

    c. (-) Outstanding checks; and

    d. (=) Month-end reconciled balance;

11. Compare the balance computed to the adjusted balance in the check register. Differences shall be investigated and resolved;

12. Sign and date the reconciliation. Reviewer shall also date and sign the reconciliation; and

13. File the reconciliation, bank statement and canceled checks by account by month.

Section 4213 Cash

A. Cash includes currency, coins and certain types of formal negotiable paper, such as bank drafts, cashier's checks, money orders, certified checks and personal checks and balances on deposit with commercial banks.

B. Cash received directly by the Hopi School System may include tuition receipts, gifts and donations and grants. Cash is also generated through sales of goods and services by food service operations and student and parent activities.

C. Because of the relatively high risk associated with transactions involving cash, the HSS shall establish a cash management program to safeguard cash and provide prompt and accurate reporting. An effective cash management program includes adequate internal accounting controls for cash receipts and disbursements.

D. No petty cash accounts may be maintained at the schools, CAO, or any other entity of the HSS.

E. Proper cash handling procedures shall include but not be limited to:

1. Cash-handling and record-keeping functions shall be segregated among employees to safeguard cash;

2. Cash shall be adequately safeguarded, promptly recorded and accurately classified;

3. Employees handling significant amounts of cash shall be adequately bonded;

4. Pre-numbered cash receipt forms shall be used;

5. Cash receipts shall be deposited at least weekly;

6. A validated deposit slip shall be retained for each bank deposit;

7. Bank accounts shall be authorized by the HBE. A list of authorized check signers designated by the HBE for each bank account shall be kept current. Inactive bank accounts shall be closed promptly;

8. Cash disbursements from authorized bank accounts shall be made with pre-numbered checks. Each check shall be marked "void after 180 days" to ensure prompt cashing by the payee;

9. Checks shall be properly completed before issuance, and shall not be written payable to cash or bearer;

10. Only two HSS personnel can print checks: Finance Director and the Accounts Receivable staff/Purchaser;

11. Void checks shall be so stamped to prevent reuse and numerically filed with other canceled checks;

12. Unused checks shall be physically safeguarded and access to them shall be limited to authorized personnel who do not have access to the signature facsimile plates;

13. A written bank reconciliation shall be prepared monthly for each checking account on a timely basis. An employee who is not responsible for handling cash or issuing checks shall prepare the bank reconciliation; but if one employee shall perform both functions, the CSA or designee shall review and approve the reconciliations; and

14. Additional protocols shall be followed for student and parent activities as set forth in Sections 4230-4231 of the HSS Manual.

Section 4214 Grants Receivable Aging Criteria

A grants receivable aging schedule is updated monthly and available to the CSA and the HBE on a monthly basis.

Section 4215 Grant Fund Drawdowns

A. All drawdowns shall be approved by the CSA and drawn down via funding agency protocols utilizing the electronic Automated Standard Application for Payments ("ASAP") system.

B. Fund availability shall be drawn down as specified in P.L. 100-297 as amended.

C. Fund disbursements to the HSS shall be timely.

Section 4216 Budget

A. Each year, the HBE and the CSA shall prepare an operating budget of revenues and expenses and cash flow projections for the Hopi School System, all Tribally Controlled Schools on the Hopi Reservation, and the CAO. Legal Ref.: Code, secs. 3.1.A, 3.1.B, 3.1.C, 4.15.A, 5.7.B.

B. The CSA shall consult with the Principals on their budget needs and recommendations as they relate to the Central Administration Office. Legal Ref.: Code, sec. 5.7.A.

C. The HBE shall not adopt a budget with a projected deficit. Local school boards shall review and make recommendations on the annual operating budget for their schools.

D. The budget is designed to cover HSS operations for one fiscal year from July 1 of a specific year through the following June 30.

E. The tentative and final expenditure budgets shall comply with amounts issued by the appropriate federal agency, e.g. Bureau of Indian Education or U.S. Department of

Education. Budgets shall be revised the first week in July after receipt of revenue from the agencies for the upcoming fiscal year.

F. The HSS shall develop a budget annually as follows:

1. By May 30, a draft budget utilizing revenue projections provided by the BIE;

2. By July 30, revised actual budgets after receipt of funds from the BIE;

3. By October 30, revised budgets after reconciliations are completed;

4. By January 31, revised budgets after reconciliations are completed;

5. By April 30, revised budgets after reconciliations are completed; and

6. By June 30, revised budgets after reconciliations reflecting final balances for the fiscal year.

G. The Finance Director prepares financial statements displaying budget versus actual results and an updated forecast with the consultation of the CSA and school Principals. The CSA shall present the financial statements to the HBE, local school boards, and other stakeholders at a regular HBE meeting on a quarterly basis.

H. Budget records, financial statements and other financial documents shall be maintained, disposed of and archived in compliance with the Records policy set forth in Section 4217 of the HSS Manual.

Section 4217 Retention of Records and Disposal

A. Accounting and financial records provide the documentary support for account balances and shall be properly maintained to provide fiscal accountability for the HSS. Accounting and financial records include source documents, journals, registers, ledgers and other supplementary records.

B. The HBE hereby adopts the Indian Affairs Records Management Manual ("IARMM") for the Hopi School System's records management and disposal. Records shall be maintained for the following minimum periods:

1. Document Retention Period. Financial records, supporting documents, statistical records, and all other Hopi School System records pertinent to the HSS Tribally Controlled Schools Act grant shall be retained for a period of three (3) years from the date of submission of the quarterly or annual financial report as presented to the BIE. Legal Ref.: 2 C.F.R. § 200.334.

2. Exceptions:

a. If any litigation, claim, or audit is started before the expiration of the three 3-year period, the records shall be retained until all litigation, claims or audit

findings involving the records have been resolved and final action taken. Legal Ref.: 2 C.F.R. § 200.334(a).

b. Audit reports, annual reports, financial statements, board minutes, tax and legal correspondence, insurance claims and policies, and retirement and pension records shall be permanently retained.

c. All other exceptions as may be applicable and as set forth in 2 C.F.R. § 200.334(b)-(f).

C. Document Organization. All financial records are maintained in chronological order, organized by fiscal year. HSS records will be stored in a safe, secure and accessible manner. Documents and financial files that are essential to keeping HSS operating in an emergency will be duplicated or backed up in a separate location or forwarded to be maintained at the Finance Department.

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

E. Document Destruction Procedure. The CSA or designee is responsible for the ongoing process of identifying its records which have met the required retention period and overseeing their destruction. Destruction of retained documents will be accomplished by shredding. Document destruction will be suspended immediately, upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation. In connection with the destruction of any records, a memorandum of record destruction shall be prepared by the Finance Director listing the record or the class of records disposed of. The CSA and the HBE shall certify this memorandum of records disposal.

F. Archiving of Documents. The CSA shall develop procedures setting forth documents which shall not be destroyed and which shall be permanently archived and approved by the HBE. Records shall be archived at least once per year and only one copy of a document shall be archived.

G. Compliance. Failure on the part of the CSA or designee and HBE members to follow this policy can result in possible sanctions against HSS and possible disciplinary action against responsible individuals. The HBE will periodically review these procedures to ensure that they are in compliance with new or revised regulations.

Section 4218 Annual Report and other Financial Reporting

The Finance Director maintains supporting records in sufficient detail to prepare the HSS's Annual and Financial Reports as follows:

A. Annually:

1. Financial statements for audit;

2. Annual budget;

3. On or before the first day of May in each year, the Finance Director shall provide the CSA with an annual report of all income and expenditures of quarters rentals income and ensure that all income from quarters rental shall be used for the direct benefit of all quarters or as may otherwise be allowed or required by law; and

4. Annual Report provided to the Hopi Tribe, BIE and other organizations which includes:

   a. An annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

   b. An annual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

   c. A biennial compliance audit of the procurement of personal property during the period for which the report is being prepared that shall be in compliance with written procurement standards that are developed by the local school board;

   d. An annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

   e. A program evaluation conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection (c)(1)(B)(ii). Legal Ref: 25 U.S.C. §§ 2505(b)(1)(A)-(E), 2505(b)(4); Hopi Education Code, sec. 5.5.C.

B. Monthly:

1. Trial balance;

2. Internally generated budget versus actual financial statements with explanations for significant variances;

3. Billing invoices to funding sources;

4. Updating of the cash flow projection;

5. Accounts receivable aging report; and

6. Accounts payable listing.

C. Quarterly:

1. Internal Revenue Service ("IRS") Form 941 and payroll tax returns and comparable state taxing authority returns (Form 941, Employer's Quarterly Federal Tax Return, is used by employers who withhold income taxes, social security tax, or Medicare tax from employee's paychecks or who shall pay the employer's portion of social security or Medicare tax to report those taxes); and

2. Arizona income tax shall be withheld from wages paid for services performed in Arizona for employee residents and non-residents, as applicable.

Section 4219 Annual Audits

A. The HBE shall contract annually with a qualified independent certified public accounting firm to conduct audits of the HSS's financial statements in accordance with auditing standards generally accepted in the United States, Government Auditing Standards issued by the Comptroller General of the United States, and, in accordance with 2 C.F.R. § 200.1 ("Auditor"), Generally Accepted Government Auditing Standards, U.S. Department of the Interior Audit Supplement, the U.S. Department of Education Audit Supplements, and the standards of the Single Audit Act. The selected audit firm shall be familiar with these standards and applicable Hopi Tribal laws. See also 25 U.S.C. § 2505(b)(1)(B); 2 C.F.R. §§ 200.501-200.520 (Auditees).

B. Auditing Standards:

1. General Standards.

a. The auditor shall have adequate technical training and proficiency to perform the audit.

b. The auditor shall maintain independence in all matters relating to the audit.

c. The auditor shall exercise due professional care in the performance of the audit and the preparation of the report.

2. Standards of Field Work.

a. The auditor shall adequately plan the work and shall properly supervise any assistants.

b. The auditor shall obtain a sufficient understanding of the HSS and its environment, including its internal controls, to assess the risk of material misstatement of the financial statements whether due to error or fraud, and to design the nature, timing, and extent of further audit procedures.

c. The auditor shall obtain sufficient appropriate audit evidence by performing audit procedures to afford a reasonable basis for an opinion regarding the financial statements under audit.

C. Presentation of Findings:

1. The auditor shall state in the auditor's report whether the financial statements are presented in accordance with generally accepted accounting principles.

2. The auditor shall identify in the auditor's report those circumstances in which such principles have not been consistently observed in the current period in relation to the preceding period.

3. When the auditor determines that informative disclosures are not reasonably adequate, the auditor shall so state in the auditor's report.

4. The auditor shall either express an opinion regarding the financial statements, taken as a whole, or state that an opinion cannot be expressed, in the auditor's report. When the auditor cannot express an overall opinion, the auditor shall state the reasons therefore in the auditor's final report. In all cases where an auditor's name is associated with financial statements, the auditor shall clearly indicate the character of the auditor's work, if any, and the degree of responsibility the auditor is taking, in the auditor's report.

Section 4220 Audit Committee

A. The HBE may appoint an Audit Committee. The Audit Committee shall research and select an independent auditor to recommend to the HBE for hiring.

B. Any auditor hired pursuant to this Section shall be hired in accordance with the procurement for professional services under Chapters 4400 and 4800 of the HSS Manual.

C. The auditor shall provide its report and any notice of consequential irregularities and management to the HBE who shall delegate review of the audit findings to the Audit Committee.

D. The Audit Committee shall review all audit findings, develop a corrective action plan to address all relevant weaknesses noted by the auditor, and provide recommendations to the HBE.

E. Corrective Action Plan:

1. The HBE shall prepare a corrective action plan to address any audit findings included in the current year auditor's reports.

2. The corrective action plan shall include:

a. The name(s) of the contact person(s) responsible for the corrective action;

b. The corrective action planned; and

c. The anticipated completion date.

3. If the HBE does not agree with the audit findings or believes corrective action is not required, then the corrective action plan shall include an explanation and specific reasons.

Section 4221 Journal Entry

A. Overview of Journal Entries.

1. A journal entry is an internal accounting transaction used to make a transfer or an adjustment. The entry indicates the two aspects of the transaction, the 'debit' and the 'credit,' as well as the ledger accounts to be charged. The total value of the debit components shall equal the total value of the credit components. A journal entry incorporates a 'narration' (a brief meaningful explanation of the entry) and is also substantiated by relevant supporting documentation.

2. HSS creates journal entries to effect transfers and adjustments in and between various accounts within the ledger. Where goods and/or services or items or equipment are transferred, the correct method of processing is by journal entry. Journal entries are also created to action and document a wide range of accounting adjustments, including for example the dissection of some multi-charge transactions, the approved reversal of ledger postings, period-end accruals, and adjustments to asset and liability accounts.

3. Care shall be exercised when generating journal input to ensure the resultant postings do not give a distorted view of the ledger. In particular, postings shall be consistent with and not contravene generally accepted accounting practice, grant regulations and Hopi School System policy. Staff shall not be permitted to process journal entries until they understand the structure of the ledger record in which they are operating. They shall have a general sense of the overall ledger structure and its relationship with the overall Hopi School System financial system.

4. The Finance Director is responsible to establish journal entry review and approval procedures within HSS. Adequacy and propriety of journal entry documentation will periodically be evaluated by Internal Audit and are also subject to review by any HSS's financial consultants and external auditors who may be hired.

5. The responsibility for compliance with Federal and HSS regulations, requirements and guidelines and generally accepted accounting standards for journal entries, maintaining supporting documentation and for transfers/adjustments is in the HSS finance department and ultimately the Finance Director. Journal entries shall be created and or adjusted in compliance with the following criteria that govern all such transactions:

a. Allowability. The entry or adjustment shall be allowable under the terms and conditions of the award, including the authorized budget and applicable regulations.

b. Allocability. The goods or services shall benefit the account charged. Goods or services shared by more than one project are allocable in proportions that can be approximated through actual use. Example: If you are charging Project A for 50% of an item purchased, Project A shall receive half the benefit or use of the item.

c. Reasonableness. A cost may be considered reasonable if the nature of the goods or service acquired and the amount paid reflect the action that a prudent person would have taken at the time the decision to incur the cost was made.

d. Consistency. The application of costs shall be given consistent treatment within established HSS policies and procedures including Generally Accepted Accounting Principles and Cost Accounting Standards as issued by the Federal Cost Accounting Standards HBE.

e. Timeliness. All adjustments shall be made within 120 days. Exceptions require full documentation of reason for delay. Any audit-derived disallowed costs will be borne by the departments that caused them and shall be grounds for disciplinary action for any staff person involved in the process.

B. Initiation and Creation of Journal Entries.

1. A journal entry is an entry for a transaction used in the HSS general ledger to book amounts for assets, liabilities, expenses and revenues for the HSS.

2. Journal entries are initiated and completed by the Payroll Coordinator and reviewed and approved by the Finance Director.

3. Journal entries shall be initiated and completed within fourteen (14) days to ensure an up-to-date ledger, time for review, early detection of errors or problems and in order to maintain a current, up-to-date financial picture of HSS.

4. Journal entries initiated and created by the Payroll Coordinator shall contain:

   a. An explanation (separate from the line description) describing the purpose of the entry. The description shall be detailed enough to allow others to understand the purpose of the entry without examining the supporting detail; and

   b. Adequate supporting documentation which shall be in place to support the entry and be retained for three (3) years.

5. The Payroll Coordinator, in creating a journal entry shall verify the following journal elements:

   a. The correct naming convention is used;

   b. The posting date and fiscal period are correct;

c. The correct category has been chosen;

d. Required entries for deposit journals are present, including: the category is Receipts, bank deposit date is in journal header's description field, and deposit control number is in Description field of debit and credit line;

e. No errors in account references or account transactions have been made;

f. The debit and credit totals have been entered;

g. Control totals are entered at the journal (not batch) level; and

h. The appropriate documentation is attached or filed.

6. The Payroll Coordinator shall obtain the Finance Director's approval of journal entries in writing by initialing, prior to posting to the general ledger. After obtaining the Finance Director's approval, the Payroll Coordinator may post the entry to the journal and forward it to the CSA who shall independently review the journal entry to ensure propriety.

7. The Finance Director is responsible for ensuring that general journal entry input conforms to this policy and accepted accounting practices. The Finance Director shall also ensure that the staff involved in this process is adequately trained so that they understand the effect and proper procedures for processing financial information and records. The Finance Director shall ensure that there is a proper separation of duties/functions between initiating a request, processing a request, and approval to ensure sufficient oversight for adequate checks and balances.

C. Approving Officer.

1. The Approving Officer and the Finance Director are responsible for ensuring that journal entry input conforms with HSS policy and accepted accounting practice, and that staff under their control is adequately trained so that they understand the effect of processing financial input. The Approving Officer shall ensure that there is a proper separation of duties/functions between those staff initiating a request, processing a request, and approval. Unnecessary requests shall be rejected and not proceed. Special attention shall be given to supporting documentation.

2. The Approving Officer shall verify that the journal entry is correct, ensuring as follows:

a. Appropriate accounts are affected;

b. The magnitude of individual account and journal entry transactions is reasonable;

c. The impact of the transactions on departments, balance sheet, and income statement is reasonable;

d. Journal naming convention is followed;

e. Control totals are entered at the journal (not batch) level; and

f. Deposit journals include date of deposit in the journal header's description field and Deposit Control Number in the Description fields of the Debit and Credit lines.

3. The Approving Officer will verify if the journal entry is correct by checking that:

a. Appropriate accounts are affected;

b. The magnitude of the transaction is reasonable;

c. The impact of the transaction on departments, balance sheet and income statement is reasonable;

d. Journal conventions have been followed; and

e. Recheck the journals reported to the preparer for correction and submission for approval.

4. Journals requiring correction shall be rejected and returned to the Preparer with clear, concise notes on what is wrong in the journal. Notes may be included in the comments section of the Approving Officer form, and once corrected, the journal shall be subject to the approval requirements set forth herein.

5. Officers reviewing and approving shall:

a. Be alert to practices that are contrary to these standards and have offending journal entries amended before forwarding for posting to the ledger;

b. Ensure entries conform to HSS policy and procedures and accepted accounting practice. Officers undertaking review and approval need to have a sound basic understanding of current accounting procedures and practice; and

c. Look for patterns in the types of journals being created and if journals are consistently being used to correct miscoding, steps shall be taken to ensure correct coding of future transactions.

D. Approval Requirements.

1. Journal entries are prepared and checked by the Payroll Coordinator and are then approved by the Finance Director and the Approving Officer.

2. The Approving Officer takes responsibility for the correctness and validity of the final journal entry.

3. The Approving Officer ensures that the journal entry is proper, accurate and fully substantiated.

E. Documentation.

1. The journal entry request shall be supported by adequate documentation.

2. Journal entries are checked for accuracy and supporting documentation by the Finance Director or his/her designee.

3. The documents shall clearly explain the reason for the journal entry and the basis of the journal entries created as follows:

   a. Supporting documentation may include correspondence, notes, copies of documents such as orders, invoices, and reports;

   b. Working papers detailing the basis of any calculations, the source of supporting data, and the name of the preparer of the calculations; and

   c. Name and contact details of the officer responsible for the journal entry.

F. Descriptions.

1. Care shall be exercised by staff to ensure that the journal descriptions (or 'narrations') used in the description field are relevant and concise.

2. Staff shall be clear as to the reason for and effect of the journal entry and the description shall reflect this understanding, for example:

   a. Enter the most relevant information first, do not include redundant information which is otherwise provided by the ledger record, e.g. do not enter the account code name into the journal entry description, instead enter details such as names and dates;

   b. Cross reference the other account if transferring between accounts;

   c. When correcting a previous erroneous entry, reverse the prior entry in full and re-enter the correct entry in full. Never attempt to correct by entering the difference between the correct and incorrect entry. This will only lead to subsequent confusion for any officer trying, at a later date, to work out what took place; and

   d. The reference field on the journal entry request is designed to be a cross reference to other data in the general ledger such as purchase order, invoice, and other journal entry request numbers.

G. Journal Entry Adjustments:

1. Appropriate types of transfers. Once an entry has been recorded in the general ledger, cost transfers may be made only in the following situations:

   a. To correct an erroneous recording when the original source document or subsequent interim transaction (e.g., Purchase Order, Payroll transaction, Recharge journal, etc.) contained an incorrect chart string or amount;

   b. To distribute / allocate certain high numerical, but small individual charges, such as copy machine costs, mailing charges, telephone charges, office supplies, or fax charges billed to a central department, but may be proportionally applied to other activities, projects or funds under the jurisdiction of the department; and

   c. To record a change in use of goods or services, for example a case of beakers originally ordered for and charged to a teaching program, but subsequently required by and transferred to, a research project.

2. Criteria for cost transfers are as follows:

   a. The transfer shall relate to a specific item of cost incurred by the account. The quantity and goods or services shall be specified;

   b. Each transfer shall be in proportion to the benefits received from the goods and services;

   c. Transfers shall be in the same amount as the original charge unless a portion of the expense is to be transferred. If only a portion is transferred, a clear explanation needs to be given as to the basis for the division of the cost;

   d. All expenditures shall be in compliance with HSS policies and the requirements of the funding source;

   e. The methodology adopted to prepare any allocations as discussed above, shall be in accordance with applicable regulations and be reasonable, allowable, allocable and consistent. In addition, the Finance Director shall maintain the appropriate records and usage logs to substantiate all charges redistributed; and

   f. All adjustments shall be made within 120 days of the later of the original charge or the date of the redistribution. Accurate and timely reporting of expenditures impacts the production of financial reports and invoices in meeting HSS and funding agency requirements. If because of unavoidable circumstances the adjustment is made after 120 days, a full written explanation of the late adjustment shall be documented.

3. Procedure.

   a. All journal entry adjustments shall be initiated by the Payroll Coordinator who shall include a full explanation of the basis and justification for the journal entry adjustment in writing. This proposed adjustment shall be submitted to the Finance Director and Approving Officer for review and approval.

   b. The Finance Director and Approving Officer shall ensure that all documentation and explanations are in place and that the journal entry adjustment proposed is appropriate and correct and in compliance with generally accepted accounting principles, grant regulations and HSS policies. The Approving Officer shall then forward the proposed entry adjustment to the CSA for final review and approval prior to HBE consideration.

   c. The CSA shall review all proposed journal entry adjustments for correctness, compliance with generally accepted accounting principles, applicable regulations, and HSS policies. The CSA shall provide the written approval to the general journal entry amendment and any other necessary explanatory information. If the CSA rejects the journal entry amendment, he/she shall provide the reasons in writing and deliver the denial to the Finance Director. The Finance Director shall make the necessary corrections in consultation with the Payroll Coordinator and resubmit all or withdraw the proposed journal entry amendment.

   d. All journal entry amendments shall receive approval by the HBE prior to their entry into the general ledger within 120 days of the later of the original charge or the date of the redistribution.

Section 4222 Investment of Funds

A. The HBE considers an investment program a critical ingredient of sound fiscal management. The HBE authorizes the CSA and his/her HBE-approved designee to manage all activities of the investment program in such a manner as to accomplish the objectives of this policy.

B. The objectives of the investment program are to:

   1. Secure a maximum yield on investments in order to supplement other revenues for the support of the HSS;

   2. Safeguard and invest funds in accordance with Federal and Tribal laws, as well as grantor requirements; and

   3. Maintain the liquidity necessary to meet the HSS's cash requirements.

C. Any interest or investment income that accrues to any funds provided under this grant shall be the property of the HSS and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or

the amount of assistance, under any provision of Federal law. Legal Ref: 25 U.S.C. § 2506(b)(1).

D. Funds may be invested by the HSS so long as such funds are invested only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States, or securities that are guaranteed or insured by the United States, or deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure. Legal Ref: 25 U.S.C. § 2506(b)(2)(A)-(B).

E. Interest income shall be identified quarterly and reported to the HBE and other stakeholders.

F. Following a report to the HBE, use of this interest income shall be budgeted and approved by the CSA to be expended on behalf of the HSS. All expenditures of interest income shall be reported to the HBE quarterly.

Section 4223 Investment Committee

A. The HBE may establish an Investment Committee to review and make recommendations on investment proposals to the HBE.

B. The investment shall meet the policy outlined in Section 4222 of the HSS Manual.

C. The investments shall be continually monitored and reported to the HBE on a quarterly basis.

D. The HBE shall make all final investment decisions on behalf of the HSS.

Section 4224 Insurance

A. To assist in management of risks to the HSS, the HSS shall maintain minimum levels of insurance coverage, as deemed appropriate by HBE for policies, which may include but is not limited to:

1. General Liability and Cyber Liability;

2. Workers Compensation;

3. Personal Injury Liability;

4. Educators Professional Liability (HBE members, CSA, Principals, faculty, staff, student-teachers and volunteers);

5. Equipment breakdown coverage;

6. Electronic data processing equipment coverage;

7. Personal Property; and

8. Automobile coverage.

B. The Hopi School System requires proof of adequate insurance coverage from all prospective contractors.

Section 4230 Student Activities and Funds

A. Student funds and student activities are central to a strong education program at the HSS. It is through the management of student funds and related activities that a very practical type of instruction can be provided.

B. The management of student funds is not just money management. It is management of funds within a school setting. Further, the school setting includes all students and all teachers and staff in the school. Generally, the entire staff shall have a good idea of the program and how it operates.

C. A School Banker shall be designated. This person shall be someone other than the Finance Director, as the funds of the HSS cannot comingle with the student activities funds. The funds typically are managed by a designee of the local school Principal. A check and balance system shall be maintained in the management of these funds.

D. Student activity accounting shall be performed by the School Banker with assistance from the students and sponsors in accordance with the established accounting system. The HSS shall assist students with accounting and managing their funds in a School Bank as set forth in Section 4231 of the HSS Manual. Any funds in the School Bank are not part of P.L. 100-297 Grant funding and shall be managed as follows:

1. Organization. The HSS shall provide for the conduct of student associations and activities for the learning experiences to be gained from them. These organizations shall be subject to the official supervision of the school Principal. The Principal shall be responsible for encouraging the maximum educational use of those activities in accordance with the established curriculum at the school.

2. Sponsorship. One or more school employees shall be designated in writing by the Principal to sponsor each student activity. This shall be done at the beginning of the school year or upon personnel changes which affect sponsors that were designated. The sponsor shall be responsible for the conduct of the activities in conformance with the plan of operation. Students shall be required to assist in carrying out the plan of operation.

3. Plan of Operation.

   a. A written plan of operation shall be drawn up by the membership of each student activity. This plan shall state the title, the purpose, membership eligibility and requirement, and such details of operations as election of officers, schedule of meetings, fund raising and production activities, use of funds or

products and the accounting system. The plan shall include provisions for payment of claims received after the duly elected officers have left school. Provisions shall also be made for audit of the activity accounts if the sponsorship changes during the school year.

b. A plan of operation shall not be required of a school group which organizes temporarily to raise funds by means of one project which will be expended within a short time such as making and selling food products to buy t-shirts.

c. The plan of operation of each activity shall be finally approved by the school Principal and/or Activities Director.

4. Fund-Raising Activities. The student activities authorized by their approved plans of operation to conduct entertainment, concerts, athletic events etc., shall charge out pre- numbered admission tickets issued in numerical sequence to the individual designated to sell tickets. Season tickets shall be serially numbered and a record kept of all sales. Total proceeds of such activities, including those acquired as profits from vocational enterprise activities shall be deposited as received by the Treasurer of the association or by other individuals authorized to make deposits.

Section 4231 School Banks

A. Each HSS school shall create a School Bank within the internal organizational structure of the school to manage student activity funds. Schools Banks shall not be maintained in commercial bank accounts. All funds received as a result of student activities shall be provided to the Finance Department. All requests for disbursements from the School Bank shall be submitted to the Finance Department following the procedures set forth in Table 4-1.

B. Schools shall create a School Bank under the following policies:

1. It is the policy that students, sponsors, and other persons affiliated with the HSS shall:

a. Receive instruction and guidance in the use and protection of organization/club funds;

b. Have experience in the managing and accounting of funds for student activities and/or organization/club funds; and

c. Learn how to use student banking services for their organization/club funds.

2. The HSS shall provide a plan for protection of the funds and a system for HSS personnel handling student funds.

3. The HSS shall provide a means of bookkeeping which shall show the amount of student funds on hand at all times.

4. The HSS shall provide locked protection for student funds.

5. Each student and authorized student club/organization shall be assigned an account in the School bank. All student clubs/organizations shall have their plan of operation approved by the Student Councils and Principals and/or Activities Director before the club/organization can raise funds and expend funds.

6. Every account, both individual and group, shall be solvent at all times. No account overdrafts will be allowed.

7. Non-student funds shall not be kept in the School bank.

8. All student funds shall be secured in a locked security system.

9. It is imperative that the safe combination/keys be secured from unauthorized use.

10. Safe combinations shall be changed as personnel changes occur or when there is reason to believe that the security of the combination has been compromised.

11. All student funds derived from class projects, student clubs, student associations or other types of group activities shall be deposited and expended through the School bank.

C. Schools shall utilize the following accounting and cash handling procedures in connection with School Bank management:

1. Basic Journal. A basic journal for all transactions shall be maintained by the assigned School Banker.

2. Ledger. A ledger shall be maintained for all student accounts by the School Banker.

3. Deposits. All deposit forms shall be pre-numbered and are to be accounted for. Money raised from activities by student clubs shall be deposited in the student bank within two (2) days of fund-raising activity.

4. Request for Payment/Withdrawal of Money. Each club shall fill out the appropriate form/requisition for payment/withdrawal of money before payment can be made. Request for payment/withdrawal of money shall be submitted no later than five (5) working school days before the funds are needed. Minutes from the club and student council authorizing the expenditure/activity shall accompany the request for payment/withdrawal of money.

5. Bank Reconciliation. Promptly upon receipt of a monthly statement from a commercial bank, the statement will be reconciled to the journal.

6. Statement to Depositors. Monthly statements of club account balances shall be prepared by the School Banker and given to depositors to inform depositors of transactions affecting their accounts. Monthly statements of club account balances

shall be submitted to the Principal's office. The statement to depositors will provide the depositors with an opportunity to reconcile their records to School bank records.

7. Receipts. Receipts for all student activity expenditures shall be returned to the School bank within three (3) days. The receipts shall be original and have the printed name of the vendor on the receipt. Unused funds shall be returned with the receipts. The receipts, plus unused cash, shall equal the total of the receipt.

8. Closing Club Accounts. The club accounts which do not reflect any activity for a period of one (1) year may be transferred upon the approval of the Principal to the School bank general account unless the approved plan of operation of such organizations make contrary provisions.

D. Activity Accounting Guidelines.

1. Activities which charge admission shall use a pre-numbered ticket system as a prerequisite for approval of activity. These activities include: carnivals, athletic events, concerts and other gate-controlled events. The club sponsors/student officers will be responsible for:

   a. Change fund for the activity. The School Banker will provide change on the day of the event and issue a voucher for change;

   b. Selection of persons responsible for admissions;

   c. Picking up pre-numbered tickets from the Finance Department on the day of the event; and

   d. Inventory of tickets sold and reconciliation of cash received against the number of tickets sold.

2. Student activity operations shall have the following:

   a. Cash income shall be secured by use of a cash box while the activity is in progress;

   b. Two (2) persons shall maintain the cash box at all times during the activity;

   c. Two (2) persons shall count the income at the end of the activity and verify the cash income by their signatures;

   d. A deposit slip shall be prepared and verified;

   e. Funds shall be deposited in the School bank or otherwise secured until they can be deposited in the School bank in accordance with School bank deposit guidelines; and

f. Sponsors of activities shall make arrangements to secure the income of their activities in advance.

3. Audit. Accounting records and documents of the School bank shall be audited each school year by the HSS Finance Department.

CHAPTER 4300 - ASSETS AND LIABILITIES

Section 4301 Assets

Assets are economic resources that are recognized and measured in conformity with generally accepted accounting principles. Assets may include certain deferred charges that are not resources, but are recognized and measured in conformity with generally accepted accounting principles. The following sections describe HSS policies related to the recognition of assets.

Section 4302 Impairment of Assets

A. Impairment of an asset typically includes unexpected damage or loss in value of a capital asset such as property or vehicle, and could result from physical damage to the asset, being obsolete due to technological innovation, or from changes to the legal codes. Impairments can be written off.

B. A recognized impairment of an asset is reflected when necessary. The appropriate adjustment is made for any impaired assets, accompanied by a description of the impaired asset and the measurement assumptions used in determining the impairment. All impairments shall be reported to the Principal and CSA for approval of the adjustment to the fixed asset subsidiary ledger.

Section 4303 Liabilities

Economic obligations are recognized and measured in conformity with generally accepted accounting principles. Liabilities also include certain deferred amounts that are not obligated, but are recognized and measured in conformity with generally accepted accounting principles. The following sections describe policies related to the recognition of liabilities.

Section 4304 Accounts Payable

Only valid accounts payable transactions based on documented vendor invoices, receiving reports, or other approved documentation are recorded as accounts payable.

Section 4305 Accounts Payable Payment Policy

Vendors and suppliers are paid as their payment terms require, taking advantage of any discounts offered. If cash flow problems exist, payments are made on a greatest dependency/greatest need basis.

Section 4306 Accrued Liabilities

Salaries, wages earned, and payroll taxes, together with professional fees, rent, and insurance costs incurred, but unpaid, are reflected as a liability when entitlement to payment occurs.

Section 4307 Liability for Compensated Absences

A. Compensated absences arise from employees' absences from employment due to vacation leave or other school-designated circumstances. When the HSS expects to pay an employee for such compensated absences, a liability for the estimated probable future payments is accrued if all of the following conditions are met:

   1. The employee's right to receive compensation for the future absences is attributable to services already performed by the employee;

   2. The employee's right to receive the compensation for the future absences is vested or accumulates;

   3. It is probable that the compensation will be paid; and

   4. The amount of compensation can reasonably be estimated.

B. Compensated absences not required to be paid upon employee termination are only recorded when paid.

Section 4308 Debt

A. When applicable, short-term debt consists of financing expected to be paid within one year of the date of the annual audited financial statements. Long-term debt consists of financing that is not expected to be repaid within one year.

B. All short-term and long-term debts are approved by the HBE and may not exceed the duration of ten (10) years.

Section 4309 Net Assets

A. Net assets are recorded in accordance with generally accepted accounting principles applicable to the Hopi School System as a governmental entity.

B. Net assets include the following:

   1. Unrestricted;

   2. Restricted; and

   3. Investments in Capital Assets.

CHAPTER 4400 - PROCUREMENT

Section 4401 Purposes of Expenditures and Purchases Policy

The HBE recognizes its fiduciary responsibility to oversee the prudent expenditure of HSS funds. In order to best serve HSS interests and students, the CSA or designee shall develop and maintain effective purchasing procedures that are consistent with sound financial controls of the HSS Manual and that ensure the HSS receives maximum value for items purchased. The CSA shall ensure that records of expenditures and purchases are maintained in accordance with applicable law and with the policies of the HSS Manual.

Section 4402 Procurement Authority, Process, and Standards

A. The Hopi School System shall operate a centralized purchasing system to serve the schools and departments of the Hopi School System.

B. All procurement requests from the schools shall be processed by the appropriate CAO staff member as approved by the CSA. Legal Ref: Code, sec. 5.6.B.

C. The HSS shall procure only those items and services that are required to perform the mission of the HSS and/or to fill a bona fide need.

D. Procurements shall be made using best value contracting which includes assessing the best value considering quality, performance and price.

E. The HSS Procurement Office is hereby given the exclusive authority, unless otherwise stated, to:

1. Initiate and conduct negotiations concerning the purchase of materials, equipment, supplies, and services for the HSS; and

2. Obligate the HSS for goods and services duly requisitioned and approved.

F. A secretary for each HSS school will be charged with drafting and submitting requisitions to the HSS Procurement Office for the purchase of goods and services for the school.

G. The HSS Procurement Office shall not conduct business with any vendor or service provider who is debarred as shown in the Sam.gov, System for Award Management.

Section 4403 Alignment with Tribally Controlled Schools Act, Super Circular and HSS Manual

Every procurement shall comply with the terms of the HSS Tribally Controlled Schools Act, P.L. 100-297, grant which funds the procurement and the terms and conditions contained in the HSS Manual. In all events, procurements shall comply with the requirements of the Super Circular, and in particular, 2 C.F.R. §§ 200.318 to 200.327, 25 C.F.R. § 900.47, and 25 C.F.R. § 276.12.

Section 4404 Duty to be Informed of Rules and Regulations

The HSS, CAO, department directors and all personnel performing under the policies and procedures of the HSS Manual shall familiarize themselves with the rules and regulations associated with the HSS' funding grant, applicable rules and regulations of the Hopi Tribe, and the federal government and provisions and procedures of the Super Circular. Said individuals shall comply with the above-noted rules and regulations, policies and procedures in performing their tasks and duties.

Section 4405 Conflict of Interest is not permitted

A. No employee, officer, or agent of the HSS may participate in the selection, award, or administration of a contract for the HSS if he/she has a real or apparent conflict of interest. Legal Ref: 2 C.F.R. § 200.318(c)(1).

B. Such a conflict of interest would arise when the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated, has a financial, other interest, or a tangible personal benefit from an organization considered for a contract. Legal Ref: 2 C.F.R. § 200.318(c)(1).

C. HBE members, employees, and agents of the HSS may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

    1. The HSS will use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.

    2. The HSS will maintain records sufficient to detail the history of procurement. These records will include, but are not limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Section 4406 Code of Ethics

The HBE has adopted a Code of Ethics in Chapter 8500 of the HSS Manual applicable to all HSS employees, HBE and local school board members to guide them in the performance of their official duties and responsibilities.

Section 4407 Procurement Records Keeping

A. Procurement records, including, but not limited to, solicitations, purchase orders, contracts, payment histories and records applicable of significant decisions shall be retained for three (3) years after the HSS or HSS's agents, subcontractors or obligors make the final payment and all other pending matters are closed.

B. Electronic and paper copies of Purchase Requisitions/Purchase Orders shall be maintained.

C. Property management records of real and personal property, as required herein, shall be retained for three (3) years from the date of disposition, replacement, or transfer.

Section 4408 Prohibited Purchases

Personal items purchased by employees or others may not be delivered to the Central Administration Office, a local school, or other HSS address. The HSS will not be held responsible in any way for any personal items delivered to a HSS address.

Section 4410 Methods of Procurement

The HSS shall employ the following four (4) methods of procurement through purchase each of which will use documented procurement procedures consistent with Section 200.320 and other applicable sections of the Super Circular:

A. Micro-purchases;

B. Small purchases;

C. Formal purchases by sealed bids or competitive proposals; and

D. Noncompetitive purchases.

Section 4411 Micro-Purchases

A. Procurement by "Micro-purchase" is the acquisition of purchase of supplies or services whose aggregate dollar amount does not exceed the micro-purchase threshold of $10,000. Legal Ref.: 2 C.F.R. § 200.320(a)(1)(i).

B. To the maximum extent practicable, the HSS shall distribute micro-purchases equitably among qualified suppliers. Legal Ref.: 2 C.F.R. § 200.320(a)(1)(i).

C. Micro-purchases may be awarded without soliciting competitive price, advertising or rate quotations if the HSS considers the price to be reasonable based on research, experience, purchase history or other information and documents its files accordingly. Legal Ref.: 2 C.F.R. § 200.320(a)(1)(ii).

D. Micro-purchases shall require a requisition and purchase order, and they shall be approved following the procurement protocol set forth in Table 4-1.

Section 4412 Small Purchases

A. Procurement for "Small purchases" are those relatively simple and informal procurement methods for securing services, supplies, or other property whose aggregate dollar amount is higher than the micro-purchase threshold of $10,000, but does not exceed the simplified acquisition threshold of $250,000. Legal Ref.: 2 C.F.R. § 200.320(a)(2)(i).

B. When small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources as determined appropriate by the HSS. Legal Ref.: 2 C.F.R. § 200.320(a)(2)(i).

C. Small purchases shall require a requisition and purchase order and shall be approved by the Finance Director and the CSA following the procurement protocol set forth in Table 4-1.

Section 4413 Formal procurement methods

A. When the value of a procurement of property or services is greater than the simplified acquisition threshold of $250,000, formal procurement methods are required, which can be conducted by either sealed bids or competitive proposals. Legal Ref.: 2 C.F.R. § 200.320(b).

B. Formal procedures require public advertising unless a non-competitive procurement can be used as set forth in the HSS Manual. Legal Ref.: 2 C.F.R. § 200.320(b).

C. Ideally, at least three (3) bids shall be received and evaluated using this formal procurement process.

Section 4414 Sealed bids

A. Procurement by "sealed bids" is a procurement method in which bids are publicly solicited, and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder, whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. Legal Ref.: 2 C.F.R. § 200.320(b)(1).

B. The sealed bids method is the preferred method for procuring construction contracts. Legal Ref.: 2 C.F.R. § 200.320(b)(1).

C. In order for sealed bidding to be feasible, the following conditions shall be present:

1. A complete, adequate, and realistic specification or purchase description is available;

2. Two or more responsible bidders are willing and able to compete effectively for the business; and

3. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. Legal Ref.: 2 C.F.R. § 200.320(b)(1)(i)(A)-(C).

D. If sealed bids are used, the following requirements apply:

1. Bids shall be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, and the invitation for bids shall be publicly advertised;

2. The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

3. All bids will be opened at the time and place prescribed in the invitation for bids, and the bids shall be opened publicly;

4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

5. Any or all bids may be rejected if there is a sound documented reason.
Legal Ref.: 2 C.F.R. § 200.320(b)(1)(ii)(A)-(E).

Section 4415 Competitive Proposals

A. Procurement by "competitive proposals" is a procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. Legal Ref.: 2 C.F.R. § 200.320(b)(2).

B. The process of procurement by competitive proposals requires that more than one source or vendor submit an offer of either a fixed-price or cost-reimbursable contract to the HSS for the goods or services to be procured.

C. Procurement by competitive proposals shall be conducted as follows:

1. Requests for proposals shall be advertised and identify all evaluation factors by which the proposals will be evaluated and their relative importance in addition to a full description of the goods or services to be procured. Legal Ref.: 2 C.F.R. § 200.320(b)(2)(i).

2. Proposals shall be solicited from an adequate number of qualified sources. Legal Ref.: 2 C.F.R. § 200.320(b)(2)(i).

3. As a part of the process, criteria will be established which afford a means of objectively evaluating all qualified proposals submitted. The criteria will be retained as a part of the documentation of the procurement. Such criteria may include such elements as bond ability, experience, and history of providing like goods or services, qualifications of management and staff to be involved in providing the goods or services, price and pricing procedures, procedures and mechanisms for resolving disputes and such other evaluation criteria as may be appropriate to the particular procurement. Legal Ref.: 2 C.F.R. § 200.320(b)(2)(ii), (iv).

4. Award of a procurement contract will be made on the basis of the ranking of the proposals submitted based on the criteria established, price, and the advantage to the program to be served by the procurement. Legal Ref.: 2 C.F.R. § 200.320(b)(2)(iii), (iv).

D. Any response to advertised requests for proposals will be considered to the maximum extent practical.

Section 4416 Noncompetitive procurement ("Sole Source")

A. Noncompetitive procurement ("sole source") can only be awarded if one or more of the following circumstances apply:

1. The aggregate dollar amount for the acquisition of property or services does not exceed the micro-purchase threshold set forth in the HSS Manual. Legal Ref.: 2 C.F.R. § 200.320(c)(1).

2. The item is available only from a single source. Legal Ref.: 2 C.F.R. § 200.320(c)(2).

3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation. Legal Ref.: 2 C.F.R. § 200.320(c)(3). Procurement by emergency noncompetitive procurement may be used only for the purchase of supplies, materials or services that are so critically needed that the school or CAO will suffer financial or operational damage if they are not secured immediately.

4. The BIE or Federal pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the HSS. Legal Ref.: 2 C.F.R. § 200.320(c)(4).

5. After solicitation of a number of sources, competition is determined inadequate. Legal Ref.: 2 C.F.R. § 200.320(c)(5).

B. The noncompetitive purchase shall be approved by the Finance Director and the CSA or their duly designated representatives.

C. All noncompetitive procurements shall be reported to the HBE at its next scheduled meeting following the noncompetitive purchase.

Section 4417 Minority/Women/Veteran/Disabled-owned business enterprise policy

A. The HSS Procurement Department's mission is to foster meaningful participation of diverse suppliers and vendors by identifying and creating business opportunities for Minority/Women/Veteran/Disabled-owned businesses to ensure goods and services needed to provide quality education services in HSS schools include a vendor pool that is inclusive of our diverse business communities.

B. The HSS Procurement Department shall develop a Minority/Women/Veteran/ Disabled-owned business enterprise policy to implement this mission.

C. The HSS Procurement Department shall submit this policy to the HBE for approval.

Section 4420 Procurement Other than Through Purchase

In addition to purchase, personal property may be procured by variety of other means, including securing assignment or gift of excess property from a federal agency, contractor, receipt of donations, loans, and appropriation of resources from Hopi or other agencies and/or Indian and public lands. Such procurement may be an asset or liability to the HSS. All such acquisitions shall receive prior approval of the HBE or the CSA as authorized by the HBE. Any such property shall be treated as other property obtained under these procurement provisions.

Section 4430 Blanket Purchase Orders

A. Blanket purchase orders may be used for items that are purchased on a recurring basis or immediate need from the same vendor within a specified time frame.

B. The preparation, approval and processing of blanket purchase orders shall follow the same procedures and be subject to the same internal accounting controls as standard purchase orders.

C. Blanket purchase orders shall state a specific period of time that the purchase order is in effect and a specific dollar limit.

D. Invoice amounts paid against a blanket purchase order shall be deducted from the total limit to determine the unexpended balance remaining.

Section 4440 Contracts

A. The HBE recognizes its responsibility to enter into contracts on behalf of the HSS for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of HSS goals as follows:

1. In exercising this authority to enter into a contract, the HBE shall ensure that the HSS's interest is protected and that the terms of the contract conform to applicable legal standards; and

2. The provisions contained in Chapter 4800 (Consultants and Contractors) of the HSS Manual shall apply to any and all contracts entered by the HSS.

B. The HSS adheres to the following contracting principles:

1. Procurements will be completely impartial based strictly on the merits of supplier and contractor proposals and applicable related considerations such as delivery, quantity, quality, price, etc.;

2. The HSS shall make all purchases in the best interests of the students, the schools and its funding sources;

3. The HSS shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement;

4. The HSS will deal fairly and impartially with all vendors and obtain maximum value for all expenditures; and

5. For facility projects that are large-scale and/or have high investment costs, a project manager shall be assigned to the contract on behalf of the HSS. Funds shall be allocated in the contract at the first writing of the contract.

C. All contracts in which the HSS is a party shall, at a minimum:

1. Be in writing;

2. Identify the interested parties in the contract and their authority and/or agency;

3. Clearly state the purpose of the contract;

4. State the work to be performed under the contract;

5. State the terms and conditions of the contract, the time and manner of payments, and the process for making any claims; and

6. Contain a provision informing the recipient that their award is funded with Tribally Controlled Schools Act, P.L. 100-297 funds and that the recipient is responsible for identifying and ensuring compliance with applicable federal laws, regulations, and Executive Orders.

D. Contracting with vendors shall be conducted as follows:

1. The HSS shall only buy from responsible and dependable sources of supply;

2. Vendors are expected to provide and deliver, in good faith, those needed services, goods and materials that will benefit the HSS;

3. The CSA and the Finance Director or designee shall ensure that vendors provide and deliver quality services, goods and materials;

4. The CSA and Finance Director or designee shall ensure that vendors comply with contract or agreement conditions, or with product guarantees and warranties;

5. The CSA is authorized to conduct business for the delivery of services, goods and materials; and

6. The CSA is authorized to discontinue general business with a vendor or may recommend to the HBE not to enter into a new contract or to terminate a contract currently in force with a vendor.

Section 4441 Procurement Contracts for Educational Services

The HBE shall approve all contracts with individuals or organizations that provide educational services for instruction and all related professional development services for the Hopi School System.

Section 4442 Lease Agreements/Contracts

All lease agreements will be evidenced by a lease or sublease agreement approved by the HBE and signed by the CSA. The agreement will identify all the terms and conditions of the lease.

Section 4450 Return Policy for Merchandise

A. Only the Finance Director is authorized to process merchandise refunds and returns on behalf of the HSS.

B. Any violation of this return policy by any employee is grounds for termination.

C. All retail merchandise purchased with HSS funds or school money shall be personally delivered to the Finance Director whenever it becomes necessary to return such items.

D. Upon delivery of the items to the Finance Director, the Finance Director's designee shall enter into a Refund/Return Log the following information:

1. Employee's Name, Department, and Contact Number;

2. A description of the item;

3. The estimated value of the item;

4. The retail establishment where the item was originally purchased; and

5. Any other information necessary to process the refund or return.

Section 4460 Hopi and Indian Preference

A. To the greatest extent possible, consistent with the law, Hopi and Indian preferences shall be observed and implemented in the advertisement, negotiation, procurement and award of goods and services.

B. The HSS shall comply with 25 C.F.R. § 276.13 which requires Indian preference and allows for the tribal preference.

C. Notwithstanding this policy of preference, HSS employees shall comply with all policies stated herein in the procurement of goods and services and are free to act in whatever way best serves the interests and needs of the HSS.

Section 4470 Conferences

A. The Hopi School System as a sponsor or host of a conference may include rental of facilities, speakers' fees, costs of meals and refreshments, local transportation, and other items incidental to such conferences unless further restricted by the terms and conditions of the BIE or DOE.

B. The Hopi School System will exercise discretion and judgment in ensuring that conference costs are appropriate, necessary and managed in a manner that minimizes costs to the grants.

Section 4480 Policies Regarding the Acquisition and Administration of Federal Grants for Construction

A. General Policy Statement.

1. The following are guidelines, procedures and policies to be followed by all HSS employees, those performing under contracts with the HSS and all subcontractors and all others involved in the acquisition and/or administration of any federal grant for which the HSS applies or which it receives.

2. It is the intent of these guidelines, procedures and policies to cause the HSS and the above-named parties to act in compliance with all applicable federal and Hopi Tribal laws, rules and regulations. These policies shall be construed and interpreted to accomplish that intention. The HSS incorporates by reference into these policies: the written terms and conditions of any such grant, regulations of the Department of the Interior, and other laws, rules or regulations found to be applicable, into these policies.

B. School Procurement Standards and Ethics.

1. General. When procuring property and services under a grant, the HSS shall use and enforce its established adopted policies and procedures, including, but not limited to, its procurement, conflict of interest and anti-nepotism policies, all of which are incorporated herein by reference, except and wherein said policies conflict with the guidelines, procedures, and policies set forth herein and/or applicable laws, rules and regulations of the federal government, granting agency, Hopi Tribe, and/or HBE.

2. Standards.

a. The HSS, its contractors and their subcontractors shall use HSS procurement procedures which reflect applicable federal and Hopi Tribal laws, rules and regulations. In the event of any conflicts, federal law applicable to the Hopi

School System as a grantee under the Tribally Controlled Schools Act shall control.

b. The HSS shall develop and maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.

c. The HSS does and will maintain a written code of standards of conduct governing the performance of the HSS's employees in the administration of contracts and other procurements. Said employees are and shall be subject to the standards, guidelines, procedures and policies set forth herein and other applicable policies set forth in the HSS's Manual.

d. In addition to the conflict of interest and anti-nepotism policies set forth in the HSS's Manual, a conflict shall also arise when any of the following entities have a financial or other interest in a firm, person or entity selected for an award:

   i. An employee, officer or agent of the HSS;

   ii. Any member of his/her immediate family;

   iii. His/her partner; or

   iv. An organization which employs or is about to employ any of the above.

e. The HSS, HSS employees, contractors, their subcontractors, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub agreements. A violation of Section 4480(B)(2)(c) or (d) may result in diminution or loss of contract, or disciplinary action up to and including termination.

f. The HSS, its contractors and their subcontractors shall review proposed procurements to identify unnecessary or duplicative purchases. In said review, consideration shall be given to consolidating or breaking up procurements to obtain a more economical purchase. Where appropriate, leases should be considered in place of purchases, and other such possible cost-saving alternatives should be considered.

g. Where possible and to foster greater economy and efficiency, the HSS may enter into agreements with the Hopi Tribe for procurements or use of common goods and services.

h. Where feasible and economically advantageous, the HSS shall use federal excess and surplus property in lieu of purchasing new equipment and property.

i. The HSS shall use "value engineering" clauses in contracts for construction projects where appropriate in order to identify and incorporate reasonable opportunities for cost reductions. "Value engineering" is defined as "a

systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lowest cost."

j. The HSS shall make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. The following criteria shall be used in making this determination:

   i. Contractor integrity;

   ii. Contractor compliance with public policy;

   iii. Contractor record of past performance;

   iv. Financial stability of contractor; and

   v. Identifiable technical resources and expertise of contractor.

k. The HSS shall maintain records which identify the process, basis, terms and conditions and other factors necessary for a thorough review of each procurement. Such records shall include, but are not limited to:

   i. Rationale for the method of procurement;

   ii. Basis for selection of contract type;

   iii. Basis for contractor selection and rejection; and

   iv. Basis for contract price.

l. The HSS shall not use time and material type contracts unless and only if:

   i. There is a written determination that no other contract is suitable, setting forth the basis for said determination; and

   ii. The contract includes a ceiling price that the contractor exceeds at its own risk.

m. The HSS, its employees and agents are responsible for settlement of all contractual and administrative issues arising out of procurements. The HSS, its employees and agents shall exercise good administrative practice and sound business judgment in settlement of these issues. The proper agency shall be consulted regarding matters which are primarily a federal concern. Violations of any laws or regulations shall be referred to the relevant and appropriate authority.

n. All disputes or protests relative to any procurement shall be submitted, in writing, to the CSA or designee within fifteen (15) business days of the event or events giving rise to the dispute. Said written notice shall include a detailed description of the basis for said dispute or protest, including, but not limited to,

policies or specifications at issue, dates, times, actions, names of parties and witnesses relevant to the dispute or protest. Facts not submitted initially may be precluded in further consideration of the dispute or protest. Failure to provide said notice within the time noted above shall constitute a waiver of the dispute or protest.

3. Resolution of Dispute.

   a. The CSA shall have thirty (30) days from submission of a notice to resolve said dispute or protest. The party disputing or protesting any procurement must participate with the CSA, or designee, in discussions and negotiations and other dispute resolution procedures in an attempt to resolve the dispute or protest. Should the dispute not be resolved by the CSA, or designee, within the time set forth above, said dispute and record thereof shall be submitted, by the CSA, to the HBE for its consideration. The party disputing or protesting the procurement may submit a written statement to the HBE at that time for its consideration. A decision of the HBE shall be final. Only after exhausting the above administrative remedies may a protestor pursue a review with an outside agency or judicial body.

   b. Any review by the outside agency shall be limited to:

      i. Violations of federal law or regulations and the standards of this section (violations of Hopi Tribal law shall be under the jurisdiction of the Hopi Tribe); and

      ii. Violations of the HSS's or the HSS's contractors or subcontractors for failure to review a complaint or protest.

C. Reporting on Funded Projects. The CSA or designee shall provide a report to the BIE Grants Office on the progress of facility projects that have been funded.

D. Adoption as Policy of Training, Guidelines and Procedures.

1. The HSS shall develop and adopt training materials to provide procedures relative to the acquisition and administration of federal construction and related grants.

2. It shall be the duty of the HSS staff, contractors, subcontractors, employees and agents to familiarize themselves with, know and comply with the adopted training materials which shall be made a part of the HSS Manual. Failure to do so may result in the termination of relevant contracts and/or disciplinary actions. Any questions regarding these policies or their meaning should be referred to the CSA or his/her designee in writing.

CHAPTER 4500 - PROPERTY MANAGEMENT AND DISPOSITION

Section 4501 Purposes of Property and Equipment Management

A. The purpose of the HSS's property and equipment management is to establish requirements and procedures for the use, care, maintenance and disposition of HSS property and to account for all HSS property.

B. It is the policy of the HSS to tag all property and equipment upon receipt and to assign an identification number to the property and equipment and all applicable documents. Tagging will ensure that the HSS maintains detailed records of all HSS-owned property and equipment and all government furnished property and equipment with an identification.

C. All HSS property shall be properly maintained. Required maintenance includes the performance of actions necessary to keep the property in good working condition, the procedures recommended by equipment manufacturers and the steps necessary to protect the interest of the HSS and funding entities and any express warranties or guaranties covering the property.

D. The CSA, all relevant department directors and all personnel whose responsibilities and duties relate to property management shall familiarize themselves with the relevant Super Circular provisions, the requirements arising from the HSS's funding grant, the Hopi Education Code, and the federal government relative to said grant regarding property management, inventory and disbursement reporting requirements.

E. Failure on the part of the responsible party to comply with any of the above rules and regulations may result in disciplinary action.

Section 4510 Property Management System of all HSS Property and Equipment

A. To monitor the acquisition of property and equipment and completely and accurately record fixed asset acquisitions, the HSS shall maintain an property management system of all property and equipment received and belonging to the HSS.

B. This property management system shall be maintained by the Warehouse/Inventory Coordinator or designee (hereinafter "Inventory Coordinator") to ensure that all assets exist, are in use, and are properly recorded as set forth in Section 4520 of the HSS Manual.

C. The property management system shall be maintained in compliance with Statement No. 34 of the GASB.

D. A computer program shall be maintained in which each item of property or equipment that has been inventoried has been entered. Each entry shall identify the property, its property number, the department to which the property is assigned, the location of the property, the name of the custodian, and the purchase cost of the property.

Section 4520 Recording and Tagging of HSS Property and Equipment

A. The property management system of the HSS shall tag and track all property received by the HSS as follows:

   1. Sensitive personal property, which is all personal property that is subject to theft and pilferage;

   2. Computers or printers with a value of $500 or more, activboards, audio enhancement systems, and other equipment with a value of $500 or more;

   3. All capital assets with an acquisition value greater than $5,000; and

   4. Any property provided by the BIE for use under the grant.

B. All property, other than food or other perishable supplies, shall be processed through the Inventory Coordinator as follows:

   1. The Inventory Coordinator shall tag all property subject to tracking and identify all property as the property of the "Hopi School System" with a property number and such other information as may be necessary for the proper control of the property;

   2. The Inventory Coordinator shall, after confirmation of receipt, deliver all shipping and billing documents to the Finance Department;

   3. A Master Locator Card shall be completed for each item of property subject to inventory. No such property shall be released to any person until such person has accepted custody of the property and signed the Master Locator Card acknowledging that custodial responsibility. An electronic entry on the Master Locator List shall also be prepared for each item of property subject to inventory; and

   4. The Master Locator List shall contain the following information:

      1. Name and description to identify the property;

      2. Serial number, model number, or other identification;

      3. Whether title vests with the HSS or a governmental entity;

      4. Vendor name, acquisition date, and cost;

      5. Location, use of equipment, and condition of the equipment;

      6. Source of funds for cost; and

      7. Ultimate disposition data, including date of disposal and sales price or method of disposal.

C. The Master Locator List shall be kept in an electronic format on the HSS's computer system with appropriate backup.

D. The Master Locator List shall also provide for a record of the delivery of the property to a custodian by date, department, name of custodian, signature of custodian and the date upon which the item of property was returned to the Inventory Coordinator.

E. Each subsequent delivery of the item of property to a custodian shall be entered on the Master Locator List.

F. The Inventory Coordinator shall identify any items that were ordered and were not delivered and so notify the ordering department and the Finance Department.

Section 4521 Inventory of HSS Property and Equipment

A. An inventory shall be conducted to maintain a current list of assets of the HSS. This inventory shall consist of a physical inspection of each item of personal property for which a Master Locator List has been prepared.

B. This inventory of all schools and properties of the Hopi School System shall be conducted no later than the 15th day of May every year.

C. The inventory shall be conducted by the Inventory Coordinator and such other assistants as shall be designated by the CSA.

D. The inventory's physical inspection shall be conducted as follows:

1. Inventory shall consist of a bulk count of furniture, including tables, chairs (metal, student and teacher), desks (student and teacher), file and storage cabinets;

2. The inventory shall confirm that all property and equipment that should be tagged is still properly tagged;

3. Physical inventories are performed bi-annually and include each asset, the related control number, location, and a brief description of its condition;

4. The Finance Director prepares a printout of recorded fixed assets by asset classification; and

5. The inventory of fixed assets is compared to the amounts recorded in the general ledger control account. Differences are investigated and resolved by the Finance Director monthly.

Section 4530 Food and Perishable Property

A. The HBE hereby establishes a "Food and Nutrition Services Department" within the HSS Central Administration Office which shall be led by a "Food and Nutrition Services Director" to oversee and implement food services for the HSS and HSS

schools. All food and perishable property for HSS schools shall be ordered through the Food and Nutrition Services Department to ensure the most economical pricing for foods purchased for all schools.

B. All perishable property shall be directly delivered to the department who is to receive such property.

C. All deliveries of food shall be delivered to the school cafeterias and properly and safely maintained in an appropriate storage area. All such property shall be inventoried upon receipt and properly used in an approved menu by the schools' food services manager.

D. All shipping and billing documents accompanying food or perishable property, together with the signed certificate of the receiving authority attesting to the receipt of all such property, shall be delivered to the Accounts Payable Office by the department receiving such property.

Section 4540 Hazardous Property

A. Chemical substances that have the ability to create a physical or health hazard are considered hazardous and can be toxic, explosive, flammable, self-reactive, oxidizing or corrosive.

B. The Hopi School System shall develop and update a "Hazardous Property Policy". See HSS Manual, Chapter 7500. This Policy shall:

1. Address hazardous property common in schools, such as: laboratory chemicals, inks, degreasers, pesticides, fertilizers, drain cleaners, paints, oils, fuels, etc.; and

2. Incorporate the environmental regulatory standards contained in paragraphs 7.j. and 7.k. of Standard Form 424-B, ASSURANCES P.L. 100-297 TRIBALLY CONTROLLED SCHOOLS, as critical elements of the HSS "Hazardous Property Policy."

C. The department ordering hazardous property shall notify the Inventory Coordinator of the order before delivery is made. The notice shall identify the nature and hazard of the property, the name of the supplier and the approximate date of the intended delivery.

D. At the time of delivery, such property shall be placed in a secure location accessible only to authorized persons. Such locations shall be clearly identified as having restricted access and as containing hazardous substances and equipment. The Inventory Coordinator shall be immediately notified of the delivery so that he/she may perform their function with regard to the property prior to any use thereof.

E. Hazardous property shall not be removed from that secure location except by persons properly authorized and trained to operate, handle and transport that property.

F. A copy of the hazardous property Safety Data Sheet ("SDS") shall be placed in a SDS binder. A SDS binder shall be located at the following sites:

1. Location that the hazardous property is stored and used, in compliance with Occupational Safety and Health Act ("OSHA") regulations for hazardous chemicals handling and storing;

2. Facilities Department of the Central Administration Office; and

3. Administration office of each school.

Section 4550 Re-Assignment of Property and Equipment

A. No item of property or equipment shall be removed from its assigned location without prior approval from the Finance Director, Principal, and/or CSA as appropriate.

B. At the time of the annual inventory, inoperable items of property and items of property that are no longer of use and benefit to the HSS may be removed to a central storage facility, and may be re-assigned as follows:

1. The Finance Director shall release each item of such property from the custody of the custodian listed on the Master Locator List for that item of property and show on such card its transfer to the central storage facility;

2. The Finance Director shall cause a list of all such items of property to be circulated among the departments of the HSS; and

3. Thereafter, any department having a need and use for such property so listed may request that such property be transferred from the central storage facility to the custody of an employee within the requesting department. Necessary repairs of such property shall thereafter be the responsibility of the department taking custody of the item of property.

Section 4560 Storage and Disposal of Property and Equipment

A. The storage and disposal of property shall be in compliance with the Super Circular, 2 C.F.R. § 200.313(e), and any other applicable regulations.

B. Any item of property that has remained in the central storage facility for five (5) years or more, which has not been used or repaired during that time, shall be disposed of as follows:

1. The Finance Director shall cause a list of all such items of property to be circulated among the departments of the HSS;

2. The list shall identify the items of property intended of property intended for disposal unless a request for their custody and use is made prior thereto by any department;

3. Not less than thirty (30) days after the publication of the list among the departments of the HSS, items of property having a substantial value may be listed as being for sale at a price shown on the list, or otherwise disposed of as appropriate; and

4. Any facility equipment or structure listed in Maximo shall be removed if it is disposed of. If it is replaced, then the new information shall be entered into Maximo.

Section 4570 Depreciation of Property and Equipment

A. In accordance with generally accepted accounting principles, the HSS capitalizes all fixed assets which it owns when acquired and records the historical cost of these items in the general ledger.

B. All tangible personal property with a useful life of more than one (1) year and a unit acquisition cost of $5,000 or more is capitalized and recorded in the statement of net assets.

C. Depreciation associated with the fixed asset will be calculated based on its useful life and the straight-line depreciation method as follows:

Computers	3 years
Office Equipment	5 years
Vehicles	5 years
Office Furniture	7 years.

Section 4580 Development of Specific Procedures

A. Additional procedures for specific property, such as use of vehicles, tools or equipment, shall be developed as follows:

1. The CSA shall, by memorandum, designate those departments and functions which are required to develop and provide specific property procedures. These departments and functions shall then develop written procedures concerning oversight of purchases, tracking, proper use and function, and accountability for maintenance. Such procedures shall be in compliance with the procurement and accountability policies and procedures of this Title and approved by the HBE; and

2. In addition to those procedures required by the CSA, a department or function may develop such property procedures as will assist in the operation of the department or function. All such additional procedures shall be consistent with the policies and procedures contained in the HSS Manual.

B. Specific procedures developed under Sections 4580(A)(1) and 4580(A)(2) shall be reviewed by the department head of the department promulgating the procedures and,

if approved, then submitted to the CSA for his/her approval. Upon approval of the CSA, such procedures shall become immediately effective and shall be identified by the date of approval and effect. The original of the procedures shall be returned to the Department promulgating them and a copy shall be placed among the collected policies and procedures of HSS.

C. Any such procedure that has been approved may thereafter be amended from time to time by the action of the department or function promulgating them with the approval of the CSA and the HBE.

D. All procedures promulgated under this section shall be marked with the date of approval and effective date and provided to the HBE within thirty (30) days from the date of the CSA's approval. All such property shall be placed among the collected policies and procedures of HSS.

E. All procedures and updates to such procedures, which are developed pursuant to Section 4580, shall be provided to the BIE's Branch of Facilities Management once they are approved.

CHAPTER 4600 - PAYROLL

Section 4601 Payroll

A. Year-long employees are paid on a 12-month, bi-weekly schedule from July 1st to the following June 30th.

B. School Year employees are paid bi-weekly for the duration of their contract.

C. Classified, non-exempt, or hourly employees:

1. Time shall be approved by both the individual employee and his/her supervisor and provided to the time-keeper or designated representative; and

2. Are eligible and shall be compensated for overtime as set forth in Section 5235 of the HSS Manual.

D. Certified or exempt employees shall be compensated bi-weekly according to the terms of their contract.

E. All employee payroll amounts are calculated based upon approved rates included in the individual's contract located within their personnel file.

F. Any changes to the pay rates or benefits shall be properly authorized by the HBE.

G. All payroll taxes and benefits shall be properly calculated and any deposits made in a timely manner.

H. Payroll liabilities and expenses are recorded in the general ledger by the Finance Director after review and approval of the payroll register.

Section 4602 Payroll Tax Reports

A. All payroll tax reports and documents shall be prepared in a timely manner.

B. Before submission, all payroll tax reports and documents and the supporting schedules are reviewed and approved by the Finance Director for accuracy and completeness.

C. The HSS shall maintain a schedule of required filing due dates for:

1. IRS Form W-2 – Wage and Tax Statement;

2. IRS Form W-3 – Transmittal of Wage and Tax Statements;

3. IRS Form 941 – Employer's Quarterly Federal Tax Return;

4. IRS Form 1099 MISC (also 1099-DIV, 1099-INT, 1099-OID) and IRS Form 1096 – Annual Summary and Transmittal of U.S. Information Returns;

5. IRS Form 1094-C – Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns;

6. Quarterly and annual state(s) unemployment tax return(s); and

7. Hopi School System retirement deduction reporting.

Section 4603 Payroll Service

A. The HSS shall obtain a payroll service provider or an in-house payroll software to assist in the preparation of periodic payroll tax filings.

B. Timekeeping shall be done either by employee's completing time cards/sheets that must later be entered into the HSS payroll service software, or by employee's direct entry ("punch in and out") into timeclocks connected to the payroll software system which will automatically track time entries.

Section 4610 Payroll Procedures

Payroll procedures are organized under the following four (4) categories: timekeeping, preparation of payroll, payroll payment, and payroll withholdings.

Section 4611 Timekeeping

A. Control Objective. To ensure that payment for salaries and wages is made in accordance with documented time records.

B. Major Controls.

1. Timekeeping Policies: Employees are instructed on the proper charging of time to assure the accuracy of recorded time to appropriate programs;

2. Time Sheet: Labor hours are accurately recorded and any corrections to timekeeping records, including the appropriate authorizations and approvals, are documented;

3. Internal Reviews: The HSS designee shall monitor the overall integrity of timekeeping; and

4. Internal Accounting Controls: Reconciliation of hours charged on time sheets to attendance records.

C. Procedures.

1. Time Sheet Preparation:

a. Hourly and salary employees prepare time sheets on a bi-weekly basis.

b. In preparing time sheets, employees:

i. Enter hours in ink and sign the completed timekeeping record; and

ii. Make all corrections in ink by crossing out the error and initialing the change.

c. Timecards or electronic records of time shall be turned in to the supervisor on the last day of their "workweek" before payday (i.e., if you work on Saturday before payday, complete your timecard and leave in the designated place for your supervisor before you leave, attach your completed timecard).

2. Approval and Collection of Time Sheets:

a. Each employee's time sheet is forwarded to the timekeeper on a bi-weekly basis, which ensures all the timesheets are submitted in a timely manner. The timekeeper forwards the timesheets to the supervisor who reviews and approves them.

b. Authorized timesheets are collected by the timekeeper and forwarded to the Finance Department for processing.

3. Reconciliation of Payroll to Time Sheets: Hours shown on time sheets are reconciled to the hours recorded on the Payroll Register by the Finance Director for each time sheet period.

4. HSS may also employ timeclocks which are connected to the payroll software system and employees will punch in and out. These timeclocks will automatically track time entries as per the software design.

Section 4612 Preparation of Payroll

A. Control Objective. To ensure that payment of salaries and wages is accurately calculated.

B. Major Controls.

1. Time records or contracts are periodically reconciled with payroll records, either timecards, timesheets or electronic records.

2. The responsibility for checking the accuracy of payroll calculations is separated from the responsibility for payroll preparation to the extent possible.

C. Procedures.

1. The Timekeeper forwards approved timecards, timesheets, or electronic records to the Finance Department.

2. The total time recorded on timecards, timesheets, or electronic records and the number of employees is calculated by the Finance Director.

3. Recorded hours from the bi-weekly timecards, timesheets, or electronic records are accumulated by the Finance Director and communicated to the payroll service provider or entered into in-house payroll software.

4. The payroll reports received from the payroll service provider or produced by in-house payroll software (e.g., calculations, payrolls and payroll summaries) are compared with time sheets, pay rates, payroll deductions, compensated absences, etc., by the Finance Director.

5. The Finance Director verifies gross pay and payroll deductions.

6. The total hours and number of employees are compared with the totals in the Payroll Register by the Finance Director.

7. The Payroll Register is reviewed and approved by the Finance Director prior to forwarding of the payroll checks for signature.

Section 4613 Payroll Payment

A. Control Objective. To ensure payment for salaries and wages by check or direct deposit is made only to employees entitled to receive payment.

B. Major Controls.

1. Pre-numbered checks are used and all check numbers are accounted for.

2. A complete audit trail on all payroll checks and direct deposit with authorizing signatures at each juncture is maintained.

C. Procedures.

1. Checks and payroll register are forwarded to Finance Director and CSA for signature or electronic signature.

2. Payroll payments by check or direct deposit are distributed by the Finance Director for forwarding to employees, and payroll register is filed.

3. The Finance Director controls and monitors all undelivered and uncashed payroll checks, respectively.

4. The payroll bank account is reconciled monthly by the Payroll Coordinator and reviewed by the Finance Director.

Section 4614 Payroll Withholdings

A. Control Objective. To ensure that payment withholdings are correctly reflected and paid to the appropriate third parties.

B. Major Controls.

1. Reconciliation of Payment and Payroll Withholdings: Payroll withholdings are recorded in the appropriate General Ledger control accounts and reconciled with payments made to third parties.

2. Internal Accounting Controls: The payroll service provider or in-house payroll software calculates payroll withholdings, which are reviewed and verified by the Finance Director.

C. Procedures.

1. The payroll service provider or in-house payroll software calculates payroll withholdings for each employee. These are summarized by pay period and recorded in the General Ledger.

2. Payments for payroll withholdings are reconciled with the amounts recorded in the General Ledger control accounts by the Finance Director.

3. The Finance Director reviews the accuracy and timeliness of payments made to third parties for payroll withholdings.

4. Original withholding and benefit election forms, maintained in the employee file, prepared by the employee and reviewed and approved on a periodic basis by the Finance Director.

5. The Finance Director prepares and files required reports and Internal Revenue Service and state payroll tax forms, as may be applicable.

CHAPTER 4700 - TRAVEL

Section 4701 Purpose

A. This policy provides the framework for reasonable and allowable travel expenditures, timeliness of travel reimbursements, and expenditure recognition and shall follow the U.S. General Services Administration ("GSA") rates and the Federal Travel Regulation for allowable costs.

B. It is the HSS policy to reimburse all travel expenses only in support of official HSS business.

C. This policy applies to all HSS employees, HBE members and the local school board members whose approved travel funds are administered by the Hopi School System.

Section 4702 Travel Authorization

A. All travel on behalf of the Hopi School System shall fall into one of two categories:

1. "Local Travel" which is defined as travel for official HSS business which can be completed in less than twelve (12) hours. The following procedures apply to Local Travel:

   a. HSS employees, HBE and school board members are hereby given blanket authority to undertake "Local Travel" with the authorization of their supervisor;

   b. Generally, travelers are not required to complete a Travel Authorization Form for Local Travel, however, if any conference, training and/or meeting fees are associated with such travel, the traveler shall submit a completed Travel Authorization Form, which requires HBE approval, in order for these fees to be paid by the HSS;

   c. Does not qualify for an over-night hotel stay or per diem; and

   d. Mileage is reimbursable to the extent that it exceeds the normal home to work commute.

2. "Overnight Travel" which is defined as travel for official HSS business which requires greater than twelve (12) hours to complete. The following procedures apply to Overnight Travel:

   a. Requires submittal of a completed "Travel Authorization Form", as developed by the CSA or designee, in a timely manner;

   b. For school employees, a Travel Authorization Form shall be submitted to their Principal, who shall determine whether to recommend approval. If the Principal determines to recommend approval, he/she shall provide the Travel Authorization Form to the CSA and request the HBE's approval; and

c. For Central Administration Office employees, a Travel Authorization Form shall be submitted to the CSA, who shall determine whether to recommend approval. If the CSA determines to recommend approval, he/she shall provide the Travel Authorization Form to the HBE for approval.

B. All travel plans shall be reviewed with the traveler and their supervisor prior to scheduling travel to determine if the following three (3) questions can be answered in the affirmative:

1. Is this proposed travel necessary and appropriate for official business of the HSS?

2. Is the cost reasonable?

3. Have sufficient measures been taken for back-filling the traveler's work responsibilities while they are away from their position?

C. The specific budget which will be expensed for the approved travel shall be identified.

D. A Travel Authorization Form shall be submitted to the HBE at least forty-five (45) days prior to the date of travel.

Section 4703 Reservations

A. The CSA shall designate one Central Administration Office staff who will be charged with making and overseeing travel reservations for all staff of the Hopi School System.

B. Once travel is approved, travelers shall provide their travel itinerary to this designated Central Administration Office staff to process Travel Authorization Forms, make the reservations, and pay for airfare, rental car, and hotel expenses.

C. In some cases, an approved traveler may pay airfare and hotel expenses personally and be reimbursed by the HSS.

D. Cancellation of reservations shall be accomplished as follows:

1. It is the responsibility of the traveler to cancel any reservations that will not be used;

2. If the traveler fails to timely notify the Central Administration Office designee of the cancellation in writing and any charges or lost refunds are charged to the Hopi School System, the traveler shall be responsible for reimbursing the HSS on a case-by-case basis;

3. If the traveler paid for the reservations, charges or lost refunds from failure to cancel in a timely manner will not be reimbursed; and

4. If a travel advance was provided under Section 4705, it shall be returned within forty-eight (48) hours of the cancellation.

Section 4704 Mileage Reimbursement for Use of Privately Owned Vehicles

A. All travelers shall not use privately owned vehicles for official HSS business travel if a HSS vehicle is available.

B. If a HSS vehicle is not available, HSS employees, HBE members, and local school board members may use their privately owned vehicles for transportation while on official HSS business which has been properly authorized.

C. If use of a privately owned vehicle is required and authorized, the traveler shall be reimbursed at the GSA's standard mileage rate per mile. Parking fees are reimbursable if properly supported, e.g. a receipt.

E. If a HSS employee, HBE member, or local school board member uses their privately owned vehicle on official HSS business, he/she shall follow all licensing, insurance and other requirements and policies set forth in the HSS Manual and as may be adopted.

F. Employees requesting mileage reimbursement are required to do so on an Travel Expense Report detailing the destination of each trip, its business purpose, miles driven, and parking fees. Expense reports shall be filed within five (5) days of the travel date.

G. If a HSS employee, HBE member, and local school board member chooses to use their privately owned vehicle when a HSS vehicle is available, he/she shall not receive mileage reimbursement.

H. Traffic and Parking Tickets are not reimbursable.

I. Mileage may be reimbursed to the extent that it does not exceed the coach airfare to the same destination. When privately owned vehicles are used, the traveler shall certify current and valid ownership of the minimum prescribed insurance coverage.

Section 4705 Per Diem and Lodging Rates

A. Hopi School System allows for travel advances for per diem, and in very rare and extenuating circumstances, travel advance for other appropriate expenses may be approved.

B. The Hopi School System utilizes the GSA rates and Federal Travel Regulation policies for payment of per diem and lodging.

C. The traveler is responsible for submitting completed Travel Advance requests no less than ten (10) business days in advance of the need.

D. Travel advances may only be disbursed within twenty-four business hours of the beginning date of travel.

Section 4706 Travel Expense Report

All travelers shall submit a "Travel Expense Report" within five (5) days after their return date to receive reimbursement as follows:

A. All travelers requesting mileage reimbursement are required to submit a Travel Expense Report to the Finance Director or designee containing the destination of each trip, its purpose, the miles driven, and parking fees;

B. Each traveler is responsible for detailing the travel and related expenses and including the required supporting documentation/receipts; and

C. The Travel Expense Report shall be signed by the traveler.

Section 4707 Entertainment

Entertainment is considered a personal expense and is not reimbursable.

Section 4708 Travel Categories

A. Lodging. Payable at actual cost not to exceed limits established by the Federal Travel Regulation of the GSA for reasonable and necessary accommodations subject to the following considerations:

1. Personnel will be reimbursed at the single room rate;

2. Convenience; and

3. Proximity to other venues on the traveler's itinerary. Conferences frequently offer special room rates and staying at the conference site is encouraged because it often reduces cost of local transportation.

B. Air Transportation. Air travel reservations shall be made as far in advance as possible in order to take advantage of reduced fares. Travelers may be reimbursed for one (1) checked bag per flight up to $100.00. Upgrades to any level above "coach" or "economy" or its equivalent are not reimbursable. Fees incurred for use of airline lounges or their equivalents are not reimbursable.

C. Business Expenses. Business services (copy, fax, and email internet service) necessary for official HSS business are reimbursable, at cost, with a receipt. Ground transportation tips included on receipts are acceptable.

D. Spouse/Partner Travel. Is not reimbursable.

E. Ground Transportation.

1. Privately Owned Vehicle. Hopi School System travelers shall conduct all business related travel at the lowest possible cost and shall not use privately owned vehicles for business travel if a HSS vehicle is available. If an employee uses their privately

owned vehicle for approved, official HSS business travel, he/she may request mileage reimbursement and be reimbursed at the GSA's standard mileage rate per mile and shall follow the procedures set forth in Section 4704 of the HSS Manual.

2. Rental Car. When a rental car is required, the optional insurance shall not be purchased and is not reimbursable.

3. Car Service. Taxicabs, rideshares, and shuttle services are reimbursable when receipts are provided.

CHAPTER 4800 - CONSULTANTS AND CONTRACTORS

Section 4801 Consultant Utilization

A. The HBE shall review and approve or deny all consultant contracts. Chapter 4400 (Procurement) of the HSS Manual shall apply to all contracts entered by the HSS.

B. Consultants and contract personnel may be utilized as follows:

1. Details of all agreements (e.g., work requirements, rate of compensation, and nature and amount of other expenses, if any) with the individuals or organizations providing the services and details of actual services performed;

2. Invoices or billings submitted by consultants, including sufficient detail as to the time expended and nature of the actual services performed;

3. The use of a management contract for educational and administrative services will clearly identify the contractor's performance requirements, including contractor's academic achievement, certifications and qualifications, as applicable, contractor's compensation and the HSS's rights to educational curricula and intellectual material developed; and

4. Contract services for non-technical or non-specialized services shall specify service requirements to be provided.

Section 4802 Independent Contractors

A. The use of consultants are closely monitored in order to ensure all provisions of the contract are being fulfilled, and the consultants are assisting the HSS to meet our goals and mission.

B. The HSS shall have the right to control or direct only the result of the work of independent contractors/consultants but not what will be done and how it will be done.

C. Independent contractors and consultants shall:

1. Provide a service that is determined to be necessary and unavailable at the HSS;

2. Be engaged in an independent trade, occupation, profession, or business of the same type that is available to the general public;

3. Not receive any fringe benefits and not be assigned a permanent workstation;

4. Use his/her own stationery or time sheet in billing for services;

5. Abide by all Hopi Tribe's licensing laws, regulations and fee requirements; and

6. Report all earned HSS wages to the IRS. The HSS shall not deduct any wage taxes to be paid to the IRS.

TITLE 5 - PERSONNEL

CHAPTER 5000 - PERSONNEL ADMINISTRATION

Section 5001 Purposes and Roles of HSS Personnel Policies

A. The success of Hopi School System ("HSS") students and programs hinges on effective personnel. The Hopi Board of Education ("HBE") desires to establish safe and supportive working conditions that attract and retain staff members who are highly qualified and dedicated to the education and welfare of HSS students.

B. The HBE hereby establishes a "Personnel Department" within the HSS Central Administration Office which shall be led by a "Personnel Director" to implement personnel services for the HSS and HSS schools. The Chief School Administrator ("CSA") shall oversee the HSS's personnel system, and the HBE shall approve a framework for sound hiring, retention and accountability practices.

C. The HSS is dedicated to creating a workplace that integrates and reflects Hopi cultural values of cooperation, collaboration and humility to create a professional, positive climate in which HSS employees can help students attain a quality, foundational education. Above all, employees shall be respectful of each other, students, parents, and other stakeholders. Specifically, employees shall strive to fulfill the meaning of *Kyaptsi* by maintaining the highest degree of respect for and obedience to moral standards and ethics, so as not to knowingly abuse, alter or oppose the progressive order and cycle of nature and the sacred manifestations of the creator's teachings. See Hopi Dictionary: A Hopi English Dictionary of the Third Mesa Dialect, *Hopíikwa Laváytutuveni,* p. 842 (1998). The HBE has also adopted a Code of Ethics in Chapter 8500 of the HSS Manual applicable to all HSS employees, HBE and local school board members to guide them in the performance of their official duties and responsibilities.

D. All HSS employees are encouraged to express their ideas, concerns and proposals related to the improvement of working conditions and the HSS educational services and programs. As the legal representative of the HSS, the HBE shall hear employee complaints and appeals when such hearings are in accordance with HBE policy.

E. The HBE shall adopt salary schedules and shall commit budget funds for staff development so that staff members may continue developing their skills.

F. The CSA shall have oversight and supervise the work of all employees and ensure their work is conducted in accordance with effective accountability systems approved by the HBE.

G. The Principals and/or designee shall conduct the evaluations of all staff at their local school. Once the local school evaluations are completed, the Principals shall provide the evaluations to the CSA for review and concurrence.

H. The CSA and/or designee shall conduct evaluations of all Principals, Central Administration Office Department Directors, and other employees for which the CSA has direct supervision.

I. Disciplinary actions in regards to employees shall follow the disciplinary policies and procedures set forth in Chapter 5600 of the HSS Manual. The HBE may take appropriate action when warranted pursuant to HSS policy, administrative procedures, and/or applicable law.

Section 5002 Nature of Employment

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

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

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

D. The HBE may look to federal and state employment laws for guidance, but these laws are not binding nor is the HBE waving the Hopi Tribe's inherent sovereign immunity by agreeing to implement all or any part of these laws.

E. Specific duty assignments (i.e., grade level, subject matter area, etc.) shall be made based upon the needs of the HSS and the schools as those needs are determined by the CSA and Principals. If needs change, assignments may be changed as follows:

1. Principals have the discretion to make assignment changes in consultation and collaboration with the CSA to meet the HSS and schools' needs;

2. The CSA has the discretion to make assignment changes of administrative staff to meet the HSS and schools' needs;

3. The HBE shall be notified of any such assignment changes and approve any changes to a contract or addendums or other changes required by the HSS Manual; and

4. This provision applies to all positions including, but not limited to, teachers, teacher assistants, and administrative staff.

Section 5003 Employee Relations

A. The HSS believes that the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area.

B. If employees have concerns about working conditions or compensation, they are strongly encouraged to voice these concerns directly to their immediate supervisors. We encourage all employees to resolve internal disputes within the HSS.

C. All employees, the HBE, and local school board members are further required to conform to the compliance and complaint procedures set forth in Chapter 18 of the Hopi Education Code ("Code").

Section 5004 Providing Recommendations for Employment to the HBE

A. School Principals shall consult with their respective local school boards on hiring needs, and the Principal shall provide recommended applicants to the Personnel Department for background checks. Once the Personnel Department concludes their review, the Personnel Director shall provide the applicants who successfully completed their background checks to the CSA by a due date determined by the HBE.

B. After this due date, the CSA shall nominate all personnel for employment to the HBE. The HBE shall approve only those persons so recommended. Individuals who approach HBE members regarding prospective employment shall be referred to the CSA.

C. If the school Principal does not provide a recommendation to the CSA to fill a vacant position by the due date, the CSA may submit a recommendation to the HBE for approval.

Section 5010 Staff Designations as Professional or Support Staff

A. Professional staff members are employees of the HSS who are required by HSS policy, regulation, or position description to possess teaching certificates, including provisional certificates, from the Arizona Department of Education for the purpose of performing their jobs or are expressly designated as professional staff members in notices of employment or contracts executed by the HBE.

B. All other employees are support staff members.

Section 5011 Compensation

A. The CSA shall provide recommendations to the HBE on the salaries and benefits of employees in conjunction with the development of the HSS's annual budget.

B. The Finance Director shall develop and maintain a uniform Salary Schedule for all employee positions of the HSS which shall be approved by the HBE.

C. Professional Staff Salary policy.

1. Administrators: The HBE will enter into an individual contract with each member of the administrative staff commensurate with the requirements of the position. This contract shall describe the general services to be rendered by the employee in return for financial and other considerations. Additionally, the employee's position description, detailing the more specific performance responsibilities of the contracted position and the mode of evaluating performance, shall be incorporated into the contract by reference. All terms and conditions of contracts with administrative staff members are to conform with the requirements of the HSS Manual, the Code, and applicable federal and Arizona state laws and regulations.

2. Other Certified Personnel:

   a. The salary schedule pertains to personnel holding provisional, basic, or standard certificates at the elementary or secondary levels;

   b. Previous verified experience recognized for the purpose of placement on the salary schedule is defined as any previous full-time certified teaching in a school. For a teacher to receive credit for previous teaching experience, the teacher must furnish the office of the CSA full information concerning the previous teaching records. When the experience has been verified, credit will be given by the HSS.

3. Substitutes: Pay for substitute teaching shall be established by the HBE.

4. Advancement on Salary Schedule:

   a. Vertical and horizontal advancement on the salary schedule will be in accordance with the salary schedule currently in effect.

   b. Vertical advancement is limited to one (1) step per year; and

   c. Reasons for denial of vertical advancement on the salary schedule include but are not limited to:

      i. Lack of adequate disciplinary control;

      ii. Insufficient effort and time given to assigned duties or failure to engage in a reasonable amount of extracurricular activity;

      iii. Lack of cooperation with the administration in carrying out adopted policies of the HSS; and

iv. Unprofessional conduct.

5. Other Contract Provisions.

   a. If an employee will not work the full term as set up by salary schedule, he/she shall be paid on a prorated basis for the number of days to be worked for the remainder of the school year; this shall include school days taught plus the number of days required for orientation; and

   b. For newly hired certified personnel placed on the teachers' salary schedule, differentials above the stated schedule may be paid as approved by the Principal, CSA and HBE.

D. Support Staff Salary Schedules policy.

   1. The HBE will determine salaries and benefits of all employees annually, differentiated on the basis of duties and responsibilities.

   2. The initial placement on the salary schedule for all new personnel and for all currently employed personnel selected for another position in the HSS shall be recommended by the CSA and approved by the HBE at the time of employment. The CSA's recommendation will be based on consideration of the candidate's qualifications, relevant job experience, and years of HSS employment, if applicable.

   3. Salary advancements for regular twelve (12) month employees are granted only at the beginning of each fiscal year. Annual step increases may be withheld if it is determined the employee does not perform at the expected level or does not meet standards for the job. An employee must work one (1) day more than one-half (1/2) of the year to receive a step advancement in salary.

E. The HBE, in consultation with the CSA, shall develop salary schedules for the following employee categories:

   1. Certified Salary Schedule for the following positions: Teacher, Special Teacher, Counselor, Lead Teacher, Special Education Teacher, and Intervention Educator;

   2. Classified Salary Schedule for the following positions: Library Technician, Parent Liaison, Para Professional, One-on-One, Food Services Worker, Bus Driver, Receptionist, Registrar, Technical positions and hourly positions;

   3. Facility Salary Schedule for the following positions: Maintenance, Custodian, and Residential Maintenance;

   4. Administrative Salary Schedule for the following positions: Chief School Administrator, Principal, Assistant Principal, and Teacher Supervisor; and

5. Administrative Support Staff Salary Schedule for the following positions: Finance Director, Finance Technician, Personnel Director, Facilities Director, Information Technology Director, Food and Nutrition Services Director, Curriculum and Instruction Director, Hopi Language and Culture Director, Exceptional Education Director, Transportation Director and Supervisors, Nurse, and Administrative Assistant.

Section 5012 Non-Discrimination/Hopi/Indian Preference

A. The HSS is committed to a policy of non-discrimination relative to race, sex, age, religion, disability, and national and/or ethnic backgrounds. The HSS shall be free to select the best qualified individual for any given position.

B. The HBE disclaims federal jurisdiction in personnel matters, including but not limited to the Equal Employment Opportunity Commission ("EEOC"), state, and other federal jurisdiction in any such related matters.

C. As recognized under federal and Tribal law, the HBE, as a Hopi Tribal Regulated Entity, has the authority and hereby implements a Hopi and Indian preference in employment of all school, educational, and administrative personnel within the HSS as set forth in Section 1.6 of the Code.

D. The Hopi and Indian preference policy shall only apply to an employment decision when all the candidates for a particular position are equally qualified. If the candidates are not equally qualified, the position shall be offered to the most qualified candidate, irrespective of the Hopi and Indian preference policy. Legal Ref.: Code, sec. 1.6.C.

Section 5013 Veterans Preference

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

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

C. Veterans requesting preference relative to employment with the HSS shall indicate they are requesting the preference in their employment application and attach a copy of their DD214 or other discharge papers at the time of submitting their employment application. Veterans who have successfully completed all phases of the application

process and who otherwise qualify for a position for which they are applying shall be given a veterans preference in the selection process by adding five (5) additional points to their application score. The additional five (5) points is the extent of the veterans preference that is to be given by the HSS.

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

Section 5014 Immigration Law Compliance

A. The HSS is committed to employing only individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

B. In compliance with the Immigration Reform and Control Act of 1986, P.L. 99-603, each new employee, as a condition of employment, shall complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired shall also complete the form if they have not completed an I-9 with the HSS within the past three (3) years, or if their previous I-9 is no longer retained or valid.

C. Employees with questions or seeking more information on immigration law issues are encouraged to contact the CSA. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

Section 5015 Employee Medical Examinations and Testing

A. Medical examinations and testing are required for certain job categories within thirty (30) days of an offer of employment. After an offer has been made to an applicant in designated job categories, a medical examination shall be performed by a health professional of the HSS's choice, at the HSS's expense. The offer of employment and assignment to duties is contingent upon the results of the medical examination. Information on an employee's medical history or resulting from a physical examination shall be filed and maintained separately from the employee's personnel file.

B. The HSS may require an employee to undergo a medical examination or testing at any time that the HSS questions the employee's ability to perform his or her assigned duties, or questions whether the employee may be a threat to the health or safety of the employee or others.

C. For additional employee health policies and requirements, see Section 5212 of the HSS Manual.

Section 5016 Anti-Nepotism

A. As required by Section 4.11.F(4) of the Code, the HSS hereby adopts the following anti-nepotism policy in hiring and staffing decisions. See also HSS Manual, sec. 5017 (Conflicts of Interest).

B. The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

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

D. If the relative relationship is established after employment, the individuals concerned shall decide who is to be transferred or resign. If that decision is not made within 30 calendar days:

1. When a relative relationship concerns Central Administration Office employees, the CSA shall decide who shall be reassigned, transferred, or terminated; or

2. When a relative relationship concerns a local school, the CSA shall decide who shall be reassigned, transferred, or terminated in consultation with the local school Principal.

E. In other cases where a conflict or the potential for a conflict arises, even if there is no supervisory relationship involved, the parties shall enter a conflict resolution process, and if the conflict or potential conflict continues, the parties may be separated by reassignment or terminated from employment.

F. No person shall participate in the consideration of any application for employment or promotion which involves the possible selection of a relative (as that term is defined herein) of such person.

G. For the purposes of this policy, a "relative" is defined as immediate family members which includes spouses, parents, children, step-children, brothers and sisters. This policy also applies to individuals, and their relatives and children, who are not legally related but who reside with an employee or HBE member. (For example, common law relationships, foster care, guardianships, etc.).

Section 5017 Conflicts of Interest

A. Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of this policy is to provide employees with clarification on issues of acceptable standards of conduct regarding relatives and transactions with outside firms and individuals. See also HSS Manual, sec. 5016 (Anti-Nepotism).

B. Actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or a relative of that employee. For the purposes of this policy, a relative is person who is defined as a "relative" in Section 5016(G).

C. No person employed by the HSS may be directly supervised by a relative. This policy shall apply for summer or part-time work as well as for full-time employment.

D. HBE members:

1. For the seven (7) HBE members elected from an attendance area, a direct relative of a HBE member cannot be hired by the HSS for employment in the attendance area school for which the HBE member represents. Legal Ref.: Code, sec. 4.2.D(6).

2. HBE members shall not participate in or be present for discussion or decisions involving their direct relatives, business interests or possible conflicts of interest. Legal Ref.: Code, sec. 4.12.B.

3. "Direct relative" means a parent, sibling, child, or spouse through legal or traditional Hopi marriage, and includes a domestic live-in partner and a non-biological child through adoption or legal guardianship. Legal Ref.: Code, sec. 1.5.A(11).

E. HSS business dealings with outside firms shall not result in personal financial gains for any employee or his or her relatives. An employee who has, or whose relative has a substantial personal interest in any decision of the HSS, shall submit a written and detailed disclosure of the interest to the CSA. This employee shall refrain from participating in or influencing the HSS's position on any matter as an employee in such a decision. Personal gain may result not only in cases where an employee or relative has a significant ownership of a firm with which the HSS does business but also when an employee or relative receives any kick-back, bribe, substantial gift, or special consideration as a result of any transaction or dealings involving the HSS.

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

Section 5020 Filing Vacancies

A. Determination of need. Principals shall evaluate their school's employment vacancies and advise the CSA of such. Prior to filling any vacancy, the Finance Director shall certify, in writing, to the CSA that funds are available for the vacancy. The HBE, in consultation with the CSA, shall determine whether or not any vacancy should be filled and the timeline for filling the vacancy.

B. Recruitment. The Personnel Department shall be responsible for the recruitment of all vacant positions in the Hopi School System and attend and participate in recruitment job fairs and related events. This recruitment shall include, but not be limited to:

1. Assessing and addressing housing shortages;

2. Shortages of substitute educators;

3. Other limitations to recruiting and retaining quality educators; and

4. Development of "Grow Your Own" program and partnerships to identify and assist Hopi high school students who are interested in entering the teaching profession and encouraging them to teach in Hopi schools.

C. Vacancy announcements. Vacancy announcements and job applications shall include notice that a criminal history record check is a condition of employment/volunteering and shall require the applicant, volunteer, or employee to consent, in writing, to a background check. Legal Ref.: 25 C.F.R. § 63.15(d), and 25 C.F.R. § 63.17.

D. Reassignment. The CSA is authorized to make in-house reassignments not to exceed one hundred twenty (120) days based upon an employee request or for administrative convenience. Reassignment does not require compliance with other provisions in the HSS Manual.

E. Consultants/Trainers. The CSA shall, with the approval of the HBE, have authority to hire consultants and/or professional development trainers in accordance with the procurement policies of Chapters 4400 and 4800 of the HSS Manual. Consultants or trainers shall receive no fringe benefits. Consultants or trainers shall be evaluated and selected by the CSA without regard to other provisions of this Chapter and shall be certified or have recognized expertise in their respective fields. This procedure shall not be used to circumvent regular hiring practices.

F. Foreign Teachers. The HSS may employ foreign teachers through the J-1 Visa Teacher Program and any other foreign teacher program authorized by the federal government. The HSS shall follow all applicable laws and regulations when hiring teachers through these programs. The CSA shall develop procedures to implement this policy, which shall be approved by the HBE.

Section 5021 Pre-Selection Procedure

When a vacancy occurs, or a new position is authorized by the HBE, the Personnel Director or designee in conjunction with the CSA shall take the following steps:

A. Obtain or develop a Position Description which has been approved by the HBE for use in the advertising and hiring for that position.

B. Establish opening and closing dates for submission of resumes/applications and a timeline for the hiring procedure (i.e., interviews, reports, etc.).

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

D. Identify any qualified, former employees whose employment with the HSS was terminated due to a reduction in force. Reinstatement of such employees may occur only within the contract year in which the lay-off or reduction in force occurred.

E. Post vacancy notices in HSS buildings at locations designated for in-house announcement(s) for at least five (5) working days after the opening date for submission of resumes and applications as set forth in HSS Manual, sec. 5020.

F. Advertise job vacancies outside and within the community, in Hopi Tribal employment offices, other areas in the community designated for such public notices, websites, newspapers and other publications where appropriate. The advertising shall be done as widely as reasonably possible to attract qualified applicants, and specifically to attract Hopi/Indian applicants.

G. Screen or examine applications on file and create a list of qualified applicants. Qualified applicants are those meeting the minimal requirements set forth in the Position Description and the HSS Policies and Procedures Manual. A record of all applications for each vacancy shall be kept for twelve (12) months from the date the position is filled, or if not filled, from the date of advertising.

H. Applicants for certified teacher and paraprofessional positions shall submit their certification showing that they have met state qualification requirements. Legal Ref.: 25 C.F.R. § 38.5(a).

I. Interview applicants and make recommendations to the HBE relative to hiring.

J. The CSA shall make contract offer(s) to selected applicant(s) when directed by the HBE.

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

1. The Personnel Director or designee shall make inquiries to all applicable federal, State, Tribal, and local law enforcement and other agencies to conduct background checks of all applicants, contractors and volunteers having significant or unsupervised access to students, which includes physical, psychological, academic and administrative access and control, who must successfully complete the required fingerprint and background check prior to employment, contract, and/or control over students by a volunteer. Legal Ref.: Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. §§ 3201, et seq.; 25 C.F.R. §§ 63.1 et seq.; Crime Control Act of 1990, 34 U.S.C. § 20351; Hopi Education Code, sec. 3.8.D.

2. Applicants for certified teaching positions shall present a current fingerprint clearance card. All employees and volunteers shall complete fingerprint/background checks every five (5) years. Employment with the HSS is contingent upon the results of the fingerprint check or maintenance of the certificate or license which satisfies the fingerprinting requirement.

3. Criminal standards. All applicants shall sign, under oath, an acknowledgement that they have not been arrested, convicted of or are awaiting trial on the crimes identified in this section and/or the laws noted therein. This document shall be signed under oath and under penalty of perjury. Prospective employees/volunteers shall certify in a sworn statement that they are not awaiting trial on and have never

been convicted of or admitted in open court or pursuant to a plea agreement of committing any crime of violence, sexual assault, sexual molestation, child exploitation, sexual contact, prostitution, or crimes against persons in tribal, state, federal or any other jurisdiction as specified below:

a. Sexual abuse of a minor;

b. Incest;

c. First or second degree murder;

d. Kidnapping;

e. Arson;

f. Sexual assault;

g. Sexual exploitation of a minor;

h. Felony offenses involving contributing to the delinquency of a minor;

i. Commercial sexual exploitation of a minor;

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

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

l. Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs or other controlled substances;

m. Burglary in the first degree;

n. Burglary in the second or third degree;

o. Aggravated or armed robbery;

p. Robbery;

q. Offenses against minors as set forth in Hopi Code, sections 3.7.5, 3.7.6, 3.10.1, 3.10.3, 3.10.4, and 3.10.6;

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

s. Child abuse;

t. Sexual conduct with a minor;

u. Molestation of a child;

v. Voluntary manslaughter;

w. Aggravated assault;

x. Assault;

y. Exploitation of minors, involving drug offenses; and

z. Battery.

4. Character standards. All applicants shall sign, under oath and penalty of perjury, an acknowledgement of the following character requirements:

   a. Employment. Verify an applicant's work ethic and conduct were not contrary to company standards, the subject could have unreported conduct, such as tardiness, drinking on the job, fraud, asset misappropriation, inappropriate behavior with students, guests, co-workers, and/or supervisors and above;

   b. Fiduciary matters. Ensuring an applicant maintains a positive credit history, and are free of bankruptcy filings, collections, charge-off's, to include taxes, student debts, child support, etc. If an applicant has a history of credit issues, verification through source documentation directly provided from the creditor or Internal Revenue Service, will help mitigate the issues. Any persons who have administrative access to or fiduciary control over cash, or any type of funding (state or federal) must have their positions adjudicated in accordance with the appropriate risk level designation;

   c. Qualifications/Degrees/Certifications/Licensures. Verifying an applicant has the applicable work history and credentials, such as obtaining official transcripts to show a degree was conferred from an accredited institution of higher education, verifying professional credentials and licensures to ensure there have been no administrative actions or suspensions/revocations taken on such credentials. Actions taken on professional credentials may indicate dishonest or criminal misconduct; and

   d. Material Intentional Falsification. The Personnel Director, and assigned adjudicators, shall address any areas whereby an applicant or incumbent has intentionally falsified their employment application in an attempt to conceal their criminal or employment history, or place themselves in a competitive advantage over other applicants. Legal Ref.: 25 C.F.R. § 63.12, 25 C.F.R. § 63.11, 25 C.F.R. § 63.17, and 25 U.S.C. § 3207.

5. Before offering employment to a candidate, make documented, good faith efforts to contact the most recent supervisors from previous employers to obtain information relevant to a person's fitness for employment and any ongoing

administrative or performance related issues. See also HSS Manual, sec. 5120(A); Background Check Form for Applicants (Appendix B).

6. The HSS may refuse to hire or may review or terminate any person who has been convicted of or admitted committing any of the crimes listed in Section 5021(K)(3) or a similar offense in another jurisdiction.

7. This section does not require students who are also employed by the HSS to be fingerprinted.

8. The Personnel Director or a trained adjudication designee shall be the adjudication official and the Personnel Director's designee shall be the back-up. The adjudication official and back-up shall receive appropriate training relative to adjudication officials as defined in federal law and shall be responsible for adjudicating all fingerprint, background and criminal history check issues and appeals pursuant to 25 C.F.R. §§ 63.1 et seq., and 25 C.F.R. § 63.17, which are adopted herein by reference.

9. Each background investigation file shall contain a uniform case summary to record all derogatory information obtained during the background investigation.

10. The case summary shall demonstrate that the Personnel Director or his/her designee are evaluating each case independently and on the merits of the background investigation results.

11. Applicants, volunteers or employees have various rights concerning access to information resulting from background check investigations. The HSS and the Personnel Department shall follow all applicable laws and regulations, including 25 C.F.R. § 63.17 and 25 C.F.R. § 63.23, which are adopted herein by reference.

Section 5022 Applications for Employment

A. Any individual desiring to be considered for a job vacancy shall submit a timely application to the Personnel Director or designee. Applications may only be accepted for a position if that position has been advertised. Applications shall be discarded at the end of a five (5) year period following the selection and hiring of an applicant or from the date the position was advertised if it is not filled.

B. Application Screening Process. Personnel Department shall review all applications received by the due date and determine whether the applicants will receive an interview by an Interview Panel as set forth in Section 5023 of the HSS Manuel.

C. Application Form. Applications for employment with the Hopi School System shall contain the minimum following provisions:

1. Applicant's vital information (full name, date of birth, and social security number) to ensure a complete and accurate background investigation is completed;

2. Residence history – minimum of five (5) years, without gaps or breaks to ensure all the applicable state and Tribal law checks are completed. For clarity, it is recommended, the application ask a "yes" or "no" question verifying if the residence is located on an Indian reservation to ensure all Tribal law checks are completed;

3. Employment history – minimum of five (5) years, without gaps or breaks to ensure the appropriate employment history checks are completed;

4. Regulatory questions – ensure the required regulatory questions are included in the employment application and/or security questionnaire, for example:

    a. Have you ever been arrested for or charged with a crime involving a child; and

    b. Have you been arrested or convicted of a crime involving a child, violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against persons;

5. Security Questionnaire – a set of security questions to enable the adjudicator to make a well-informed suitability determination pertaining to the conduct, character, and risk to the position;

6. Disposition of arrests – disposition of arrests or criminal charges on the employment application to ensure the adjudicator can make an informed suitability determination;

7. Penalty of Perjury – require that an applicant, volunteer, or employee sign, under penalty of perjury, a statement verifying the truth of all information provided in the employment application. This statement shall be on all applicable forms the applicant or incumbent completes to certify the information they are providing as part of the background investigation is true and accurate;

8. Authorization for Release of Information – the applicant, volunteer, or employee shall be informed that a criminal history record check is a condition of employment. The applicant, volunteer, or employee shall consent, in writing, to a record check granting authorization, for a determined period, for the HBE to conduct and obtain the applicant or incumbents' employment and criminal history, credit report, credentials, etc.;

9. A statement advising the applicant, volunteer, or employee that the information they are providing is "limited to employment purposes only" and that they have the "right to challenge the results of the background investigation" with the originating reporting agency and/or repository.

Section 5023 Interview Panels

A. An Interview Panel shall be selected for all advertised HSS positions.

B. Every advertised position shall receive an interview by an Interview Panel.

C. For advertised positions whose work place is a HSS school:

1. An Interview Panel shall be appointed by the school Principal and shall be composed of no fewer than three (3) and not more than five (5) HSS employees;

2. The Principal shall attempt to appoint Panel members possessing knowledge, experience and familiarity with the position under consideration;

3. Unless a conflict of interest requires otherwise, the Panel shall include:

a. The Principal or designee;

b. The immediate supervisor of the position under consideration;

c. The Departmental supervisor of the position under consideration; and

d. An employee of said Department.

D. For advertised positions whose work place is the Central Administration Office and/or related administrative location(s):

1. An Interview Panel shall be appointed by the CSA and shall be composed of no fewer than three (3) and not more than five (5) HSS employees;

2. The CSA shall attempt to appoint Panel members possessing knowledge, experience and familiarity with the position under consideration;

3. Unless a conflict of interest requires otherwise, the Panel shall include:

a. The CSA or designee;

b. The immediate supervisor of the position under consideration;

c. The Departmental supervisor of the position under consideration; and

d. An employee of said Department.

E. It is not mandatory to have the precise Panel members listed in this section; however, the listing sets forth the general intent regarding the composition of an Interview Panel.

Section 5024 Chief School Administrator Recommendation

Upon receiving and reviewing the Interview Committee's recommendation, the CSA may schedule additional interviews or request additional information. Upon completion of his/her review, the CSA shall submit his/her recommendation to the HBE.

Section 5025 Alternative to Interview Committee

In cases where an Interview Committee is not required by these policies or the HBE, the CSA, in consultation with the relevant departmental supervisor and Principal, shall review applications, identify the most qualified applicants, interview applicants and where possible, consult with the appropriate relevant supervisor regarding applicants. The CSA may schedule additional interviews or request additional information prior to submitting his/her recommendation to the HBE.

Section 5026 Final Approval

A. Interviews of Chief School Administrator Applicants. The HBE shall interview applicants for the CSA position.

B. Final Decision. All decisions to hire, terminate, make salary determinations or all other final employment decisions shall be made by the HBE. No staff person has the authority to hire or terminate employees absent specific direction or delegation by the HBE. The HBE reserves the right to interview for any position it deems necessary.

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

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

Section 5030 Emergency Hires

A. Requirements for an Emergency Hire at Local Schools.

1. When an emergency occurs requiring the immediate services of a person in a particular school position, the school Principal may submit a request to the CSA to approve such position for advertising and hiring.

2. Emergency hires shall be approved only if the Principal makes written, affirmative findings, and the CSA agrees, that failure to immediately fill a position shall:

   a. Pose a safety threat to persons or property;

   b. Jeopardize the integrity and successful completion of program objectives; or

   c. Result in the immediate loss or reduction of funds.

3. Upon receiving such request, the CSA shall promptly reach a determination on the emergency hire approval and notify the Personnel Department and the requesting Principal of the CSA's decision.

B. Requirements for an Emergency Hire at the Central Administration Office.

1. When an emergency occurs requiring the immediate services of a person in a particular Central Administration Office/related administrative position, the CSA shall determine if such position is approved for advertising and hiring.

2. Emergency hires shall be approved only if the CSA makes written, affirmative findings, which demonstrate that failure to immediately fill a position shall:

   a. Pose a safety threat to persons or property;

   b. Jeopardize the integrity and successful completion of program objectives; or

   c. Result in the immediate loss or reduction of funds.

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

D. Final Decision. The CSA shall submit his/her recommendation on hiring to the HBE with the reasons therefor. The HBE shall make the final hiring decision.

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

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

G. Pay. Where a current employee receives an emergency appointment under this section, rather than reassignment, the employee's pay shall be raised to that of the new position, but may not be lower than his/her existing salary. After the emergency appointment ends, if an employee returns to his/her position prior to the appointment, the salary shall return to the prior position, or if the employee is permanently placed into the new position, his/her salary shall remain at the new position level.

Section 5031 Substitute or Intermittent Professional Employees/Hiring

A. Substitute teachers and other professional functions may be provided by an annual intermittent contract, which provides for temporary employment as needed in the best interests of the HSS. Such contracts shall only be offered to qualified persons and shall provide for employment intermittently during the ensuing year as needed by the HSS.

B. Substitute Teacher hires also need to submit an application to the Personnel Department. With HBE approval, in those classrooms having a teacher assistant, said

teacher assistant may be offered and accept employment as a substitute teacher during the absence of the classroom teacher.

C. Short-term or intermittent professional employees, except those regularly employed as a teacher assistant, shall be selected and employed as follows:

1. There shall be advertised in and about the communities directly served by the HSS such intermittent contract positions as may become available during the ensuing school year;

2. All such applicants who are deemed qualified by the CSA, or designee, to act as substitute teachers or in other intermittent professional functions, together with their applications and the recommendation of the CSA or designee, shall be submitted to the HBE. The CSA, or designee, may, prior to submitting its recommendation, interview applicants;

3. Those persons thereafter approved by the HBE as intermittent contract professionals shall be offered an annual contract to serve on an intermittent basis;

4. The CSA, or designee, may select substitute teachers, as needed, from those having executed an annual contract for intermittent services as a substitute teacher;

5. No intermittent contract professional so employed shall be entitled to any rights or benefits accorded to an employee by virtue of the Manual except as shall be required by law;

6. The CSA may, upon the recommendation of the academic supervisor, or department head responsible for the short-term professional or intermittent employee, without cause or notice, terminate the temporary employment of any such person and rescind the contract for intermittent services. Such decision shall, however, be reported to the HBE at their next regular meeting and the cause, if any, may be reported to the HBE in executive session;

7. In the event, as to any defined intermittent or short-term professional function or position, no applicant remains or is available in the employee pool for that position, the CSA, or designee, may hire a person qualified to perform the duties of that position without regard to the requirements herein contained; and

8. Issuance of an intermittent contract shall not create a right to teach or work. Whether an intermittent employee is called to work and the amount of time an intermittent employee is allowed to work shall be at the discretion of the CSA.

Section 5040 General Background, Fingerprint Checks and Adjudication Policy

A. The Personnel Director or designee shall make inquiries to all applicable federal, State, Tribal, and local law enforcement and other agencies to conduct background checks of all applicants, contractors and volunteers having significant or unsupervised access to students, which includes physical, psychological, academic and administrative access

and control, who must successfully complete the required fingerprint and background check prior to employment, contract, and/or control over students by a volunteer. See also HSS Manual, sec. 5021(K). Legal Ref.: Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. §§ 3201, et seq.; 25 C.F.R. §§ 63.1 et seq.; Crime Control Act of 1990, 34 U.S.C. § 20351; Hopi Education Code, sec. 3.8.D.

B. Employment shall not be offered to applicants who fail to meet the standards set forth in the above-noted laws. Volunteers not meeting the standards set forth in the above-noted laws may not provide volunteer services for the HSS which may allow them contact with or control over the HSS's students.

C. All staff, HBE, and local school board members and applicable volunteers shall undergo repeat fingerprint testing and background checks at least every five (5) years.

D. It shall be the duty and responsibility of the Personnel Director, or highest ranking Personnel employee, to perform the duties and responsibilities of the adjudication officer as set forth in the above-noted federal laws and regulations. The CSA shall be the back-up to the highest ranking Personnel employee at the HSS and shall be the alternate adjudicating official.

E. The adjudicating official shall be responsible for implementing 25 U.S.C. §§ 3201 et seq. and its regulations at 25 C.F.R. §§ 63.1 et seq., and in particular, perform the adjudications as set forth at 25 C.F.R. § 63.17 and take all actions necessary and appropriate under the above-noted statutes and regulations including, comparing the applicant's application to the background/fingerprint check, ensuring compliance with the above-noted statutes and regulations and performing the adjudication functions as set forth in the above laws and statutes.

F. The highest ranking Personnel Department employee and the CSA shall have successfully completed background and fingerprint checks prior to assuming their duties and shall further be trained in the above laws and their applications.

Section 5050 Prerequisites to Beginning Work and Accruing Salary

A. Applicants for any long-term position, which shall be defined as employment for a term in excess of sixty (60) calendar days, shall be approved for hire by the HBE. No person shall begin the duties of employment unless and until approved for hire by the HBE.

B. No person who has been hired by the HBE shall begin to perform the duties of employment and no salary shall be earned unless and until the following has been accomplished by the employee and his or her supervisor:

1. The Personnel Department has determined that the employee has satisfied all requirements of employment, including but not limited to completed all applicable federal and state tax declarations, and has executed all applicable salary payment and deduction agreements;

2. The Personnel Department has enrolled the employee in all proper employee benefit plans and has prepared and obtained all required signatures on a fully completed contract containing the term of the contract and the salary to be paid to the employee.

3. Proof of all required certification(s) or license(s) shall be presented by the employee to the HSS at or before the execution of the employment contract;

4. If applicable, the Housing Officer and employee have completed a housing rental agreement for the employee;

5. The employee has been given the opportunity to read the HSS Policy Manual and has signed the declaration to that effect pursuant to Employee Acknowledgment Form;

6. A properly completed original of the United States Immigration and Naturalization Form I-9, as required by law, has been properly executed with regard to the employee; and

7. The CSA has completed his/her duties set forth at Section 5021 herein or has documented in writing timely steps toward completion and the date for completion.

Section 5051 Certifications and Qualifications

Failure to provide the HSS proof of possessing and maintaining current certifications, licenses, qualifications, training, degrees, credit hours and all other requirements set forth in accreditation agency regulations and the Every Student Succeeds Act, P.L. 114-95, as may be amended, shall be grounds for disciplinary action up to and including termination, and bars renewal of staff/employee's contract of employment. This policy is effective immediately regardless of any time periods set forth in the laws or regulations set forth in this section.

CHAPTER 5100 - EMPLOYMENT STATUS AND RECORDS

Section 5101 Employment Categories

A. It is the intent of the HSS to define employment categories so that employees understand their employment status and benefit eligibility.

B. Risk level designations shall be determined by the HBE, in consultation with the CSA, for employment which shall require more stringent background investigations as follows:

1. Some categories of employment shall require a more stringent background investigation, including but not limited to employees who are involved with fiduciary responsibilities, access to financial records, information technology, access to confidential information, major program responsibility, and/or public safety.

2. Examples of such positions include, but are not limited to Superintendents, Principals, Information Technology Technicians or Specialists, Finance Directors, Technicians or Managers, Personnel Directors, School Counselors or Psychologists, Social Workers, and Education Specialists. This list is not comprehensive, therefore, the duties for every position shall be evaluated to determine the potential adverse impact the position could have on the efficiency or integrity of the service.

3. Higher risk positions shall undergo a more rigorous investigation, which may include requiring the subject(s) to provide additional years of residence and employment history, a credit check for those having fiduciary responsibilities and verification of education, etc. and as otherwise deemed necessary by the HSS.

C. Upon the transition to the unified HSS, school employees shall become employed by the HSS. They shall maintain the same employment category they held at their local school prior to the transition (e.g., Year-Long Employee, School-Year Employee). Upon the transition, they shall not be considered to be newly hired, probationary or transferred employees of the HSS unless they were already in that employment category at the time of the transition.

D. As a Hopi Tribal Regulated Entity, the HBE disclaims any applicability of the Fair Labor Standards Act ("FLSA"), P.L. 75-718, and asserts the Hopi Tribe's sovereign immunity from application of the FLSA to the HSS. Notwithstanding the foregoing, the HSS generally adopts, as its policy, not as federal law, the definitions, policies and procedures set forth in the FLSA. By disclaiming the applicability of the FLSA, the HSS affirmatively states that it shall not respond and is not required to respond to any federal claims or the jurisdiction of any federal court; however, it shall respond in Hopi courts to its decision to include similar employment provisions via its own policies. While the HSS may use definitions and principles from the FLSA, it is not bound by the FLSA, and there shall be no jurisdiction over the HSS arising from the FLSA.

E. The following categories of employment shall apply to employees of the HSS:

1. Exempt Employees are those executive, professional and administrative employees who are exempt from coverage of the HSS's overtime provisions. The HSS's exempt employees include, but are not limited to:

    a. Principals;

    b. Assistant Principals;

    c. Certified Teachers;

    d. Certified School Counselors;

    e. Curriculum Instruction Director;

    f. Exceptional Education Director

    g. Hopi Language and Culture Director;

    h. Finance Director;

    i. Transportation Director;

    j. Facilities Director;

    k. Food Services and Nutrition Director; and

    l. Information Technology Director.

2. Non-exempt Employees are those employees who are not exempt from coverage under the HSS's overtime provisions. In addition to the above categories, each employee shall belong to one employment category:

    a. Year-Long Employees: Year-long employees are those who are not in a temporary or probationary status and who are regularly scheduled to work a full-time schedule on a year-long basis. Generally, they are eligible for the HSS fringe benefits package, subject to the terms, conditions, and limitations of each benefit program.

    b. School-Year Employees: School-year employees are those who are not in a temporary or probationary status and who are regularly scheduled to work a full-time schedule during a school year. Generally, they are eligible for the HSS fringe benefits package, subject to the terms, conditions, and limitations of each benefit program.

    c. Probationary Employees: Probationary employees are those whose performance is being evaluated to determine whether further employment in a specific position or with HSS is appropriate. Probationary employees are not

allowed to travel unless it directly relates to their job responsibilities. There are two classifications of probationary employees:

i. Newly Hired. Newly hired probationary employees are those employees who were not employed by the HSS immediately before their hire for the subject position or whose contract was terminated or non-renewed before their hire by the HSS for the subject position; and

ii. Promoted and/or Transferred. Promoted/transferred employees are employees who were employed by the HSS at the time they were promoted or transferred to the subject position.

iii. A probationary employee serves at-will and at the pleasure of the HBE and may be terminated at any time by the HBE with or without cause. A probationary employee is not entitled to grieve their termination or any other matter through either the grievance procedures or appeal procedures. The decision of the HBE shall be final. See Section 5111, Probationary Period.

d. Temporary Employees: Temporary employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category may not exceed one hundred twenty (120) total days per fiscal year. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all other benefit programs. A temporary employee is considered an Employee-at-Will and may be terminated at any time by the HBE with or without cause. An Employee-at-Will is not entitled to grieve their termination or any other matter through either the grievance procedures or appeal procedures. The decision of the HBE is final.

e. Part Time Employees: Part time employees are employees hired for the school or full year who work less than 40 hours per week or less than the full time number of hours established for a position if such number of hours is specifically set by these policies. Benefits for such employees are determined by their individual contracts with the HSS, not these policies. If no benefits are given in said contract then it is presumed that the employment is without benefits or is limited to those benefits specifically set forth in their contract. Part time employees are not to be considered "eligible employees" for purposes of Chapter 5300 herein. Prior to any non-employee providing services to the HSS, pursuant to a stipend or other arrangement, said person shall complete the background check as set forth in Sections 5021 and 5040 of the HSS Manual. Part time employees are subject to rules and standards of conduct set forth in these policies and have the right to the grievance and appeals procedures set forth herein.

f. Student Teachers: Persons student teaching at the HSS under a recognized student teacher program are not employees of the HSS. Student teachers do not have the rights of employees under these policies, and shall not generally be compensated for their student teaching activities. Student teachers shall adhere to the standards set forth for the staff in these policies. Any violation of said standards by the student teacher shall be grounds for the termination of the student teaching opportunity for that person at the HSS.

Section 5102 Employment Status

A. All personnel are either term employees or at-will employees of the HSS.

B. "Term employee." A term employee is a staff member who is employed by the HSS pursuant to a written contract that specifies the duration of the employment contract, which shall not exceed one (1) year. All staff members who are not term employees are at-will employees.

C. "At-will employee." An at-will employee is a staff member who is employed by the HSS for no specific term and who has no right of continued employment. The employment of an at-will employee may be terminated by action of the HBE for any reason or for no reason, with or without advance notice, as the HBE desires. No employee or HBE member shall have the authority to make any agreement or contract to the contrary or any agreement with an at-will employee for any specified period of time. No HSS policy or regulation or item within the HSS's handbook is intended to - and shall not operate to - create any property or contract rights inconsistent with the at-will employment status of support staff members.

Section 5103 Volunteers

A. Volunteers are not employees of the HSS nor shall they receive compensation or benefits under these policies. Volunteers may apply for employment with the HSS through one of the above-described categories. A volunteer providing continuing services for the HSS shall develop a plan including their scope of services and times and which HSS employees shall provide immediate supervision to the volunteer.

B. The supervising employee shall obtain approval from the HBE to utilize volunteer services in their department/program. Once volunteer services are approved for a department/program, volunteers shall be approved by the supervisor and the HBE prior to them providing services. The CSA shall submit volunteers to the HBE for approval. Volunteers shall have successfully completed a background and fingerprint check as set forth in these policies prior to providing such services.

Section 5110 Position Descriptions

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

B. The Personnel Director and the CSA shall prepare the Position Descriptions and shall consult with other Department Directors and Principals in developing the Position Descriptions as needed.

C. All Position Descriptions shall be regularly reviewed, evaluated and revised to ensure all responsibilities and needs of the Hopi School System are being met.

D. All Position Descriptions shall be approved by the HBE prior to use.

Section 5111 Probationary Period

A. Probationary Period required for newly hired, newly promoted, and transferred employees. The HSS uses a Probationary period for newly hired, newly promoted, and transferred employees to evaluate employee capabilities, work habits, and overall performance, including activities such as:

1. Progress reports at one-month intervals may be conducted by the immediate supervisor;

2. The supervisor and the HBE may approve a one-time extension of the probationary period by thirty (30) days; and

3. Prior to the completion of the probationary period or any extension of the probationary period, the employee's supervisor shall conduct and complete an evaluation of the employee and provide it to the CSA.

B. Newly Hired Employees.

1. Newly hired employees are considered probationary employees for the first ninety (90) days of employment.

2. This probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Probation is part of the selection process used to confirm the initial employment decision and reject those whose performance is not satisfactory.

3. During this period, the HSS shall have an opportunity to determine whether further employment is appropriate. The employment relationship can be terminated by the HSS at any time and for any lawful reason or no reason during the probationary period.

C. Newly promoted employees. Newly promoted employees are considered probationary employees for the first forty-five (45) days of their new position.

D. Newly transferred employees. Newly transferred employees are considered probationary employees for the first forty-five (45) days of their new position.

E. Probationary employees.

1. Newly hired, newly promoted and transferred probationary employees ("probationary employees") shall be eligible for worker's compensation insurance and social security as required by law.

2. Newly hired probationary employees are eligible for up to five (5) working days paid undesignated leave. The five (5) days of undesignated leave are only available during the probationary period, are not paid out if not used, and are not added to the amount of undesignated leave provided to regular employees once the probationary employee becomes a regular employee. Employees under probation are not entitled to any other benefits, except probationary employees are entitled to paid jury duty leave and as otherwise provided in the HSS Manual.

3. If the probationary employee is absent due to illness, injury or cultural purposes, the probationary employee shall provide a physician's or medicine person's statement verifying the purpose for the leave and its beginning and ending dates.

4. When a probationary employee successfully completes the probationary period and obtains the status of a regular employee, the employee's undesignated leave earned during the probationary period shall be subtracted from the amount of leave provided to a regular employee for the first year of hire. There shall be no back pay for leave occurring during the probationary period.

F. Employee benefits shall begin accruing starting with the first pay period; however, no undesignated leave may be actually used until the Employee successfully completes the probationary period. If the Employee does not successfully complete the probationary period, the Employee shall not be paid for any leave, except for three (3) days jury duty if applicable.

G. For newly transferred and/or promoted employees who are subject to a probationary period, these employees shall continue to accrue their undesignated leave.

H. A newly hired probationary employee is not allowed to travel on behalf of the HSS unless it directly relates to their job responsibilities.

I. All probationary employees are considered employees-at will and at the pleasure of the HBE and may be terminated at any time by the HBE upon the supervisor's recommendation, with or without cause. The determination to terminate a newly hired probationary employee during the probationary employee status is solely within the discretion of the HBE. A probationary employee is not entitled to grieve his/her termination through either the grievance procedures or appeal procedures.

J. When a probationary employee has been promoted and/or transferred before completing the probationary period, he/she shall be required to serve another probationary period of forty-five (45) calendar days at the discretion of the supervisor.

K. When an employee has been promoted, but fails to successfully complete the probationary period, the employee may be returned to their former position if it is available or an equivalent position. If such position is not available, the employee, may be terminated as an at-will employee, may be placed on an improvement plan, or may be subject to any other range of options provided for under policy.

L. When a supervisor fails to conduct a 90-day probationary period evaluation and takes no action, the CSA may convert the employee to regular status and shall notify the appropriate supervisor of his or her failure to conduct evaluation.

Section 5120 Employment Reference Checks

A. To ensure that individuals who are employed by the HSS are well qualified and have a strong potential to be productive and successful, it is the policy of HSS to make documented, good faith efforts to contact the most recent supervisors from previous employers to obtain information relevant to a person's fitness for employment and any ongoing administrative or performance related issues. See also HSS Manual, sec. 5021(K)(5).

B. The Personnel Director or designee shall respond to all reference check inquiries from other employers. Responses to such inquiries shall confirm only dates of employment, position(s) held, and whether the HSS would or would not re-hire the former employee. No further employment data shall be released without a written authorization and release signed by the individual who is the subject of the inquiry, unless required by law.

Section 5121 Medical Certificates/Testing Required

A. Ensure that all new employees obtain a Standard First-Aid certificate within the employee's initial thirty (30) days of employment. Each employee shall apply for recertification every second year or prior to expiration date of certificate.

B. Ensure that new employees obtain a CPR certificate within the employee's initial thirty (30) days of employment. Each employee shall apply for recertification annually.

C. Ensure that all new employees obtain medical examinations as required and as set forth in Section 5015 of the HSS Manual.

Section 5122 Personnel Data Changes/Updates

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

B. Teachers, administrators, and other personnel required to be certified shall supply to the Personnel Department the required certification. It is the responsibility of each

teacher and administrator and other personnel required to be certified to obtain such certification, supply proof of such certification to the administrative office and to keep their certification current.

Section 5123 Access to Personnel Files

A. The HSS maintains a personnel file on each employee. The personnel file includes information such as the employee's job application, resume, employment contract, records of training, documentation of performance evaluations and salary increases, and other employment records.

B. All information and materials related to an employee's background/criminal history shall be kept separate from the general employment file and secured in a locked container or area in the Personnel Department of the HSS Central Administration Office. Only the Personnel Director and a designee shall have access to applicant/ employee's background/criminal history records and results. The Personnel Department shall log who accesses such files by sign-in sheet or other appropriate measure.

C. Personnel files are the property of the HSS and access to the information they contain is restricted and confidential in accordance with federal and other applicable laws. Only the Personnel Director or designee may review information in a personnel file. To the extent permitted by law, personnel files shall not be considered public records.

D. An employee who wishes to review his/her own file, shall contact the Personnel Director or designee. With reasonable advance notice, an employee may review his/her own personnel file in the Personnel Department and in the presence of the Personnel Director or designee. No documents may be altered, added to, or removed from the file during such review.

Section 5124 Non-Disclosure of Confidential Information

A. The protection of confidential information is vital to the interests and the success of the HSS. Such confidential information includes, but is not limited to, the following:

1. Employee Compensation data;

2. Employee Medical file;

3. Students Records; and

4. Pending projects and proposals.

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

Section 5130 Accuracy of Information in Employment Applications

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

Section 5140 HSS Evaluation System

A. The HBE shall develop and adopt a "HSS Evaluation System" to ensure that employees accomplish, at a high level of performance, their duties and responsibilities and positively impact student achievement. Legal Ref.: Hopi Education Code, sec. 12.4.

B. The HSS Evaluation System shall be based on job descriptions, accomplishment of annual HSS goals and performance objectives, and established evaluative criteria.

C. To implement the HSS Evaluation System, the HBE shall develop and use evaluation instruments, chosen evaluative methodology, and a Rubric for Evaluating HSS Staff for all certified and classified employees.

D. The HSS Evaluation System shall include but not be limited to the following HBE objectives:

1. Ensure all employees complete training on the HSS Evaluation System prior to participating in the evaluation process;

2. Specify the dates by which observations and written evaluations shall be conducted;

3. Performance standards shall be developed and be based upon the principle job elements set forth in the written position description and, where possible, written in measurable objective statements;

4. Include tiered rating scales for all certified and classified staff;

5. Utilize the Evaluation Form to be developed in accordance with Section 5141 of the HSS Manual;

6. Include professional development plans to address areas in need of improvement in the employee's performance, along with a timeline within which improvement shall be noted. If an employee is not performing satisfactorily, the evaluator shall so notify the employee in writing and describe the unsatisfactory performance. The evaluator shall confer with the employee, make specific recommendations as to areas needing improvement, and endeavor to provide assistance to the employee in his/her performance; and

7. Provide the supervisor with a formal process for feedback to and from employees, including the supervisor's assessment of areas of strengths and those needing improvement in the performance of assigned duties.

E. The results of performance evaluations shall be the supporting data used for individual personnel decisions such as promotions, demotions, incentive awards and other recognition. They shall also be used to plan group training, organizational restructuring and work force expansion. Increases in compensation are not automatic and shall be based in part on performance evaluations results.

F. Copies of the performance evaluation shall be filed in each employee's official personnel file.

Section 5141 Evaluation Forms

A. As part of the HSS Evaluation System, the HBE shall approve "Evaluation Forms" for all HSS employees.

B. The CSA and Principal shall provide supervisors with the approved Evaluation Forms for each employee in their areas of responsibility.

C. The supervisor shall complete a written evaluation of each employee under his/her supervision on the approved Evaluation Form.

D. An accurate and completed copy of the evaluation, dated and signed by the supervisor, shall be delivered to the employee in a private conference. The evaluation shall be signed and dated by the employee acknowledging only receipt at the time of the conference.

E. The Evaluation Form shall include space for comment by the employee, and if the employee does not agree with the evaluation, a statement of non-concurrence may be included in the evaluation.

Section 5142 Evaluation of Certified Teaching Staff

A. A primary purpose of the HSS Evaluation System is to assess teacher's and teacher assistant's (hereinafter "teacher") performance in relation to the HSS Academic Standards, to design a plan for professional growth, and to share accountability for the success of each student.

B. The Principal shall implement the HSS Evaluation System in which the teacher shall actively participate through the use of self-assessment, conferences, and classroom observation(s).

C. Evaluations of certified teachers shall be conducted as follows:

1. Probationary Teachers: Principals shall conduct at least two (2) formal evaluations of all probationary teachers per year; and

2. Teachers. Principals shall conduct at least one (1) formal evaluation of all teachers per year.

D. Evaluations of certified teachers' performance shall include but not be limited to the following HBE objectives:

1. Centering instruction on high expectations for student achievement;

2. Enhance the implementation of the approved curriculum;

3. Serve as a measurement of performance for individual teachers;

4. Serve as the basis for instructional improvement and effective teaching practices;

5. Fostering and managing a safe and positive learning environment;

6. Serve as a tool in developing teacher coaching and mentoring programs and in guiding professional development programs for teachers;

7. Communicating and collaborating with parents and school community; and

8. Exhibiting collaborative and collegial practices focused on improving instructional practices and individual student learning.

D. Copies of written evaluation summaries and any changes in the evaluation processes shall be provided to the CSA within fourteen (14) days of completion of the evaluation. Legal Ref.: Hopi Education Code, sec. 12.4.D(2).

Section 5143 Evaluation of Certified Administrative Staff

A. Evaluation of the Chief School Administrator. The HBE shall conduct an evaluation of the CSA at least once per year in accordance with the requirements of the HSS Evaluation System and the HSS Manual. See HSS Manual, sec. 8615.

B. Evaluation of Certified Principals and Assistant Principals.

1. The CSA shall conduct evaluations of all Principals and assistant Principals holding the appropriate certificates and employed to supervise the operation and management of a HSS school at least once per year in accordance with the requirements of the HSS Evaluation System and the HSS Manual. See HSS Manual, sec. 8613(C)(2).

2. All certified Principals and assistant Principals shall be evaluated through a rubric based on a leadership, administration, and management framework.

3. The CSA shall notify all HBE members that the evaluation is due to be completed thirty (30) days prior to the evaluation due date and provide the HBE with the completed evaluation of each Principal and assistant Principals.

4. The CSA shall discuss the results of the evaluations with each Principal in a private meeting. The Principal shall be given a copy of the written evaluation.

C. Evaluation of Administrative Staff.

1. The CSA shall conduct evaluations of all Directors of the Central Administration Office at least once per year based on specific performance goals. See HSS Manual, sec. 8613(C)(2).

2. The performance of administrative staff, other than certified Principals and assistant Principals, shall be evaluated at least once per year based on specific performance goals established with the supervisor and on the administrator's overall job performance as compared to the administrative job description.

3. The evaluative criteria for other administrative staff shall include but not be limited to:

a. Leadership;

b. Administration and management;

c. HSS finance;

d. Professional preparation and scholarship;

e. Effort toward improvement when needed;

f. Interest in students, staff, patrons and subjects taught in schools; and

g. Evaluation of staff.

Section 5144 Evaluation of Classified Staff

A. The HBE attaches a high priority to hiring the most competent and highly qualified non-certified staff (hereinafter "classified staff") available and, once they are employed, in assisting them in their growth and development throughout their careers.

B. To assist the HSS in reaching these goals, the performance of classified staff shall be evaluated at least once per year. If problems are observed, additional observations may be required.

C. Each supervisor shall meet with classified staff within thirty (30) days of the beginning of each school year to review performance standards. New employees shall review the performance standards with the supervisor within the first two (2) weeks of employment.

D. Annual evaluations of classified employees' performance shall include but not be limited to the following HSS objectives:

1. Exemplary performance as well as deficiencies in performance shall be clearly identified;

2. Supervisors and Principals shall facilitate open communication with employees about performance expectations;

3. An employee who is unclear about how performance is being assessed or desires additional evaluation opportunities shall address these issues with his or her immediate supervisor;

4. Evaluation data will be submitted to the Central Administration Office personnel file;

5. Evaluation data may be used in making employment decisions, including transfers, promotions and dismissal and demotion of employees; and

6. The CSA, Personnel Director, and all evaluators are encouraged to develop ways to recognize exemplary employees and to capitalize on the abilities of exemplary employees in helping other employees.

E. The CSA and Personnel Director shall oversee development of any other necessary procedures and shall provide training, as necessary, to carry out these HSS objectives. Such procedures shall be approved by the HBE.

Section 5150 Bonus Compensation

A. To increase retention of employees, to remain competitive with other similarly situated federally-funded and/or state-funded schools, and to provide incentives to achieve performance objectives, the HSS finds it reasonable and necessary to allow discretionary service payments or bonuses to employees and newly hired employees.

B. One of the HSS's primary goals is reaching achievement targets set by the HSS. The HSS further believes that affording its employees the opportunity to obtain bonuses will assist the HSS and its students in achieving targets through the provision of employee performance that goes above and beyond that which merely satisfies the employees' job duties.

C. There shall be several bonus categories which employees may be eligible for, including but not limited to:

1. Sign on bonuses for new employees; and

2. Retention bonuses.

D. Sign on bonuses for new employees shall be determined at the discretion of the HBE. The Personnel Director shall establish procedures for implementing sign on bonuses, which shall be approved by the HBE.

E. Retention bonuses for employees who have continued employment with the HSS shall be determined at the discretion of the HBE. The Personnel Director shall establish procedures for implementing continued employment bonuses, which shall be approved by the HBE.

F. Meeting or exceeding performance standards does not automatically require or give an employee the right to a bonus it merely qualifies an employee for such consideration should the HBE, determine that there is sufficient funding and, in the HBE's sole discretion, that such service payments or bonuses are reasonable, fiscally responsible and in the HSS's best interest. Such bonuses will be contingent in part upon the results of employees' Spring performance evaluation from the previous school year and Fall performance evaluation from the current school year and the school's progress in academic achievement and other performance indicators.

G. All HSS employees are eligible for bonuses as described herein and no employee may receive a bonus in excess of the U.S. Social Security Administration's most current percentage Cost-of-Living Adjustment multiplied by the Employee's individual annual compensation amount as stated in the Employee's employment contract under the heading "Compensation," less all applicable deductions. Actual bonus amounts may be less than the maximum possible amount noted above, but shall not exceed that amount.

H. Any bonuses are subject to prior approval by and at the sole discretion of the HBE. The staff shall not be informed of or paid bonuses until HBE approval. Bonuses shall not be paid to any employee unless the HBE, Finance Director, and CSA determine that the Federal Government furnished sufficient funds to meet all of the HSS's other budgetary needs for the school year.

I. There is no right to any bonuses.

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

Section 5160 Contract Renewal/Non-Renewal

A. In general, renewal or nonrenewal of an employee's contract with the HSS shall be determined during the last quarter of an employee's current contract year.

B. If the employee's contract expires without a decision or action, the employee's contract with the HSS shall be deemed to have been nonrenewed and the employee's employment with the HSS shall cease with the end date of the employee's current contract. A nonrenewal of an employment contract is not an "adverse action."

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

D. As required by Section 4.11.F(5) of the Code, the HBE shall provide written notification to all contracted employees of the reason(s) based on statements of fact for any non-renewal determination of an employee's contract which shall be conducted as follows:

1. The reasons stated for non-renewal shall not be a basis for any appeal, claim, grievance, review, action, or cause for liability against the HSS;

2. Reasons based on statements of fact may be fulfilled by attaching and incorporating by reference prior disciplinary action, prior evaluations, or other documents or actions;

3. Reasons based on statements of fact may include, but shall not be limited to, one or more of the following: unprofessional conduct, failure to follow directives, disrespectful behavior and insubordination, failure to work cooperatively with your supervisors, failure to work effectively with your supervisors and staff, failure to follow chain of command, violations of HSS policies, failure to follow staff handbook, failure to follow standards of conduct, failure to follow corrective actions, failure to maintain an appropriate professional relationship with students, excessive absenteeism, lack of funding, reorganization, or lack of work;

4. Probationary Employees: If the employee has not completed his/her probationary period under the old contract, then the probationary period shall be continued into the new contract term if a new contract is offered in the same position. The offering of a contract renewal to a probationary employee is not considered a satisfactory completion of the probationary period. The probationary period shall continue for the mandatory calendar days; and

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

CHAPTER 5200 - MANAGEMENT OF THE WORK FORCE

Section 5201 Regular Hours of Work

A. The regular hours of work for the Hopi School System shall be:

1. The working hours for office and academic staff shall be 7:30 a.m. to 4:00 p.m. Monday through Friday for the HSS elementary schools and 8:00 a.m. to 4:30 p.m. Monday through Friday for the Hopi Junior Senior High School.

2. The above listed working hours may be altered depending on the needs of a school and the Central Administration Office as may be determined by the HBE in consultation with the school Principal and the CSA.

3. The facility management and transportation staff shall work assigned, staggered shifts depending on the needs of the HSS as identified by the Transportation and Facilities Directors, the Principals and the CSA.

4. Kitchen staff regular hours of work are from 6:00 a.m. to 2:30 p.m. The regular kitchen staff working hours may be altered depending on the needs of a school as may be determined by the HBE in consultation with the school Principal and the CSA.

B. Flexibility in regular hours of work may be allowed as follows:

1. At times, circumstances shall require schedules for employees to vary throughout the HSS. The HSS may use as guidance, but is not legally bound by, the different terms and conditions which apply to exempt and non-exempt employees under the FLSA. See HSS Manual, sec. 5101. This is particularly important relative to overtime eligibility. See HSS Manual, secs. 5101, 5232 and 5235.

2. Supervisors shall advise employees of their individual work schedules and any variations in such schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day of the week. The CSA is authorized to declare administrative leaves when the situation dictates.

Section 5202 Meal Periods for Staff

A. All full-time employees are allowed one meal period of a minimum of thirty (30) minutes in length each workday. Supervisors shall schedule meal periods to accommodate HSS operations. Employees should be relieved of all active responsibilities and restrictions during meal periods and shall not be compensated for that time.

B. HSS employees may be allowed to purchase and consume meals provided by the HSS.

Section 5203 Dress Code and Appearance

A. Employees are expected to be neat in appearance and dress in a manner consistent with an institution which serves the public. The impression made on students, visitors and co-workers shall be of foremost consideration.

B. T-shirts, shorts or jeans with holes are examples of unacceptable dress. Inappropriately revealing clothing or clothing depicting alcohol, cigarettes, or illegal substances is prohibited.

Section 5210 Absences

If an employee is unable to report for duty, that employee shall call, text or email his/her immediate supervisor or Principal if unable to reach their immediate supervisor at least one hour prior to the beginning of work. Failure to do so may result in disciplinary action.

Section 5211 Absence Without Leave/Lateness

A. An employee shall be deemed "absent without leave" when absent from work during scheduled duty time without prior notification to the HSS. This shall include absence due to lateness or due to leaving early or any other absence that is not specifically excused. Absence shall not be excused unless the reason for absence conforms to policy on undesignated leave, or other specific policy on excused absences as adopted by the HBE.

B. Employees are authorized to leave campus during lunch period, but are otherwise expected to be on campus during scheduled duty time unless off campus on school business.

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

D. All unauthorized and/or unreported absences shall be considered Absence Without Leave ("AWOL"), and a deduction of pay shall be made. Such absences shall be grounds for disciplinary action. Absence Without Leave for three (3) days within a calendar month shall be deemed a resignation from employment.

Section 5212 Health Standards

A. Purposes. Good health of all persons associated with HSS is important. The HSS shall comply with all health standards and directives issued by or through the Indian Health Service, Hopi Health Care Center, and the Environmental Health Office of the Hopi Tribe.

B. Health Standards. It is the policy of the HSS to take reasonable and lawful measures to protect students and staff members from the transmission of communicable diseases. The Personnel Director, in collaboration with the health authorities on Hopi, shall draft

procedures to implement this policy in a manner consistent with Tribal and federal laws. Such procedures shall be approved by the HBE.

C. Exclusion from School.

1. A staff member who has a communicable disease shall be excluded from school only if the staff member presents a direct threat to the health or safety of others in the school workplace. The outbreak control measures and other directives of the Indian Health Service, Hopi Health Care Center, and the Environmental Health Office of the Hopi Tribe shall be acted upon as the best medical knowledge and judgments with regard to the exclusion of a staff member who has a communicable disease that is addressed by applicable regulations.

2. A staff member who has a chronic communicable disease, such as tuberculosis or HIV/AIDS, shall not be excluded unless a significant risk is presented, to the health and safety of others, which cannot be eliminated by reasonable accommodation. The Personnel Director shall consult with legal counsel and health professionals, as necessary, to ensure that exclusion of a staff member with a chronic communicable disease will not violate the staff member's rights under the Americans with Disabilities Act, P.L. 101-336, or Section 504 of the Rehabilitation Act, P.L. 93-112.

3. If the Personnel Director determines that a staff member should be excluded due to a communicable disease that poses significant risk to the health and safety of the HSS, he/she shall present these findings to the CSA who shall reach a decision on whether the staff member shall be excluded from the HSS.

4. The school nurse or other person designated by the CSA shall reassess a staff member who is excluded from the HSS because of a communicable disease before the staff member returns to work. The HSS shall require a physician's written medical release as a condition of the staff member's return to work.

D. Reporting and Notification.

1. The HSS shall report to its local health agency each diagnosed and suspected case of a communicable disease that must be reported under applicable state, federal, or Tribal law.

2. Disease outbreaks that the HSS must report by telephone within twenty-four (24) hours are:

   a. Foodborne/waterborne illness;

   b. Giardiasis (intestinal infection caused by parasite);

   c. *Haemophilus influenzae, type b, invasive disease* (bacterial disease);

   d. Hepatitis A;

e. Measles (rubeola);

f. Meningococcal invasive disease (bacterial meningitidis);

g. Mumps;

h. Pertussis (whooping cough);

i. Rubella (German measles);

j. Scabies (burrowing mites in skin); and

k. Shigellosis (intestinal bacterial infection).

3. Outbreaks of pediculosis (lice infestation) also must be reported.

4. If an outbreak of a communicable disease occurs in a school setting, the CSA or the school nurse shall promptly inform staff members who are known to have special vulnerability to infection. The HSS does not assume any duty to notify an employee of health risks caused by the presence of a communicable disease in the school setting unless the at-risk employee has previously notified the HSS of conditions when the at-risk employee requires notification.

E. Confidentiality.

1. The HSS shall make reasonable efforts to maintain the confidentiality of staff members' medical conditions. The identity of a staff member who has a communicable disease and/or the nature of the communicable disease may be disclosed only to:

a. Staff members who must have such information to carry out their duties under this policy; or

b. Staff members or students (or their parents/guardians) who must have such information to protect themselves from direct threat to their health or safety.

2. Inquiries or concerns by staff members or others regarding communicable diseases or a staff member who is known or believed to have a communicable disease shall be directed to the CSA or the school nurse.

F. Universal Precautions. The HSS shall follow the "Universal Precautions Standard" to protect employees who are at risk of being exposed to blood and body fluids in the course of their work.

G. Food Service Workers. The HSS shall follow the guidance of the U.S. Department of Health and Human Services and Hopi Tribal law concerning infectious and communicable diseases transmitted through the handling of food, and special precautions required for food services workers.

H. HIV/AIDS. Current medical information indicates that HIV can be transmitted by sexual intercourse with an infected partner, by injection of infected blood products, and by transmission from an infected mother to her child in utero or during the birth process. None of the identified cases of HIV infection in the United States are known to have been transmitted in a school setting or through any other casual person-to-person contact. There is no evidence that HIV is spread by sneezing, coughing, shaking hands, hugging, or sharing toilets, food, water, or utensils. According to best medical knowledge and judgments, the use of the "universal precautions" and other procedures that implement this policy are sufficient to protect staff members and students from transmission of HIV at school.

I. Hopi Tribal Communicable Disease Laws and Orders. The HBE, in consultation with the CSA and other stakeholders, shall follow all Hopi Tribal laws and orders related to communicable diseases and take all reasonable precautions to limit the transmission of the communicable disease amongst HSS staff and students.

Section 5213 Outside Employment

A. An employee may hold a job with another organization as long as he/she satisfactorily performs his or her job responsibilities with HSS and such employment does not constitute a conflict of interest. Employees shall consider the impact that outside employment may have on their health and physical endurance. All employees shall be judged by the same performance standards and shall be subject to HSS scheduling demands, regardless of any existing outside work requirements.

B. If the HSS determines that an employee's outside work interferes with the employee's performance or the ability of the employee to meet the requirements of the HSS as they are stated or modified from time to time, the employee may be required to terminate the outside employment if he/she wishes to remain employed by the HSS.

C. Outside employment shall present a conflict of interest if it has an actual or potential adverse impact on the HSS.

Section 5214 Chain of Command

All employees shall follow the chain of command in accordance with the approved Organizational Chart of the HSS. Failure to follow the chain of command shall be grounds for disciplinary action, up to and including, termination of employment.

Section 5220 Training

A. Each employee is encouraged to develop skills through on-duty and off-duty training. When funds are available, training shall be provided and paid by the HSS.

B. Any employee who receives training at the HSS's expense is expected to work for the HSS through the duration of their contract. Except in extenuating circumstances, any employee who fails to complete their employment contract due to a breach of contract, an early termination of the contract, being terminated by the HSS due to disciplinary

actions/violations of policy, or resigns without a legitimate documented emergency shall reimburse the HSS for the cost of any training received by the employee in the last twelve (12) months from the conclusion date of the contract. The employee, by signing the acknowledgement to the HSS Policies and Procedures Manual, agrees that any such amounts may be deducted from their last remaining paychecks or other amounts the HSS may owe employee.

C. In-Service Training. Workshops for school employees shall be held as needed. Each department supervisor shall be responsible for assessment of needed training and shall direct requests for in-service training to the Principal in writing. If the Principal approves the request, the Principal shall forward the request to the CSA or designee for approval of any in-service training. An employee who attends off-site training shall be required to provide In-Service-Training to the staff.

D. Off-Site Training. All training requiring Overnight Travel (defined as travel which requires greater than twelve (12) hours to complete) or has conference, training and/or meeting fees shall be approved by the HBE. See HSS Manual, sec. 4702. A training request shall be placed on the Agenda at the next regular HBE meeting after the request and a report from the Finance Director for funding availability has been submitted. Bureau of Indian Education ("BIE") or other governmentally required trainings and/or meetings that have not provided sufficient notice shall be exempt from this section; however, travel for such trainings and/or meetings shall be placed on the agenda for approval at the next HBE meeting.

Section 5230 Employee Orientation

A. Orientation for all HSS Employees. The Principals, in collaboration with the CSA, shall establish a program to provide an orientation for all HSS employees prior to the beginning of the school year. The orientation shall be conducted by the local school Principals. At a minimum, this program shall cover the following items:

1. Hopi culture, language and Tribal government structure, HSS organizational structure, and HSS philosophy of education and learning;

2. Personnel policies;

3. Terms of employment;

4. Hours of work;

5. Salary and Fringe-benefits plans;

6. General disciplinary rules and procedures;

7. Evaluation program and name(s) of evaluator(s);

8. Child Abuse Reporting Requirements; and

9. Handling of body fluids.

B. A Personnel Generalist under the direction of the Personnel Director shall be responsible for giving each new employee the basic information concerning the Orientation program set forth in Section 5230(A) of the HSS Manual, along with the essential forms on or before the first day of work.

C. Specific job expectations such as prescribed procedures for completing assignments, where to obtain supplies, and other vital information shall be given by the immediate supervisor.

Section 5231 Administration

The department directors shall ensure that authorized employee development programs are properly administered. A Personnel Generalist shall maintain records of all training conducted and ensure that a current record is maintained in each employee's personnel file.

Section 5232 Timekeeping

A. Accurately recording time worked is the responsibility of every employee. Federal laws require the HSS to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is time actually spent on the job performing assigned duties. See also HSS Manual, Chapter 4600 (Payroll).

B. Employees shall accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They shall also record the beginning and ending time of any split shift or departure from work for personal reasons.

C. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. Time records shall be kept/entered at the work site and will be entered directly into electronic software using a timeclock or manually entered later.

D. It is the employee's responsibility to sign his or her timecard or clock in and out and certify the accuracy of all time recorded.

1. Each employee's time sheet or electronic record is forwarded to the timekeeper on a bi-weekly basis, which ensures all the timesheets are submitted in a timely manner. The timekeeper forwards the timesheets to the supervisor who reviews and approves them.

2. The supervisor shall review and sign the timecard before submitting it for payroll processing. If corrections or modifications are made to the timecard, both the employee and the supervisor shall verify the accuracy of the changes by initialing the timecard.

Section 5233 Paydays

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

B. In the event that a regularly scheduled payday falls on a regular day off or holiday, employees shall receive pay on the last day of work before the regularly scheduled payday.

C. If payday falls during an inter-session, school year employees shall be paid on the regular payday.

D. If an employee has direct deposit to their account, the payroll clerk requires a ten (10)-day advance notice to stop the direct deposit.

E. No Cash Advances may be made to any employees.

Section 5234 Pay Deductions and Setoffs

A. The HSS offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to make bank deposits, 401k plans, and other programs that accept payroll deductions.

B. Court ordered wage garnishment may be deducted from employees' paychecks.

C. Pay setoffs are pay deductions taken by the HSS usually to help pay off a debt or obligation to HSS (i.e., meals, rent, etc.)

D. If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Finance Director or designee can assist in answering your questions.

Section 5235 Overtime

A. Policy Statement: As a Hopi Tribal Regulated Entity, the HBE disclaims any applicability of the FLSA and asserts the Hopi Tribe's sovereign immunity from application of the FLSA to the HSS. Notwithstanding the foregoing, HSS adopts the procedures and policies set forth in the FLSA relative to overtime. By disclaiming the applicability of the FLSA, HSS affirmatively states that it shall not respond and is not required to respond to any federal claims or the jurisdiction of any federal court; however, it shall respond in Hopi court to its decision to include similar overtime provisions via its own policies. HSS intends by this action to implement a more informal policy designed to insure equity and fairness to its employees and the best interest of HSS students, staff and community. This more flexible system shall be directed by the CSA and shall not be bound by the formal FLSA requirements. It shall be the general direction of these policies to limit overtime to the degree possible, use flex time and compensatory time, in place of overtime and to operate the HSS in a

manner that is fiscally responsible and at the same time fair to staff. The following requirements shall be implemented consistent with this general policy statement.

B. Overtime work for non-exempt employees shall always be approved before it is performed.

C. When operating requirements or other needs of the HSS cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime hours and shall qualify for overtime as provided in this section. When possible, advance notification of these mandatory assignments shall be provided. All overtime work shall receive the supervisor's prior authorization. Overtime assignments shall be distributed as equitably as practical to all employees qualified to perform the required work. Exempt employees are not eligible for overtime or compensatory time.

E. Overtime compensation is paid to all non-exempt employees at the following rate(s): One and one-half times the employee's base straight-time rate for all hours actually worked over forty (40) hours in a work week.

F. Overtime pay is based on actual hours worked. Time off for undesignated leave, holidays, or any leave of absence shall not be considered hours worked for purposes of performing overtime calculations.

G. Overtime shall be tracked and calculated using the HSS's electronic software system.

H. Failure to work scheduled overtime assigned by the appropriate supervisor may result in disciplinary action, up to and including possible termination of employment. Overtime of up to two (2) hours per day may be assigned only by the Principal. Overtime in excess of two (2) hours shall be approved in advance by the Principal.

I. Working overtime without appropriate prior authorization shall be grounds for disciplinary action. In emergency circumstances, the Facilities Director may authorize overtime to resolve the emergency.

J. Compensation Option. Overtime may be compensated by compensatory time off if there is a prior, voluntary (free of coercion or pressure) written agreement reached prior to the work being performed.

1. Prior to working overtime, the employee shall agree to the type of compensation preferred either pay at time and one-half, or compensatory time off at time and one-half. HSS cannot require an employee to accept compensatory time in lieu of overtime pay. An employee cannot demand compensatory time in lieu of payment for overtime worked. It is at the discretion of the HSS provided the agreement requirement is met.

2. Compensatory time off shall be taken within a reasonable period, which shall be determined by the immediate supervisor, but not more than thirty (30) days after it is earned. However, in no case may an employee accrue more than 120 hours of compensation time off.

K. Use of Accumulated Compensatory Time. The employee and his/her supervisor shall arrange compensatory time off. Supervisors shall properly account for compensatory leave earned and taken.

L. Reporting of Overtime and Compensatory Time. The Finance Director is responsible for analysis and control of all overtime and compensatory time and for the submission of such reports as may be required.

Section 5240 Social Media Policy and Use of Electronic Devices

All HSS employees shall be subject to the Social Media Policy of the Hopi School System. See HSS Manual, chapter 10400.

Section 5241 Telephone Policy

Except in an emergency, all telephones, including personal and school telephone calls, are restricted to official business calls. During school hours, phones are for school use only. Personal phone calls may be made during break times.

Section 5242 Emergency Closure/Evacuation

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

B. When operations are officially closed due to emergency conditions, non-essential personnel are not to report to duty without the prior consent of the CSA. Non-essential personnel that report to work without such authorization shall not be paid for days on which their school is closed due to emergency conditions. The CSA or the Facilities Director shall post a list of positions which are designated as "essential personnel." All other positions are designated non-essential personnel.

C. The time off from scheduled work shall be treated as administrative leave without pay.

D. Employees in emergency operations may be asked to work on a day when operations are officially closed. HSS employees are considered disaster service workers and are subject to disaster service activities assigned to them. In these circumstances, employees who work shall receive regular pay.

Section 5250 Use of Equipment and Vehicles

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

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

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

D. Use of HSS equipment and vehicles shall be for official HSS use only. HSS equipment and vehicles shall only be used for the specific purpose for which it was checked out. No other use is permitted. HSS equipment and vehicles may not be loaned or used for personal use under any conditions. Use of HSS equipment and/or vehicles in violation of this policy shall be a ground for discipline up to and including termination. The person to whom the equipment or vehicle was checked out shall pay any damage or expense arising from the misuse or use in violation of this policy. Employee's signature on the Employee Acknowledgement Form (Appendix B) is employee's specific approval and authorization for HSS to deduct wages from employee's paycheck in the amount of the damage or expense of any HSS property arising from an employee's misuse or is in violation of this policy.

E. No temporary employee may use a school vehicle without the written permission of the CSA.

Section 5251 Business Travel Expenses

A. HSS shall reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location.

B. All business travel for HSS employees, HBE members, and local school board members shall follow the Travel Authorization procedures set forth in Section 4702 of the HSS Manual.

C. Employees with approved travel plans shall make all travel arrangements through the HSS Finance Department.

D. When approved, the actual costs, if reasonable, of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives for which original receipts are submitted shall be reimbursed by the HSS unless a flat rate is accepted. Employees are expected to limit expenses to reasonable amounts.

E. Expenses that generally shall be reimbursed include the following:

1. Airfare or train fare for travel in coach or economy class;

2. Fares for shuttle or airport bus service, where available;

3. Costs of public transportation or other ground travel;

4. Taxi or ride sharing services;

5. Mileage costs for use of personal cars shall be provided only under the following circumstances:

    a. When less expensive transportation is not available;

    b. School provided transportation is not available;

    c. Working mothers who are breastfeeding their infant child shall be allowed to take their personal cars and be provided mileage costs;

    d. Subject to approval by the Principal or CSA, individuals with other extenuating health or other circumstances may also be allowed to take their personal cars and be provided mileage costs;

    e. Mileage cost for use of personal cars shall be reimbursed at the existing the U.S. General Services Administration ("GSA") published rate; and

    f. All employees shall obtain prior written approval from the Principal or CSA for use of a personal car;

6. As required by Section 4704 of the HSS Manual, HSS employees, HBE members and local school board members shall use a HSS vehicle for official HSS business travel. If a HSS vehicle is not available, HSS employees, HBE members and local school board members may use a privately owned vehicle. Employees with the same destination for official HSS travel shall ride together whether in a HSS vehicle or a privately owned vehicle. The HSS shall not pay multiple mileage requests for the same trip absent special circumstances and prior written approval by the CSA or designee of said multiple payments;

7. Lodging determined by utilizing GSA rates at the travel destination if pre-authorized by the HBE;

8. The cost of meals shall be paid in advance via current GSA per diem rates; and

9. Charges for telephone calls, faxes, and similar services required for business purposes.

F. Any employee who is involved in an accident while traveling on business shall promptly report the incident to the Principal (involving school employees) and the local

police department where the accident occurred, or to the CSA (involving Central Administration Office employees) and the local police department where the accident occurred.

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

H. Only HSS employees and authorized volunteers are authorized to ride in a HSS vehicle. No spouses or family members shall be allowed in a HSS vehicle. The term "spouse" in this provision is limited to a legally married spouse and/or a spouse married pursuant to a traditional Hopi wedding.

I. Only HBE members or HSS employees may drive the HSS vehicle. A HSS vehicle shall not be taken to an employee's home at night unless the employee has permission from the Principal or CSA.

J. All employees shall be required to take, complete, and pass the Hopi Tribe's Defensive Driving course.

K. Per diem may be made to employees to cover reasonable anticipated expenses, after travel has been approved.

L. When travel is completed, employees shall submit completed travel expense reports with original required receipts attached within five (5) days.

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

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

O. An employee may be required to reimburse the HSS for airfare, train, or non-refundable registration fees or hotel reservations if the individual cancels a travel request.

P. For purposes of calculating travel expenses, the employee's local school or Central Administration Office shall be considered the official duty station.

Q. All travel expenses shall be in compliance with the current Federal Travel Regulation.

R. Exigencies occurring during HSS-sponsored travel and/or activities requiring a further expenditure of HSS funds shall be the responsibility of the traveler or travelers involved in the exigency. Upon approval by the CSA, the traveler or travelers may be reimbursed for expenses deemed appropriate by the Finance Director on a case by case basis.

Section 5252 Credit Cards

A. The HSS credit card shall be limited to HSS authorized use only, and any violations of this policy shall be pursued to the fullest extent. A general rule of use is that the HSS credit card may only be used when no other form of payment is possible.

B. The following rules shall apply to the HSS credit card:

1. The HSS credit card shall remain in the physical possession of the Finance Director until checked out by an authorized user upon approval of the Finance Director and CSA. The HSS credit card shall only be checked out immediately prior to its use and shall be returned to the Finance Director the same day the user returns from an authorized trip or otherwise has no further need of the card, whichever occurs first. If the user returns after business hours, the HSS credit card shall be returned before 8:30 a.m. the next business day.

2. Prior to checking out the HSS credit card, the user shall sign the HSS Credit Card Acknowledgement and Authorization Form acknowledging the user's understanding of the HSS credit card policy, agreeing to any penalties that may be imposed by its misuse, and agreeing to pay back any unauthorized, excessive, or unacceptable charges on the card. Immediate and authorized deductions from paychecks, stipends, per diems, etc. to recover said amounts, is solely at the HSS's discretion.

3. The HSS credit card may only be used by authorized HSS employees and HBE members for the following items:

a. Hotel/Motel rooms not otherwise reserved and/or paid by purchase order while on official authorized HSS business. As with travel in general, lodging charged shall be as economical as possible. Renting special rooms or higher priced rooms when others are available shall be grounds for the HSS's rejection of said charges and said charges being assessed against the user.

b. Most travel shall be pre-arranged with purchase orders used to avoid use of the credit card. When travel is extended or in other rare circumstances, users may charge meals within current GSA rates on the HSS credit card for HSS employees or HBE members. Excessive charges or charges for persons other than HSS employees or HBE members shall be rejected by the HSS and assessed against the user, and subject the user to disciplinary action.

c. Gasoline purchases are for HSS vehicles only. The HSS credit card may be used to purchase gasoline for HSS vehicles only when on travel for the HSS and authorized by the HSS. When using a privately owned vehicle for HSS travel, the HSS credit card may not be used for the purchase of gasoline, repairs or other mechanical necessities.

d. The HSS credit card may not be used for telephone calls, purchase of personal items, gifts or any other thing except as set forth above. The HSS credit card

may not be used for the purchase of any HSS goods except by the Finance Director and/or the CSA, and only when other forms of payment are not acceptable.

C. This policy applies to all employees and HBE members. To reiterate, misuse of the HSS credit card and/or violation of this policy shall result in disciplinary action against employees and recommendations for disciplinary action against HBE members and possible reporting of ethics violations.

Section 5260 Attendance and Punctuality

A. To maintain a safe and productive work environment, the HSS expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the HSS. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they shall call, text or email his/her immediate supervisor or Principal if unable to reach their immediate supervisor at least one hour prior to the beginning of work.

B. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment. See HSS Manual, sec. 5232 (Timekeeping).

Section 5261 Control and Return of Property

A. Employees are responsible for all HSS property, including but not limited to, computers, printers, and all other electronic devices, software, computer-generated materials, other materials or written information issued to them or in their possession or control. Employees shall return all HSS property immediately upon request or upon termination of employment. The Finance Director or designee shall determine the value of the unreturned or damaged property.

B. Any and all information generated by, stored on, or contained in any HSS computer is or becomes the property of the HSS and may not be removed, damaged, or copied and removed from the HSS.

C. Any materials, designs, plans, data, writings, drawings, or other information, from whatever source, electronic or written, done by an employee, HBE member or local school board member on behalf of the HSS, shall remain the property of the HSS. The HSS shall own and control all copyrights that may attach to such electronic or written information. Said property of the HSS shall not be given to an outside firm or individual, except when specifically authorized by the HBE. Any unauthorized transfer, use or disclosure of information shall constitute unacceptable conduct.

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

E. HSS staff and community members may not use HSS equipment for personal use. No HSS property may be taken off campus unless authorized by the CSA or designee.

Section 5262 Keys Policy

A. Keys to classrooms and other HSS buildings shall be issued at the beginning of the school year or upon employment with the HSS, and shall be returned at the end of the school year or upon the termination of employment with the HSS. Each employee shall be held strictly accountable for the key(s) issued to him/her. If any key(s) are lost or misplaced, it shall be immediately reported to the employee's immediate supervisor.

B. A charge shall be assessed for each key to cover the cost of replacement of the key and changing of the lock(s). If a Grand Key (i.e. master key) is lost or misplaced, the person assigned the Grand Key shall be held responsible for the total cost of replacing all of the locks that could be opened by the key.

Section 5263 Security Inspections

A. The HSS wishes to maintain a work environment that is free of controlled substances, alcohol, firearms, explosives, or other improper materials. To this end, the HSS prohibits the possession, transfer, sale, or use of such materials on its premises. The HSS requires the cooperation of all employees in administering this policy.

B. Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the HSS. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the HSS at any time, either with or without prior notice.

Section 5270 Monthly Reports

Each Department Director shall submit written reports to the CSA on a monthly basis on his/her Department or program's progress during the last month. The CSA shall create and update, as needed, a template which all Department Directors shall use to submit their reports. All reports shall be due by the close of business on the last business day of the month. All reports shall be on time so that the CSA may finalize the HSS's report deadline for submission to the HBE. Any report submitted late or not submitted shall be reflected in the Department Director's personnel file.

Section 5271 General Staff Meeting

Each school and the Central Administration Office shall hold an independent, general staff meeting every month.

Section 5272 Supervisor and Department Meeting

Each department at each school and at the Central Administration Office shall hold a staff meeting at least once a month.

Section 5273 Family/Personal Matters/Gossip

A. Employees are expected to be professional and courteous with all other employees, HBE members, students, and community members. Employees shall not gossip or carry malicious rumors about students, staff, HBE members, or community members.

B. Employees shall not interject family matters into relationships with fellow employees. Employees shall control their personal and family issues and ensure that they do not affect the employee's job performance or threaten the orderly, harmonious operation of the HSS.

C. Violation of this policy shall be grounds for discipline up to and including termination of employment.

Section 5274 Violence in the Workplace

A. HSS has adopted a policy prohibiting workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect HSS or which occur on HSS property, is not acceptable.

B. Employees involved in domestic violence, orders for protection and related matters shall take all possible responsible steps to ensure the violence does not come on to HSS or affect its students, staff or community.

C. Employees involved in such matters may be terminated from employment if HSS determines that their involvement in the above-described matters presents a risk or threat of harm to the health, safety and welfare of HSS students, staff and community.

Section 5275 Political Activities

A. The HSS respects each person's right to participate in political activities and encourages its employees to participate in the political process.

B. HSS employees shall not take an active part or engage in political campaign activities while on official duty, including but not limited to:

1. HSS employees shall not wear campaign buttons or other political campaign items while on official duty;

2. An employee may participate in any campaign and election so long as such participation does not interfere with his/her HSS duties and responsibilities;

3. An employee shall not use the property, supplies and equipment of the HSS in performing political activities;

4. With the approval of the HBE, an employee may participate in any nonpartisan campaign or effort that promotes Indian education or protects the continuation of educational services to the students served by the HSS;

5. An employee shall not appear to represent the HSS without prior written permission of the HBE; and

6. An employee shall not participate in controversial issues outside the HSS campus in a manner that may reasonably be interpreted to be representative of the HSS, its position, or in a manner that hinders the operation of the HSS.

Section 5276 Stipends

A. Staff are eligible for stipends for the performance of additional activities outside the regular work duties.

B. Stipends may be paid to any staff who performs additional activities outside his/her regular work duties, which provide services to students or otherwise support the HSS's educational services. Stipends may not be paid for these activities or services if they are carried out during the regular working hour, in this instance stipends shall be prorated. Staff shall submit approved logs/records to receive any prorated amounts.

C. Activities which may warrant a stipend include, but are not limited to chaperoning, after-school activities, additional hours, etc. Stipend amounts shall be determined based on the activity and amount of time necessary to perform the assigned task. Upon recommendation of the CSA, a schedule of stipend payments shall be established and adopted by the HBE.

D. Those who are to receive a stipend may elect to receive the stipend in either of two ways:

1. In two (2) equal installments, one at midway of the activity, and one at the completion of the activity; or

2. In a lump sum paid the pay period following the completion of the activity.

E. All stipend payments shall be made pro rata based upon the term of the activity for which the stipend is being paid and at the same time as the HSS's regular pay periods.

F. Stipends shall be established and approved by the CSA and the HBE in advance of the activity. All those who are to receive a stipend shall sign a contract and select an option for payment.

G. A non-employee may receive a stipend for certain services provided to the HSS. Any such stipend or arrangement is subject to all school policies, including but not limited to the policy on stipends. Prior to any non-employee engaging in work pursuant to a stipend or other arrangement, said person shall complete and pass a background clearance pursuant to Sections 5021 and 5040 of the HSS Manual.

Section 5277 Personal Property

A. HSS encourages staff to limit personal property that they bring onto HSS property or facilities. If a staff person brings personal property onto HSS property or facilities, they do so at their own risk. If a staff person uses personal property in performing his/her duties at the HSS, he/she also does so at their own risk.

B. The HSS shall not be responsible for or pay for any loss of or damage to a staff person's personal property or for any liability arising from the use or possession of such property.

Section 5278 Breastfeeding in the Workplace

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

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

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

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

C. Definitions. For purposes of this Policy, the following definitions apply:

1. "Breast-feeding" means the practice of allowing a working mother, with privacy and dignity, to feed her child milk from her breasts;

2. "Breast pump" means any electric or manual device used to mechanically remove milk from a human breast;

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

4. "Working mother" means an employee of the HSS who is the mother or guardian of an infant child.

Section 5280 Administrative Assignments

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

B. All administrative assignments require written approval of the CSA and Personnel Director prior to the start of the assignment.

C. The request for administrative assignment of an employee shall be submitted to the Personnel Director outlining the following:

1. The nature, time period, and expected results of the assignment;

2. The employee's regular duties;

3. Additional duties or responsibilities being assigned;

4. If the duties or responsibilities being assigned are in place of the employee's regular assignment, how the employee's current duties and responsibilities will be addressed during the assignment;

5. Reporting relationships; and

6. Signatures of the appropriate supervisors and the employee.

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

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

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

2. The supervisor for the administrative assignment recommends additional compensation to the Personnel Director and CSA; and

3. The Personnel Director and CSA approve the additional compensation for the employee and budget funds are available to provide additional compensation based on qualifications.

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

G. The CSA for Central Administrative Office staff and the Principals, in collaboration with the CSA, for school staff have the discretion and authority to make reassignments as set forth above and in the best interests of the HSS, students and present needs. Reassignments are not demotions. They are distinct and different actions. An employee may contest a reassignment through the grievance procedures set forth at HSS Manual, sec. 5611.

H. At the discretion of the CSA, the reassignment may become permanent.

Section 5281 Acting Status Assignment

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

B. An acting status assignment may not exceed sixty (60) calendar days without the written approval from the Personnel Director and CSA. In no event shall an acting status assignment exceed 120 calendar days.

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

1. The nature, time period, and expected results of the assignment;

2. Assigned duties and responsibilities;

3. Reporting relationships and signatures of the appropriate supervisors and the employee; and

4. Compensation for the acting status assignment which shall be optional and shall be based upon the assigned duties and employee's qualifications.

D. A copy of the acting status assignment memorandum shall be sent to the Personnel Department.

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

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

2. The supervisor for the administrative assignment recommends additional compensation to the Personnel Director; and

3. The Personnel Department and Principal or CSA approve additional compensation for the employee and budget funds are available to provide additional compensation.

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

G. If the employee's current salary equals or exceeds entry level for the Acting status position, the employee shall receive additional compensation equal to a one step increase over their current salary (prorated for the term of assignment).

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

Section 5282 Delegation of Supervisory Authority

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

B. Said delegation shall be done in writing (including by email) and shall copy the delegating supervisor's immediate supervisor, the CSA and any other person, including, but not limited to, any staff member necessary to fully inform the school, HSS staff, or the public as to the delegation of authority at that time.

C. The supervisor to the delegee and others shall inform the delegee of any pending or foreseeable issues and concerns that may exist or arise and the supervisor's recommended action relative to those issues or concerns.

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

E. A delegee shall act within the HSS policies and procedures and the policies and procedures of the supervisor/Department for whom they are acting. A delegee shall act in a way that is supportive of and consistent with the actions of the supervisor for whom they are acting. Failure to so act or acting in a way that is not supportive of the delegating supervisor is grounds for disciplinary action up to and including termination of employment.

CHAPTER 5300 - EMPLOYEE BENEFITS PROGRAMS

Section 5301 Employee Benefits

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

B. Some benefit programs require contributions from the employee.

C. The following benefits programs are available to eligible employees:

1. Employee Benefits Programs:

    a. Medical Insurance;

    b. Dental Insurance;

    c. Life Insurance;

    d. 401(k);

    e. Family Medical Leave (Sec. 5340);

    f. Benefits Continuation (COBRA) (Sec. 5333); and

    g. Staff Development Plan and Tuition Reimbursement (Sec. 5344).

2. Employee Leave/Compensation Programs:

    a. Undesignated Leave (Secs. 5310-5317);

    b. Holidays (Sec. 5320);

    c. Educational/Vocational Leave (Sec. 5342);

    d. Jury Duty Leave (Sec. 5332); and

    e. Voting Leave (Sec. 5346).

3. Other Benefits Programs:

    a. Military Leave (Sec. 5343);

    b. Workers' Compensation Insurance (Sec. 5330);

    c. Short-Term Disability;

d. Unemployment Benefits; and

e. Employee Assistance.

Section 5310 Undesignated Leave

A. Policy. Undesignated leave for employees is a specified amount of compensated leave that is granted to an Employee to provide opportunities for rest, relaxation and personal pursuits or who, through personal or family circumstance is unable to perform the duties assigned.

B. Definition of Family. For purposes of undesignated leave, "Family" shall include:

1. Spouse (shall be legally married and possess marriage certificate or provide proof of marriage through traditional Hopi ceremony recognized under Hopi Law);

2. Children;

3. Parents;

4. Siblings;

5. Grandparents;

6. Grandchildren; and

7. Like relations created by marriage (e.g., step-child).

Section 5311 Definitions and Limitations

A. Undesignated leave includes former types of leave which may have been identified as annual leave, sick leave, paid time off ("PTO"), ceremonial leave, bereavement leave, and, in some circumstances, voting leave.

B. All of these different types of leave and any other type of leave not expressly treated under HSS policy have been combined under this category of undesignated leave.

C. EMPLOYEES SHALL EXERCISE GOOD JUDGMENT IN THE USE OF UNDESIGNATED LEAVE IN ORDER THAT THEY ENSURE THEY RETAIN SUFFICIENT UNDESIGNATED LEAVE FOR ILLNESS AND OTHER NEEDS THAT MAY ARISE.

Section 5312 Accrual of Undesignated Leave

A. Each 10-month Employee shall receive seven (7) days of undesignated leave at the beginning of the school year and an additional seven (7) days of undesignated leave at the beginning of the second half of the school year for a total of fourteen (14) days per Employee's 10-month employment contract.

B. Each 12-month Employee shall receive nine (9) days of undesignated leave at the beginning of the school year and an additional nine (9) days of undesignated leave at the beginning of the second half of the school year for a total of eighteen (18) days per the year term of their employment contract.

C. Employees may not use undesignated leave until it accrues (i.e. 10-month Employees may only use seven (7) days of undesignated leave in the first half of the school year and 12-month Employees may only use nine (9) days of undesignated leave in the first half of the school year).

Section 5313 Carryover and Payout of Undesignated Leave

A. Employees shall be allowed to carry over five (5) days of undesignated leave per year, up to a cap of twenty-eight (28) days for 10-month Employees and thirty-eight (38) days for 12-month Employees.

B. After Employees have accrued undesignated leave up to the above-described caps, no further undesignated leave shall accrue to that Employee until their undesignated leave is reduced to less than twenty-eight (28) days for 10-month Employees and thirty-eight (38) days for 12-month Employees.

C. Upon termination or expiration of employment, an Employee who has worked at the HSS for at least one year, may, subject to availability of funds and HBE approval, be paid up to five (5) days of undesignated leave if said Employee has accrued at least five (5) days of undesignated leave. However, in no event shall an Employee be paid more than five (5) days of undesignated leave upon termination or expiration of employment. Payment for up to five (5) days of undesignated leave upon termination or expiration of employment shall be at the rate one-half of the Employee's regular rate of pay.

Section 5314 Physician's Statement/Absences of More than Two (2) Days

A. Employees who use undesignated leave for illness in excess of two (2) consecutive days shall on or before the third consecutive day of leave, obtain a physician's note or certification from a qualified physician indicating the reason for the leave and the expected dates on which the leave shall begin and be completed.

B. Employees shall provide a doctor's release to return to work following a term of undesignated leave of five (5) consecutive days or more related to an illness.

C. HSS may require a second opinion by a physician of HSS's choosing to determine whether a return to duty is appropriate.

D. The policies contained in this section may be waived in cases of health emergencies impacting the HSS.

Section 5315 Use of Undesignated Leave

A. Except in the case of an unanticipated or unexpected circumstance beyond the employee's control, HSS may disapprove the use of undesignated leave when the number of employees using, or indicating an intent to use, such leave results, or is likely to result, in a condition that has an appreciably negative impact on the educational programs or operations of HSS.

B. Except in the case of an unanticipated or unexpected circumstance beyond the employee's control, the employee shall submit a request for undesignated leave five (5) days prior to the beginning of such leave which request shall include, but not be limited to:

   1. The expected date of return for the undesignated leave; and

   2. Where the Employee may be contacted during the leave.

C. Subject to the Principal's or CSA's discretion, undesignated leave cannot be taken during the first week of every school year, the week prior or week after Christmas break and Spring break or the week before the end of the school year. Subject to the Principal's or CSA's discretion, undesignated leave cannot be taken the three (3) days immediately before or after any other holiday, break, or school related travel or training.

D. Leave shall be taken in at least one-half hour increments.

Section 5316 Eligibility

A. All regular, full-time employees shall be eligible to earn and use undesignated leave.

B. Part-time, temporary and short-term employees are not eligible for undesignated leave.

C. Probationary employees are not allowed to take any type of leave other than paid jury duty leave and five (5) days undesignated leave which are only available during the probationary period and do not carry over and are not paid out if not used.

Section 5317 Penalty for Misuse

Any Employee who willfully violates or misuses the undesignated leave policy or misrepresents any statement or condition shall be subject to discipline, up to and including termination of employment.

Section 5320 Holidays

A. The HSS grants holiday time off to all regular full-time employees on the holidays listed below:

1.	New Year's Day	January 1
2.	Martin Luther King, Jr. Day	3rd Monday in January
3.	President's Day	3rd Monday in February
4.	Memorial Day	Last Monday in May
5.	Independence Day	July 4
6.	Pueblo Revolt Day	August 10
7.	Labor Day	1st Monday in September
8.	Veterans Day	November 11
9.	Thanksgiving Day	4th Thursday in November
10.	Christmas Day	December 25

B. When July 4, Veterans Day, December 25, or Thanksgiving Day occurs within the school week, HSS schools may be closed.

C. According to applicable restrictions, the HSS shall grant paid holiday time off to all eligible employees. Holiday pay shall be calculated based on the employee's regular pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classifications are the following:

1. Year-long regular full-time employees; and

2. School-year regular full-time employees.

D. Newly-hired probationary employees are eligible for holiday pay during their probationary period.

E. School-year employees are eligible only for those holidays that occur during the school year.

F. If a recognized holiday falls during an eligible employee's paid absence (e.g., undesignated leave), holiday pay shall be provided instead of the paid time off benefit that would otherwise have applied.

G. If a recognized holiday falls during an eligible employee's regular day off, holiday pay shall not be calculated for pay.

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

I. Paid time off for holidays shall not be counted as hours worked for the purposes of determining overtime. See HSS Manual, sec. 5235 (Overtime).

Section 5330 Workers' Compensation Insurance

A. The HSS provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

B. Employees who sustain a work-related injury or illness shall immediately submit a written report on any work related injury or illness to the Personnel Director. This shall enable an eligible employee to qualify for coverage as quickly as possible.

C. Supervisors shall maintain a written log of the time, date, place and nature of all such reported injuries/illnesses.

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

Section 5331 Administrative Reassignment With Pay

A. Certain employee infractions or alleged infractions may require an investigation or review by the HSS or an outside agency (e.g., law enforcement authorities, social services authorities, etc.). The CSA may place an employee who is the subject of such an investigation or review on administrative reassignment while the HSS or outside agency conducts an investigation or review. The HSS or outside agency shall file its report with the HBE.

B. The CSA may reassign any employee on administrative reassignment from the performance of his or her regular duties. The employee remains subject to the HSS policies during any administrative reassignment. Such employee shall continue to receive full pay at the rate for his/her regular duties. The placement of an employee on administrative reassignment shall not constitute disciplinary action, other adverse formal action, or entitle an employee to file a grievance with the HSS.

Section 5332 Jury Duty

A. Employees may, upon proper notification, receive paid jury leave at their base pay rate per contract year for each day served on jury duty under the following conditions:

1. Employees eligible for jury duty include full-time school-year and year-long and probationary employees;

2. The employee shall submit the jury duty summons or other proof of being called for jury duty prior to the jury duty and when requesting the leave. Paid jury duty leave shall not be paid without such proof; and

3. To receive paid jury duty leave, the employee shall sign over or pay to the HSS any jury duty leave pay that the employee may receive. This does not include amounts the employee may have been paid for mileage or lodging. The employee may keep mileage and lodging amounts, but shall pay any jury service payment.

B. If the employee does not provide jury duty service for a full work day, the employee shall immediately return to work for the remainder of the day. If the employee does not immediately return to work, the employee shall not receive paid jury duty leave, and it shall be counted as leave without pay.

C. Employees shall inform the court that they will receive paid jury leave at their base pay rate per contract year for each day served on jury duty, and therefore should not receive a jury service fee from the court.

D. An employee excused from jury duty after being summoned shall report for regular duty immediately and as soon as possible. Failure to report for duty as required above shall result in a deduction of pay equal to the portion of the contract day or days missed.

Section 5333 Benefits Continuation ("COBRA")

A. The federal Consolidated Omnibus Budget Reconciliation Act ("COBRA"), P.L. 99-272, gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the HSS health plan when a "qualifying event" would normally result in the loss of eligibility.

B. Some common examples of "qualifying events" are:

1. Resignation, termination of employment, or death of an employee;

2. A reduction in an employee's hours or a leave of absence;

3. An employee's divorce or legal separation; and

4. A dependent child no longer meeting eligibility requirements.

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

D. The HSS provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the HSS health insurance plan. The notice contains important information about the employee's rights and obligations.

Section 5340 Family Medical Leave

A. Applicability. The HBE, as a Hopi Tribal Regulated Entity, hereby adopts as its policy, not as federal law, the Hopi Tribe's Family Medical Leave ("FML") Policy.

B. Eligibility. The intent of this policy is to enable employees to receive time away from work to attend specified family medical needs with job protection and no loss of accumulated service. Employees are eligible after twelve (12) months of continuous service at the HSS. Eligible employees may be granted up to sixty (60) work days, comprising twelve (12) calendar weeks of unpaid Family Medical Leave per year for:

1. Newborn or Newly Adopted Children. Eligible employees may request a leave of absence to provide care for a child following the child's birth, adoption or foster placement in the employee's home. This leave must be taken within a year after the child is born, adopted or placed in the employee's home.

2. Illness of a Family Member. Eligible employees may request a leave of absence to provide care for a member of the employee's immediate family who has a serious health condition. A "serious health condition" is understood to be an illness, injury, impairment, or physical or mental condition serious enough to involve hospitalization, in-patient care in a residential health care facility, continuing treatment, or supervision by a health care provider. When the leave is for planned medical treatment, the employee must attempt to schedule the treatment so as not to disrupt HSS operations.

C. Employees will be required to use available paid time off during the FML period. Once paid time off is exhausted, FML will continue to the maximum allowable time off if needed. The HSS requires appropriate medical certification before a leave is granted.

D. Procedures.

1. Submit FML Form to the HSS Personnel Department for family medical leave of absence thirty (30) days prior to the commencement date, except where medical conditions make such a requirement impossible.

2. When the leave is to care for a family member, the employee must submit a letter signed by a physician that states:

   a. The date the illness or condition began;

   b. The probable duration of the condition;

   c. The estimated time the employee will need to care for the family member; and

   d. A statement that the illness or condition requires the support of a family member.

3. The FML Form, leave slip and relevant medical certification shall be submitted to the HSS Personnel Department for approval.

4. An employee's failure to return from leave or to contact the HSS Personnel Department on the scheduled date of return will be considered to have voluntarily resigned.

Section 5341 Leave Without Pay

A. The HSS may provide leaves of absence without pay, at the discretion of the HSS, to eligible employees who wish to take time off work to fulfill personal obligations. Leave shall not be taken under this section for any of the conditions describe under Section 5340 (Family Medical Leave). Employees in the following employment classification(s) are eligible to request a leave of absence without pay as described in this policy:

1. Year-long regular full-time employees (12 months); and

2. School-year regular full-time employees (10 months).

B. Eligible employees in the schools shall request a leave of absence without pay from their supervisor and the Principal. Eligible employees in the Central Administration Office shall request a leave of absence without pay from the CSA. The request shall be in advance of the time requested. Leave without pay may be granted for a period of up to fifteen (15) calendar days per year.

C. Approval of a "leave without pay" request is solely at the discretion of the HSS and shall be evaluated based on a number of factors, including but not limited to, anticipated work load requirements, staffing considerations during the proposed period of absence, and the best interest of the school and the HSS, students and staff. The supervisor, Principal and/or CSA may deny the request for leave based on the above factors.

D. Subject to the terms, conditions, and limitations of the applicable plans, the HSS shall continue to provide health insurance benefits for the full period of the approved leave without pay.

E. Benefit accruals, such as undesignated leave or holiday benefits, shall be suspended during the leave and shall resume upon return to active employment.

F. If an employee fails to report to work promptly at the expiration of the approved leave period, the HSS shall assume the employee has abandoned the position and shall be provided notice of termination.

Section 5342 Educational/Vocational Leave

A. The HSS retains the discretion to grant educational leaves of absence without pay to eligible employees who wish to take time off from work to pursue course work that is

applicable to their job duties with HSS. Employees in the following employment classifications are eligible to request educational leave as described in this policy:

1. Year-long regular full-time employees (12 months); and

2. School-year regular full-time employees (10 months).

B. Eligible employees who have completed one year of service may request educational leave for a period of up to 120 days per year. Requests shall be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence, relevancy, and value of the proposed course of study to the employee's school duties.

C. Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits shall be provided by the HSS until the end of the month in which the approved educational leave begins. At that time, employees shall become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from educational leave, benefits shall again be provided by the HSS according to the applicable plans and the HSS's best interest.

D. Benefit accruals, such as undesignated leave or holiday benefits, shall be suspended during the leave and shall resume upon return to active employment.

E. When an educational leave ends, every reasonable effort shall be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified subject to subsequent reductions in employment positions as provided herein. However, the HSS cannot guarantee reinstatement in all cases.

F. If an employee fails to report to work at the end of the approved leave period, the HSS shall assume that the employee has abandoned the position and shall provide notice of termination.

Section 5343 Military Leave

A. A military leave of absence shall be granted to employees, except those occupying temporary positions, to attend scheduled drills or training or if called to active duty with the U.S. armed services.

B. The leave shall not be paid if it occurs during the scheduled work time of the employee and employee receives compensation during or for activities in which employee engaged during said leave in any form from the U.S. armed forces or any other entity.

C. Benefit accruals, such as undesignated leave or holiday benefits, shall be suspended during the leave and shall resume upon the employee's return to active employment.

D. Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end

of training allowing for reasonable travel time. Employees on longer military leave shall apply for reemployment in accordance with applicable federal and other laws.

E. Every reasonable effort shall be made to return eligible employees to their previous position or a comparable one. They shall be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of annual leave accrual and job seniority rights.

Section 5344 Staff Development Plan and Tuition Reimbursement Policy

A. General Provisions and Purposes.

1. The HBE considers continuing education and training as an integral part of HSS' success and efficiency. To assist staff in attaining continuing education and training, the HSS shall offer a tuition reimbursement program as a positive investment in the future of the HSS.

2. In order for the investment to provide benefits to the HSS, staff members utilizing the tuition reimbursement policy shall commit to an additional two (2) years of service to the school for every tuition reimbursement of $500 or more. The tuition reimbursement shall be paid out upon the employee successfully completing the employee's contract year following the employee's successful completion of the coursework/training for which the tuition reimbursement shall be applied.

3. If the employee fails to successfully complete the coursework/training for said contract year, no tuition reimbursement shall be paid. If the employee receiving the reimbursement fails to honor this commitment, they shall repay the HSS all amounts that the HSS has provided in tuition reimbursement. The employee agrees that any such amounts may be deducted from their final or remaining pay.

4. Coursework which was paid for pursuant to this policy does not qualify as a basis for upward adjustment of salary on the salary scale.

B. Tuition Fee Reimbursement.

1. Coursework shall be preapproved according to the program of study prior to beginning class to ensure it qualifies for reimbursement under this policy. Coursework which is not preapproved may not be eligible for reimbursement.

2. Teachers and Para-professional instructors are eligible for up to $2,000.00 per year, depending on availability of funds, to be reimbursed for tuition and fees for job related course work.

3. The employee shall make the formal request for this benefit to the CSA upon receipt of a final grade or official transcript. If the CSA approves reimbursement, the CSA shall submit the reimbursement payment to the HBE for final approval.

4. Courses considered for this benefit shall be part of an official degree program related to the employee's job at the HSS and shall be matched by the employee's contribution up to $2,000.00.

5. Classes taken for re-certification do not qualify.

Section 5345 Leave to Chaperone Immediate Family Member

Employees of the HSS who request or volunteer to chaperone student trips in which their own child(ren) are participants shall be required to take accrued undesignated leave, or be on leave without pay.

Section 5346 Voting Leave

A. The HBE shall designate a three (3) hour period during which employees may exercise their right to vote in duly authorized elections. Staff who utilize this three (3) hour period to vote shall be compensated at their regular rate of pay for these three (3) hours and do not need to use their undesignated leave.

B. If staff choose to vote during a time period other than the designated three (3) hour period, they may choose to do so, but they must request undesignated leave. Using undesignated leave to vote shall be processed in the same manner as other undesignated leave requests.

Section 5350 Compensation Claims

A. Accident Reports. Any employee of the HSS who suffers a job-related injury/accident must file a report with the HSS Personnel Department within five (5) days after the date of occurrence. Should circumstances render the individual unable to submit such a report within five (5) days, the time limit may be extended.

B. Compensation Claims. When a job-related injury or accident requires medical attention and absence from the workplace, the following conditions shall apply in addition to the policies and procedures set forth in the HSS Undesignated Leave Policy (Manual, secs. 5310-5317):

1. The physician will be responsible for reporting the circumstances of the injury to the HSS.

2. During the first seven (7) days of absence due to a job-related injury/accident, the employee will be placed on undesignated leave, provided the employee has accumulated sufficient undesignated leave.

3. As a recipient of a Tribally Controlled Schools grant under P.L. 100-297, the Federal Tort Claims Act, P.L. 79-601 (1946) ("FTCA") applies to the Hopi School System and its employees. See 25 C.F.R. § 44.111.

4. If a job-related injury or accident results in more than seven (7) days absence, the FTCA, worker's compensation insurance, or the HSS's private insurance carrier may be responsible for handling the claim for lost pay if it is a covered event. During such period the employee may be directed to:

    a. Endorse over to the HSS the payments received from the FTCA or insurance carrier, continue to receive a regular salary, and be charged undesignated leave. When the amount of the insurance payment is determined and received by the HSS, the employee's undesignated leave record will be adjusted for that fraction of the time paid by the FTCA or insurance carrier (e.g., the insurance carrier pays one-half (1/2) of the normal salary of the employee, the undesignated leave will be adjusted on a pro rata basis); or

    b. Draw compensation from the FTCA or insurance carrier, provide the HSS with a record of such payment, and receive payment for undesignated leave pay for the uncompensated portion of missed time, up to the limit of accumulated undesignated leave.

5. In no event will an employee receive a combined salary and worker's compensation in excess of the employee's regular salary.

6. An employee who has used all accumulated undesignated leave will be removed from the payroll and will receive only such amounts as are paid by the FTCA or HSS's insurance carrier.

CHAPTER 5400 - STANDARDS OF CONDUCT

Section 5401 Standards of Conduct for Management/Supervisors

A. Adherence to management/supervisory (hereinafter "supervisory") standards, as set forth below, is necessary to the maintenance of fair and impartial employee relationships among staff persons and to the proper and effective functioning of the HSS. All employees in supervisory positions are expected to comply with the following supervisory standards of conduct. Failure to comply therewith shall constitute a violation of the HSS Manual and shall be cause for discipline up to and including termination of employment.

B. All supervisors shall comply with and fulfill the following standards of conduct:

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

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

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

4. Prepare budgets, performance reports and other documents as required;

5. Submit reports and other documents to the CSA and the HBE;

6. Implement personnel policies and procedures as outlined in the Manual;

7. Implement and maintain internal operating policies, procedures and control;

8. Safeguard and account for assets for which there is a custodial responsibility;

9. Represent the HSS in official functions as directed;

10. Approve or disapprove documents in accordance with established policies and procedures;

11. Maintain reporting relationships;

12. Coordinate activities with other departments;

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

14. The supervisor shall at all times comply with all terms of the supervisory position description;

15. The supervisor shall at all times maintain open and honest communication with supervised staff personnel;

16. The supervisor shall at all times maintain a cooperative attitude toward all supervised staff for the accomplishment of defined goals;

17. The supervisor shall provide active support of supervised staff in accomplishing their assigned duties and their efforts toward professional development consistent with HSS and departmental goals and policies and within the limits of available funds;

18. The supervisor shall, at all times, adhere to all provisions of the Manual, including, but not limited to, Section 5401, and shall enforce the terms thereof equally and fairly with regard to all supervised employees; and

19. Generally, employees of HSS are expected to conduct themselves on the job in a respectable manner. Employees are considered to be on the job at all times when they are on campus or otherwise on official HSS business on or off campus.

Section 5402 Standards of Conduct for All Employees

A. All employees shall be subject to discipline up to and including termination of employment for the commission of any one or more of the following offenses:

1. The failure or refusal, without just cause, to obey or carry out any orders, instructions, assignments, or duties within the time designated by one in a position of authority for the performance of said orders, instructions, assignments or duties;

2. The failure to maintain, to all persons, conduct, demeanor and speech exhibiting the respect and professionalism appropriate to the employee of an educational institution;

3. Failure, without just cause, to obey or comply with any directive or adopted and published policy of the HBE;

4. The unexcused absence from one's duties or duty station for one hour or less twice in one week or four times in one year;

5. The unexcused absence from one's duties or duty station for more than one hour;

6. Idleness, sleeping or unauthorized participation in non-job related activities during duty hours;

7. Any act or failure to act which shall foreseeably endanger or cause physical or emotional damage or educational or moral harm to any student of the HSS at any time while said student is enrolled as a student;

8. Any act of corporal punishment, which is prohibited by the Code, sec. 4.11.E, and which is defined as "intentionally striking the child or other forms of child abuse noted in this policy manual;"

9. Any act or failure to act which shall foreseeably endanger or cause physical harm to another employee of the HSS;

10. Failure to disclose or report, to a person in a position of relevant authority, any conduct, occurrence, information or condition, which if not so disclosed or reported, shall or is likely to cause harm, loss or damage to the HSS, or any employee or student thereof;

11. Any violation of the Drug-Free Workplace Policy (see HSS Manual, sec. 5403 et seq.). This shall include the abuse of any substance, including, but not limited to, alcohol;

12. The unauthorized use or the illegal operation of any vehicle owned, leased or in the possession of the HSS or the U.S. government, or permitting of such unauthorized use or illegal operation by another;

13. The use, without proper authorization, of HSS property;

14. The alteration without proper authority, or falsification of any official student or HSS record, reinstatement, certificates, grades, ratings, or reports with regard to any test, certificate or appointment;

15. Theft of property belonging to or in the care and/or custody of the HSS or any other employee or student of the HSS;

16. No employee shall place or allow himself or herself to be placed in a situation or pursue a course of conduct involving a student which shall or may be reasonably perceived by the student or such other person(s) who may also be present, as compromising to the welfare, morality or comfort of the student;

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

18. No employee shall conduct or participate in any unauthorized political activity during working hours or when using HSS property or facilities;

19. No employee shall presume to speak for, or on behalf of, the HSS, the HBE or the administration unless specifically authorized to do so. An employee who is officially designated to so speak shall at all times be accurate, shall exercise proper restraint, and shall show respect for the opinions of others when serving as a designated spokesperson in public statements and proceedings relating to the HSS, its policies or operations;

20. Employees shall dress in a manner appropriate and proper with respect to their position, the occasion and their function while on duty or when representing the HSS in any capacity. See HSS Manual, sec. 5203 (Dress Code and Appearance).

21. No employee shall discuss or divulge confidential aspects of programs or operations or any other sensitive or confidential information, either to or with another employee not entitled to the information or to a person or group outside of the HSS, without the specific authorization of the CSA;

22. Failure of a supervisor to comply with Section 5401 of the HSS Manual (Standards of Conduct for Management/Supervisors);

23. No employee shall engage in any activity of misconduct, abuse, or harassment of a sexual nature towards any other employee or student of HSS;

24. No employee shall use or be under the influence of any substance which may alter the mind or impair the physiological functioning while on duty;

25. Any employee who is arrested while on duty or convicted by any recognized police agency or judicial body for abusing or being under the influence of substances, including alcohol;

26. The employee shall not directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, grade, proposed appointment, promotion, or proposed promotion to a position at the HSS, affiliated with the HSS, or any business transactions of the HSS;

27. No employee of the HSS shall obstruct another from examination, eligibility certification, or appointment under these policies, or furnish special or unpublished information for the purpose of affecting the rights or prospects with respect to employment;

28. No employee shall induce or attempt to induce any employer or student to commit an unlawful act(s) in violation of these policies or the Hopi Tribe, federal, or State of Arizona laws or regulations;

29. No employee shall engage in vending, soliciting or collecting contributions on the campus at any time, without prior written authorization of the CSA;

30. No employee shall use equipment of the HSS without proper authorization; and

31. Employees shall at all times be responsible with money or property of the HSS and carelessness or negligence with the same shall be a violation of these policies.

Section 5403 Drug-Free Workplace

A. The HSS workplace shall be drug-free in order to comply with federal laws, to ensure the safety and productivity of staff, and to help ensure a safe, learning environment of our students. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance; the possession or use of an alcoholic beverage; and/or the use of an otherwise lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom, is strictly prohibited in the workplace.

B. Definitions of terms used in the HSS Manual relative to the Drug-Free Workplace Policy are as follows:

1. "Conviction": A finding of guilt or the imposition of sentence, or both, by a court of competent jurisdiction, concerning a criminal violation occurring in the workplace, of any drug law of the federal government, the State of Arizona, or other state, or the Hopi Tribe.

2. "Drugs": Alcoholic beverages, controlled substances as defined in the Controlled Substances Act, P.L. 91-513, Schedules I through V, 21 U.S.C. § 812, the laws of the State of Arizona, and the laws of the Hopi Tribe, and any lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom.

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

4. "Employee": Every employee of Hopi School System.

5. "Workplace": The grounds and buildings of HSS, all equipment and vehicles belonging to or under the authority of HSS, all roadways and parking lots within the exterior boundaries of the land granted to HSS and any location where the employee is performing HSS duties or functions. This definition shall specifically exclude the interior of residences used by employees exclusively for residential purposes which are under the authority or maintenance of HSS.

Section 5404 Uniform Conditions of Employment

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

A. Abide by the terms and requirements of the HSS Manual and of the Notice to Employees provided in Section 5405 of the HSS Manual.

B. Notify the CSA, or designee, in writing within five (5) calendar days of his or her arrest or conviction by any court of competent jurisdiction for any criminal offense. If notified of any such arrest or conviction, the Personnel Director or their designee may initiate a continuous suitability investigation and determine if the arrest or conviction warrant removal, suspension or any administrative action. When the employee is charged with an offense, but the charge is pending, or no disposition has been made by a court, the Personnel Director or their designee may:

1. Deny the applicant employment until the charge has been resolved;

2. Deny the employee any on-the-job contact with children until the charge is resolved;

3. Detail or reassign the employee to other duties that do not involve contact with children; and

4. Place the employee on administrative leave until the court has disposed of the charge. Legal Ref.: 25 C.F.R. § 63.20.

C. Upon reasonable suspicion, make available and permit inspection, for the purpose of assuring a safe and drug-free workplace, of all government, school and personal property in or brought into the workplace which is under the control or use of the employee. Any such inspection may be made without prior notice being given to the employee.

Section 5405 Notice to Employees

A. A notice, similar to the form set forth in this section, shall be posted in each building in which the work of the HSS is conducted and shall be provided to every employee of the HSS pursuant to the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106. See also Drug-Free Workplace Notice to Employees (Appendix B). Those persons who are presently employed by the HSS shall be given a copy of the notice upon the adoption of the HSS Manual by the HBE. Thereafter, each employee shall be given a copy of the notice upon beginning his or her term of employment.

B. NOTICE -- YOU ARE HEREBY NOTIFIED:

> THAT the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance; the possession or use of an alcoholic beverage; and/or the use of an otherwise lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom, is strictly prohibited in the workplace.
>
> THAT any violation of this prohibition may subject the employee to disciplinary action up to and including termination of employment.
>
> THAT, as a condition of your employment, you are required to:

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

- Notify the Office of the CSA in writing within five (5) calendar days of your arrest or conviction by any court of competent jurisdiction of drug abuse involving a controlled substance or alcohol.

- Make available and permit inspection, for the purposes of assuring a drug-free workplace, of all government, school and personal property in or brought into the workplace which is under your control or use. Any such inspection may be made without prior notice being given to the employee.

Section 5410 Procedure Upon Receiving Notice of Drug/Alcohol Abuse Arrest

A. An employee shall provide notice to the CSA within five (5) days of being arrested for any controlled substance or alcohol related crime. Upon receiving notice of an arrest involving a controlled substance or alcohol, if disciplinary action has not already been instituted or completed by the HSS, the CSA shall provide the immediate supervisor and Principal of the employee with a copy of said notice.

B. The supervisor of the employee arrested shall immediately institute an investigation and hearing to gather additional information regarding the circumstances of the employee's arrest to determine any violations of relevant provisions of the HSS Manual.

C. The CSA may, at any time during the disciplinary process instituted pursuant to receipt of such notice of arrest, or as a condition of discipline at the conclusion of such process, require the arrested employee to satisfactorily participate in and complete a drug or alcohol abuse assistance or rehabilitation program which has been approved by a governmental agency for such purposes.

D. In the investigation and disciplinary process, information regarding an employee's arrest shall be kept as confidential as possible.

Section 5411 Procedure Upon Receiving Notice of Drug/Alcohol Abuse Conviction

A. Upon receiving notice of a conviction involving a controlled substance or alcohol, if disciplinary action has not already been instituted or completed by the HSS, the CSA shall provide the immediate supervisor and Principal of the convicted employee with a copy of said notice.

B. The supervisor of the employee convicted shall immediately institute disciplinary action against the employee alleging violations of relevant provisions of the HSS Manual.

C. In any hearing held pursuant to that disciplinary process, a certified copy of the record of conviction entered by a court of competent jurisdiction shall constitute sufficient proof of a violation of the relevant provisions of the HSS Manual.

D. The CSA may, at any time during the disciplinary process instituted pursuant to receipt of such notice of conviction, or as a condition of discipline at the conclusion of such process, require the convicted employee to satisfactorily participate in and complete a drug or alcohol abuse assistance or rehabilitation program which has been approved by a governmental agency for such purposes.

E. Efforts shall be made to protect employees' confidentiality and notify only the HSS staff necessary to conduct investigations or take disciplinary actions regarding an employee's drug or alcohol abuse conviction.

Section 5412 Drug/Alcohol Awareness Program

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

B. The format and course content for the program shall be developed and maintained in consultation with the CSA or designee and such consulting experts as may be appropriate.

C. The format and course content shall be reviewed biannually by the CSA or designee. Approval of the format and course content and any modifications thereof shall be subject to the approval of the CSA.

D. The course content for such program shall, at a minimum, include consideration of the following topics:

1. The danger of drug abuse in the workplace;

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

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

4. Disciplinary penalties may be imposed upon employees for drug abuse in the workplace.

Section 5413 Controlled Substance and Alcohol Policy

A. Employees are prohibited from using or possessing alcohol, and from the use or possession of controlled substances for non-prescribed or non-medical purposes, on HSS property. Any employee in violation of this policy shall be subject to removal from HSS property, and may be reported to law enforcement authorities. Any employee who violates the controlled substance and alcohol policy is subject to

disciplinary action, up to and including termination, for the first or any subsequent offense.

B. Any employee who has apparently consumed alcoholic beverages or controlled substances prior to a HSS activity or on HSS property shall not be allowed to be on HSS property or to participate in HSS activities. Controlled substances and alcohol testing shall be required whenever a supervisor has probable cause to believe than an employee's job performance or an employee's behavior at a HSS function has been impaired by the use of alcohol or a controlled substance. Probable cause shall be based on observations by HSS personnel, and shall be documented in writing by a signed statement. In addition, testing shall be required whenever the supervisor has probable cause, based on knowledge of the circumstances of an accident, to suspect that the employee's involvement in the accident was influenced by the use of alcohol or a controlled substance. Probable cause shall be documented by a signed statement.

C. In the event that controlled substance or alcohol testing is required, the employee shall be immediately transported to an appropriate testing facility for breath analysis, urinalysis, and/or blood analyses as appropriate. Refusal to cooperate with required testing shall be considered grounds for discipline, including termination. HSS may contact law enforcement as needed to fulfill this policy.

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

E. This policy shall not in any way limit the authority of the HSS to rely on information other than controlled substances and alcohol testing in the discipline of employees for drug and alcohol use. Nothing in this policy shall require termination of employees receiving a positive controlled substances or alcohol test. The HSS may choose to support a rehabilitation or other process at the discretion of the HSS.

Section 5414 Smoking/Chewing Tobacco/Controlled Substances

A. In keeping with the HSS's intent to provide a safe and healthy work environment, the possession or use of tobacco products, tobacco substitutes, chewing tobacco, electronic nicotine delivery systems (including vaping, e-cigarettes, e-cigars, e-hookahs, e-pipes, and other chemical inhalation devises and vapor products), and the possession and/or use of controlled substances are prohibited throughout the HSS campuses.

B. This policy is in addition to all other policies regarding tobacco, alcohol and controlled substances. All said policies and possible penalties shall be considered cumulative.

C. This policy applies equally to all HBE members, employees, volunteers, contractors, and visitors.

Section 5415 Prohibition Against Tobacco, Alcohol and/or Controlled Substance Related Clothing Material and/or Items

A. While on HSS premises and while engaged in any HSS related business or activity, no HBE members, employees, volunteers, contractors or guests may wear or display any clothing, jewelry, footwear, hats, posters, book covers, and the like that depict, advertise or promote tobacco or tobacco products, alcohol or alcohol products, drugs, and/or controlled substances.

B. This prohibition extends to wearing or displaying any clothing, jewelry, footwear, hats, posters, etc. that promote or are associated with "drug culture" or items that refer to or promote unhealthy messages for young people, such as suicide, sadism, drug use, violence, disrespect for authority, vulgarity, obscenity, and/or sexual harassment.

Section 5420 Whistleblower Policy

A. Statement of Policy. If any employee reasonably believes that some policy, practice, or activity of HSS is in violation of law, a written notification may be filed by that employee with the CSA. Upon receipt of a Whistleblower notification, the CSA shall review and investigate all claims made in the notification and take steps to address such claims.

B. The HBE hereby directs that the Whistleblower "Statement of Policy" be included in the HSS Employee Handbook. The CSA shall also ensure that whistleblower protection notification/posters are posted in the workplace(s).

C. The Whistleblower Policy extends beyond the law by encouraging reporting of law violations as well as prohibiting retaliation.

Section 5430 Anti-Harassment

A. HSS is committed to maintaining a work and educational environment free from all forms of discrimination and harassing conduct. HSS expects and requires all local school board members, employees, students, parents, vendors, guests and other members of HSS community and educational community (hereinafter "HSS community"), to conduct themselves in an appropriate manner with concern and respect for all other members of HSS community.

B. Discrimination or harassment on the basis of race, national origin, religion, age, sex, gender identification, sexual orientation, socioeconomic status, ability or disability in any form is not acceptable. Any student or employee of HSS who believes he/she has been discriminated against, denied a benefit, or excluded from participation in any HSS educational program or activity may and is encouraged to file a complaint pursuant to this policy. Any questions regarding this policy shall be directed to the CSA or, if the CSA is involved in the matter, the HBE Chairperson. This policy is in effect in all academic programs, the workplace and in other work/academic related settings such as HSS-related trips, activities and events.

C. It is the policy of HSS to maintain a working and learning environment for students and employees that is free from discrimination or harassment of any kind, including sexual harassment, bullying, hazing or similar activity. It is a violation of this policy for any member of HSS community, as identified in the first paragraph, to discriminate or harass another through conduct or communication as defined in this policy. Any allegation of discrimination or harassment shall be investigated and, if a violation of this policy is substantiated, disciplinary action shall be taken up to and including termination of employment.

D. Each person in the HSS community is responsible for promoting understanding and acceptance of, and assuring compliance with, applicable Hopi and federal laws, and HSS policy and procedures governing discrimination and harassment.

E. Bullying shall be prohibited:

1. On HSS grounds, property immediately adjacent to HSS grounds, at a HSS sponsored or HSS related activity, function or program whether on or off HSS grounds, or at a school bus stop, on a school bus or other vehicle owned, leased or used by HSS, or through the use of technology or an electronic device owned, leased or used by HSS; and

2. At a location, activity, function or program that is not owned, leased or used by HSS, if the bullying creates a hostile environment at work, school or HSS for the victim, infringes on the rights of the victim at HSS or materially and substantially disrupts the education process or the orderly operation of HSS.

F. It is the responsibility of every employee, student and parent to recognize acts of discrimination and harassment and take every reasonable action necessary to ensure that the applicable policies and procedures of HSS are implemented.

G. It is a violation of this policy for any administrator, teacher, local school board member or other employee, student, or any other person in the HSS community to engage in or condone discrimination or harassment at HSS or any HSS related activity or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of harassment.

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

1. Reports of cyber-bullying or inappropriate social media by electronic or other means, occurring in or out of HSS shall be reviewed and, when a nexus to HSS, work or school exists, they shall result in discipline up to expulsion and termination of employment to students and staff respectively;

2. Parents of students alleged to have engaged in cyber harassment shall be invited to attend a meeting at which the activity, words or images subject to the complaint shall be reviewed; or

3. A student disciplined for cyber-bullying shall not be re-admitted to the regular school program until his or her parent(s) attend such meeting.

I. Any employee or student who believes that he/she has been subjected to harassment has the right to file a complaint and to receive prompt and appropriate handling of the complaint. All reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any or all information received.

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

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

Section 5431 Anti-Harassment Definition of Terms

A. "Bullying" for the purpose of this policy is the repeated use by one or more individuals of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

1. Causes physical or emotional harm to the victim or damage the victim's property;

2. Places the victim in reasonable fear of harm to himself or of damage to his property;

3. Creates a hostile environment at work, school, or HSS related activities for the victim;

4. Infringes on the rights of the victim at work, school or HSS related activities; or

5. Materially and substantially disrupts the work or education process or the orderly operation of HSS.

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

C. "Cyber-bullying" for the purpose of this policy is defined as bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

1. Cyber-bullying shall also include:

    a. The creation of a web page or blog in which the creator assumes the identity of another person; or

    b. The knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in Section 5431(A)(1)-(5), within the definition of bullying.

2. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in Section 5431(A)(1)-(5) within the definition of bullying. Cyber-bullying is not acceptable. Examples of cyber-bullying are harassing, criticizing, annoying, denigrating, impersonating, outing, tricking, excluding, and cyber-talking; however, this is not a complete list of cyber-bullying. As noted, all of these types of cyber-bullying in those not enumerated is not acceptable and shall be grounds for disciplinary action, including termination of employment or expulsion.

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

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

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

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

sleep or rest or extended isolation. Incidents of hazing shall be reported to the appropriate law enforcement officials as soon as reasonably practicable.

H. "Inappropriate Social Media" is defined as any person covered by this policy that places inappropriate material on or in any social media that: violates this policy in any of the ways noted, disrupts the operation of the school, casts HSS in a negative light, or causes or could cause a loss in reputation or negatively impact the confidence of the community in HSS, shall be in violation of this policy and may be disciplined as set forth herein. No person shall post a picture of any child or staff member in social media without the express written consent of the parent and/or school. It is recommended that staff and students refrain from relating through social media and it is a violation of policy for any staff or student to post inappropriate material on social media relative to the school, students or staff, or any individual student or staff member.

I. "Sexual harassment" is harassment which is of a sexual nature. Sexual harassment can include a range of behaviors, express or implied, including sexual insults and name-calling, off color jokes, intimidation by words or actions, leering, offensive touching, and pressure for sexual activity. The term "sexual harassment" includes but is not limited to the following:

1. Any sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including but not limited to:

    a. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or

    b. Such advances, requests or conduct have the purpose or effect of interfering with an individual's employment or education by creating an intimidating, hostile, unwelcome, humiliating or sexually offensive employment or educational environment;

2. Sexual harassment is a form of sex discrimination, which is prohibited under Title IX of the Education Amendments of 1972 regulations at 34 C.F.R. § 106.31(b)(1)-(7); and

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

J. "Social media" includes all forms of communicating or posting information or content of any sort through electronic media, including but not limited to text messaging, instant messaging, electronic mail (e-mail), websites, 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, Twitter, LinkedIn, eHarmony). See HSS Manual, sec. 10402(A).

Section 5432 Goals for Responding to and Resolving Harassment Complaints

In responding to and resolving complaints, the HSS community shall be guided by six (6) goals:

A. Focus on changing behavior rather than simply punishing the offender;

B. Engage students and staff in dialogue so that they may learn more about the impacts of behaviors and attitudes;

C. Maintain, as much as practicable, the confidentiality of the alleged victim(s) and offender(s) by involving as few people as possible in the resolution of the problem;

D. Protect the complainant from retaliation;

E. Ensure prompt and thorough attention to all complaints; and

F. Stop the discrimination, harassment or bullying.

Section 5433 Procedures for Reporting and Conducting an Investigation of Harassment

A. Reporting.

1. All reports or complaints of harassment, including sexual harassment, shall be immediately reported to and filed with the CSA.

2. Reports shall be made using and complying with the Discrimination/Harassment Report Form.

3. If the CSA is allegedly involved in the report, the report shall be delivered to the HBE Chairperson or designee.

B. Students may report incidents they believe involve discrimination or harassment to any employee. If such a student report is submitted, it shall be processed as follows:

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

2. Any employee who has reliable information that would lead a reasonable person to suspect that a person is an instigator/participant or a target of discrimination or harassment shall immediately report it to the Principal, the CSA, or their supervisor within twenty-four (24) hours of receipt. Staff may also report incidents regarding

adults to their supervisor, Principal, CSA, or in the event of a conflict, to the HBE Chairperson;

3. Each school shall document any prohibited incident that is reported and confirmed, as well as the resulting consequences, including discipline and referrals;

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

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

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

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

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

9. The investigating officer shall conclude whether a violation of this policy or other policies have occurred and communicate such findings to the Principal or CSA as appropriate. The Principal or CSA shall ensure other parties, including complainant and alleged perpetrator, are informed of the findings as appropriate under the circumstances;

10. For alleged violations of this policy at a School, the Principal shall provide regular reports and updates to the CSA at all stages of the investigation;

11. Unresolved investigations shall be reported as such; and

12. The final disposition of the case may be by action of the HBE if there is a recommendation for non-renewal or employment termination, or suspension or expulsion.

Section 5434 Disciplinary Actions for Harassment Complaints

A. Disciplinary Action.

1. Any violation of this policy shall be subject to disciplinary action. In the case of a student found to have violated this policy, disciplinary action shall be determined by the Principal and can range from a verbal warning to removal from the school setting. See also HSS Manual, sec. 2620. In the case of staff found to have violated this policy, disciplinary action shall be determined by the CSA in consultation with the employee's Principal and supervisors and may include disciplinary action up to and including termination.

2. If the alleged sexual harassment constitutes sexual, physical or emotional abuse of a child, then a report shall be made immediately pursuant to the SCAN Protocol.

B. Retaliation.

1. Retaliation is forbidden against any person who has alleged discrimination or harassment, testified or participated in an investigation of a claim of discrimination or harassment.

2. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

3. If it occurs, it can be considered independent grounds for dismissal of staff personnel and/or removal from the educational setting for a student. Any allegation of reprisal shall be subject to the same kind of investigation and disciplinary actions as are described in this section.

CHAPTER 5500 - CHILD ABUSE DETECTION, REPORTING AND PREVENTION

Section 5501 Statement of General Policy

A. It is the policy of Hopi School System that child abuse, whether physical, emotional or sexual, be recognized and reported to the proper authorities. It shall be the duty and responsibility of each and every member of the Hopi School System staff in contact with students to be aware of the criteria for identifying a student's mood, conduct, physical condition and educational performance as they may suggest the presence of abusive influences and experiences and to report the same to the appropriate authorities.

B. Classroom teachers, school counselors, and all other HSS employees shall receive training in the recognition of the symptoms of abuse, recommended methodologies of interacting and counseling with students who are suspected to be the victim of abuse and the record keeping and reporting procedures promulgated in support of this policy.

C. This policy is enacted pursuant to the Indian Child Protection and Family Violence Prevention Act, P.L. 101-630, and the Crime Control Act of 1990, P.L. 101-647, codified at 34 U.S.C. § 20341 ("Child abuse reporting").

D. The Hopi School System hereby adopts and staff shall follow the Suspected Child Abuse/Neglect ("SCAN") protocols set forth in BIE's Suspected Child Abuse/Neglect and Employee Incident Reporting Protocol ("SCAN Protocol"), Revised 2019, and any amendments thereto. The SCAN Protocol can be accessed on the BIE website, www.bie.edu.

E. Every time a SCAN event occurs, the individuals shall refer to and follow the SCAN Protocol on the BIE website to ensure use of the most up-to-date forms and processes.

F. If there are any discrepancies between the HSS Manual and the SCAN Protocol, the provisions of the SCAN Protocol shall govern.

Section 5502 Definitions

A. "Child": Any enrolled student of the HSS under the age of eighteen (18) years. For children with disabilities, if a parent or guardian signs an "Age of Majority" form before the child turns eighteen (18) years and indicates that the child is not able to make decisions for themselves, the child shall be subject to the SCAN Protocol up until the age of twenty-two (22) years.

B. "Child Abuse": Physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.

C. "Emotional Abuse": A consistent pattern of conduct, speech or attitude toward the child which arrests the child's development or demonstrably impairs the child psychologically and/or emotionally.

D. "Neglect": A failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child.

E. "Physical Abuse": The deprivation of the child of food, shelter, clothing, care and supervision, medical and dental care and treatment, or educational opportunity; non-accidental and physically assaultive behavior inflicted upon the child which results in demonstrable tissue injury to the child.

F. "Sexual Abuse": The sexual exploitation of a child or their image; physical contact, whether with or without the consent of the child, with their genitalia, breasts or buttocks in a sexual context; exposing to and in the presence of a child's genitalia, breasts or buttocks or causing the child to have any physical contact with the same.

Section 5510 Prohibition against Child Abuse

A. Child abuse, in any form and to any extent, is strictly prohibited at any time or in any place within the boundaries of the Hopi School System. Violation of this policy shall result in disciplinary action up to and including termination.

B. Child abuse can take many forms; however, there are four major types of abuse that shall be reported and which are prohibited: physical abuse, sexual abuse, emotional abuse, and neglect.

Section 5520 Mandated Reporters have duty to report Suspected Abuse

A. All employees of HSS are considered "Mandated Reporters" and required to report suspected child abuse, including statements made by students, pursuant to the terms and conditions of the BIE SCAN and Employee Incident procedures. Legal Ref.: Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. §§ 3201, et seq.; Victims of Child Abuse Act of 1990, 34 U.S.C. § 20341.

B. The failure to report suspected instances of child abuse shall be considered as grounds for discipline up to and including termination of employment and may result in further sanctions imposed by Hopi and federal law.

Section 5521 Regular Training Required for all Mandated Reports

A. All HSS employees shall take a yearly mandatory training of the SCAN reporting protocol at the beginning of each school year.

B. Any new employees who are hired during the school year shall be required to take mandatory training of the SCAN Protocol at the time they are hired.

Section 5530 Types of Reportable Incidents

The SCAN Protocol establishes two distinct categories of Reportable Incidents which are subject to reporting:

A. "SCAN" Report: Includes circumstances where it is clear that abuse or suspected abuse has occurred to a child and the circumstances meet the definition of child abuse and/or the circumstance poses an immediate danger, or short-term threat, to a child; and

B. "Employee Incident Report": Includes actions by an employee, volunteer, contractor or consultant where no physical contact is indicated but is verbal and/or emotional in nature.

Section 5531 Procedure to report "Reportable Incidents"

A. Hopi School System staff shall follow the BIE's SCAN Protocol which has been adopted and incorporated into the HSS Manual and is available on the BIE's website.

B. The following is a summary of the procedures to be followed, however, employees shall refer to and utilize the full SCAN Protocol whenever a SCAN Reportable Incident occurs or is suspected:

1. "SCAN" Report:

a. A SCAN Report shall be completed and reported after a Mandated Reporter learns of facts that give reason to suspect that a child has suffered an incident of child abuse.

b. The mandated reporter shall immediately contact their immediate supervisor to inform him or her of the Reportable Incident.

c. The mandated reporter shall coordinate with their immediate supervisor and Principal to thoroughly complete the SCAN Report **by close of business** after the disclosure.

d. The Principal shall ensure that the CSA and the two (2) designated agencies, Hopi Law Enforcement Services and Hopi Department of Social Services, are notified of the SCAN Report **within one hour** of completion of the Report.

e. The SCAN Report shall also be submitted to the BIE SCAN Office within the established timeframes.

f. In the event the alleged offender in the mandated reporter's immediate supervisor, or if the Mandated Reporter has concerns about reporting directly to their immediate supervisor, the SCAN Report can be filed directly with the BIE SCAN Office.

2. "Employee Incident Report":

   a. When an Employee Incident is identified, all pertinent information shall be obtained by the employee who made the initial contact and who has the information first-hand from the child.

   b. The employee, working with the Principal, shall ensure that the two-page report is completed thoroughly **by close of business** after the disclosure.

   c. The Principal shall submit a copy of the completed form and supplemental data to the CSA and BIE's Program Specialist **by close of business** after the disclosure.

   d. In the event the alleged offender is the mandated reporter's immediate supervisor, or, if the mandated reporter has concerns about reporting directly to the immediate supervisor, the Employee Incident Report may be filed directly with the BIE SCAN Office.

C. In the event there appears, at any time, to be physical symptoms of abuse, the child shall be immediately taken to a medical authority for further diagnosis and treatment.

D. In the event there appears, at any time or over a period of time, to be emotional symptoms of abuse, the child shall be referred to a student counselor or certified counselor for such consultation as may appear in the best interest of the child.

E. At any time that there appears to be reasonable belief to report suspicion that the child is the victim of an abusive situation, such report shall be made to the Hopi Department of Social Services and/or the Hopi Law Enforcement Services by the CSA or his or her designee.

F. Any person making a report as described in this section which is based upon their reasonable belief and which is made in good faith shall be immune from civil or criminal liability to the full extent provided by Hopi, state and federal law.

Section 5540 Failure to Report

A. Federal Penalties for Failure to Report. Mandated reporters who, while engaged in a professional capacity or activity on Federal land or in federally operated (or contracted) facilities, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, as defined in P.L. 101-630 and P.L. 101-647, and fails to make a timely report as required, shall be guilty of a Class B misdemeanor. The person may also be fined up to $5,000 and/or imprisoned up to 6 months in jail.

B. Hopi Tribe Penalties for Failure to Report. Section 3.10.6 of the Hopi Code requires all persons to report child abuse. Section 3.10.6 states that if a "teacher, school official, or [person who] has responsibility for the care or treatment of the minor" fails to report child abuse as set forth in Section 3.10.6, he/she "is guilty of an offense." A person found guilty may be fined up to $5,000.00 and/or imprisoned up to 1 year in custody.

Section 5550 Record Keeping Requirements

A. All classroom teachers, teacher assistants, counselors, counseling technicians, and health care personnel shall keep anecdotal records or notations of any student who displays any of the symptoms of being the victim of child abuse.

B. All records required by this section shall remain privileged and shall not be communicated to other students, parents or guardians of the student or other nonprofessional staff having no direct interest in the matter until such time as a formal report is made to the proper authority or authorities.

C. All records required by this section are to be kept in a locked cabinet in the CSA's or designee's office.

CHAPTER 5600 - DISCIPLINARY PROCEDURE

Section 5601 Disciplinary Action

A. HSS policy regarding discipline of employees is generally reflected in the recommendations in Table 5-1 (Disciplinary Penalties). If an employee engages in an act of misconduct, which is not addressed in Table 5-1, the supervisor shall select an appropriate penalty in consultation with their immediate supervisor, department director, Principal, and/or the CSA.

B. Notwithstanding Section 5601(A) and recommendations in Table 5-1, the specific type and degree of disciplinary action to be taken in a particular situation shall be determined by the facts and circumstances of each situation. Previously documented disciplinary action(s), the degree of the conduct involved and other mitigating and exacerbating factors shall be considered in determining which penalty to impose.

C. Non-Disciplinary Action. Not all actions regarding an employee are considered "discipline," even though they may involve alleged or possible violations of policies or rules by the employee. This policy addresses only discipline and has no application to any of the following:

1. The employee's evaluation procedure or the resulting evaluations as they pertain to the adequacy of the employee's performance;

2. Letters or memoranda directed to an employee containing directives or instructions for future conduct;

3. Counseling of an employee concerning expectations of future conduct. Counseling memoranda may be used to inform employees of the matters described in this section. Counseling memoranda are not discipline or a disciplinary action. Counseling memoranda are to be considered a positive, pro-active, cooperative approach to potential problems. They also serve to provide notice to employees of potential problem areas prior to them becoming discipline issues;

4. Non-renewal of a contract of an employee employed by HSS;

5. Reassignment With Pay; and

6. Expectation Agreements, Professional Development Plans and Personal Improvement Plans.

D. Types of Disciplinary Action.

1. When disciplinary action is to be taken the following steps are recommended:

a. Reprimand (verbal/written);

b. Suspension; and

c. Termination.

2. This is a recommended procedure for disciplinary action. The facts and circumstances of a specific situation may preclude progressive discipline in favor of a more severe initial disciplinary action.

E. Guidelines and Procedures for Disciplinary Actions.

1. Reprimand (Verbal/Written): When a Reprimand (Verbal/Written) is issued, it shall be done in private and a copy of the letter covering the details of the Reprimand sent to the Personnel Department. Where appropriate, a reasonable period of time for improvement or corrections shall be allowed before taking further action. A witness shall be present only when necessary. Written Reprimand shall, upon the employee's written request, be removed from an employee's personnel file after a 12-month good conduct period.

2. Suspension: Suspension consists of a period of time during which an employee shall not work and shall not receive compensation. The maximum suspension period shall be thirty (30) calendar days.

3. Termination: Involuntary Termination is covered in Section 5710 of the HSS Manual.

4. Initiation of Disciplinary Action. Disciplinary action may be initiated by an employee's supervisor, department head, Principal, or the CSA. The employee shall be notified in writing of the disciplinary action and the basis therefor. The employee's Department Supervisor shall commence disciplinary action against the employee within ten (10) working days, or such time as may be reasonable after being made aware of the offense(s). The person who initiates it shall sign the notification, and copies shall be supplied to the Personnel Director for placement in the employee's personnel file.

5. Authority to Carry out Disciplinary Action. Disciplinary action in the form of a written reprimand may be carried out by the appropriate department head. Disciplinary action in the form of suspension without pay, or discharge requires the approval of the CSA.

6. Notification of Disciplinary Action. Each form of disciplinary action shall include written notification to the employee which includes:

a. A description of the specific acts or admissions upon which the disciplinary action is based;

b. An identification and/or description of the policies, laws, regulations, guidelines or other requirements which were violated by the employee's acts or omissions;

c. A summary of any prior discussions and/or formal or informal disciplinary actions regarding similar related or other matters/violations. Prior discussions or actions are not required and disciplinary action may be imposed without them;

d. The disciplinary action to be taken including dates and duration where applicable;

e. The improvement or correction expected, if applicable; the consequences of the employee's failure to make required improvements or corrections or if such conduct or actions continue; and

f. The appropriate appeal procedure.

7. If the employee is present and available and other reasons do not prevent it, employee shall be offered the opportunity to review, sign and date any notice of formal disciplinary action. Given the opportunity, the employee shall sign the notice. The employee's signature indicates that the employee has had the opportunity for review but not necessarily that the employee agrees with the action. If the employee refuses to sign, a witness to such refusal may sign and date the notice. Employee's refusal to sign the letter as described in this section shall be an additional incidence of insubordination which shall be the grounds for separate and additional disciplinary action up to and including termination. Where notices are not or cannot be issued in person, they shall be delivered by certified mail return receipt requested to employee's last address of record with HSS. It shall be employee's responsibility to ensure that HSS has employee's correct, current mailing address and that employee collects and reviews mail at that address in a timely fashion.

8. An employee may file an appeal regarding any formal disciplinary action. Employee shall refer to Section 5612 of the HSS Manual for appeal procedures and timelines. Employee's failure to know and use the proper appeal procedure shall constitute a waiver of any such appeal.

9. Notice under these disciplinary, appeal, grievance and termination policies shall be deemed given upon delivery to employee or three (3) days after mailing to employee's last address of record.

10. An Employee shall, as part of their contract with the HSS, exhaust this and all other possible remedies provided by the HSS prior to taking any action outside these policies. Employee's failure to exhaust Employee's remedies provided under this contract shall be a breach of their contract and grounds for disciplinary action, up to and including termination of employment. Further action, including action outside the HSS is contractually barred if Employee fails to exhaust the remedies available under these policies.

TABLE 5-1: DISCIPLINARY PENALTIES

HSS Policy Violation	First Offense	Second Offense	Third Offense
The knowing failure or refusal, without just cause, to obey or carry out any orders, instructions, assignments or duties within the time designated by one in a position of authority for the performance of said orders, instructions, assignments or duties.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
The knowing failure to maintain to all persons, conduct, demeanor and speech exhibiting the respect and professionalism appropriate to the employee of an educational institution.	Letter of Reprimand to Termination	1 day Suspension (without pay)	5 days Suspension (without pay) to Termination
Failure, without just cause, to obey or comply with any directive or adopted and published policy of the HBE.	Letter of Reprimand to 30 days Suspension (without pay)	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
The unexcused absence from one's duties or duty station for one hour or less twice in one week or four times in one year.	Letter of Reprimand	Letter of Reprimand to 1 day Suspension (without pay)	1 day Suspension (without pay) to Termination
The unauthorized absence from one's duties or duty station for more than one consecutive hour on one occasion	Letter of Reprimand to 1 day Suspension (without pay)	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination
Idleness, sleeping or unauthorized participation in non-job related activities during duty hours.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	3 days Suspension (without pay) to Termination
Any act or failure to act which shall foreseeably endanger or cause physical or emotional damage or educational or moral harm to any student of the HSS at any time while said student is enrolled as a student. Any act of corporal punishment, which is defined as "intentionally striking the child or other forms of child abuse noted in this policy manual."	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination

HSS Policy Violation	First Offense	Second Offense	Third Offense
Any act or failure to act which shall foreseeably endanger or cause physical harm to another employee of the HSS.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Failure to disclose or report, to a person in a position of relevant authority, any conduct, occurrence, information or condition, which if not so disclosed or reported, shall or is likely to cause harm, loss or damage to the HSS, or any employee or student thereof.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Any violation of the Drug-Free Workplace Policy (Section 5403 et seq. of the HSS Manual), including the abuse of any substance, including, but not limited to, alcohol.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	10 days Suspension (without pay) to Termination
The unauthorized use or the illegal operation of any vehicle owned, leased or in the possession of the HSS or the U.S. Government, or permitting of such unauthorized use or illegal operation by another.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
The use, without proper authorization, of HSS property.	Reprimand to 3 days Suspension (without pay)	Letter of Reprimand to 10 days Suspension (without pay)	5 days Suspension (without pay) to Termination
The alteration without proper authority, or falsification of any official student or HSS record, reinstatement, certificates, grades, ratings, or reports with regard to any test, certificate or appointment.	Reprimand to 10 days Suspension (without pay)	Letter of Reprimand to Termination	5 days Suspension (without pay) to Termination
Theft of property belonging to or in the care and/or custody of the HSS or any other employee or student of the HSS.	1 day Suspension (without pay) to Termination	15 days Suspension (without pay) to Termination	Termination
No employee shall place or allow himself or herself to be placed in a situation or pursue a course of conduct involving a student which shall or may be reasonably perceived by the student or such other person or persons who may also be present, as compromising to the welfare, morality or comfort of the student.	Suspension of 10 days or more or termination	Termination	Termination

HSS Policy Violation	First Offense	Second Offense	Third Offense
No employee shall either solicit or accept any reward, favor, gift or any other form of gratuity for the anticipation of, or in return for, any performance or non-performance of any duty from a vendor, contractor, firm, or individual or any other source having or proposing to have or do business with the HSS, its programs or operations.	Letter of reprimand to Termination	Suspension to Termination	Termination
No employee shall conduct or participate in any unauthorized political activity during working hours or when using HSS property or facilities.	Letter of reprimand in Suspension	Suspension to Termination	Termination
No employee shall presume to speak for, or on behalf of, the HSS, the HBE or the administration unless specifically authorized to do so. An employee who is officially designated to so speak shall at all times be accurate, shall exercise proper restraint, and shall show respect for the opinions of others when serving as a designated spokesperson in public statements and proceedings relating to the HSS, its policies or operations.	Letter of reprimand to Termination	Suspension to Termination	Termination
Failure for employees to dress in a manner appropriate and proper with respect to their position, the occasion and their function while on duty or when representing the HSS in any capacity.	Letter of reprimand to Suspension	Letter of reprimand to Suspension	Suspension
No employee shall discuss or divulge confidential aspects of programs or operations or any other sensitive or confidential information, either to or with another employee not entitled to the information or to a person or group outside of the HSS, without the specific authorization of the Principal.	Letter of reprimand to Termination	Suspension to Termination	Termination
Failure of a supervisor to comply with Section 5401 of the HSS Manual.	Letter of reprimand to Termination	Suspension to Termination	Termination
No employee shall engage in any activity of misconduct, abuse, or harassment of a sexual nature towards any other employee or student of the HSS.	Suspension to Termination	Termination	Termination

HSS Policy Violation	First Offense	Second Offense	Third Offense
No employee shall use or be under the influence of any substance which may alter the mind or impair the physiological functioning while on duty.	Suspension to Termination	Termination	Termination
Arrest or conviction by any recognized police agency or judicial body for abusing or being under the influence of substances, including alcohol.	Suspension to Termination	Termination	Termination
The employee shall directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, grade, proposed appointment, promotion, or proposed motion to a position at the HSS or affiliated with the HSS or any business transactions of the HSS.	Suspension to Termination	Termination	Termination
No employee of the personnel office, examiner, or other, shall obstruct another from examination, eligibility certification or appointment under these policies, nor furnish special or unpublished information for the purpose of affecting the rights or prospects with respect to employment.	Letter of Reprimand to Termination	Suspension to Termination	Termination
No employee shall induce or attempt to induce any employer or student to commit an unlawful act or acts in violation of these policies, Hopi, federal or State of Arizona laws or regulations.	Suspension to Termination	Termination	Termination
No employee shall engage in vending, soliciting or collecting contributions on the campus at any time, without prior written authorization of the Principal or CSA.	Letter of Reprimand to Suspension	Suspension	Termination
No employee shall use equipment of the HSS without proper authorization.	Letter of Reprimand to Termination	Suspension to Termination	Termination
Employees shall at all times be responsible with money or property of the HSS and carelessness or negligence with the same shall be a violation of these policies.	Letter of Reprimand to Termination	Suspension to Termination	Termination

HSS Policy Violation	First Offense	Second Offense	Third Offense
Disclosure of confidential information vital to the interest of HSS.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Abuse of the Business Travel Expense Policy, which includes but is not limited to falsifying expense reports. (Note: Expenses provided in a falsified report shall not be reimbursed.)	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Improper, careless, negligent destructive, or unsafe use or operation of equipment.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Abuse or neglect of a student by an employee.	Suspension (without pay) to Termination and Reporting to Appropriate Authorities	Termination and Reporting to Appropriate Authorities	
Failure to report all known violations of policy.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Sexual relations with a student by an employee.	Termination and Reporting to Appropriate Authorities		
Any violation of the social media policy.	Letter of Reprimand to Termination	Suspension to Termination	Termination
Any absenteeism, including AWOL, not previously addressed in the HSS Manual.	Letter of Reprimand to Termination	Suspension to Termination	Termination
Tardiness.	Letter of Reprimand to Suspension	Letter of Reprimand to Suspension	Suspension to Termination

Section 5610 Filing Staff Complaints

Complaints of HSS actions, treatment, or working conditions may be filed through two procedures: staff grievances and staff appeals under the application and filing procedures set forth in Sections 5611 (Staff Grievances) and 5612 (Staff Appeals) of the HSS Manual.

Section 5611 Staff Grievances

A. Filing a Grievance. Any regular, full-time and part-time employee of the HSS may file a grievance. A "grievance" is a complaint by a HSS employee alleging a violation or misinterpretation, as to the employee, of any HSS policy or regulation, including department work rules, unsafe or unhealthy working conditions and alleged improper treatment, that directly and specifically governs the employee's terms and conditions of employment.

B. Definition. "Terms and conditions of employment" means the hours of employment, the compensation, fringe benefits, and the employer's personnel policies directly affecting the employee. In the case of professional employees, the term does not include educational policies of the HSS. For purposes of this grievance policy, a day is a working day. The immediate supervisor is the lowest-level administrator having line supervisory authority over the grievant.

C. Limitations of Grievances. Discipline, including reprimands/warnings, suspension, and demotion, or dismissal of employees, is covered by policies regarding appeals and is not a grievable matter. See HSS Manual, sec. 5612. Assignment, reassignment, or transfer of an employee to another position or duties is not grievable beyond the CSA unless there is a reduction in compensation or the Principal or CSA requests that it be considered by the HBE. The term grievance shall not apply to any matter for which the method of review is otherwise prescribed by law, or the HBE is without authority to act.

D. Informal Level. Before filing a formal written grievance under the "Formal Level" procedures set forth in this section, the grievant shall attempt to resolve the matter by one or more informal conferences with the immediate supervisor. The first of these informal conferences shall be conducted within ten (10) working days after the employee knew, or should have known, of the act or omission giving rise to the grievance. A second or any subsequent conference shall occur within (5) working days after the initial informal conference, or any subsequent conference.

E. Formal Level.

1. Level I. Within fifteen (15) working days after the employee knew, or should have known, of the act or omission giving rise to the grievance, the grievant shall present the grievance in writing to the immediate supervisor.

    a. The grievance shall contain a clear, concise statement of the circumstances giving rise to the grievance, a citation of the specific article, section and paragraph of the policy or regulation that directly and specifically governs the

employee's terms and conditions of employment that are alleged to have been violated, the decision rendered at the informal conference, and the specific remedy sought.

b. The immediate supervisor shall communicate a decision to the employee in writing within (5) working days after receiving the grievance.

c. Within the time limits for Level I, either party may request a personal conference to resolve the matter.

2. Level II. In the event the grievant is not satisfied with the decision at Level I, the decision may be appealed to the Principal within five (5) working days after receipt of the decision. The appeal shall include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for the appeal. The Principal shall communicate a decision within (5) working days after receiving the appeal. Within the time limits for Level II, either the grievant or the Principal may request a personal conference to resolve the matter.

3. Level III. If the grievant is not satisfied with the decision at Level II, the grievant may within five (5) working days, submit an appeal in writing to the CSA. The CSA shall communicate a decision within (5) working days after receiving the appeal. Within the time limits for Level III, either the grievant or the CSA may request a personal conference to resolve the matter.

4. Level IV. If the grievant is not satisfied with the decision at Level III, the grievant may within five (5) working days, submit an appeal in writing to the CSA for consideration by the HBE. The HBE may determine not to conduct a review, or to conduct a review at a designated or future date. All decisions of the HBE shall be final and unappealable.

F. General Provisions.

1. Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed an acceptance of the decision rendered at that step, and there shall be no further right of appeal. Failure to file a grievance within fifteen (15) working days after the employee knew, or should have known, of the circumstances upon which the grievance is based shall constitute a waiver of the grievance.

2. The filing or pendency of any grievance under the provisions of this policy shall in no way operate to impede, delay, or interfere with the jurisdiction of the HBE or the CSA.

3. Grievances shall be processed pursuant to the procedures set forth in this section. Grievances shall not be taken directly to HBE members and a HBE member or the HBE shall not be copied with a grievance. A staff person who fails to follow this directive and initially submits the grievance directly to the HBE or copies the HBE

with a grievance submitted to the employee's supervisor, waives their right to grieve the matter and may be disciplined for failing to follow the chain of command.

4. Any employee who attempts to process a grievance or a complaint against the HSS through social media shall be in violation of this policy and subject to discipline. Grievances are established to provide employees with resolution of grievable matters in the most efficient, least disruptive manner. Failure to follow this policy may disrupt the HSS, create inefficiencies and make resolution of issues more difficult.

Section 5612 Appeals Procedure

A. Purpose. The purpose of the appeals procedure is to provide those eligible employees with a uniform and equitable method of resolving actions taken while employed by the HSS. This procedure is intended to ensure that any eligible employee shall be treated fairly and within the policies and procedures of the HSS Manual and any other applicable laws.

B. Applicability. This procedure shall be used for actions regarding reprimands/ warnings, suspension, and demotion.

C. Eligibility. All regular, full-time and part-time employees are eligible, except temporary and probationary employees are not entitled to use of the appeal procedure.

D. Filing an Appeal.

1. General Provisions for Appeals.

   a. All appeals shall state with specificity the action being appealed and include specific grounds for the appeal including, but not limited to, all relevant facts, circumstances, dates, times, places, statements and witnesses.

   b. Any employee desiring to file an appeal shall do so within five (5) working days after being notified that they have been warned/reprimanded, suspended or demoted. Appeals not filed within the designated time frames shall not be considered.

2. Appeals of Warnings/Reprimands to a Principal.

   a. Appeals of a warning/reprimand not initiated by a Principal may be filed in writing with the Principal, and shall include the description set forth in Section 5612(D)(1)(a).

   b. The Principal may within five (5) working days of receiving an appeal elect to resolve the appeal in writing or refer it to a hearing before the CSA or designee with recommendations.

c. If the employee is not satisfied with the Principal's decision on the appeal, he/she may file a written appeal with the CSA within five (5) days of issuance of the Principal's decision and shall include the description set forth in Section 5612(D)(1)(a).

3. Appeals of Suspension, Demotion, or Principal-Initiated Reprimands to the CSA.

a. Appeals for all other decisions, e.g. suspension, demotion, or Principal-initiated reprimands, may be filed in writing with the CSA and shall include the description set forth in Section 5612(D)(1)(a).

b. If the Principal refers the appeal to the CSA or the appellant files an appeal directly with the CSA, the CSA or designee shall hold a hearing within ten (10) working days after receiving the appeal or referral and render a decision that either supports or dismisses the appeal within ten (10) days of the hearing.

c. Written notice of the time and place of the hearing shall be mailed by certified mail return receipt requested to the employee five (5) days before the hearing. The CSA may allow the appellant or other parties the opportunity to address the appeal. The parties may be represented by legal counsel and/or cross exam witnesses.

d. If the subject of an appeal is a warning/reprimand not initially imposed by the Principal, the CSA's decision is final. There is no further appeal. If the subject of the appeal is other than a reprimand/warning or if the Principal initiates the reprimand/warning, then appellant may proceed to appeals to the HBE.

4. Appeals to the HBE.

a. If the appeal is other than a reprimand or if the Principal initiates the reprimand and the appeal is not satisfactorily resolved by the CSA, in writing or by hearing, the employee may request the HBE to add the complaint to the next regular HBE meeting.

b. This request shall be made within ten (10) working days and through the CSA. The HBE may decide to affirm, modify or dismiss the decision or schedule a hearing before the HBE or a hearing officer.

c. The HBE shall determine who shall hear the appeal. The HBE's decision shall be provided to the appellant and CSA in writing within ten (10) working days of the regular HBE meeting at which the appeal was submitted.

d. If the HBE elects to hold a hearing, it shall provide written notice of the hearing, including the time and place of the hearing, to the appellant within ten (10) working days of the regular HBE meeting at which the appeal was submitted.

e. Any such hearing shall be scheduled within fifteen (15) working days of the regular HBE meeting at which the appeal was submitted. At any such hearing

the parties may be represented by legal counsel, submit evidence in the form of exhibits or testimony and cross examine witnesses. The procedure shall be informal and as determined by the HBE or hearing officer.

f. All decisions by the HBE shall be final and non-appealable.

Section 5620 Compliance with the Hopi Education Code

A. Chapter 18 of the Hopi Education Code sets forth requirements for ensuring compliance with the provisions of the Code.

B. If a stakeholder believes that a local school, local school board, CSA, or Hopi School System entity or employee is not in compliance with the Code, he/she shall first exhaust the provisions of the Code or other relevant regulations, which includes the policies and procedures set forth in the HSS Manual, prior to seeking any other remedy. See Code, sec. 18.1.A.

C. Compliance of Local Schools and Local School Boards.

1. If a Stakeholder has a complaint regarding local schools and local school boards, a Stakeholder may file a complaint with the CSA alleging the non-compliance of any local school or local school employee, school board, or school board member with this Code following the procedures set forth in Section 18.2 of the Code.

2. The remedies set forth in the HSS Manual shall first be exhausted prior to seeking any remedy provided in Section 18.2 of the Code.

D. Compliance of the Chief School Administrator.

1. If a Stakeholder has a complaint regarding the CSA, a Stakeholder may file a complaint with the HBE alleging the non-compliance of the CSA with this Code or HSS policies and procedures following the procedures provided in Section 18.3 of the Code.

2. The remedies set forth in the HSS Manual shall first be exhausted prior to seeking any remedy provided in Section 18.3 of the Code.

E. Compliance of Hopi Board of Education.

1. If a stakeholder has a complaint regarding the HBE or a member, he/she shall first file a written complaint with the CSA. The CSA shall provide the complaint to the HBE Chairperson. The complaint shall state with specificity the action(s) for which the stakeholder is seeking remedy and include specific grounds for the remedy including, but not limited to, all relevant facts, circumstances, dates, times, places, statements and witnesses.

2. Within sixty (60) days of receiving the complaint, the HBE shall either hold hearing on the complaint or uphold the original action taken.

3. If the complaint involves an individual HBE member, such member shall withdraw and recuse himself/herself from any discussion, hearing or decision regarding the complaint.

4. HBE may consult with the HSS legal counsel regarding the allegations in a complaint and whether a hearing is warranted.

5. If a Stakeholder is not satisfied with the HBE's decision, he/she may provide a complaint in writing to the Hopi Tribal Council under the procedures set forth in Section 18.4 of the Code.

6. The remedies set forth in the HSS Manual shall first be exhausted prior to seeking any remedy provided in Section 18.4 of the Code.

CHAPTER 5700 - TERMINATION OF EMPLOYMENT

Section 5701 Voluntary Termination (Resignation)

A. Employees are requested to give at least thirty (30) working days written notice of their intent and request to resign. Providing timely written notice does not and shall not be construed to mean that employee's request to be allowed to resign is granted. Regardless of timely or other notice of intent and request to resign, the HBE retains the sole discretion whether or not to grant the request to be allowed to resign. The HBE shall make its decision whether or not to grant the request to resign based upon the best interest of HSS regardless of employee's timely notice.

B. Earned compensatory time and accrued leave may be requested on a day-to-day basis during the final thirty (30) working days of employment.

C. An employee who has submitted a letter of resignation may not withdraw the resignation after it has been accepted by the HBE. The resignation shall become effective as of the date specified in the letter of resignation, unless otherwise mutually agreed between the HBE and the employee. However, the HBE may at any time dismiss an employee as otherwise provided in the HSS Manual.

D. The following procedures shall be followed in the case of resignation from employment:

1. The employee shall provide a written notice of their intent to resign to the CSA;

2. The CSA shall place the resignation on the agenda for HBE review at the next scheduled HBE meeting;

3. The employee shall be notified of when his/her resignation letter shall be considered by the HBE;

4. It is solely within the discretion of the HBE to accept or reject the letter of resignation;

5. The immediate supervisor shall account for all HSS property issued to the employee before the effective date of the resignation;

6. The CSA shall conduct an exit interview with the resigning employee before the effective date of resignation; and

7. If the employee has outstanding debts or owes property to the HSS, the immediate supervisor shall take all necessary steps to initiate repayment on the part of the employee and/or receive any property from the employee, before the final paycheck is released. The immediate supervisor shall notify the CSA in writing that he/she has accounted for all HSS property issued to the employee, has taken steps to initiate repayment/receipt of property and that the final pay check can be released by the HSS.

Section 5710 Involuntary Termination (Dismissal Other Than Layoff/Reduction-in-Force)

A. Probationary employees serve at-will and at the pleasure of the HBE and may be terminated at any time, with or without cause. Probationary employees have no right to appeal their dismissal.

B. Non-probationary employees may be terminated for cause. Examples of infractions which may result in disciplinary action, including involuntary dismissal, are included in Table 5-1 (Disciplinary Penalties). However, it is not possible to list all the forms of behavior which are considered unacceptable in the work place and the HBE may in its discretion dismiss any employee for unsatisfactory performance, unprofessional conduct, insubordination, violation of policies or laws, or such other conduct that constitutes cause to dismiss. While the HBE may choose to take a lesser disciplinary action such as a warning or suspension for a first offense, the HBE may in its discretion dismiss an employee for a first offense if appropriate depending on the facts and circumstances of the situation.

C. Involuntary Dismissal Procedures (other than Layoff/Reduction-in-Force).

1. Dismissal of an employee may be recommended by the CSA, Principal or by the immediate supervisor. The CSA in consultation with the supervisor shall draft a notice of intent to terminate letter setting forth the reasons for the recommendation for termination and citing the specific policy(ies) violated by the employee.

2. The CSA shall consult with the Personnel Director and the school attorney prior to issuance of all notices of intent to terminate and termination letters.

3. The notice of intent to terminate letter shall be provided to the HBE at a duly called meeting with a recommendation by the CSA to the HBE as to whether reasonable cause exists to terminate the employee.

4. If the HBE after reviewing the notice of intent to terminate letter and after receiving the recommendation from the CSA, believes that adequate cause exists to terminate the employee, the HBE or designee shall send the employee a letter by certified mail return receipt requested terminating the employee and setting forth the reasons for the termination and citing policies violated by the employee. The termination shall become effective five (5) working days after the employee receives the letter unless the employee appeals the termination decision to the HBE within five (5) working days of receiving the letter. If the employee appeals, the employee shall submit a written appeal to the CSA which states the basis for the appeal and the specific facts, circumstances, evidence and witnesses which support the appeal.

5. If the employee appeals the termination to the HBE, the employee shall continue as an employee of the HSS pending the outcome of the termination appeal.

6. Once the HBE receives the termination appeal, the HBE shall hold a hearing to hear the employee's appeal. The HBE, at its discretion, may designate a hearing officer to hear the appeal.

7. The hearing on the dismissal appeal may, at the option of the employee, be done in executive session. If the employee does not opt to have the hearing in executive session, the hearing shall be at an open public meeting.

8. At this hearing, the CSA or designee shall present the termination against the employee and shall present to the HBE or hearing officer witnesses and other exhibits pertaining to the termination letter. The CSA or designee may be represented by legal counsel.

9. The employee shall thereafter present his/her witnesses and documentation with regard to the termination letter. The employee may be represented by legal counsel.

10. All testimony shall be taken under oath, the proceeding shall be tape recorded, and both sides shall have a right to cross-exam the other side's witnesses. Formal Rules of Evidence shall not apply, and the HBE shall allow in any evidence that is relevant and non-repetitive.

11. Either side may be represented by legal counsel at the party's own expense.

12. After both sides have presented their case, both sides shall be allowed a brief closing argument.

13. After both sides have presented closing argument, the HBE shall deliberate and issue a decision within five (5) working days. HBE's decision shall include:

    a. Uphold the termination;

    b. Reject the termination; or

    c. Impose a lesser disciplinary action.

14. The decision of the HBE shall be final and effective immediately.

15. Pending action by the HBE, an employee may be placed upon administrative leave with pay and with full benefits if, in the opinion of the CSA, it is appropriate and in the best interest of the HSS.

Section 5720 Layoff / Reduction-in-Force

A. This provision relates to any involuntary employment termination for non-disciplinary reasons initiated by the HSS due to economic need, insufficient federal funding, changing program needs, a reduction in student count, reductions in work load or other factors which, in the sole discretion of the HBE, render such action prudent and in the best interest of the HSS. The CSA shall notify the HBE when funding or workload circumstances require a layoff/reduction-in-force, and shall submit a layoff/ reduction-in-force plan to the HBE.

B. In developing such plan, the CSA shall give preference in retention to positions essential to the administration and operation of the HSS. In considering the CSA's plan, the HBE shall also give preference in retention to such positions.

C. The CSA and the HBE shall also consider the following factors in making layoff/reduction-in-force decisions, whether during the academic year or at the time for contract renewal decisions:

1. The best interest of the HSS and the educational mission of the HSS;

2. Importance to the HSS of position held;

3. Quality of service to the HSS;

4. Recommendations of supervisors; and

5. Length of service to and employment with the HSS.

D. The HBE shall give all affected employees prior written notice of any anticipated layoff or reduction in force.

Section 5730 Reinstatement

A. Any employee affected by a reduction in force shall be reinstated pursuant to the Personnel Policies and Procedures of HSS (i.e., Selection Procedures) and qualifications for the position.

B. Such reinstatement may occur only within the contract year in which the layoff or reduction in force occurred.

C. It shall be the affected employee's responsibility to remain informed of any vacant positions and make the appropriate application for reinstatement.

Section 5740 Disability

A. Upon written verification of a medical doctor that an employee is unable to perform the essential functions, duties and responsibilities in the employee's job description, with or without reasonable accommodation, and all currently earned and accrued leave has been used, said employee may be terminated.

B. Extended benefits may be available to the employee under the HSS undesignated leave policy and/or applicable Workmen's Compensation provisions.

C. Salary and benefits shall terminate automatically on the day all leave benefits have been expended.

TITLE 6 - TRANSPORTATION

CHAPTER 6000 - TRANSPORTATION OPERATIONS

Section 6001 Purpose

A. The health, safety and welfare of all students and staff shall be the primary concern in all transportation matters of the Hopi School System ("HSS"). Other purposes of HSS transportation services are to: ensure staff are properly trained, licensed and certified to perform transportation functions; efficient and quality service of HSS's transportation needs; protection of HSS assets through proper maintenance and use; and protection of the HSS from liability.

B. The HBE hereby establishes a "Transportation Department" within the HSS Central Administration Office which shall be led by a "Transportation Director" to oversee and implement transportation services for the HSS and HSS schools.

Section 6002 Definitions

A. "Actual Authority." The authority to conduct transportation which is granted either by the express written conditions of a grant of that authority or by the express terms of the position description applicable to the duties of the employee conducting the transportation.

B. "Authority." The Authority, either actual or implied, to conduct transportation.

C. "Employee." For purposes of the HSS Manual, an employee shall be defined as any person employed by the HSS under long-term or temporary contract of employment, as a consultant or independent contractor, or who is an officer or official of the HSS.

D. "Implied Authority." The authority to conduct transportation which is a reasonable and necessary element of the function of the position or duties of the employee or an exigent circumstance involving the safety of a student where failure to transport that student would, in some way, violate the duty of the HSS to that student.

E. "Real and Immediate Emergency." A condition or circumstance, involving a student as defined herein, in which the welfare of the student is immediately endangered by that condition or circumstance.

F. "Student." Any person who is enrolled as a student in a school of the HSS.

G. "Transportation." The act of operating a vehicle on or away from a school campus of the HSS under the actual or implied authority of the HSS while conducting the business of the HSS.

Section 6003 Goals of Student Transportation Services

The Hopi Board of Education ("HBE") shall provide school transportation services for students consistent with the following goals:

A. Providing transportation to and from school to students in need of the service;

B. Making safety a priority in maintaining quality and safe operations of transportation equipment and vehicles;

C. Teaching and expecting students to act in a safe and orderly manner while using school transportation;

D. Planning and providing transportation services efficiently and economically;

E. Using transportation services to support the types of learning opportunities available to HSS students;

F. Working effectively with students, parents, guardians, private contractors and other governmental agencies in providing transportation services; and

G. Providing courteous service to students and responding promptly and courteously to requests by parents, guardians and students.

Section 6004 Oversight of Student Transportation

The responsibility for the operation of student transportation shall be vested in the Chief School Administrator and the Transportation Director. The CSA, Transportation Director, and all Principals shall make reasonable efforts to inform affected individuals or entities about safety issues and monitor compliance with legal requirements and this policy.

Section 6005 HSS Fleet

The HBE shall have the authority to determine the type of vehicles to be used for HSS transportation as well as whether the HSS will purchase vehicles or lease vehicles from the U.S. General Services Administration ("GSA") or private sector.

Section 6006 Use of Privately Owned Vehicles

A. Vehicles owned or operated by the HSS shall be used for all official HSS business whenever possible.

B. If a HSS vehicle is not available, HSS employees, HBE members, and local school board members may use their privately owned vehicle for transportation while on authorized, official HSS business and shall follow the procedures set forth in Section 4704 of the HSS Manual.

C. If a HSS employee, HBE member, or local school board member uses their privately owned vehicles on official HSS business, he/she shall follow all licensing, insurance and other requirements and policies set forth in the HSS Manual and as may be adopted.

D. If HSS employees, HBE members, and local school board members choose to use their privately owned vehicles when a HSS vehicle is available, they shall not receive mileage reimbursement.

Section 6010 Licensing and Certification

A. No vehicle operated under the authority of the HSS, whether a privately owned vehicle used for official HSS business or a vehicle under the control of the HSS, shall be operated for purposes of transportation unless the operator possesses all licenses and certification necessary to the operation of the vehicle in the manner and for the purposes intended by the authority granted.

B. Any person whose primary duties of employment directly and substantially involves HSS transportation and whose required license or certification is revoked, suspended or expires without renewal, shall immediately notify the HSS Transportation Director and their Principal of such fact. The Transportation Director shall immediately notify the CSA who shall initiate the appropriate action whether it be discipline, termination, and/or counseling. The CSA shall inform the Principal and Transportation Director of the result.

C. The HBE may terminate the employment of any person whose primary duties of employment directly and substantially involve HSS transportation and whose required license or certification is revoked, suspended or expires without renewal, pursuant to the HSS Manual.

D. In circumstances in which applicable Hopi, federal or Arizona law require the operator of a vehicle to possess a current, valid State Driver's License and/or Commercial Driver's License ("CDL"), no person may operate a vehicle without such license. See also HSS Manual, secs. 5050(B)(3), 5051 (License Requirements for Employment).

Section 6011 Vehicle and Operator Insurance

A. All vehicles owned or leased by the HSS shall be fully insured by the HSS for all transportation purposes. See HSS Manual, sec. 4224 (Insurance).

B. Any privately owned vehicle used for official HSS business shall be fully insured by the owner thereof prior to its use for HSS transportation. When driving a privately owned vehicle on official HSS business, valid proof of vehicle insurance shall be provided to receive mileage reimbursement payments.

Section 6020 Routine Vehicle Repairs and Maintenance

A. Repair and maintenance costs for all HSS vehicles shall follow HSS Finance Policies and Procedures and other applicable finance procedures. See HSS Manual, Title 4.

B. Repair and maintenance costs for all HSS leased vehicles shall follow lease regulations and warranty requirements.

C. Repairs of HSS vehicles, which are not leased or do not have repair or warranty requirements, shall require price or rate quotes from an adequate number of qualified sources as determined appropriate.

D. The Transportation Director shall develop procedures for repair and routine maintenance of all HSS owned and leased vehicles, which shall be approved by the HBE.

Section 6021 Vehicle Repairs While Engaged in Transportation

A. An employee who is engaged in HSS transportation and who is operating a vehicle which belongs to or is being operated under the custody of the HSS shall first contact the HSS Transportation Director or designee to notify him/her of the need for repairs or assistance.

B. In the event repairs or assistance are reasonably required while engaged in the transportation of a student(s), the operator is authorized to obligate the HSS for the reasonable cost of such repairs. The operator is required to provide student(s) with all services and facilities as may be necessary for their welfare while such repairs or assistance is being rendered. Repairs or expenses resulting from this section shall follow all applicable rules and regulations, for example GSA rules on repairs of leased vehicles.

C. Privately owned vehicles being used by an employee while engaged in official HSS business shall be repaired at the expense of the employee operator.

Section 6030 Transportation Expenses

A. Reasonable Expenses. The HSS shall pay the actual reasonable expenses of operation, maintenance and repair of all vehicles owned or leased by the HSS or any department thereof.

B. Travel Authorization. Following the procedures set forth in Chapter 4700 of the HSS Manual, all "Overnight Travel" on official HSS business shall be approved in writing and in advance through use of the "Travel Authorization Form," as developed by the CSA. Any "Local Travel" involving conference or meeting fees shall also be approved in writing and in advance through use of the "Travel Authorization Form."

C. Mileage Reimbursement.

1. HSS travelers may only use privately owned vehicles if they are on official HSS business which has been authorized and when no HSS vehicle is available.

2. Following the procedures set forth in Chapter 4700 of the HSS Manual, an HSS employee, HBE member or local school board member who is engaged in

authorized, official HSS business, and who is operating a privately owned vehicle, shall be paid or reimbursed for the expenses of providing that transportation at the standard rate per mile established by the GSA for the applicable year.

3. It is considered and intended that payment of the GSA rate per mile for transportation shall fully compensate the HSS employee, HBE member or local school board member for the cost of operating, normal wear and tear and insurance for that vehicle while engaged in transportation for official HSS business.

CHAPTER 6100 - SAFETY AND STUDENT TRANSPORTATION SERVICES

Section 6101 Summary of Roles

A. The Transportation Director, in consultation with the CSA, is responsible for establishing a student transportation services program consistent with HBE goals established in Section 6003 and applicable Tribal, federal and state laws and regulations.

B. HSS personnel, volunteers, and private carriers are expected to be familiar with all duties imposed by applicable Tribal, federal and state law and HBE policy and procedures.

C. Specific duties related to providing student transportation services shall be included in appropriate job descriptions.

Section 6102 Student Code of Conduct

A safe and orderly environment is critical when transporting students. The Code of Student Conduct and HBE policies on student behavior apply when students are being transported. All students shall receive training on school bus safety as required by law regardless of whether they regularly ride a school bus to and from school. See also HSS Manual, secs. 2310 (Bus Safety), 2311 (Bus Evacuation Drills).

Section 6103 Safety Assistants and Bus Monitors

A. Upon recommendation of the Transportation Director and the CSA, the HBE may employ transportation safety assistants to assist bus drivers with the safety, movement, management, and care of students.

B. The CSA or designee may appoint a volunteer monitor to assist a bus driver with maintaining order and student safety for any bus assigned to a school.

C. As necessary, the CSA or designee shall designate the responsibilities of school bus transportation safety assistants and bus monitors in administrative guidelines.

Section 6110 Training

It is the responsibility of the CSA or designee to ensure that:

A. Students and bus drivers receive training as required by law, including training on the use of the crossing signal;

B. Students taking trips on activity buses or commercial buses receive safety instruction as needed, including, but not limited to, instruction on and demonstration of emergency exit operation for the vehicle on which they are riding for any specific trip; and

C. Records of student training shall be maintained as required by the HSS Policies and Procedures Manual, including evacuation drills as required by applicable federal, Tribal and state law.

Section 6111 Vehicle Operation and Use

A. No vehicle shall be used for HSS transportation unless such vehicle shall be in a good and safe operating condition and shall have all safety equipment installed and operating as required by law.

B. The Lead Driver or designee shall be responsible to ensure all vehicles are in good, clean, operating condition and satisfy the vehicle checklist; however, immediately prior to and at the conclusion of the operation of the vehicle to be used for HSS transportation, the operator of the vehicle shall inspect the vehicle to ensure that the following equipment is present and in good working order. The operator shall complete, date and sign the vehicle checklist prior to and at the conclusion of operation of the vehicle.

C. Deficiencies shall be noted and provided to the Lead Driver or designee as follows (see Checkoff List Form):

1. Headlights and dimmer switch, turn signals, backup lights, brake lights and taillights;

2. Emergency brake;

3. Windshield wipers;

4. Seatbelts for all intended passengers;

5. Tires, including spare;

6. Equipment for changing a tire on the road; and

7. Check oil level.

D. Immediately upon commencing operation of the vehicle and during continuous operation, the operator of the vehicle shall give reasonable attention to the following:

1. Safe and adequate operation of the braking system for the vehicle;

2. Instrument indication of low oil pressure or excessive engine heat; and

3. The continued proper operation of all safety equipment.

E. No vehicle shall be operated for HSS transportation in any unlawful manner, and shall, at all times while engaged in HSS transportation, be operated in a safe, prudent and cautious manner.

F. Any person who is charged, convicted or enters a plea of guilty or no contest to a charge of operating a vehicle in an unlawful manner, while said vehicle was engaged in official HSS business, shall report that fact to the Transportation Director within two (2) working days after said charge, and within two (2) working days after a plea or conviction. See also HSS Manual, sec. 5250 (Use of Equipment and Vehicles) and Chapter 5600, Table 5-1 (Disciplinary Penalties). The following procedures shall apply to any such notice:

1. Such notice shall be in writing and shall include a copy of the original citation or charging instrument and a statement of the person describing the circumstances which resulted in the charge, including any exculpatory information which the employee may wish to include;

2. The Transportation Director may, based upon said information, recommend that the employee no longer be permitted to engage in HSS transportation and shall inform the CSA of the Transportation Director's recommendation within one (1) day of reaching such recommendation; and

3. If, as a result of the determination of the CSA, the employee is no longer able to fulfill a primary and necessary duty of his/her employment, that employment may be terminated pursuant to the HSS Manual.

Section 6120 Transportation Involving Students

A. The transportation of any student, which is the result of the planned operation of the HSS, shall be undertaken only upon the actual authority of the HSS granted to an employee. Any employee may, with implied authority, transport a student when the reason requiring such transportation constitutes a real and immediate emergency.

B. No student enrolled in a HSS school will be transported, at any time or for any reason other than a reason constituting a real and immediate emergency, except in a vehicle designed, constructed and equipped to carry a passenger in safety and in full compliance with law.

C. Students enrolled in a HSS school shall be transported only in a part of a vehicle which is designed, constructed and equipped to carry a passenger in safety and in full compliance with law, except in circumstances constituting a real and immediate emergency.

D. The operator of a vehicle engaged in the transportation of a student(s) is directly responsible for the safety of the student(s).

E. The operator of a vehicle engaged in the transportation of a student(s) is directly responsible for the discipline and control of the student(s) and is authorized to enforce such necessary and reasonable discipline and to report a violation of the discipline to the proper authority pursuant to the HSS Manual.

F. Except when disembarking into the custody of an authorized adult or in an emergency, the operator of a vehicle engaged in the transportation of a minor student(s) shall permit such student to disembark from the vehicle only when:

1. Such student(s) disembark at a school building when school or the services of that building are in session;

2. At their home when the operator has no reason to anticipate that such disembarkation will in any way compromise the safety of the student(s);

3. At the student's established drop off point at the time published; or

4. After School Activities/Field Trips. Transportation of students for after school activities, off-campus athletic events, and field trips shall follow the same operating procedures as regular daily operations as well as the additional requirements set forth in Chapter 6600 of the HSS Manual (Field Trips) and other applicable sections of Title 6.

G. A student who is identified as having disabilities as identified in accordance with the policies of the HSS shall be provided with transportation services as required by law.

Section 6121 Accidents/Incidents Involving Personal Injury or Property Damage

A. Any accident/incident occurring during the operation of a vehicle being used to accomplish HSS transportation, or any accident or incident otherwise occurring during work time or on HSS property shall be reported, as soon as possible, to the Transportation Director or designee and to an appropriate law enforcement agency where required by law.

B. In any accident/incident occurring during the operation of a vehicle being used to accomplish HSS transportation or any accident or incident otherwise occurring during work time or on HSS property which involves personal injury, primary and immediate attention shall first be given to rendering or obtaining for those persons such aid, care or assistance as may be reasonable under the circumstances.

C. In any accident/incident occurring during the operation of a vehicle being used to accomplish HSS transportation or any accident or incident otherwise occurring during work time or on HSS property which involves damage to the property of the HSS, or which exposes such property to consequential damage or loss, attention shall be given to the protection and/or repair of that property.

D. In all accidents/incidents requiring the attention of a law enforcement authority, the scene of the accident shall be maintained as closely as practicable to its condition immediately after the accident. All employees present at the time of the accident shall cooperate fully with law enforcement authorities and the direction of authorities of the HSS. A HSS Accident Investigation Report Form shall also be completed by the operator of the HSS vehicle.

E. In any accident/incident as described herein, employees operating a vehicle or passengers in a vehicle engaged in HSS transportation or otherwise involved in an accident or incident occurring during work time or on HSS property, may be required to submit to a drug and/or alcohol test within twenty-four (24) hours as directed by the CSA, in consultation with the Transportation Director, as set forth in applicable Tribal, federal, and state law and the HSS Manual.

Section 6122 Reporting Unsafe Conditions

Bus drivers shall immediately report any suspected mechanical defects or other unsafe conditions, including road or traffic conditions that affect the safety of the bus route or bus stops.

CHAPTER 6200 - BUS DRIVERS

Section 6201 Purpose

A. Safety is of paramount concern in providing student transportation services. Consistent with the HBE's goals for student safety, all drivers involved in transporting students must comply with the HSS requirements of the HSS Manual.

B. The school bus driver is the first representative of the HSS and its schools that most students meet each day. Bus drivers are critically important members of the HSS staff and are entrusted with the safe transportation of HSS students. They must have strong interpersonal and communication skills and demonstrate an attitude of respect and dignity on the school bus. An understanding of assertive discipline and behavior management techniques are important.

C. The bus driver stands in loco parentis while students are under his/her care and control-- that is, the bus driver acts as a reasonable and prudent parent would in ensuring the safety of all students on the bus. When disciplinary action is necessary, the bus driver will follow the procedures outlined herein.

D. School bus drivers shall adhere to all applicable Hopi, Federal and Arizona laws and regulations and HSS policy governing the transportation of students, including all applicable speed limit laws.

E. The HSS School Bus Driver is responsible to the Transportation Director.

Section 6210 Safety Rules of School Bus Drivers and Activity Bus Drivers

A. In addition to any rules established by the CSA or designee for the safe operation of the student transportation services, HSS employees shall observe the following safety practices:

1. General safety: All school bus drivers are expected to use good judgment in determining whether it is safe to operate a HSS vehicle and to permit students to enter or leave the bus at particular locations. The bus driver shall inform students regarding regulations which affect their safety, stressing those which involve getting on and off the bus safely. It is the responsibility of the bus driver to allow students to get off the bus only when traffic conditions permit; that is, when the traffic is obviously going to obey the school bus red lights. A bus driver must not allow students to disembark when it is doubtful that traffic approaching from either the front or the rear is not going to obey the red lights.

2. Crossing signal: All school bus drivers must utilize the crossing signal to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus.

3. Emergency/accident procedures: The bus driver shall be familiar with school bus emergency and accident procedures and train student leaders and helpers early in

the school term on the emergency procedures.

4. Maintaining order: Bus drivers shall be responsible for maintaining order on their buses as follows:

   a. The bus driver shall endeavor to maintain order among the students being transported and shall have authority to order a disorderly student to leave the vehicle, as set forth in Section 6210(A)(4)(b)-(c). The bus driver shall report any misconduct by students and any such action by him or her to the appropriate school authorities on the Bus Behavior Referral Form. The bus driver shall turn the Bus Behavior Referral Form into his/her Lead Driver or designee as soon as is reasonably possible. The Lead Driver or designee shall provide the Bus Behavior Referral Form to the Principal the same day or, if after normal business hours, the day after the Lead Driver or designee receives the form from the Driver;

   b. In the event of serious inappropriate behavior, the bus driver shall ask a student to leave the bus only at the school or their own bus stop. If the bus driver chooses to return to the school with a student, he/she should inform the school Principal or his/her designate that the student has been returned to the school so that the parent/guardian can be contacted;

   c. If the behavior is endangering the safety of the student(s) the driver shall stop the bus and immediately contact the school Principal or designee for further direction. The driver shall use all forms of communication, radio, telephone and any other reasonable means; and

   d. The Principal shall immediately inform the Transportation Director of any student behavior that falls under (A)(4)(b) and (A)(4)(c) of this section, and provide the Bus Behavior Referral Form and any other related documentation to the Transportation Director.

5. Evacuation drills: The bus driver shall practice bus evacuation drills at the beginning of the school term and at least twice more during the school year. The bus driver shall also train student leaders and helpers to conduct a bus evacuation independently.

6. Backing up: The bus driver shall not back a school bus on school grounds unless under the supervision of a designated person. The driver shall sound the horn at all times before backing a school bus.

7. Seating: All passengers shall be seated while the vehicle is in motion. No person shall be permitted to stand or sit in the aisle or stepwell when the vehicle is in motion. The bus driver shall prepare a seating plan if there is damage occurring to school bus seats, or if a seating plan would be an asset in managing student behavior. The bus driver should inform students at the beginning of the school term that cost of intentional damage to school buses will be invoiced to the parent/guardian.

8. Permission slips required: In rare circumstances, parents/guardians shall provide written permission (signed and dated) to the bus driver before the bus driver can allow a student to disembark at a stop other than their own home, or to transfer to another bus.

9. Unscheduled student passengers: The number of students transported on any school bus, activity bus, commercial bus or contracted vehicle shall not exceed the official rated capacity for the specific vehicle being used. The bus driver is under no obligation to permit unscheduled student passengers to travel on a school bus unless prior arrangements have been made by the parents/guardians and the carrying of additional passengers will not result in the bus being overloaded.

10. Bus stops: The bus driver shall report requests for new stops to the Transportation Director immediately. The bus driver should not alter a bus stop in any way or assign a new one without consulting with his/her supervisor.

11. Communications systems: The bus driver shall ensure that communication systems (i.e. radios and/or cell phones) assigned to buses remain in the bus and are in working order.

12. Reports: The bus driver shall complete all required reports and forms, and submit them on time to his/her supervisor or designate.

13. On duty time: On duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On duty time shall include but not be limited to the following:

    a. All driving time;

    b. All time inspecting, servicing or conditioning the bus;

    c. All time the bus driver is "on call" or "stand by" on or near the school premises and the employee cannot use his/her time freely;

    d. All time spent in training required by the HSS (does not include training required to maintain necessary license(s));

    e. Lunchtime if less than 30 minutes; and

    f. Rest periods of 20 minutes or less.

14. Field trips: Drivers may only work a maximum of sixteen (16) hours of on duty time while on field trips and must have been off duty for eight (8) consecutive hours prior to working sixteen (16) hours. Ten (10) of these hours can be behind the wheel in control of the school bus.

15. School Bus Log Book: All bus drivers are required to keep a log book which must always be kept up to date as follows:

    a. The log book shall accurately reflect the driver's record of duty status, i.e., "on duty," "off duty" or "on duty – not driving." For each change of status, the date, time and location shall be noted;

    b. The driver shall log the total daily miles driven per day separately for morning and afternoon runs. Entries may be made by the driver only. All entries must be legibly written. The driver shall certify to the correctness of all entries by signing the form containing the driver's duty status record with his/her legal name or name of record and submit the mileage data to the Transportation Director every Monday following the previous week's entries;

    c. The Transportation Director shall accurately and timely submit the mileages to the BIE to ensure that each schools' transportation information is segregated for proper management and funding allocations.

    d. The log book shall always be available for inspection by the supervisor while the driver is on duty.

16. Drug and Alcohol Use and Testing: All bus drivers are drug tested prior to employment and are subject to random drug and alcohol testing. They may be subject to post-accident testing or testing upon reasonable suspicion. The procedure for drug and alcohol testing for holders of commercial driver's licenses shall be followed in all cases. Violation of the "Prohibited Conduct" provision(s) is grounds for disciplinary actions up to and including termination. See Procedures for Drug and Alcohol Testing, secs. (6) and (7) (Prohibited Conduct) (Appendix B).

B. School bus drivers and activity bus drivers are required to fulfill the following licensing, reporting, and related procedures:

1. Possess required licenses and all other qualifications required by law as set forth in Section 6010 of the HSS Manual;

2. Undergo and follow all training required by law governing school bus and activity bus passenger safety as set forth in Section 6110;

3. Not operate a school or activity bus on a public street, highway, or public vehicular area while using a mobile telephone or related technology while the bus is in motion, unless such use is for the sole purpose of communicating in an emergency situation;

4. Promptly report to the Principal or other designated official any defect or other concern regarding the safety of the school bus, activity bus, or other vehicle operated by the HSS as set forth in Section 6121; and

5. Report to the Principal or other designated official by the next work day any moving violation citations received while operating any motor vehicle, whether on or off duty.

C. This policy and accompanying procedures, directions and prohibited conduct set forth herein are in addition to and not in place of other policies.

Section 6211 Other Drivers

A. Other drivers, including volunteer drivers, shall:

1. Possess required licenses and all other qualifications required by law;

2. Report to the Principal by the next working day any moving violation citations received while operating any motor vehicle, whether on or off duty; and

3. Carry insurance if operating a privately owned vehicle.

B. If the HBE requires a school social worker to increase his/her personal automobile liability coverage and/or to add a business use rider in order to transport students in his/her privately owned vehicle, the social worker will be reimbursed for the additional premium charged and/or for the increased liability limits of the added rider.

C. The CSA or designee shall make copies of this policy and other related policies available to all drivers.

CHAPTER 6300 - BUS ROUTES

Section 6301 Bus Routes

A. The Transportation Director or designee shall develop school bus routes in accordance with applicable Tribal and Arizona state law and regulations. All bus routes shall be kept on file in the CSA's and Transportation Director's office, and all changes shall be filed within ten (10) days after such change becomes effective.

B. Students shall be assigned to a bus that passes within one mile of the student's residence.

C. Parents will be informed of students' scheduled school bus arrival times. It is the parent's responsibility to ensure that a student is present at a bus stop prior to the scheduled arrival time.

D. Each HSS attendance area bus route shall not extend beyond the attendance area boundaries, except for students:

1. Whose designated drop off and pick up site is located off the Hopi Reservation; and

2. Who have waivers and who meet at least one of the exceptions set forth in Section 6528(B) of the HSS Manual.

Section 6310 Drop Off and Pick Up Sites

A. It is the parent's responsibility to promptly pick-up their students at bus drop-off sites. Buses shall not remain at drop-off sites after students have disembarked from the bus. Bus drivers are required by HSS policy to drop off students at designated sites only and to leave the drop-off site immediately after the students disembark the bus. These rules apply for regular bus runs and activity runs.

B. A student shall adhere to their established bus, bus run, and drop off point. There shall be no change or deviation from the established bus, bus run or drop off point. This rule is necessary for the safety of our children, our students and the orderly efficient transportation of our students.

C. Activity bus runs (bus service associated with a school extra-curricular activity) shall be conducted pursuant to the above noted policy. A block time (range of time) shall be established for each activity bus service and publicized. It shall be the parent's responsibility to become informed of this block time (either by calling the School, or otherwise obtaining the times) and to be at the site during that range of time. 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. If parents fail to pick-up their students at the site at the appropriate time, two (2) times within the school year, the student shall be dropped from the activity.

D. It remains the parent's responsibility to ensure that their student/child is picked-up at the time that the student disembarks from the bus. It is impossible for the HSS to adjust for each individual student; therefore, school bus drivers are under orders to drop-off students at the designated points at the designated times and proceed with their duties. To reiterate, it is then the parent's responsibility to pick-up their child/student at that point, at that time.

Section 6320 Transportation to Locations other than Home

A. Upon request, the CSA or designee may, but is not required to, assign a student to a bus to transport the student to and/or from a location other than home if the following conditions are met:

1. The student's parent or guardian submits a written, signed request that states the specific location other than home to which the student is to be transported and acknowledges that the parent or guardian, and not the HSS, is responsible for the student's safety once the child has departed the bus.

2. The request for such transportation does not require a bus to deviate in any significant way from an established route.

3. There is capacity on the bus if the request would necessitate the student's riding a different bus from the regularly assigned bus.

4. The student's residence and requested bus stop are within the attendance area eligible for transportation service.

5. The request for such transportation does not cause the HSS to incur any additional cost.

6. The proposed bus stop meets safety standards established by applicable Tribal and Arizona state law and the HBE.

B. Any changes in bus stops shall be approved by the Transportation Director and CSA.

Section 6321 Bus Routes in Hazardous Conditions

A. School buses shall not be allowed to operate if there is a serious threat to the safety of students or drivers.

B. The Transportation Director may develop a more limited bus route for hazardous weather conditions in order to operate only on roads that are safe.

C. To the extent possible, parents shall be notified in advance of the bus route that will be used in hazardous conditions. The hazardous conditions bus route shall be on file in the Transportation Director's and CSA's office.

CHAPTER 6400 - ADDITIONAL HSS VEHICLE TRANSPORTATION OPERATIONS

Section 6401 Purpose

HBE members and HSS employees often engage in activities on behalf of the HSS which require transportation to other locations. To accomplish this transport safely, the HSS is committed to protecting both the people and vehicles involved in these trips. Because of the hazards such transportation activities represent, the following policy has been developed to preserve both persons and property from harm and to provide fair and safe usage of the HSS's vehicles.

Section 6410 Use of Vehicles by HBE Members and HSS Employees

A. HSS vehicles may be used by individual HBE members and HSS employees while engaged in the scope and course of HSS business. HBE members and HSS employees may not use cellular telephones or mobile electronic devices while operating a motor vehicle under this policy.

B. The HSS maintains a "no deviation" policy. HBE members and employees who use HSS vehicles for purposes outside this policy are considered to engage in unauthorized use of the vehicle and may have the privilege of using a HSS vehicle withdrawn or suspended as a result of such unauthorized use.

Section 6411 Official Use Only

HSS owned or operated vehicles are for "official use only." Only passengers who have a direct or formal relationship with the HSS may ride in a HSS owned or operated vehicle. For example, a HSS student, employee, or authorized volunteer or parent may ride in a HSS owned or operated vehicle, but a HSS employee's spouse, relative or friend may not ride in a HSS owned or operated vehicle. See also HSS Manual, sec. 5251(G), (H), (I).

Section 6420 Insurance

A. The HSS shall maintain automobile insurance that covers employees, HBE members and local school board members driving or riding in a HSS vehicle while on official HSS business.

B. In the event of an accident where an HSS employee, HBE member or local school board member is at fault, he/she shall be required to pay for his/her citation(s) for any moving violation.

Section 6430 Driving Record

A. HBE members and HSS employees required to drive on official HSS business shall possess a valid Arizona Driver's License and must comply with any restrictions.

B. HBE members and HSS employees shall have a good driving record. HBE members and HSS employees whose driving record contains felony or criminal traffic violations within the last five (5) years or more than two (2) moving infractions within the last three (3) years or who were determined to have operated a vehicle while impaired by drugs or alcohol, or who were determined to have operated a HSS vehicle in a reckless, negligent or careless manner, may be disqualified from operating a HSS vehicle.

C. Each driver wishing to use a HSS vehicle must complete a "HSS Authorized Driver" Form.

Section 6431 Use of Tobacco, Alcohol and/or Drugs in Vehicle

HBE members and HSS employees shall not smoke in HSS vehicles or drive a HSS vehicle while under the influence of any alcohol or drugs, including any prescribed medication that may cause impairment.

Section 6432 Seat Belts

All drivers and passengers of HSS owned or operated vehicles and all drivers and passengers of privately owned vehicles while on official HSS business shall wear a seat belt, if the vehicle they are riding in provides them.

Section 6433 Use of Cell Phones

Drivers of HSS vehicles shall not use cellular phones while the vehicle is moving, unless such use is an emergency or the cell phone is equipped with "hands free" capability. Drivers should recognize the increased risk with the use of cellular phones while operating a vehicle. Drivers are responsible for the safe operation of the vehicle which they are driving even when using a cellular phone.

Section 6434 Fuel

A. Prior to traveling outside the community, drivers of HSS owned or operated vehicles shall obtain a gas credit card from the HSS administration and shall purchase fuel using this card. See also HSS Manual, sec. 5252 (Credit Cards).

B. All HSS owned and leased vehicles shall be provided a gas credit card, and drivers of such vehicles shall use only these gas credit cards to purchase fuel.

C. The Transportation Director shall draft procedures for use of gas credit cards, which shall be approved by the HBE.

D. Gas credit cards shall only be used for HSS owned or leased vehicles.

CHAPTER 6500 - ATTENDANCE AREA DESIGNATION POLICY

Section 6501 Purpose and General Provisions

A. In the Hopi Education Code ("Code"), the Hopi Tribal Council set forth an "Attendance Area Designation Policy" for the Hopi School System to:

> "support the local community nature of all local schools and to support the unique values and culture of Hopi villages. The Tribe wants to ensure that students are provided the stability and social networks critical to their academic and social development. The Tribe aims to reduce the disruption and safety hazards posed by large number of buses entering and leaving Hopi villages to pick up and drop off students for school due to the open enrollment policy." Legal Ref.: Code, sec. 11.1.

B. The Hopi Tribal Council delegated the drafting of additional policies and procedures to implement the Attendance Area Designation Policy to the HBE. Legal Ref.: Code, 11.4.C. As required, the HBE hereby adopts the Attendance Area Designation Policy and Procedures in Chapter 6500 of the HSS Manual.

C. All other policies set forth in Chapter 11 of the Hopi Education Code shall apply to the Hopi School System Attendance Area policies and procedures and are incorporated into the HSS Manual.

Section 6502 Repeal of Open Enrollment Policy

As required by the Code, the Open Enrollment Policy set forth in Tribal Council Resolution H-100-2002 shall be "repealed following the effective date of the BIE's approval of the Hopi's Tribally Controlled Schools Act grant application." Legal Ref.: Code, sec. 11.6.

Section 6503 Boundaries

A. The Code adopted the original attendance area boundaries which were established by Hopi villages many years ago pursuant to Ordinance No. 36, Section 9. Legal Ref.: Code, sec. 11.2; see also HSS Manual, Appendix C (Attendance Area Boundaries Map).

B. The attendance area boundaries shall remain in full force and effect and are adopted and incorporated into the HSS Manual. Legal Ref.: Code, sec. 11.2.

C. The boundaries may be modified under the procedure set forth in the Code, Section 11.7 and HSS Manual, Section 6530.

Section 6510 Attendance Area Requirement

A. The Attendance Area Designation Policy requires that students attend the local school of the attendance area within which their residence is located, unless they receive a waiver to attend another school. Legal Ref.: Code, sec. 11.3.A.

B. A student's residence is defined as the domicile within which they sleep most of the time. Legal Ref.: Code, sec. 11.3.B.

Section 6520 Waiver of Attendance Area Requirement

A. If a parent or guardian wishes their child to attend a school outside their attendance area, he/she shall apply to his/her student's attendance area school for a waiver of the attendance area requirement by submitting an Attendance Area Waiver Request Form and any required documentation. Legal Ref.: Code, sec. 11.4.A.

B. The HBE shall establish a deadline for parents and guardians to submit a waiver application for the upcoming school year.

C. Schools shall make the Attendance Area Waiver Request Form available to parents and guardians and shall include it with the school's enrollment packet. See Appendix B.

D. The Principal of their attendance area school shall issue a decision whether to approve or deny a waiver. Legal Ref.: Code, sec. 11.4.A.

E. Granting waivers may be limited to ensure enrollment in school programs does not exceed capacity or require additional staff.

Section 6521 Waiver for Students attending a Non-Attendance Area School During School Year Following the HSS Grant Approval

A. Because the attendance area policy required under the Code has not been phased-in over the last several years, the HSS shall offer a one year phase-in period to assist parents and schools.

B. For any student who attended a non-attendance area school in the year prior to the HSS grant approval and his/her parent or guardian wishes his/her child to attend that same non-attendance area school in the following school year, the parent or guardian must apply for a waiver. Waivers submitted pursuant to this section shall be automatically approved only for the school year following the HSS grant approval.

C. Transportation shall be provided to students who receive a waiver pursuant to this section between their home/regular bus stop and the non-attendance area school only for the school year following the HSS grant approval.

D. The HSS shall also provide transportation to all students who receive a waiver for legal or medical reasons set forth in Section 6529(B) and (C) of the HSS Manual.

E. Any waiver and transportation granted pursuant to this section shall only be available for the school year following the HSS grant approval. They shall not be available for the second school year following grant approval when students shall be required to attend the school of their residence unless they receive a waiver pursuant to Section 6522.

Section 6522 Reasons to Approve a Waiver

A. The Principal of their attendance area school shall approve a waiver if a parent or guardian demonstrates at least one of the following conditions:

1. Employment by another school or government office. Students whose parent or guardian is employed full-time by another school or local government department/office may be admitted to an out-of-attendance area school to accommodate the parent or guardian's work schedule (Legal Ref.: Code, sec. 11.4.C(1));

2. Siblings. Siblings of student(s) who are currently enrolled in a non-attendance area school may be granted a waiver (Legal Ref.: Code, sec. 11.4.C(2));

3. Elementary school student child care issues. The parent or guardian shall demonstrate hardship in providing appropriate supervision for the child in the designated school area where the parent or guardian resides. Factors the HSS shall consider include, but are not limited to: the age of the child; lack of child care providers in the designated attendance area school; personal circumstances within the parent/guardian's household (i.e. the parent/guardian work schedule, ability to pay for child care, among others); length of time child has been with child care provider; type of care situation (private home versus day care center); any family relation to child care provider; advantages of the care to be provided in the requested area; and whether the provider will provide safe and punctual transportation to/from the requested school (Legal Ref.: Code, sec. 11.4.C(3));

4. Court Order. Students who are placed into a home outside their attendance area by court order may be granted a waiver (Legal Ref.: Code, sec. 11.4.C(4));

5. Joint Custody. A student whose parents have joint physical custody may be permitted to attend the attendance area school of either parent;

6. Change in residence. A student changing residence during the school year may complete only the current school year at the school in which he/she was first in attendance;

7. Physical, emotional or social adjustment difficulties. Students with certain physical, emotional or social adjustment difficulties as documented by a licensed professional currently treating the student may be granted a waiver. HSS licensed professionals may be consulted for additional review and recommendation;

8. Victim of a crime. When a student has been the victim of any convicted crime or convicted offense under the Hopi Code, and the convicted crime was committed by a student in the school, a HBE member, HSS employee, volunteer, contract worker or another person regularly performing services in a HSS facility, or the convicted crime was committed on HSS property or a bus owned or operated by the HSS, such student shall be granted a waiver to attend a non-attendance area school upon the request of the parent or guardian;

9. Individualized Education Plan. A student who has an Individualized Education Plan ("IEP") or disabilities whose education/services requires attendance at the requested school shall be granted a waiver; or

10. Other extenuating circumstances. Waivers may be granted for other extenuating circumstances, exceptional hardship, specific medical reasons, or other special educational reasons.

Section 6523 Waivers approved for one year only

Waivers shall be approved for the current school year only. A parent or guardian shall reapply to the Principal each year for approval of a waiver. The Chief School Administrator or designee shall review all waiver decisions of the Principal and endorse each decision with his/her signature.

Section 6524 Appeal of a denied Waiver

If the Principal denies a waiver, a parent or guardian may file a written appeal to HBE. The HBE shall decide any appeals within sixty (60) calendar days of receipt of an appeal. The HBE's decision shall be final and is not appealable. Legal Ref.: Code, sec. 11.4.B.

Section 6525 No False Statements

A. Parents and guardians requesting a waiver of the Attendance Area Requirement shall not make false statements and documentation may be required.

B. Approved waivers may be revoked if it is determined that the approval was based on a false statement. The person making such false statement may be liable for costs incurred by the HSS in educating the student. Failure to inform the HSS of a change in residency that effects an approved waiver shall constitute a false statement.

Section 6526 Children living off Reservation may attend Hopi Schools

Any child(ren) living near or adjacent to the Hopi Reservation shall be eligible to attend local schools of the Hopi School System, and shall attend the local school nearest to their residence. Legal Ref.: Code, sec. 11.3.C. The HSS shall provide transportation for students living off the Hopi Reservation who wish to attend the Hopi Junior Senior High School, Moencopi Day School, Second Mesa Day School, and Keams Canyon Elementary School.

Section 6527 Moencopi Day School Students

Because of the long distance between the Moencopi Day School and the Hopi Junior Senior High School, students of the Upper Moenkopi Village and the Lower Moencopi Village may attend the junior high and high school of their choice. If the Moencopi Day School adds a junior and/or high school to its school, students of the Upper Moenkopi Village and the Lower Moencopi Village shall attend Moencopi Day School for junior and/or senior high school, unless they receive a waiver. Legal Ref.: Code, sec. 11.3.D.

Section 6528 Junior High School Students

A. Once a student enters the 7th grade, he/she shall attend the elementary school within their attendance area designation if that elementary school offers 7th and 8th grades. Legal Ref.: Code, sec. 11.3.E.

B. If the school within their attendance area designation does not offer 7th and 8th grades, the student may either attend the Hopi Junior Senior High School, another Junior High School, or the nearest elementary school to their residence which accepts 7th and 8th grade students. Legal Ref.: Code, sec. 11.3.F.

Section 6529 Transportation of students with approved waivers

A. General Rule. If a waiver is approved, the parent or guardian is required to provide safe and punctual transportation to and from the out-of-attendance area school, unless a student satisfies at least one of the exceptions in Section 6529(B).

B. Exceptions. The HSS shall provide transportation for students with approved waivers under the following circumstances:

1. Students who are placed into a home outside their attendance area by court order under Section 6522(A)(4);

2. Students who have been a victim of a crime under Section 6522(A)(8);

3. Students who have Individualized Education Plans ("IEPs") or disabilities that qualify them for transportation as provided by law under Sections 6522(A)(9) and 6120(G); or

4. Students who receive waivers pursuant to Section 6521 only for the school year following the HSS grant approval.

C. On a case-by-case basis, the HSS may provide transportation for students with approved waivers whose parent or guardian provides medical care to another member of their household which requires the parent or guardian to remain at home and is not able to provide the student's transportation.

D. Failure to provide transportation shall constitute a reason to revoke a waiver of the attendance area requirement.

Section 6530 Modification of Attendance Area Designations

As set forth in Section 11.7 of the Code, the HBE may revise the attendance area designations boundaries using the following procedure:

A. If the HBE determines that a modification of an attendance area designation is needed, the HBE shall consult with any affected local school board(s), local school(s), and Stakeholders to gather their input regarding any possible modification of the

designation(s). The HBE shall prepare a description of the new attendance area(s) with sufficient clarity to make the modified attendance area(s) readily identifiable.

B. The HBE's review shall include, but not be limited to the following factors:

1. School operational cost;

2. Travel time and distance;

3. Climatic conditions;

4. Local terrain and Reservation boundaries;

5. Number of students potentially impacted;

6. Overlap, if any, with attendance area designation of neighboring schools; and

7. Maintaining cultural and linguistic consistency within a specific school.

C. The HBE shall issue a decision regarding any attendance area modification. In issuing its decision, the HBE shall verify that the modified attendance area designation(s) are supportive of the Hopi School System's education interests and do not cause significant conflict with other local school attendance area designations.

D. Within thirty (30) days of HBE's issuance of a modification decision, a Principal of a school whose attendance area is the subject of the modification decision may appeal the HBE's determination to the Tribal Council. The Principal shall have the burden to prove that the HBE's modification decision is not reasonably supported by the evidence, is contrary to law, and amounts to an abuse of discretion.

E. Within sixty (60) days of receiving an appeal, the Tribal Council shall issue a decision on the merits. Any decision of the Tribal Council shall be a final decision and is not appealable. Failure to file an appeal within the prescribed period of time shall render the HBE's decision final.

CHAPTER 6600 - FIELD TRIPS

Section 6601 Purpose

Student field trips are encouraged and recognized as an effective learning device. Because field trips present additional concerns for the student and the HSS, every effort should be taken for the protection of the health, safety and welfare of the student and the security and good reputation and integrity of the HSS.

Section 6610 Documents Necessary for Field Trip Approval

A. The prospective Field Trip Sponsor(s) shall submit to the Principal for appropriate consideration the following completed forms:

1. Field Trip Request Packet that will include but not be limited to: education purpose of trip, funding information, destination, date of trip, and persons requesting the trip;

2. Vehicle(s) Request Form that will include but will not be limited to: destination, date of trip, person(s) requesting trip and number of persons that will be on the trip.

3. A complete prospective itinerary shall be given to the Transportation Director, Food Services Director and the Principal at least ten (10) days prior to the trip. No significant changes to the itinerary shall be permitted during the actual trip or within five (5) days prior to the commencement date of the prospective field trip.

4. No itinerary changes may occur during the actual trip, unless a documented emergency arises as described in Section 6630(A).

5. A completed field trip packet that includes a student roster and chaperone names.

B. All of the above required forms shall be submitted to the Principal no later than forty-five (45) days prior to the commencement date of the prospective field trip, for those field trips requiring the approval of the HBE, in order to allow adequate time for reasonable consideration of the request.

C. All field trips that are off the Hopi Reservation, out of state, or overnight require HBE approval.

D. In the event it becomes necessary to alter the itinerary submitted to the HBE, after approval, and such alterations concern only the dates or other logistical details of the field trip, such alterations may be made with the approval of the Principal and need not be again submitted to the HBE for further consideration.

E. All field trips will require a completed list of professional, paraprofessional staff, chaperones, students, transportation request, food request, parental permission and itinerary.

F. For non-overnight field trips-on Hopi, all the required forms shall be submitted to the Principal not later than fifteen days (15) prior to the commencement date of the prospective field trip in order to allow adequate time for reasonable consideration of the request. These trips do not require HBE approval, unless the Principal determines otherwise.

Section 6611 Documents Necessary Prior to Commencement of the Field Trip

A. In the event a request for a field trip has been approved, then, immediately prior to the actual commencement of the trip, the following completed forms shall be submitted by the Field Trip Sponsor(s) to the Principal.

B. A completed parental permission form for each and every student participating in the field trip which authorizes such participation. Field trips shall be covered by a specific permission form which advises the parent or guardian of the itinerary and intended functions of the field trip.

C. A completed Student Participation Form showing all students which were authorized to participate in the field trip, confirming the parental permission, and confirming each of those authorized students who actually boarded the transportation vehicle(s) to participate in the field trip.

D. Complete medication data on all students requiring medication and the designated person who will be authorized to administer the medication.

E. Driver/mileage log for extracurricular activities.

Section 6612 Additional Field Trip Requirements

No field trip shall be approved unless, in addition to all other requirements contained herein, it provides for the following:

A. Adequate and reasonable provisions for both a backup vehicle and a backup driver be made for the field trip.

B. That the Field Trip Sponsor(s) participate fully with the students during the field trip; that no Field Trip Sponsor(s) travel except in a vehicle which is being used to transport students.

C. That the itinerary provide, to the extent reasonable under the circumstances of the field trip, a balanced diet for all students taking into account any documented student food allergies.

D. Parents or guardians of a participating student who wish to make alternate travel or visitation arrangements for the student as a part of his/her experience shall provide a document with the alternate arrangements to the Principal and/or shall sign a release/check out prior to their student being released from the field trip.

E. That proper attire for the trip be worn. The Field Trip Sponsor(s) shall notify all parents, well in advance of the trip, in the event any special or different attire will be required by the students.

Section 6620 Duties of Field Trip Sponsor

A. The Field Trip Sponsor(s) have responsibility for and authority to determine and regulate all student conduct and discipline; to determine and regulate the duties of all professional and paraprofessional staff and chaperones; to procure all necessary and reasonable services, supplies, equipment and transportation; and to do all things necessary and proper for the safety and welfare of the students while conducting the field trip.

B. The Field Trip Sponsor(s) shall provide standards of conduct which govern the conduct and activities of the students participating in the field trip not otherwise provided in the HSS Student Handbook and which are necessary and proper for the orderly, safe and enjoyable participation in the field trip.

C. The Field Trip Sponsor(s) may enforce discipline with regard to a violation of those standards of conduct as to any student on the field trip.

D. The Field Trip Sponsor(s) may provide specific duty schedules for the professional and paraprofessional staff and chaperones participating in the field trip. In the absence of any specific duty schedules for the professional and paraprofessional staff and chaperones, every chaperone shall be presumed to be on duty and subject to the call of the Field Trip Sponsor(s) at all times during the field trip. The Field Trip Sponsor(s) must be able to locate each student at any point in time.

E. The Field Trip Sponsor(s) shall provide and arrange for emergency medical services to be available at all times for all participating students and professional and paraprofessional staff and chaperones during the field trip.

F. The Field Trip Sponsor(s) shall have a cell phone so he/she can contact the school and/or parents when the need arises. Cell phones shall be used for authorized purposes only and shall not be used to make private or personal calls. The Field Trip Sponsor(s) is responsible for the use of the cell phone during field trips.

Section 6621 Duties of Professional and Paraprofessional Staff and Chaperones and Other Staff Persons Providing Services During a Field Trip

A. All professional and paraprofessional staff and chaperones and other staff persons providing services during a field trip shall abide by and be subject to discipline for the violation of the disciplinary provisions of the HSS Manual.

B. All professional and paraprofessional staff and chaperones and other staff persons providing services during a field trip shall conform their conduct to any standards of conduct provided by the Field Trip Sponsor(s) governing the conduct of students so that each shall provide a role model of those standards for the students.

C. All professional and paraprofessional staff and chaperones and other staff persons providing services during a field trip shall be subject to the call of the Field Trip Sponsor(s) and shall, at all times, respond to the needs of the students participating in the field trip. Criteria to be considered in determining the number of chaperones needed are, for example, the age of the students, distance to be traveled, nature of the field trip activities, and safety requirements. At least one adult chaperone must be available to handle emergencies or other matters that develop and must not be assigned a group of students without another adult who could take charge of the group if necessary.

D. The Field Trip Sponsor(s) and the bus driver shall have a complete student list of all students participating in the field trip. Students will be checked against this list at each boarding of and disembarking from the bus or other vehicle in which the students are transported.

Section 6622 School Bus Chaperone

A. Purpose. While the school bus driver is responsible for the safe transportation of all students on the bus, the chaperone accompanying the group is responsible for the behavior of the group while on the bus, and for assisting the bus driver in maintaining appropriate behavior. The chaperone, whether or not a teacher, is responsible to the school Principal.

B. Summary of Role.

1. The chaperone shall sit to the rear of the bus in order to maintain control and provide maximum assistance to the driver. Where there are two or more chaperones, one should sit at the center of the bus and/or strategically to ensure students are adequately supervised (i.e., chaperones should not sit together).

2. The chaperone shall compare the list of student names attached to the trip request/approval form with the actual student attendance before the trip departs. The chaperone will maintain control over the adjusted attendance list and, in the event of an emergency where bus evacuation is necessary, check to ensure that each student is accounted for.

Section 6630 Conduct of Field Trip

All field trips shall be conducted in conformity with the following standards:

A. Field trips shall be conducted without significant departure from the approved itinerary. In the event of an emergency, a significant departure from the approved itinerary is required, immediate notice shall be provided to the Principal by the Field Trip Sponsor(s) or his/her designee. For this purpose, a significant departure from the itinerary shall be defined as any departure which prevents the HSS from contacting a member of the field trip at any time or place designated by the itinerary.

B. Field Trips shall provide for the safe and adequate and reasonable transportation, lodging, meals and activities consistent with the goals and approved itinerary for the field trip.

C. No students shall be or remain without adequate adult supervision while on the field trip.

D. Field trips shall be conducted in a manner that promotes a positive image of the HSS and its students.

Section 6631 Return of Students From a Field Trip

A. A field trip which returns to the HSS during a normal school day shall return the students to their scheduled classes.

B. Field trip personnel, returning from a field trip which arrives at the school after the normal school day or on a weekend, shall transport students to their homes or be released to the custody of a parent, guardian or such other person as is specifically named in the permission slip.

C. No student, upon returning from a field trip, shall disembark from a bus without adequate supervision by a person identified above.

Section 6632 Return Documentation of Field Trip

A. A completed Student Participation Form which confirms the return and release of every student which participated in the field trip shall be delivered by the Field Trip Sponsor(s) to the Principal within one (1) working day after the return of the field trip.

B. A report shall be completed by the Field Trip Sponsor(s) within five (5) working days which summarizes the field trip and includes a report of any instances of student or staff disciplinary problems, medical problems, transportation problems and recommendations for future field trips.

Section 6640 Day Field Trips

A. Day Field Trips are those that do not include an overnight stay.

B. No additional compensation shall be paid to any staff person for services rendered relative to a day field trip. Day Field Trips are part of the professional staff's duties and responsibilities and they shall receive no additional compensation for participating in such trips.

C. Other staff members who are involved in Day Field Trips shall be paid pursuant to these policies. Expenses as defined in Section 6641 of the HSS Manual shall be paid to staff and parent chaperones who accompany students and provide services relative to the field trip.

D. As stated in Section 6641(C) of the HSS Manual, all parent chaperones shall have completed a background check and bus evacuation training prior to participating in the field trip.

Section 6641 Extended Field Trips

A. General.

1. For the purposes of this policy, "Extended Field Trips" are defined as any field trip that would require a student to miss more than two (2) consecutive school days and are limited to field trips for Sixth through Twelfth grade HSS students.

2. Extended Field Trips may only take place:

a. For Sixth Grade students, at the end of the regular school year and before the beginning of the next school year; and

b. For Seventh through Twelfth Grade students, at any time of the year within the context of the school program that is appropriate for the age level, grade level, and curriculum.

B. Maximum Length of Trip.

1. For Sixth Grade students, extended Field Trips or any other field trips shall not exceed three (3) consecutive calendar days in length; and

2. For Seventh thru Twelfth Grade students, extended Field Trips or any other field trips may be held within the context of the school program and must be appropriate for the age level, grade level, and curriculum.

C. Parent chaperones shall have background clearances completed (30) days prior to providing services relative to and prior to going on a field trip.

D. Cost for bus driver, mileage and bus driver down time as well as other expenses shall be paid by the Field Trip Sponsor(s)'s Department Fund to the HSS for wages paid to the driver, fuel consumption, and bus maintenance cost.

Section 6642 In-School Provisions

Appropriate educational accommodations shall be made for those students who are not participating in field trips.

CHAPTER 6700 - ADMINISTRATIVE PROCEDURES

Section 6701 Implementing Procedures

A. The CSA shall delegate the drafting of implementing procedures for this Chapter to the Transportation Director. Such draft procedures shall include:

1. Routine safety inspection for all vehicles owned or leased by the HSS;

2. Operation and safety of school buses; and

3. Attendance Area waiver application processes.

B. The Transportation Department may develop such other transportation procedures, consistent with the provisions of the HSS Manual, as may assist in the operation of HSS transportation services.

Section 6702 Approval of Implementing Procedures

A. Such implementing procedures as are developed shall be reviewed by the Transportation Director and, if approved, then submitted to the CSA within thirty (30) working days of said assignment.

B. If approved by the CSA, the implementing procedures shall be submitted to the HBE for review and approval.

C. If the HBE approves the implementing procedures, such procedures shall become immediately effective and shall be identified by the date of approval and effect. The original copy of the procedures shall be returned to the Transportation Department, and a copy shall be placed among the collected policies and procedures of the HSS and the schools.

TITLE 7 - FACILITIES AND RISK MANAGEMENT

CHAPTER 7000 - FACILITIES MANAGEMENT

Section 7001 Purposes of Comprehensive Facilities Management

A. The Hopi School System ("HSS") goal is to provide safe, orderly and inviting school facilities for students, staff and visitors, and to maintain the facilities in acceptable condition, appearance and repair. To achieve these goals, the Hopi Board of Education ("HBE") has adopted the foregoing facilities management and risk management policies and procedures.

B. The HBE hereby establishes a "Facilities Department" within the HSS Central Administration Office which shall be led by a "Facilities Director" to oversee and implement facilities services for the HSS and HSS schools.

Section 7002 Facilities Development Goals and Priority Objectives

A. All seven Hopi schools and the Central Administration Office facility Operations and Maintenance ("O&M") funding shall be included in the Hopi School System's P.L. 100-297 grant. Ownership of the school and Central Administration Office buildings, site and housing quarters shall remain with the Bureau of Indian Affairs.

B. The HSS, operating as a unified organization of schools under the Tribally Controlled Schools Act, within Bureau of Indian Affairs ("BIA") owned/leased facilities and property, shall adopt all applicable O&M standards, codes, standards and regulations of the BIA, including the "School Facilities Design Handbook" (March 30, 2007).

C. As part of the HSS comprehensive facilities management plan, the HBE shall adopt a long-range plan that identifies the facility needs of the HSS and sets forth a plan to meet those needs. The plan shall address whether existing facilities require minor or major renovations or if they require total replacement with a new building or facilities.

D. Priority in the development of facilities shall be based on identified educational needs and on programs developed to meet those needs.

E. The HBE establishes these broad goals for development:

1. To integrate facilities development planning with other aspects of planning in a comprehensive educational program;

2. To base educational specifications for school buildings on identifiable student needs;

3. To design facilities using the most current BIA Educational Space Criteria Handbook (Nov. 1, 2005);

4. To design for sufficient flexibility to permit program modification or the installation of new programs;

5. To design school buildings as economically as feasible, providing that educational needs are effectively and adequately met by the design;

6. To involve all stakeholders in the development of educational facilities and collaborate with the Bureau of Indian Education ("BIE") and BIA on the most current BIA Educational Space Criteria Handbook (Nov. 1, 2005);

7. To analyze life-cycle costs as they compare with capital expenditures versus a maintenance and operations expense projection;

8. To analyze the core facility as it relates to future expansion; and

9. To design, construct or renovate HSS buildings for community use.

Section 7003 Educational Specification for Construction

A. In the construction of new or remodeled educational facilities, the HBE shall require the CSA to develop a set of comprehensive educational specifications for construction utilizing "School Facilities Design Handbook" (March 30, 2007), to ensure the facilities/buildings will be eligible for future O&M federal funding.

B. To acquire professional Architectural and Engineering ("A/E") firms to analyze life-cycle costs as they compare with capital expenditures versus a maintenance and operations expense projection.

C. In conferences with the A/E firms, the following specifications shall be discussed for design inclusion:

1. Information concerning the plan of school organization and estimated enrollment in the proposed facilities;

2. A description of the proposed curriculum and the teaching methods and techniques to be employed;

3. A schedule of proposed space requirements, including an indication of relative locations of various spaces;

4. A desired layout of special areas and the equipment needed for such areas; and

5. An outline of mechanical features and special finishes desired.

Section 7010 Reports and Records

A. The Facilities Director shall maintain records, reports, and files as they relate to HSS facilities, property and grounds. Property and boundary records (i.e., Lease

Agreements), building architectural drawings, construction, repair and maintenance records, as well as fiscal records shall be maintained for audit purposes.

B. The Facilities Director is responsible for:

1. Making at least monthly reports to the HBE on the condition of school facilities, planning, property, and grounds;

2. Preparation of, and submittal of required reports to meet federal and Tribal reporting timelines; and to ensure that a facilities management backlog record is submitted and maintained. Copies of reports are to be submitted to the CSA and the HBE; and

3. Oversee creation and close out of work orders in Maximo for federally owned quarters.

Section 7011 Tracking Facilities and Custodial Needs

A. The Facilities Director is charged with ensuring that all facilities work orders are properly entered into the Bureau of Indian Education's Maximo reporting system.

B. In addition to Maximo, HSS Facilities staff may enter work orders and other data into additional computer software system(s) to manage monthly maintenance, information technology, and utilities expenses and reports.

C. The Facilities Director, in consultation with the CSA and Facilities Managers, shall develop detailed procedures and training programs to ensure that Facilities Managers at each local school are properly entering and tracking work orders into Maximo. Such procedures shall be approved by the HBE.

Section 7020 Care and Maintenance of Facilities, Materials and Equipment

A. The HBE strives to maintain the HSS's facilities in good condition to:

1. Provide a safe, orderly and inviting educational environment;

2. Protect financial investments in the facilities;

3. Reduce the need for major repair or replacement; and

4. Facilitate the conservation of energy resources.

B. All staff, students and visitors to HSS schools and HSS facilities are expected to use reasonable care to prevent property damage. Principals and teachers shall instruct students in the proper care of HSS and federal property.

C. The Facilities Director shall ensure that HSS school buildings and facilities are regularly inspected for health, fire and safety hazards and as required by law. Facilities Managers at each school shall notify their Principal immediately of unsanitary

conditions or repairs needed to meet safety standards. Principals shall notify the Facilities Director of these same and any other conditions requiring repair.

D. Any employee who observes a potential hazard occurring at a school shall notify his/her supervisor and the school Principal immediately. Any employee who observes a potential hazard occurring at the Central Administration Office or non-school facility should be reported to the Facilities Director.

E. The Facilities Department shall make reasonable efforts to maintain the facilities in good condition and to make needed repairs.

F. The Facilities Director shall ensure that facilities are evaluated and inspected in accordance with the facilities inventory requirements of the HSS Manual and provide regular reports regarding same to the CSA. See HSS Manual, secs. 4510-4521.

Section 7021 Care and Maintenance of Grounds and Outdoor Equipment

A. The HBE strives to make the physical grounds at each school campus part of a safe, orderly and inviting educational environment. To further this goal, the Principal shall seek opportunities to involve employees, parents and students at their school in the decisions related to the school grounds and shall make reasonable efforts to maintain the grounds and outdoor equipment in a manner consistent with HBE goals.

B. Each school's Facilities Manager shall inspect playgrounds and outdoor equipment for other health and safety hazards on a regular scheduled basis and as required by law and post warnings of any hazards as necessary to alert the public, staff and students of those hazards. The Facilities Managers shall inform their Principals of any such health and safety hazards and required postings.

C. The Principal shall notify the CSA immediately of repairs needed to meet safety standards.

D. The Facilities Director shall include needed repairs and replacement in his/her monthly reports to the HBE regarding HSS Ground and Outdoor Equipment.

Section 7022 Materials and Equipment Management

A. The HSS shall provide for the central purchasing, receiving, warehousing, and distribution of supplies, equipment, and materials common to the requirements of all schools.

B. A HSS warehouse shall be operated as an adjunct of the Finance Department (Property and Supply) to store and distribute supplies as requisitioned by staff members.

C. All materials needed for instruction, business, and custodial operations of the individual schools and the other offices and facilities of the HSS shall be ordered from the warehouse when available from that source.

Section 7030 Funding Allocations

The HSS shall seek and receive funds for facilities management purposes that include Operations and Maintenance, construction, quarters housing, equipment, vehicles and other necessary needs, including but not limited to:

A. A facilities management budget shall be established and be included in the HSS's annual fiscal budget; and

B. HSS is authorized to include, apply for, receive and budget for the facilities management needs of the HSS.

Section 7040 OCCUPATIONAL SAFETY AND HEALTH ACT

A. The Hopi School System shall apply all standards, rules and regulations of the Occupational Safety and Health Act, P.L. 91-596 (1970), to strive to provide a safe and healthful workplace, free from exposure to hazards likely to cause death or serious injury. The HBE shall seek and receive any funds available for addressing these requirements.

B. The Facilities Director is responsible for addressing issues and compliance with this section.

CHAPTER 7100 - EMPLOYEE QUARTERS: GENERAL PROVISIONS

Section 7101 Purpose

It shall be the objective of the HBE to provide and maintain employee quarters located within the HSS and the adjacent grounds at a safe and livable standard. The HBE has adopted this Employee Quarters Program ("Quarters Program") to serve as a guide to ensure the uniform and equitable treatment of all Tenants. See HSS Manual, Chapters 7100-7300.

Section 7102 Summary of Quarters Program

A. It is the policy of the HSS to provide living quarters at a reasonable cost to HSS employees who demonstrate a need for such quarters so long as consistent with quarters' availability and staff priorities.

B. Due to the limited quarters, it is necessary that priorities be established in order to ensure that quarters are available.

C. Employment by the HSS does not entitle any employee to quarters. Likewise, the awarding of quarters is a privilege which may be revoked by the HSS in accordance with the provisions set forth in Section 7210 of the HSS Manual.

D. The HBE shall appoint a "Housing Committee" to oversee employee quarters and selection of Tenants as set forth in Chapter 7200 of the HSS Manual.

E. The HSS Facilities Director is delegated the authority and responsibility to implement and enforce the policies and procedures of the Quarters Program in consultation with the CSA and the Housing Committee and in compliance with the provisions of this Title. The HBE shall remain the final authority with respect to the administration of the HSS Quarters Program.

F. For purposes of the HSS Manual, the term "quarters" includes the actual residence, storage sheds, yard, driveway and all related quarters property.

Section 7103 Tenant Responsibilities regarding Quarters Program

A. A copy of these policies shall be provided to every employee who has been granted quarters to ensure that every employee who has been granted quarters knows and understands the terms and conditions.

B. Employees residing in the quarters shall inform every person residing in or visiting HSS quarters of the terms, conditions, rules, regulations and policies related to the quarters.

C. Any claimed lack of knowledge of said term, condition, rule, regulation or policy shall not constitute a defense to a charged violation of any such term, condition, rule, regulation or policy.

D. The employee to whom the quarters are granted is responsible for the actions of any person on or about the quarters.

Section 7110 Functions of the Facilities Department

A. A designated representative of the HSS Facilities Department shall:

1. Conduct an annual inspection of all quarters upon five (5) calendar days notice to the Tenant. An Inspection Report Form shall be completed as part of inspection on each Quarter. The original of the Inspection Report Form shall be retained among the records of the Facilities Department, and a copy shall be provided to the Housing Committee and the Tenant;

2. Conduct an inspection of quarters awarded prior to occupancy and shall complete an Inspection Report Form as a part of such inspection. The intended Tenant shall be given a copy of this report when completed;

3. If Tenants wish to see a blank copy of the Inspection Report Form prior to inspection, they may request one from the Facilities Department or their local school facilities manager. The Inspection Report Form shall also be included in Appendix B to the HSS Manual.

4. Provide an orientation to a new Tenant as well as provide a Tenant Guide/Manual of Tenant responsibilities. Tenants shall be required to sign documentation acknowledging that they received the required orientation.

B. A designated representative of Facilities Department shall conduct an inspection of quarters prior to the expiration of tenancy and shall complete an Inspection Report Form as part of such inspection. The Tenant shall be given a copy of this report when completed.

C. Occupied quarters shall be entered by designated representatives of the Facilities Department only after reasonable notice of such intended entry has been provided to the Tenant. Such notice may be in writing or may be given verbally. Such notice shall provide the approximate time and date of the intended entry and purpose necessitating the intended entry. In the event the Tenant is not agreeable to the time proposed for entry into the quarters, reasonable attempts shall be made to accommodate the needs and desires of the Tenant.

D. Notice need not be given in the case of an emergency where, to do so, would unreasonably forestall such action as may be required by the circumstances of the emergency (fire, medical, floods, extended vacations, etc.). Written notice of the entry, which includes the date and time of entry, the purpose for entering the occupied

quarters, and the action taken within the quarters will be provided to the Tenant within three (3) working days after the emergency entry has occurred.

E. The Finance Department shall ensure that all income from quarters rental shall be used for the direct benefit of all quarters or as may otherwise be allowed or required by law. The Finance Director shall, on or before the first day of May in each year, provide the CSA with an annual report of all income and expenditures of quarters rentals income.

F. Facilities Director shall consult with the CSA and Finance Director on any intended expenditure in excess of $5,000.00 from said funds per project.

G. The Facilities Director shall ensure that work orders for the repair or maintenance of quarters are promptly processed and to the extent funds are available, ensure that appropriate work and maintenance is performed consistent with workorders.

H. The Facilities Director shall ensure that the performance and conduct of all employees under his/her authority conforms to the policies and procedures contained in the HSS Manual.

I. The Facilities Director shall ensure that, to the extent within his/her control and authority, all employees and all persons residing in awarded quarters conform their conduct and performance to the policies and procedures contained in the HSS Manual.

J. The Facilities Managers, in consultation with the Housing Committee, CSA, the Facilities Department and the Finance Department, may promulgate implementing procedures in furtherance of the HSS Manual as follows:

1. Such implementing procedures and any amendments thereto shall be delivered to the HBE for their review. If approved by the HBE, such implementing procedures shall become immediately effective and shall identify the date of approval and effect;

2. The original of such procedures shall be placed among the collected policies and procedures of the HSS, and copies shall be distributed to all employees; and

3. Any amendments to the implementing procedures shall be marked with the date of approval and effect and be placed among the collected policies and procedures of the HSS, and copies shall be distributed to all employees.

CHAPTER 7200 - EMPLOYEE QUARTERS: HOUSING COMMITTEE

Section 7201 Composition and Selection of the Housing Committee

A. The HBE shall appoint a "Housing Committee" to oversee the Quarters Program of the HSS.

B. Membership. The Housing Committee shall consist of five (5) members who shall consist of:

1. Facilities Director;

2. Personnel Director;

3. Principals (2), who shall serve only a one year term in rotation;

4. A Local School Facilities Manager, who shall serve only one year term in rotation; and

5. The CSA and Finance Director shall serve as Ex-Officio members.

C. Term. Members of the Housing Committee shall serve from the first business day of October in each year until the last business day in September of the following year.

D. HBE Approval. Members of the Housing Committee shall be approved by the HBE each year. No appointment shall be made of two or more members of the same immediate family.

E. Officers. At the first meeting of each year, the Housing Committee shall elect a Chairperson, Vice Chairperson, and Secretary. The Chairperson shall preside at all meetings and hearings, and in the Chairperson's absence, those duties shall be performed by the Vice Chairperson and then Secretary as needed.

Section 7202 Vacancies on the Housing Committee

Within ten (10) days after the occurrence of a vacancy among the members of the Housing Committee, the CSA shall nominate a successor to fill an unexpired term. All successors shall be approved by the HBE prior to beginning their appointment on the Housing Committee.

Section 7210 Function and Authority of the Housing Committee

A. The Housing Committee shall have full authority and responsibility to award quarters to employees subject to HBE action and consistent with the terms and conditions of the HSS Manual, except that the CSA, in consultation with the Facilities Director, may award quarters during the summer time and in exigent circumstances.

B. The general duties of the Housing Committee shall include:

1. The Committee shall be familiar with the policies and procedures of the Employee Quarters Program;

2. The Committee shall meet once per month or more often as may be needed;

3. The Committee shall review this Housing Manual on an annual basis. The Committee may develop and recommend policies and procedures contained in this Employee Housing Manual on an annual basis. All proposed changes to this Housing Manual will be reviewed by the Committee, the CSA, and the HBE;

4. The Committee shall review all housing requests and assign housing assignments pursuant to this Housing Manual;

5. The Housing Committee shall hear grievances pursuant to this Housing Manual.

C. The Housing Committee, by majority action, shall have authority to terminate for good cause the quarters privilege of any employee. Good cause for such termination shall be limited to and consist only of a finding that:

1. The employee to whom the quarters were awarded, or a person for whom said employee is responsible under these policies, violated the terms and conditions of the quarters agreement entered into and executed by the HSS and the employee whose quarters privilege is subject to termination;

2. Said termination is necessary for the health, safety, welfare, and/or quiet enjoyment of other residents of HSS quarters, students, staff or the HSS's best interest;

3. A non-priority assignment of quarters shall be utilized for a priority purpose or a qualified person with a greater need;

4. Absent emergency circumstances, such termination shall be effective only after a hearing pursuant to written notice to the employee at which the preponderance of competent evidence is found by a majority of the committee, meeting in which a quorum is present, to support the conclusion that good cause exists and that termination is the appropriate remedy. No such termination shall be effective unless and until it is reviewed and approved by the HBE; or

5. Absent emergency circumstances, upon termination of employment with HSS, the ex-employee shall have thirty (30) calendar days to vacate his/her assigned quarters/unit.

D. The Housing Committee shall have authority to contact any employee who has been granted quarters regarding any problems involving the quarters, the terms of this Quarters Manual, or the operation of the quarters agreement. The Housing Committee shall also meet and consider such matters of concern to the employee to whom quarters were granted upon the request of such employee. In the event of such meetings, the Housing Committee may reach decisions within the scope of their authority. For any matters outside the scope of their authority, the Housing Committee shall take no other action and may make recommendations to the HBE.

E. The Housing Committee shall, after Facilities Department has completed the quarterly inspection of all quarters, review all Inspection Report Forms and make such recommendations to the CSA as shall appear proper and necessary as a result of such review.

Section 7220 Quorum

A quorum of the Housing Committee shall consist of a simple majority of the current membership of the Housing Committee. A quorum, once having been attained for a particular meeting, shall not be lost due to the withdrawal from consideration of a matter due to a conflict of interest by a member whose presence is necessary to constitute a quorum.

Section 7221 Conflict of Interest

A. A member of the Housing Committee shall be considered to have a conflict with regard to any matter coming before the Committee for action or consideration only in the following instances:

1. The applicant or person coming before the committee is a "relative" of a Housing Committee member, as defined in Section 5016(G) of the HSS Manual;

2. The applicant or person coming before the Housing Committee is directly and immediately supervised by or supervises a member of the Housing Committee;

3. The matter then coming before the Housing Committee for action or consideration directly affects, either by way of benefit or detriment, a member of the Housing Committee either personally or professionally; or

4. As otherwise set forth in the HSS's Conflict of Interest policies of the HSS Manual. See HSS Manual, secs. 5016 (Anti-Nepotism), 5017 (Conflicts of Interest).

B. Any member of the Housing Committee having a conflict of interest shall immediately announce the conflict and shall withdraw (recuse) from any further participation in the consideration or decision concerning the matter giving rise to the conflict of interest.

Section 7230 Application for Quarters

No quarters award shall be made by the Housing Committee until an applicant has submitted a written application to the Housing Committee on a form approved by the CSA and said written application has been considered and approved as required by the HSS Manual.

Section 7231 No Right to Quarters

A. Quarters shall be provided to HSS employees on the basis of availability and need, not as a right. Decisions pertaining to the assignment of quarters shall have no relationship to the employee's employment contract.

B. The needs of HSS shall receive primary consideration. The Housing Committee reserves the right to assign quarters to serve the best interests of the HSS and shall issue eviction notices to satisfy the needs of the HSS.

Section 7232 Consideration of Applications for Quarters

A. The Housing Committee shall consider written applications for quarters as provided in the HSS Manual and may require the presence of the employee who is submitting the application before the Housing Committee.

B. The Housing Committee may, upon majority vote, retire into executive session to discuss any application; however, voting on the application shall be done in open session.

C. All decisions by the Housing Committee shall be made by a majority vote at a meeting where a quorum has been attained.

Section 7233 Determination of Priority Needs

A. On or before the first working day of June in each year, the CSA shall notify the Housing Committee in writing of those administrative offices which may or will require an award of quarters during the school year.

B. On or before the first working day of May in each year, each Lead Teacher shall conduct an analysis of housing needs for educational staff and inform their Principal of the results of his/her analysis.

C. On or before the first working day of June in each year, the Curriculum and Instruction Director, in consultation with each school Principal, shall notify the Housing Committee in writing of those professional teaching positions which may or will require an award of quarters at or immediately after the beginning of the school year.

D. The Housing Committee shall thereafter, as soon as possible, convene a meeting and shall compare the available and unoccupied quarters with the expressed needs for quarters as notified. Insofar as may be possible, adequate quarters shall be set aside, pursuant to the priorities established in the HSS Manual.

E. In the event the Housing Committee determines that the priority needs for quarters requires that award(s) of quarters be terminated in order to provide for priority needs, the Housing Committee shall act in compliance with the requirements of these policies.

F. On or after the first working day in October in each year, if any quarters remain available and unoccupied, the Housing Committee shall publish and distribute a list of all available quarters to all HSS staff.

G. Short-term quarters may, if available, be rented to non-employees of the HSS in the event the services of the Tenant are of benefit to the HSS or the quarters unit would otherwise be unoccupied and unproductive revenue for the HSS.

Section 7234 Priority for Awards of Quarters

A. In awarding quarters, the priority for quarters shall be applied by the Housing Committee and shall be established as follows:

1. At each school location, there shall be one quarters unit designated for the Facilities Manager or designee. The Facilities Manager or designee may live on campus so that the local school shall have the benefit of immediate response to any facilities problem.

2. Of the quarters units remaining unoccupied, preference shall first be given to the following in descending order of priority:

a. Chief School Administrator;

b. Principal;

c. Certified Administrators/Teachers (Teacher Supervisor and/or newly hired Teachers shall have the highest priority);

d. Finance Director;

e. Personnel Director;

f. Lead Teacher;

g. Teachers;

h. Non-certified Supervisory Employees/Administrative Support Staff; and

i. All other employees (all employees in this section shall receive a thirty-day (30) notice to vacate, should an application from a certified position be submitted).

j. Other positions noted herein or recommended by the CSA and approved by the HBE.

3. Conflicting requests between employees in the same classification shall be determined by consideration of the criteria set forth in Section 7234(B) of the HSS Manual.

B. Of the quarters units remaining unoccupied, all employees shall be considered, based upon the following criteria:

1. Where applicants for quarters are otherwise equal, local school employees shall be given priority.

2. A preference shall be given to such non-priority applications as shall be submitted by an employee whose quarters assignment has been previously terminated because of the priority needs of the HSS;

3. The benefit to the HSS which would occur if the employee were to be awarded quarters;

4. The record and length of employment of the employee seeking quarters;

5. The prior record, if any, of the employee with regard to any prior award ofquarters or the occupancy thereof; and

6. The need demonstrated by the employee seeking quarters, including but not limited to whether or not the employee has a real property interest within a 35 mile radius of the school which provides or which reasonably could provide housing for said employee.

C. Non-priority assignment of quarters may be terminated as follows:

1. The Housing Committee determines that the non-priority assignment shall be terminated in order to provide for the priority needs of the HSS; and

2. The Housing Committee notifies the employee, in writing, at least thirty (30) days before the first day of the month that the quarters assignment shall be terminated in order to provide for the priority needs of the HSS.

D. This policy and any priority hereby established shall be applied prospectively from the date of adoption.

E. The supervisor, Department head or the Principal may, if they deem it to be appropriate and in the best interest of the HSS, appear before the Housing Committee to suggest such benefits or detriments that may occur if the employee were to be awarded such quarters as has been requested.

Section 7235 Execution and Delivery of Documents

Upon an award of quarters by the Housing Committee, the person to whom the award was made ("Awardee") shall immediately execute and deliver to the Finance Department, with a copy to the Office of the CSA, and a copy to the Facilities Manager, the following:

A. An executed Housing Lease Agreement;

B. An executed Payroll Deduction Agreement, or such other written payment agreement as may be approved by the Housing Committee, Finance Director and/or CSA;

C. Housing Inspection File;

D. Application for Quarters;

E. If any of the documents in Section 7235(A)-(D) are modified, the modifications shall be in writing, signed by the parties and immediately delivered to the Finance Department with copies to the CSA and Facilities Manager.

F. Awardees remain responsible for full payment of the rent and other applicable costs for the quarters awarded.

Section 7240 Denial of Applications for Quarters

Denial of an application for quarters shall be made and recorded in writing signed by those members of the Housing Committee present and participating in the decision. Such writing shall set forth the exact reason(s) for the denial and shall be kept and maintained, together with the application, by the Housing Committee for not less than one (1) year following the decision. A copy of the written decision shall be provided to the applicant.

Section 7241 Administrative Review or Denial of Application

A. Any employee who has been denied an application for quarters by the decision of the Housing Committee may, within three (3) working days of receipt of the written decision of the Housing Committee request an administrative review of that decision by the CSA.

B. Such request shall be made in writing and shall set forth the specific reasons why the employee believes the Housing Committee erred in denying his/her application or quarters. The original request shall be delivered to the Chairperson of the Housing Committee.

C. The Housing Committee shall immediately deliver the original application for quarters and the written review to the CSA.

D. The decision of the CSA shall be made in writing and shall be delivered to the employee. A copy of the decision of the CSA, together with the original application, and the decision of the Housing Committee, shall be returned to the records of the Housing Committee.

E. In the event the applicant is not satisfied with the decision rendered by the CSA, the applicant may appeal to the HBE within five (5) days of receipt of the denial letter. The decision of the HBE is final and non-appealable.

Section 7250 Inspection and Repair by Facilities Department

Prior to occupancy of the awarded quarters unit, Facilities Department staff shall inspect the quarters and complete a Quarters Inspection Checklist Form. All deficiencies found in the quarters unit shall be remedied by the Facilities Department and entered into Maximo as work orders.

Section 7251 Conditions of Award and Tenancy

The following provisions shall apply to the award of quarters and Tenants of HSS quarters:

A. All HSS quarters shall be used and occupied subject to the terms and conditions of the Quarters Manual.

B. The violation of any of these terms shall be grounds for the termination of the quarters assignment or rental rights of the employee as determined by the Housing Committee. Violation of the terms and conditions of the Housing Lease Agreement, or similar documents, previously executed shall also constitute grounds for the termination of the quarters assignment or rental rights set forth in those agreements.

C. The quarters assigned or rented shall be for the residence of those persons listed on the application for quarters and no other persons, except those invited guests whose visitation shall be for a period of twenty (20) days or less in any six-month period, without the prior written consent of a majority of the Housing Committee.

D. The quarters assigned or rented shall be kept in a clean, sanitary, sightly and safe condition. All trash, garbage refuse and litter shall be promptly accumulated, properly contained and removed from the quarters and surrounding property.

E. Animals and Household Pets:

1. No livestock (i.e., horses, cows, chickens, rabbits, ducks) shall be kept on or in the assigned quarters and surrounding property;

2. Tenants are prohibited from feeding stray animals or unconfined animals in that this creates a nuisance and potential danger to other residents, staff and students;

3. A maximum of two (2) household pets of any kind may be kept if listed on the application for quarters and confined to the quarters and the yard associated with the quarters;

4. Household pets which remain in an unhealthy or unsanitary condition, which constitute a nuisance or danger to others or which are not confined or confinable by the owners, shall be promptly removed upon written demand of the Housing Committee. The employee to whom the quarters are granted is responsible for any damage by or maintenance on account of any pet or animal;

5. Tenants shall pay an additional pet deposit of $50 per pet up to two (2) pets, which shall be non-refundable;

6. Tenants shall comply with the Hopi Small Animal Control Ordinance No. 61, including but not limited to: all dogs and cats shall have a current rabies vaccination and shall be collared with a current rabies tag while outside the quarters at all times;

7. HSS recommends that all pets are spayed or neutered and be given other vaccinations as recommended by a veterinarian;

8. All animals shall be confined within a fenced area or be on a leash at all times. In the interest of the health, safety, and welfare of all parties associated with the HSS, the HBE retains the right to capture, or have captured, and to have removed from the school compound, any animal that is not confined as provided herein;

9. Tenants and/or Occupants shall comply with all applicable Tribal, federal and state laws and regulations pertaining to animals;

10. Damage to any dwelling or other property, by any animal shall be paid for by the Tenant. Quarterly house inspections shall determine if any damages has occurred. After inspections, damage charges may be applied;

11. It shall be the Tenant's and/or Occupant's responsibility to clean up after their pets; and

12. Should the Facility Manager or the Housing Committee receive a written complaint regarding a pet's behavior, the complaint shall be forwarded to the Principal. The Principal shall issue the Tenant and/or Occupant a warning. The Tenant and/or Occupant shall have fifteen (15) calendar days after receipt of the written notice to correct the alleged infraction or to submit a housing grievance to the Housing Committee, pursuant to the grievance procedures contained in this Housing Manual, and state in writing why the complaint is in error. If a second complaint is received, the complainant and the Tenant and/or Occupant shall meet with the Housing Committee and if judged to be in willful violation of the terms and conditions contained herein as pertains to pets, such Tenant and/or Occupant may be subject to the termination/eviction procedures contained in this Policy Manual, and is precluded from filing a housing grievance.

F. Vehicles:

1. No inoperable vehicles, trailers, machinery or other such unsightly materials shall be stored or placed on the premises;

2. Tenants and/or Occupants shall comply with applicable motor vehicle laws of the State of Arizona and the Hopi Code;

3. Vehicles shall be driven at or below ten miles per hour within HSS and school compounds;

4. Abandoned cars, inoperative vehicles, and other undesirable objects shall not be allowed to remain on the premises (maintenance of personal vehicles, not including oil changes or other fluid changes, see number 5 below, is permitted so long as the activity does not interfere with the day-to-day activities of other Tenants and the vehicle or object does not remain inoperative for longer than one month);

5. There shall be no fluids drained from or allowed to drip from any vehicle located at the quarters or on the HSS or School compounds. Quarters and HSS/School grounds have been compromised by draining, dumping or allowing mechanical or fuel fluids; therefore, there shall be no oil changes, transmission changes, or other types of similar activities in which fluids are drained or allowed to drip from vehicles on the premises;

6. Tenants and/or Occupants shall have fifteen (15) calendar days after receipt of written notice to remove abandoned or inoperative vehicles or undesirable objects. If abandoned or inoperative vehicles are not removed within the required days, HSS reserves the right to remove/tow abandoned or inoperative vehicles at the owner's expense;

7. No house trailer, or trailers of any kind, will be allowed to be parked against the dwelling or on the adjacent grounds for any undue length of time without prior written consent of the Facilities Manager or Principal. Trailers may be stored on the HSS or School compound in an orderly and safe manner at a site designated by the Facilities Manager; and

8. Motorized vehicles shall not be allowed off of the established roadways within the HSS or School compound.

G. No business, enterprise or activity for profit shall be conducted upon or in the assigned quarters and surrounding property without the express written permission of the Housing Committee. If business use is approved, the business shall not pose any type of hazard to Tenants, school functions, or housing structures.

H. The employee to whom the quarters is awarded shall be responsible for and shall notify the Facilities Department of all maintenance needs with regard to the quarters.

I. No repairs, alterations, improvements or additions shall be made to the quarters by the employee to whom the quarters is awarded without the prior written permission of the Facilities Director. No alterations, improvements or additions so made to the quarters shall be removed without the prior written permission of the Facilities Director.

J. Firearms.

1. It shall be permissible for Tenants to possess, unless otherwise prohibited by court order or legal prohibition, a firearm, air gun or any other device capable of discharging or propelling any material which could cause damage, harm or injury to any person or property in or upon the quarters assigned or in the compound of the quarters.

2. The discharge of a firearm, air gun or any other device capable of discharging or propelling any material which could cause damage, harm or injury to any person or property shall not be permitted in or upon the quarters assigned or in the compound of quarters.

K. The hauling of water taken from any quarters shall not be permitted. Violations of this provision shall result in a written warning for the first offense, a $500.00 fine which will be payroll deducted for the second offense, and termination of the lease for any offense thereafter.

L. The employee to whom the quarters is awarded or assigned and all authorized residents of the quarters shall permit, upon reasonable notice, access to the quarters by an authorized employee for the purposes of inspection, maintenance, repair or improvement to the quarters or the contents thereof.

M. No illegal activity shall be conducted or maintained in or about the quarters assigned. Law enforcement officers shall be authorized to enter into the quarters if there is any reasonable suspicion of illegal activity taking place.

N. No accidental or purposeful damage shall be caused to the quarters. Any such damage as shall occur shall be immediately reported to the Facilities Department and the person to whom the damaged quarters is assigned shall pay the reasonable cost of all necessary repairs performed by the Facilities Department as the result of such damage. A $250.00 security deposit shall be made by all Tenants. This payment will not be payroll deducted.

O. The employee or any other person shall not act or permit or allow actions that may compromise or endanger the health, welfare, safety or quiet enjoyment of any other resident of HSS quarters, student, staff or other person, nor shall such persons act or permit or allow actions that are against the best interests of the HSS. Actions and conduct of persons other than the employee, on or about employee's premises, are the responsibility of the employee. Actions and conduct of persons other than employee on or about employee's premises, are the responsibility of the employee and misconduct by said persons are grounds for terminating employee's tenancy.

Section 7260 Term of Assignment

A. Assignments of quarters shall commence on the effective date of the assignment and shall continue to and until the last day of the following June. Assignments are for no more than one (1) year at a time. There shall be no extensions. Holdovers are not allowed. Should a Tenant holdover in violation of this policy, Tenant's rental rate shall immediately be increased by a factor of 1.5 per months; however, this shall not provide Tenant with any right to said tenancy. All Tenants shall sign a new lease each year.

B. For all legal purposes, the lease will begin upon the same day that the key is issued to the tenant, and rent will be prorated to include the day that the key is issued.

Section 7270 Expiration of Tenancy

An award of quarters shall expire upon the occurrence of any of the following events:

A. The mutual agreement of the parties to the Housing Lease Agreement or similar document.

B. The expiration and/or termination of the employment of the person to whom the quarters were awarded. In the event another member of the authorized residents of the household is also an employee of the HSS, such other employee shall have the right to make application for an award of quarters for a period of thirty (30) days after the expiration of the original quarters award if, during that time, the applying employee has agreed to assume the cost and expenses of an award of quarters.

C. The final resolution of a decision of the Housing Committee that cause exists and termination is found to be the appropriate remedy.

D. The determination by the Housing Committee that the priority needs of the HSS requires the termination of a non-priority assignment of quarters.

E. At the conclusion of any lease year (which ends on June 30), or terms set forth in the Housing Lease Agreement or similar document, unless timely renewed.

F. A lease term shall be limited to a maximum of one (1) year, and there is no right to continued assignment or award of quarters.

Section 7271 Procedure Upon Expiration of Tenancy

A. The employee to whom the quarters were awarded shall, upon expiration of the tenancy, notify the Housing Committee of the intended date of expiration or the date upon which the quarters are to be vacated.

B. Prior to the expiration of the tenancy and the date upon which the quarters are to be vacated, the quarters shall be inspected by Facilities Department in the presence of the employee to whom the quarters were awarded at a time which is mutually convenient and arranged with the employee by the Facilities Department.

C. Upon the completion of the inspection, a Quarters Inspection Checklist Form shall be completed by the inspecting authority from Facilities Department. A copy of the completed form shall be provided to the employee to whom the quarters were awarded and, if the report is acceptable to the employee, the original of the form shall be signed by the employee and Facilities Department designee.

D. The Inspection Report Form shall conclude that the quarters are acceptable and that the employee to whom the quarters were awarded is cleared of all further responsibility for the quarters when it is found that:

1. No loss, damage or injury, exclusive of normal wear, has occurred by virtue of or during the expiring occupancy;

2. That the quarters are in a clean, safe, sightly and sanitary condition;

3. That all trash, refuse and litter have been removed from the quarters and surrounding property;

4. That all personal property has been removed from the quarters; and

5. That all Tenant's keys to the quarters have been returned to the Facilities Department at the Central Administration Office.

E. In the event the Inspection Report Form shall conclude that the quarters are acceptable, a copy of such report shall be immediately delivered to the Finance Department and no further claim or liability shall be placed upon sums due and owing to the employee by virtue of the expired occupancy of quarters absent later discovered damages.

F. In the event the Inspection Report Form shall conclude that the quarters are unacceptable and the employee to whom the quarters were awarded is not cleared from further responsibility, a copy of the report shall be delivered to the CSA for further action, and sums due and otherwise owing to the employee shall not be released to the employee until it is found that the quarters have been made acceptable or until the employee has been released from responsibility.

G. The Facilities Director shall meet with the employee to whom the quarters were awarded at the earliest possible time and shall then attempt to resolve all matters then pending with regard to the deficiencies are thereafter resolved and their resolution accomplished, the CSA shall so indicate on the Quarters Inspection Checklist Form, a copy of which shall then be delivered to the Finance Department.

H. Tenant acknowledges and agrees that if they transfer tenancy and/or move from unit to another unit, damages from their occupancy of either unit may be charged to and deducted from any amounts owing the HSS.

Section 7272 No Tenancy after Breach of Employment Contract

A. If an employed Tenant breeches their employment contract with the HSS and is terminated from employment, he/she shall notify the Housing Committee in writing within fifteen (15) calendar days of the day their quarters are to be vacated.

B. If the Tenant stays longer than the day he/she has expressed, then he/she is responsible for additional costs (which may include rent, utilities, and clean-up costs).

C. Continued habitation longer than what the Tenant has expressed may result in eviction.

D. Additional costs, including attorney's fees and other court costs, may be deducted from deposit monies or other money (including, but not limited to, salary), that may be owed to HSS by the tenant.

CHAPTER 7300 - EMPLOYEE QUARTERS: COMPLAINTS AND HEARINGS

Section 7301 Complaints and Reported Violations

All complaints concerning a violation of the terms of this Quarters Manual shall be submitted to the CSA for consideration by the Housing Committee in writing, dated and signed by the person making the complaint.

Section 7310 Conduct of Hearing

A. A hearing shall be granted to all parties involved in any written complaint or report of an alleged violation of the terms of this Quarters Manual when the CSA determines that the substance of the complaint or report of a violation, by its terms, if true, constitutes a matter, which may properly come before the HBE.

B. All hearings shall be conducted in the manner set forth below:

1. Written notice of the date, time and place of the hearing shall be provided to all parties not less than three (3) working days prior to the day of the hearing. Such notice shall set forth a reasonable description of the matter so that all parties may be prepared to appear and respond.

2. The Chairperson of the Housing Committee shall conduct the hearing before a quorum of the Housing Committee. The Chairperson shall be included in establishing a quorum;

3. The hearing shall be conducted in private/executive session and only the parties to the matter shall be present during the entire hearing. Witnesses may be called by any party, but shall be present only when giving testimony.

4. All parties shall testify after being placed under oath.

5. A party or witness may present documentary evidence to the Housing Committee.

6. At the close of all evidence, the Housing Committee may seek to informally resolve the matter to the satisfaction of all parties. In the event all parties cannot be satisfied by a proposed informal resolution, the Housing Committee shall retire to determine the formal decision of the Housing Committee.

7. The decision of the Housing Committee shall be announced in public and shall be reduced to writing in a written formal letter delivered to the person making the complaint. The original written decision shall be retained among the records of the Housing Committee and a copy of said decision shall be provided to all parties, the Facilities and Finance Departments and the Office of the CSA.

Section 7320 Exigent Circumstances

In exigent circumstances, action may be taken by the CSA immediately, as the situation may require, with the hearings or procedures, required under these polices to be held as soon as reasonably possible thereafter.

Section 7330 Appeal of Housing Committee Decisions

A. Any applicant or Tenant who disagrees with a decision of the Housing Committee may, within three (3) working days of receipt of the written decision of the Housing Committee, request an administrative review of that decision by the CSA.

B. Such request shall be made in writing and shall set forth the specific reasons why the applicant or Tenant believes the Housing Committee erred in its decision. The original of the request for administrative review shall be delivered to the Office of the CSA, and a copy shall be delivered to the Housing Committee.

C. The decision of the CSA shall be made in writing and shall be delivered to the employee. A copy of the decision of the CSA, together with the original complaint and the decision of the Housing Committee, shall be returned to the records of the Housing Committee.

D. If the applicant or Tenant disagrees with the decision of the CSA, he/she may within three (3) working days of receipt of the CSA's decision, request a review of that decision by the HBE. Such request shall be made in writing and shall set forth the specific reasons why the applicant or Tenant believes the CSA erred in his/her decision. The original of the request for review shall be delivered to the Office of the CSA with a request for the HBE's review. The decision of the HBE shall be final and is unappealable.

CHAPTER 7400 - [RESERVED]

CHAPTER 7500 - RISK MANAGEMENT

Section 7501 Purposes

A. In all HSS operations, the HSS shall prioritize providing a safe and healthy work environment for students, employees and visitors, and shall establish a comprehensive risk management program, entitled the "Environmental and Safety Program." See HSS Manual, secs. 7510-7512.

B. The practice of safety shall also be considered a facet of the instructional plan of the HSS by virtue of educational programs in traffic and pedestrian safety, driver education, fire prevention, and emergency procedures, appropriate for students at different grade levels.

Section 7502 Environmental Management and Compliance

The HSS commits to developing and implementing procedures to comply with all applicable Tribal, state, federal and BIE environmental standards, including Paragraphs 6, 7.a. through 7.n., and 8 of Standard Form 424B, ASSURANCES - P.L. 100-297 TRIBALLY CONTROLLED SCHOOLS, within the grounds of HSS schools and facilities.

Section 7510 HSS Environmental and Safety Program

A. To protect HSS resources and provide a safe and secure learning environment for students, staff and the general public on HSS property and at school-sponsored events, the HBE shall establish an "Environmental and Safety Program."

B. The Environmental and Safety Program shall employ a risk management strategy that includes planning, organizing, monitoring and controlling HSS activities in order to identify and minimize the potential for accidents, injury and the adverse effects of accidental losses.

C. The Environmental and Safety Program shall include the following measures:

1. The CSA and/or Facilities Director has the responsibility for implementing, administering, monitoring, and evaluating the safety program; however, its success depends on the alertness and personal commitment of all. Principals, directors and supervisors have the responsibility of ensuring a safe workplace, and all HSS staff, ultimately, have a responsibility to support and care for each other, HSS students, and all those who come on to the grounds of HSS schools and facilities. See also HSS Manual, sec. 7511.

2. The HSS shall provide information to employees about work place safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board posting, memos, or other written communications.

3. Employees and supervisors shall receive periodic work place safety training. The training shall cover potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

4. Employees with ideas, concerns, or suggestions for improved safety in the work place are encouraged to raise them with their supervisor(s), the CSA, their Principal, and/or Facilities Director.

5. Each employee is expected to obey safety rules and to exercise caution in all work activities. SAFETY IS EVERYONE'S RESPONSIBILITY. Employees shall immediately report in writing (or may use a Work Order) any unsafe condition to the Principal, CSA, and/or Facilities Director. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment. See Personnel Policies and Procedures Manual, Table 5-1 (Disciplinary Penalties).

6. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees shall immediately (within twenty-four (24) hours of the injury) notify their immediate supervisor. Such reports are necessary to comply with applicable laws and initiate insurance and workers' compensation benefits procedures.

Section 7511 Duties of Staff, Students and Visitors

A. Employees shall take reasonable precautions for the care and safety of HSS equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision.

B. The HSS Environmental and Safety Program shall use effective safety and loss control practices and specify duties for HSS staff, including but not limited to:

1. Responsibilities of the CSA:

a. Oversee the development, implementation and record keeping of the Environmental and Safety Program throughout the HSS;

b. Establish a HSS-wide Safety Committee comprised of a representative from each schools' Safety Committee;

c. Provide quarterly report to the HBE on the HSS's Environmental and Safety Program; and

d. Oversee examination of accidents and potential claims against the HSS.

2. Responsibilities of the Facilities Director:

a. Maintain an overall safety program in maintenance and operation of HSS buildings and grounds, training, and records;

b. Post proper signage indicating potential hazards and/or recommended safety precautions; and

c. Provide specialized assistance as requested by building Principals.

3. Responsibilities of the building Principals:

a. Establish a school-wide Safety Committee comprised of educational professionals, support staff, students and a parent representative;

b. Overseeing and encouraging good risk management practices and implementing the Environmental and Safety Program in the day-to-day operations of their schools;

c. Identify and assign a collateral duty safety officer ("CDSO") to oversee and manage the daily operations of the safety program;

d. Schedule regular inspections;

e. Post required Tribal, state and federal safety regulations and maintaining appropriate safety records;

f. Arrange for the correction of defects reported to them by employees in the building by requesting assistance from the maintenance department; and

g. Cooperate in the correction of defects reported by the Facilities Department or other school administrators.

4. Responsibilities of the Transportation Director:

a. Maintain standards for certification of school bus drivers;

b. Maintain standards for periodic inspection and maintenance of school buses; and

c. Maintain standards for school bus operation.

5. Responsibilities of other employees:

a. Report promptly to the Principal of the school or immediate supervisor any defects in buildings, grounds, or equipment that might prove injurious to the safety, health, or comfort of students, employees, or other persons; and

b. Take reasonable precaution for the safe use of buildings, grounds, and equipment by students.

6. Responsibilities of students:

    a. Avoid the following behaviors:

        i. Setting off a false fire alarm;

        ii. Misusing the fire alarm system, fire extinguishers, or other fire protection and safety equipment; and

        iii. Setting a fire in the building or on the school grounds.

    b. Report promptly to the Principal of the school or other appropriate school employee any defects in buildings, grounds, or equipment that might prove injurious to the safety, health, or comfort of employees, students, or other persons.

7. Responsibilities of other individuals utilizing school buildings:

    a. Refrain from abusing safety equipment, such as fire extinguishers, alarm systems, etc.; and

    b. Report promptly to the CSA, Principal or another school employee any defects in buildings, grounds, or equipment that might prove injurious to the safety, health, or comfort of students, employees, or other persons.

Section 7512 Risk Management Implementing Protocols

The CSA or designee shall ensure that the HSS's Environmental and Safety Program procedures (which shall be approved by the HBE) include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including but not limited to the following:

A. Regularly scheduled inspection of HSS facilities and equipment and identification of risks.

B. Instruction and practice for students and employees regarding emergency plans, including:

    1. Training of all staff in first aid and cardiopulmonary resuscitation; and

    2. Regular practice of emergency procedures by students and staff.

C. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:

    1. The appropriate chain of command at the HSS and, if communication between the district and site is not possible, at each site;

    2. Individuals responsible for specific duties;

3. Designation of the Incident Commander for the overall control and supervision of activities at each school during the emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans; and

4. Assignment of responsibility for identification of injured persons and administration of first aid.

D. Personal safety and security, including:

1. Identification of areas of responsibility for supervision of students;

2. Procedures for evacuation of students and staff, including posting of evacuation routes;

3. Procedures for release of students, including a procedure to release students when reference to the emergency card is not feasible;

4. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety;

5. Provision of a first aid kit to each classroom;

6. Arrangements for students and staff with special needs; and

7. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and undesignated/medical leave policies for staff with known or suspected pandemic influenza or other infectious disease.

E. Closure of schools, including an analysis of:

1. The impact on student learning and methods to ensure continuity of instruction; and

2. How to provide a Continuity of Operations Plan ("COOP") for essential central office functions, such as payroll and ongoing communication with students and parents/guardians.

F. Communication among staff, parents/guardians, the HBE, other governmental agencies, and the media during an emergency, including:

1. Identification of spokesperson(s);

2. Development and testing of communication platforms, such as hotlines, telephone trees, and websites;

3. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand; and

4. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians.

G. Cooperation with other federal, state and Tribal agencies, including:

1. Development of guidelines for law enforcement involvement and intervention; and

2. Collaboration with the local health department, including development of a tracking system to alert the local health department to a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease.

H. Steps to be taken after a disaster or emergency, including:

1. Inspection of HSS facilities; and

2. Provision of mental health services for students and staff, as needed.

I. For Field Trips or off-campus activities, the following procedures shall apply to the assessment of risks associated with such activities (see also HSS Manual, Chapter 6600):

1. Teachers shall first do a risk analysis of all excursions or activities which may vary from normal classroom routine;

2. Teachers shall obtain permission from the school Principal before any planned excursion is confirmed;

3. Teachers shall always obtain informed consent from parents and guardians; and

4. Other applicable provisions of as set forth in the HSS Manual.

Section 7520 Emergency Plans and Building Evacuation

A. HSS staff and students shall be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

B. HSS shall create a comprehensive Incident Command system for each school and other HSS facilities.

C. To implement the HSS Environmental and Safety Program, the CSA or designee shall develop and maintain emergency plans for each school site. The plans shall specify conditions under which evacuation of HSS and school buildings will occur. The plans shall designate specific emergency drills to be conducted. These plans shall include but not be limited to:

1. Inside Emergencies: fire (on or off school grounds which endangers students and staff); actual or potential explosion; propane leak; or collapsing structure.

2. Outside Emergencies: fallen electrical wire, earthquake or other natural disasters, plane crash on campus or nearby.

3. Other: Active shooters; environmental hazards; bomb threat or actual detonation; biological, radiological, chemical, and other activities or heightened warning of such activities; medical emergencies and quarantines, such as a pandemic influenza outbreak; or attack or disturbance, or threat of attack or disturbance, by an individual or group.

D. In developing the HSS and school emergency plans, the CSA or designee shall collaborate with Tribal emergency responders, including Hopi Emergency Response Team, Hopi Law Enforcement Services, Hopi Fire Department, Hopi Health Care, Navajo County Sheriff, Navajo Nation, Arizona Department of Public Safety, and other public health and emergency administrators and agencies. Such plans shall be submitted to and approved by the HBE by August of each year.

E. The plans will specify the conditions under which evacuation of the building will occur (and the procedures therefor). The plans will also designate specific emergency drills to be conducted. A diagram of the school floor plan will be posted in each room showing emergency exits to be used.

F. HSS employees are considered disaster service workers and are subject to disaster service activities assigned to them. See HSS Manual, sec. 5242.

Section 7521 Emergency Drills

A. Emergency drills will be scheduled and conducted each month during the school year. The purpose of a drill is to train students, under staff direction, to move safely, quickly, and quietly from any location within the building to an assigned evacuation area outside.

B. The following rules and procedures will be complied with in all schools:

1. Evacuation routes will be posted in each room. These routes will indicate the primary and alternate exits and the evacuation area to which the student should proceed upon leaving the building. During the first week of the school year, rules for emergency evacuation will be discussed with each class using the room.

2. A distinct alarm signal will be used for emergency drills only; another signal will be established by the Principal for return to class.

3. No student or staff member is to remain in the building during emergency drills.

4. All persons should exit according to their posted evacuation routes and proceed to assigned locations a safe distance away from the building.

5. It is each student's responsibility to move quickly, quietly, and in an orderly manner through the assigned exit to the assigned evacuation area.

6. The teacher will be responsible for:

    a. Seeing that windows and doors are closed with doors unlocked;

    b. Assuring that electrical equipment and gas jets are turned off;

    c. Maintaining order during the evacuation;

    d. Taking the grade book and checking roll when the class is in the assigned evacuation area. The name of any student not accounted for will be reported immediately to the Principal, who shall promptly notify the CSA; and

    e. A report stating the date and time that the drill was conducted, and the time required to complete the evacuation shall be made. These reports shall be provided to and kept in the Central Administration Office for future audits.

Section 7522 First Aid

A. If a student is injured or becomes ill during the school day or while attending a HSS-sponsored activity, it is the responsibility of any staff member present to render assistance and to summon a school nurse. Upon arrival, the school nurse will direct all further first aid activities.

B. First aid procedures shall be based on the following fundamental concepts:

    1. The school is responsible for the emergency handling of accidents and sudden illness occurring at school or on school property. The school is not responsible for subsequent treatment.

    2. At the time of an emergency, the HSS has the responsibility for:

        a. Caring for the student;

        b. Notifying the student's parents or guardian, or, if these cannot be reached, following directions given on the student's enrollment card; and

        c. In extreme cases, getting the student under professional care with or without family permission.

    3. In the absence of family transportation or ambulance service, an authorized HSS employee may have to take the sick or injured student home, to the physician's office, or to the hospital. A sick or injured student should be accompanied from the school by an adult. If the destination is the student’s home, the adult shall have ascertained that a responsible person is at home to assume responsibility.

    4. In case of any serious injury or illness, the parent or responsible person should always be notified as soon as possible. Emergency care of the student has priority.

5. Medication administered by any school personnel, including the nurse shall be in compliance with HSS Manual, Title 2 (administering medications to students).

6. A written report of an accident shall be made by the building Principal to the CSA not later than noon of the school day following the incident.

Section 7523 Weather Related and Emergency Closings

A. The decision to delay opening of school or to dismiss school early will be made by the CSA. If possible, the HBE Chairperson shall be informed of such decision and will be notified when all students have departed from school.

B. Delayed Opening: If the CSA decides to delay the opening of school, the police and the local broadcast media will be notified, requesting that they assist in disseminating the information. All staff members will report to their assigned schools to assist in the supervision of students.

C. School Closing: If the CSA decides to cancel classes for the day, the police and local broadcast media will be notified and asked to assist in disseminating the information.

D. Early Dismissal: If the CSA decides to dismiss school early, the procedure shown below will be followed for early dismissal of students:

1. Students will be released from school only after the Principal has ascertained that appropriate notice has been given to parents or guardians. Staff members may be released by the Principal when they are no longer needed to supervise students; and

2. The Principal will remain at the school until all students have departed.

Section 7530 Security of Facilities

A. Security of HSS schools and facilities is critical to maintaining a safe learning environment for students and staff, to protect the investments of the HSS, and shall be implemented in conjunction with the HSS's Environmental and Safety Program.

B. The Facilities Director shall collaborate with the "Security Services Supervisor" and the CSA to address and develop a HSS Security Systems Protocol for HSS facilities, property and grounds' security systems and procedures. Orientation and training on the Security Systems Protocol shall be provided to all HSS personnel, as needed.

C. The Security Systems Protocol shall include, at a minimum, the following HBE directives for facilities security:

1. All HSS buildings shall use a security control system that limits access to keys or other building entry devices to authorized personnel and safeguards against unauthorized individuals gaining entry to buildings as set forth in Sections 7531-7532 of the HSS Manual;

2. At no time will exterior doors be blocked in the open position;

3. The Facilities Director, in consultation with the Security Services Supervisor and the Principals, shall be responsible for determining the need for and responsibilities of security personnel and shall make recommendations to the CSA who shall report to the HBE on funding security personnel positions or contracts;

4. The CSA shall provide the Hopi Tribe's Department of Public Safety and Emergency Services with emergency response information it requests for the HSS risk management plan and updated emergency response information when such updates are made;

5. The CSA shall provide Hopi Law Enforcement Services with schematic diagrams, including digital schematic diagrams, of all HSS facilities and updates of the schematic diagrams when the HSS makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams shall meet any standards established by the Bureau of Indian Education, Bureau of Indian Affairs, and the Hopi Tribe's Department of Public Safety and Emergency Services for the preparation and content of the diagrams;

6. The CSA shall provide Hopi Law Enforcement Services with:

   a. Either keys to the main entrance of all HSS buildings or emergency access to key storage devices for all HSS buildings; and

   b. Updated access to all HSS buildings when changes are made to the locks of the main entrances or to the key storage devices;

7. Principals and/or CSA shall make reasonable efforts to secure buildings and other valuable property on HSS grounds when the school or other HSS facility is closed or vacated;

8. Teachers are to make reasonable efforts to secure their assigned classrooms or other designated spaces when the school is closed or vacated or when their classrooms or other designated spaces are not in use;

9. Principals are encouraged to involve teachers, other school staff, parents, students, and law enforcement in identifying the security needs of their school; and

10. Principals shall implement programs or make recommendations to the CSA and HBE as appropriate to address the security needs of their school.

D. Other HBE policies throughout the HSS Manual and as may be developed regarding the maintenance of facilities, safety, and visitors to HSS buildings are important to maintaining the security of the school environment. All professional employees and other employees with job duties related to security are responsible for being familiar with all HSS policies and carrying out their job duties.

Section 7531 Access to HSS Facilities

A. Access to HSS buildings and grounds will be established by the CSA in accordance with the following:

1. Unlimited access. The CSA, Assistant CSA (if any), Finance Director, and Facilities Director shall have unlimited access; and

2. Limited access. Building Principals, assistant Principals (if any), security personnel, teachers, custodians to their assigned buildings, and extracurricular sponsors, counselors, and supervisors for their respective areas or activities shall have limited access.

B. Possession of keys shall be in accordance with the following protocols:

1. A log of key assignments shall be maintained by the office of the CSA or other designated office;

2. Unassigned duplicate keys shall be maintained in a safe or a secured box;

3. Individuals assigned keys may not duplicate or loan them;

4. All keys shall be surrendered when no longer needed or upon request by the CSA;

5. The loss of a key shall be reported to the CSA upon discovery of the loss;

6. Use of keys for unauthorized purposes will be cause for surrender of keys. Employees will be subject to discipline and/or dismissal for unauthorized use of keys;

7. A set of master keys and/or duplicates of keys shall be kept in the custody of the CSA; and

8. The employee will sign a receipt for keys assigned. The receipt will list the applicable rules.

Section 7532 Misuse of HSS Keys

A. Any person who, for oneself or for another, misuses a key to any building or other area owned, operated, or controlled by the HSS without authorization from the HBE or CSA is subject to civil and criminal penalties to the fullest extent of the law.

B. "Misuse" of a HSS key includes, but is not limited to:

1. Manufacturing or causing the manufacture of a HSS key;

2. Duplicating or causing the duplication of a HSS key;

3. Unauthorized possession of a HSS key;

4. Unauthorized use of a HSS key; and

5. Permitting the use of a HSS key.

C. Employees and students who are in violation of the above shall be subject to disciplinary action.

Section 7533 Building and Grounds Use Agreement

In order to serve the needs of the communities, HSS may open HSS buildings and grounds to organizations under the following guidelines:

A. A requesting party shall sign and submit a Building Use Agreement Form to the local school Principal or CSA as appropriate.

B. The requesting party shall have liability insurance for their organization and assume all liability for the activity.

C. This request may be made on behalf of another school or tribal entity, but no personal or political fund raisers are allowed.

D. This request shall be made in a timely manner, not less than ten (10) working days in advance of the requested activity.

E. For any requests involving the sale or offering of food or beverages:

1. All activities shall be in accordance with the HSS Wellness Policy. A copy can be made available if there is any question as to the content thereof; and

2. Requests may be made in partnership with a school class, club, or Family Teacher Organization. If an HSS or local school organization is not available to partner, the requesting Agency may hold concessions in the lobby consisting of pre-packaged items that comply with HSS's Wellness Policy.

F. The requesting party shall inform law enforcement of the intent of function and request for periodic patrol as needed.

G. The requesting party shall assign person(s) from their group to conduct continuous roving patrols as needed.

H. After the function has been completed, all parties making this request shall engage in cleaning areas utilized for the function.

Section 7534 Vandalism

A. The CSA is authorized to sign a criminal complaint/offense and to press charges against perpetrators of vandalism against HSS property.

B. Students who destroy HSS property through vandalism or arson, or who create a hazard to the safety of other people on HSS property, may be referred to law enforcement authorities. Such students who are caught vandalizing HSS property shall be subject to disciplinary action, including but not limited to suspension and expulsion. A conference with the student's parents shall be required.

C. Parents and students shall be made aware that the law provides that parents are liable for the willful destruction of property by a minor in their custody or control.

D. The HSS may file suit to recover the cost of vandalism from the student and/or parent(s).

E. The Principal shall establish a system through which students and members of the HSS community can report any instance of vandalism or suspected vandalism. Each employee of the HSS shall report to the Principal or CSA every perceived incident of vandalism and, if known, the names of those responsible.

Section 7535 School and Personal Property Replacement/Restitution

The HSS shall not assume responsibility for the loss of, or damage to, personal property stored, installed, or used on HSS premises.

Section 7540 Compensation for Accidents

A. Even with a robust safety program, accidents can happen. To determine whether individuals involved in an accident should be compensated, HSS employees shall follow the reporting requirements set forth in the HSS Manual to report accidents. See HSS Manual, secs. 7550-7551.

B. Once an Accident Report is received, the CSA and legal representative shall review the report and determine if the accident falls within the parameters of the Federal Tort Claims Act, workmen's compensation, or the HSS's insurance coverage.

Section 7541 Federal Tort Claims Act

A. As a recipient of a Tribally Controlled Schools grant under P.L. 100-297, the Federal Tort Claims Act, P.L. 79-601 (1946) ("FTCA") applies to the Hopi School System and its employees. See 25 C.F.R. § 44.111.

B. The FTCA establishes a process by which individuals injured by the wrongful or negligent acts or omissions of federal employees may seek compensation from the federal government through an administrative process and, if not resolved administratively, through the federal courts.

C. For purposes of the FTCA, HSS employees, contractors, and volunteers are considered federal employees.

D. The FTCA allows claims "for money damages . . . for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." 28 U.S.C. § 1346(b)(1).

E. Examples of wrongful or negligent acts or omissions under the FTCA include but are not limited to: personal injury, property damage/loss, and vehicle accidents.

F. The CSA and other HSS staff shall be immediately notified of any act, omission, or accident which could give rise to a FTCA covered event as set forth in this Chapter.

Section 7542 Insurance

A. The HSS shall maintain private insurance coverage as set forth in Section 4224 of the HSS Manual to address claims or accidents not covered by the FTCA.

B. The HSS shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection. To determine the most economical means of insuring the HSS consistent with required services, the CSA or designee shall annually review the HSS's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance, or a combination of these means.

C. The HBE reserves the right to remove an insurance agent-of-record or a participating agent whenever, in the judgment of the HBE, such action becomes desirable for the best interests of the HSS.

D. To minimize the HSS's exposure to liability, the HBE shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The CSA or designee shall ensure that these policies and related procedures are enforced fairly and consistently.

Section 7550 Accident Reports

A. Adequate and prompt accident reporting is essential if accidents are to be prevented. If there are injuries or property damage, prompt reports are required to be reported as set forth in the Federal Tort Claims Act, workmen's compensation, and the HSS insurance coverage, as may be applicable.

B. Reports shall be filed on accidents that take place on school property or that involve school vehicles, students, or staff members on school-sponsored trips, including staff members on authorized school business trips. Such reports are required whether or not there are any immediately evident injuries or damage to property.

C. Injury accidents should be immediately reported to the BIE if a FTCA related incident or the HSS's liability carrier. The meaning of "immediately" is defined in the FTCA rules and regulations, workmen's compensation, and HSS's insurance policy, as may be applicable.

D. The HBE shall establish procedures for filing accident reports, which shall require that reports include details that:

1. May be helpful in preventing similar accidents in the future;

2. Are needed for filing FTCA or insurance claims; and

3. May be important in case of litigation.

Section 7551 Accident Reports for Student Accidents

A. Employees are to report to the nurse or Principals' Office any accident involving a student who is at school.

B. For any student who is injured on school grounds, in a school building, or in connection with a school-related or approved activity, an accident report form is to be completed by an employee who is at the scene of the accident.

C. A student who is ill should be sent to the nurse or the office, with an appropriate pass. If a student is sent home (only with parent knowledge), the teacher shall be notified. Students are discharged to go home only from the school administration office.

D. Any special health concern occurring at a school shall be reported to the nurse and school Principal. Any special health concern occurring at the Central Administration Office or non-school facility should be reported to the Facilities Director.

E. A written report of an accident shall be made by the building Principal to the CSA not later than noon of the school day following the incident. The insurance carrier shall be notified as appropriate.

F. After reviewing each accident report, the CSA will forward the report to the school nurse, who will maintain a file of accident reports.

Section 7560 Liability for Damage to Property

Anyone who willfully or negligently damages HSS and/or federal property may be held financially liable, as provided by law.

Section 7570 Pesticide Application Notice

A. The intent of this policy is to ensure that students, employees, and parents/guardians receive adequate notice prior to pesticide application on HSS facilities and grounds. The CSA shall prepare procedures for the implementation of this policy. HSS shall comply with all applicable requirements for pesticide application and management under Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), as amended. Legal Ref.: 7 U.S.C. §§ 136 et seq.; 40 C.F.R. Parts 150-180.

B. To implement this policy, the HSS shall:

1. Provide notice of pesticide application during a regular school session to students, employees, and parents/guardians, given in a form reasonably calculated to provide a warning at least forty-eight (48) hours prior to such application;

2. Provide continuing instruction for students absenting themselves;

3. Post the areas scheduled to receive pesticide application; and

4. Maintain written records of pesticide application in Maximo as a recurring work order and paper documentation in the Central Administration Office for future audits.

C. Pest-control applicator(s) employed by the HSS shall provide the HSS school/facility contact person with notice at least seventy-two (72) hours prior to the date and time the application of pesticides is to occur, including in such notice the brand name, concentration, rate of application, pesticide label, material safety data sheet, the area or areas where the pesticide is to be applied, and any use restrictions required by the pesticide label. Prior to the application, the applicator shall provide the school contact person with a written pre-application notification containing the following information:

1. The brand name, concentration, rate of application, and any use restrictions required by the label of the herbicide or specific pesticide;

2. The area or areas where the pesticide is to be applied;

3. The date and time the application is to occur; and

4. The pesticide label and the safety data sheet.

D. In case of pesticide applications performed for or by public health agencies or emergency applications because of immediate threat to the public health, the licensed applicator shall give the school site office oral and, if possible, written notice, with posting of the area to be treated.

E. The CSA may require the pest-control applicator to fill out and make all required postings in accord with statute and with HSS policy and regulation. The name and telephone number of the applicator shall be attached to any posting.

Section 7571 Content and Posting of Pesticide Application Notice

A. The site administrator (Facilities Personnel) shall be the contact person for providing information regarding pesticide application activities at the school, including but not limited to giving oral and written notification, supervising the posting of notifications as required, and maintaining records of pesticide-application notifications.

B. The Facilities Department shall develop an integrated pest management ("IPM") program for safe practices in all HSS schools. The IPM shall be provided to the HBE, through the CSA, for approval. Adoption of IPM policies or plans shall provide a safer learning environment for staff and students.

C. Oral and Written Notice: All oral and written notification shall contain, at a minimum, the date, time, general areas to be treated, and brand name of the pesticide to be applied. During the regular school session, and not less than forty-eight (48) hours prior to pesticide application, notification shall be provided in the manner indicated below.

1. Oral notification to all students and school employees shall be provided by means of:

   a. School public address systems;

   b. Assembly communications;

   c. Staff meeting announcements; or

   d. Any similar means reasonably calculated to provide sufficient notice in advance of pesticide application.

2. Written notification to the parents or guardians of enrolled students shall be provided by means of:

   a. Weekly school lunch menus;

   b. Special communications;

   c. Newsletters; or

   d. Any similar means reasonably calculated to provide sufficient notice in advance of pesticide application.

D. Posting of Notice:

1. No less than forty-eight (48) hours prior to pesticide application, signs shall be posted to identify pesticide application areas. The signs shall:

   a. Display the words "warning – pesticides";

   b. Display the date and time of the application;

c. Display a phone number for the school contact person and one for the licensed pesticide applicator;

d. Specify the re-entry periods before staff or students are permitted in treated areas;

e. Identify any applicable buffer areas/distances to be implemented during and after pesticide application (refer to pesticide safety data sheets and product labels for guidance on buffer distances); and

f. Display emergency contact information (e.g., local fire department) to be used in the event of an accident, spill, or exposure of students or staff related to the pesticide application.

2. The signs shall be placed at:

   a. The main entrance to all buildings where pesticide is to be applied; and

   b. Playing fields where pesticide is to be applied.

3. The signs may be removed no less than forty-eight (48) hours after the pesticide is applied.

TITLE 8 - HOPI BOARD OF EDUCATION AND ADMINISTRATION

CHAPTER 8000 – HBE AUTHORITY TO OVERSEE THE HOPI SCHOOL SYSTEM

Section 8001 Authority of the Hopi Board of Education

A. The school board for all Hopi schools and the Hopi School System shall be officially known as the "Hopi Board of Education" (hereinafter "HBE"). The HBE shall have such authority as is vested in it by the Hopi Education Code, the Bylaws of the HBE, the laws of the Hopi Tribe, and applicable federal laws.

B. The HBE may only act pursuant to resolutions duly enacted at official HBE Meetings. Individual HBE members shall not issue directives, take action or make representations on behalf or authority of the HBE or on authority of their office unless they have been expressly authorized to do so by official, express action of the HBE. See HSS Manual, sec. 8102(C)(5).

Section 8002 Education Needs and Welfare of Students

A. It is recognized that the community must have a voice in the education of its children and members of the HBE are elected to represent the community and guide the operation of the Hopi School System ("HSS") for the benefit of the students.

B. All decisions of the HBE shall be primarily determined by the educational needs of the students and their welfare.

C. Community opinion and needs shall, to the maximum extent possible, be considered. However, the educational needs and welfare of the students must take precedence in any and all decisions of the HBE.

Section 8003 Applicable Laws, Rules and Regulations

HBE members are subject to and shall act within: The HSS's policies and procedures, the HBE Bylaws, the terms and conditions of the HSS's funding agreements, and the applicable laws and regulations of the Hopi Tribe and federal government. Failure to so act may result in disciplinary action.

Section 8010 Adoption of HBE Bylaws

On March 16, 2022, the HBE at a duly called meeting, adopted the HBE Bylaws by Action Item #03-22.

Section 8011 Approval of HBE Bylaws

On May 3, 2022, the Hopi Tribal Council by motion and unanimous vote approved the HBE Bylaws by Tribal Resolution #H-027-2022.

Section 8012 Bylaws Incorporated into the HSS Manual

A. The adopted and approved HBE Bylaws are set forth in Chapter 8100 of the Hopi School System Policies and Procedures Manual.

B. The HBE Bylaws have been included in Chapter 8100 exactly as adopted and approved, and have been re-numbered to conform to the numbering system of the HSS Manual.

Section 8013 Controlling Law and Policy

A. In the event of a conflict between the HSS Manual and the HBE Bylaws, the HBE Bylaws shall control.

B. In the event of a conflict between the HSS Manual, including the HBE Bylaws, and the Hopi Education Code ("Code"), the Code shall control.

CHAPTER 8100 - HBE BYLAWS

Section 8101 Organization

A. Establishment of the Hopi School System and Hopi Board of Education:

1. On August 7, 2019, the Hopi Tribal Council (hereinafter "Council") enacted the Hopi Education Code (hereinafter "Code") by Tribal Resolution H-061-2019. In the Code, the Council established the Hopi School System as the collective and unified governance structure of all schools on the Hopi Reservation organized under the Tribally Controlled Schools Act, Pub. L. No. 100-297, or the Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638. Legal Ref.: Code, secs. 1.5.A(22), 3.1.A, 3.3.A.

2. The Council established the Hopi Board of Education (hereinafter "HBE") as an independent, Tribal Regulated Entity and delegated all governance functions, powers, duties, rights and responsibilities to the HBE to assume operation of the Hopi School System. Legal Ref.: Code, secs. 4.1.A, 4.1.B.

3. The HBE and all entities of the Hopi School System are subject to and shall follow the Hopi Constitution, Hopi Education Code, these Bylaws, the Hopi School System's Code of Ethics and Policies and Procedures, and other applicable laws and regulations.

B. Bylaws Effective upon Approval by Hopi Tribal Council:

1. The Code requires the HBE to adopt Bylaws to establish rules of procedure and internal governance of the HBE. Legal Ref.: Code, sec. 4.10.A.

2. The HBE's Bylaws shall become effective upon approval by the Council. Legal Ref.: Code, secs. 2.5, 4.10.B.

3. The HBE may establish additional governance and organizational procedures in the Hopi School System Policies and Procedures and as otherwise needed to the extent they do not conflict with the Code, these Bylaws, the Tribally Controlled Schools Act, and other applicable laws and regulations.

C. Duties and Responsibilities of the HBE. The HBE shall have the duties and responsibilities to oversee the educational and administrative functions of the Hopi School System as follows:

1. General Provisions. The HBE shall:

a. Build an educational foundation that is academically challenging, culturally responsive, and accountable to all students, teachers, staff, communities, and stakeholders of the Hopi School System;

b. Act in good faith and in the best interests of students to prepare them for all stages of learning from pre-school to college, vocational education, and career readiness;

c. Oversee development of effective educational policies, fiscal management, and administrative services for the Hopi School System;

d. Maintain the highest standards of integrity, courtesy, and professionalism towards each other, Hopi School System employees, students, parents, and the public;

e. Draft and approve a Hopi School System vision statement and mission statement in Hopilavayi and English;

f. Draft, approve, and update the Hopi School System Policies and Procedures;

g. Each year, approve a Hopi School System budget which shall be made public once it is approved;

h. Enter into contracts with and fund professional service providers and attorneys as deemed necessary to provide services to the HBE and the Hopi School System;

i. Ensure that an audit of financial and business operations is conducted at the end of each fiscal year in accordance with applicable laws and regulations;

j. Complete the "Annual State of Hopi Education Report" and submit it to the Council, federal agencies, and the public (Code, sec. 5.5.C);

k. Adopt a Code of Ethics which shall apply to HBE members, educators, local school board members, and all employees of the Hopi School System (Code, sec. 4.12.A);

l. Draft and approve a Comprehensive 5-year and 10-year Hopi Education Plan in consultation with education stakeholders (Code, secs. 4.9.D(2), 6.6.P, 13.4.A); and

m. Provide students, parents, staff, the public, and other stakeholders with the opportunity to provide input into school operations and programs.

2. Control of Funds:

a. The HBE shall be the legal custodian of all funds and other financial assets provided to or acquired by the Hopi School System and shall ensure that accurate and complete financial records of such funds and financial assets are maintained. Legal Ref.: Code, sec. 2.3.A.

b. All funds received by the HBE shall be used exclusively for educational purposes and used to support operations of the Hopi School System. All funds shall be deposited in banks or other depositories as the HBE designates and shall be under the direct control of the HBE. Legal Ref.: Code, sec. 2.3.A.

c. The HBE shall ensure that payments to vendors are made in a timely manner for services and materials provided to the Hopi School System and the schools.

d. All checks, drafts, or orders for payment issued in the name of the Hopi School System for legitimate indebtedness shall be signed by an authorized HBE signatory and countersigned by the Chief School Administrator.

e. The HBE may invest school funds in insured investment portfolios and in accordance with the Tribally Controlled Schools Act, Pub. L. No. 100-297, as applicable.

3. Official and Public Statements. Official and public statements by HBE members carry great weight with the community at large and may affect the welfare of many people. Any public statement, whether an official statement of the HBE or a public statement by a HBE member, shall:

a. Support the philosophy, policy and procedure officially adopted by the HBE;

b. Support HBE members, Hopi School System employees, and students;

c. Be fair, accurate and objective;

d. Be devoid of any personal opinion expressed to create or influence public opinion; and

e. Not divulge private, personal, or confidential information.

4. All Other Duties and Responsibilities. HBE duties and responsibilities shall include all other duties set forth in the Code, these Bylaws, Hopi School System Policies and Procedures, and as otherwise established for the operation of the Hopi School System.

D. Central Administration Office as the Principle Place of Business:

1. The HBE's principle place of business shall be the Central Administration Office, which shall provide administrative services to all Hopi schools. Legal Ref.: Code, sec. 3.3.C.

2. The principle place of business shall store all records of the HBE, except as otherwise specified by the HBE for the proper operation of the Hopi School System.

E. Relationship with the Chief School Administrator:

1. The HBE shall hire and assign the daily administration and operations of the Hopi School System to the Chief School Administrator. Legal Ref.: Code, sec. 5.1.A. The Chief School Administrator shall be charged with overseeing, implementing, and enforcing all policies and procedures of the Hopi School System.

2. The Chief School Administrator shall be held accountable to the HBE for all aspects of the day-to-day operations of the Hopi School System, including but not limited to:

   a. Administration, supervision, curriculum and instruction, monitoring and evaluation, program compliance, transportation, facilities management, public relations, communications, financial operations, and program accountability; and

   b. Overseeing the management of the Central Administration Office staff and all other duties, reporting, and recordkeeping requirements set forth in Chapter 5 of the Code.

3. The HBE shall supervise and evaluate the annual performance of the Chief School Administrator in discharging his or her duties. Legal Ref.: Code, sec. 3.3.B.

F. Conflict of Interest:

1. The HBE seeks to assure that the judgment of its members, officers and employees be guided by a policy that defines and prohibits inappropriate conflicts or the appearance of a conflict.

2. Neither the HBE, nor an individual member of the HBE, shall engage in activities that constitute a conflict between personal interests and the official interests of the Hopi School System. Prohibited activities and actions include, but are not limited to the following:

   a. Participation by an individual HBE member in bringing influence to bear upon or advancing any HBE decision regarding the employment of a person who is a "direct relative" of the HBE member as defined in Section 1.6.E of these Bylaws;

   b. Contracting with or selling goods and/or services to the school while serving as a member of the HBE;

   c. Using one's position as a member of the HBE to bear influence upon an employee of the Hopi School System as a condition of employment, or quid pro quo, either prior to or after hiring;

d. Appropriation of materials, supplies, equipment, or other property of the Hopi School System for personal use or gain while serving as a member of the HBE; and

e. Interceding on behalf of students or employees who are family relatives or who are otherwise personally known to individual HBE members.

3. A HBE member shall disqualify himself or herself anytime a conflict of interest arises or appears to arise on any matter for which the HBE must make a formal decision. If the member refuses to recuse, the HBE, the Chairperson, and/or presiding officer of the meeting shall not recognize that HBE member's participation in the discussion and/or the vote on the item.

4. HBE members shall not participate in or be present for discussion or decisions involving their direct relatives, business interests or possible conflicts of interest. Legal Ref.: Code, sec. 4.12.B.

5. HBE may draft additional conflict of interest and anti-nepotism policies in the Hopi School System Policies and Procedures applicable to the HBE, the Chief School Administrator, Principals, and any employee who has supervisory responsibilities.

6. "Direct relative" means "a parent, sibling, child, or spouse through legal or traditional Hopi marriage, and includes a domestic live-in partner and a non-biological child through adoption or legal guardianship." Legal Ref.: Code, sec. 1.5.A(11).

G. Computation of Time. All time periods set forth herein shall be computed according to the provisions of Rule 3 of the Hopi Rules of Civil Procedure.

H. Severability. If any portion of these Bylaws shall be ruled invalid by a court of competent jurisdiction, that portion shall cease to be operative, but the remainder of these Bylaws shall continue in full force and effect.

I. Indemnification. To the extent permitted by law, the HBE may defend, indemnify, and hold harmless any person in the course of discharging his or her official Hopi School System duties imposed or authorized by law in connection with any claim or legal proceeding. Nothing herein shall be construed as obligating the HBE to defend, indemnify, or hold harmless any person who engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

Section 8102 Membership

A. HBE Membership:

1. All rights, powers, privileges, and interests of HBE members shall be equal, except as otherwise set forth in these Bylaws, the Code, and Hopi School System Policies and Procedures.

2. The elected HBE shall be comprised of nine (9) members as follows:

    a. One (1) member shall be elected from each of the seven (7) attendance area designations for a total of seven (7) members; and

    b. Two (2) members shall be at-large members elected by the entire Hopi voting membership. Legal Ref.: Code, sec. 4.2.A(1)-(2).

3. The interim HBE shall consist of the number of members appointed by the Council as set forth in Section 4.1.F of the Code.

B. Qualifications and Eligibility Requirements. The following qualification and eligibility requirements apply to HBE members and candidates:

1. The seven (7) HBE members elected from each attendance area shall satisfy the following qualifications:

    a. At least twenty-five (25) years of age;

    b. Preferred to be an enrolled Hopi Tribal member, but it is not required;

    c. Not a member of the Hopi Tribal Council or a local school board;

    d. Successfully pass a background check as defined in the Hopi Education Code;

    e. Not a current employee of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System; and

    f. Not a direct relative of an employee who is employed by the attendance area school the member represents. Legal Ref.: Code, sec. 4.2.D(1)-(6).

2. The two (2) at-large HBE members shall satisfy the following qualifications:

    a. Hold at least a Bachelor's degree in education or education-related field from an accredited institution;

    b. At least twenty-five (25) years of age;

    c. An enrolled member of the Hopi Tribe;

    d. Not a member of the Hopi Tribal Council or a local school board;

    e. Successfully pass a background check as defined in the Hopi Education Code; and

    f. Not a current employee of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System. Legal Ref.: Code, sec. 4.2.E(1)-(6).

3. Once the Chief School Administrator ("CSA") is hired, the CSA shall determine whether candidates for the HBE satisfy the HBE's eligibility requirements. Legal Ref.: Code, sec. 4.2.F.

C. Duties and Responsibilities of HBE Members:

1. HBE members shall attend all HBE meetings and shall actively participate in discussion, deliberation, debate, and voting.

2. HBE members shall provide a reason for any absences which shall be documented in writing and maintained by the Chief School Administrator.

3. HBE members who are absent from three (3) or more consecutive duly held meetings, without a documented reason, shall be subject to the "Removal" provisions in Section 9.2 of these Bylaws.

4. HBE members shall provide reports to stakeholders as set forth in the Hopi School System Policies and Procedures.

5. Individual HBE members shall not issue directives, take action, or make representations on behalf of the HBE or on the authority of their office unless they have been expressly authorized to do so by official action of the HBE.

D. Elections for Hopi HBE of Education. Elections for the nine (9) HBE members shall be conducted by the Hopi Election Board and the Hopi Elections Office. Legal Ref.: Code, sec. 4.2.B.

E. Terms of Office:

1. The term of office for each voting HBE member shall be four (4) years. The positions shall be staggered as follows:

a. Four (4) of the voting members shall be for an initial two (2) year term, and four (4) years thereafter; and

b. Five (5) of the voting members shall be for an initial four (4) year term, and four (4) years thereafter. Legal Ref.: Code, sec. 4.3.A(1)-(2).

2. The determination of which HBE positions shall serve the initial two (2) and four (4) year terms shall be by drawing lots, except the two (2) initial at-large members shall not draw lots. The two (2) initial at-large members shall serve in two (2) of the five (5) member positions with an initial four (4) year term. Legal Ref.: Code, sec. 4.3.B.

3. HBE members shall serve no more than two (2) terms consecutively. The initial two (2) year and four (4) year terms shall be included in the two (2) consecutive term limit. Legal Ref.: Code, sec. 4.3.C.

4. All elected HBE members shall begin their terms on January 1. Legal Ref.: Code, sec. 4.1.C.

5. The term of office for the interim HBE shall be as follows:

   a. The term of office for the interim HBE shall be three (3) years, or until the first elected HBE is sworn in following the HBE election in the Year 2024 (Code, sec. 4.1.F(5)); and

   b. An interim HBE member's term shall not count toward the Code's two (2) consecutive term limit for HBE members (Code, sec. 4.1.F(7)).

F. Training of HBE Members. HBE members shall receive training as identified by the HBE in order to carry out their duties and responsibilities. Legal Ref.: Code, sec. 4.6.A(1)(i).

G. Absence of Personal Liabilities. No HBE member shall be personally liable for the debts, liabilities, or other obligations of the Hopi School System.

H. Ex Officio Members:

1. The Director of the Hopi Department of Education and Workforce Development shall be appointed to the HBE as an ex officio member and shall not have any voting rights or count towards quorum. Legal Ref.: Code, sec. 4.2.C.

2. The HBE may select additional ex officio members to provide information, observe, and support for activities, programs, and events. Ex officio members shall not be entitled to vote or be counted to form a quorum.

I. Responsibility for Unacceptable Performance of Duties. In exercising any powers granted, HBE members shall not be immune from any responsibility that results from willful, knowledgeable, or unacceptable performance of their duties. Legal Ref.: Code, sec. 4.13. HBE members are subject to the removal and recall provisions in Article IX [sec. 8109] of these Bylaws.

J. Vacancies. If a vacancy occurs within the HBE membership due to death, resignation, or removal more than a hundred eighty (180) calendar days from the date of the next election:

1. The HBE shall offer the vacant HBE seat to the runner up from the previous election for that HBE seat. This runner up shall serve the remainder of the vacant HBE member's term. Legal Ref.: Code, sec. 4.5.A.

2. If there was no runner up in the previous election or the runner up is not able to serve, the HBE shall call a special election within sixty (60) calendar days of the vacancy, and a new HBE member shall be elected for the attendance area in which the vacancy occurred and shall serve the remainder of that term. Legal Ref.: Code, sec. 4.5.B.

Section 8103 Officers

A. Officer Positions:

1. The HBE shall select a Chairperson and Vice-Chairperson from amongst its members, and may select additional officers from amongst its members as it deems necessary. Legal Ref.: Code, sec. 4.2.H.

2. The HBE officers shall be selected at a duly held meeting through nomination and by majority vote of the HBE members present.

3. The HBE shall select its officers at the first meeting in January following a regular election. Legal Ref.: Code, sec. 4.2.H.

4. HBE officers shall serve as officers until after the next election, which should occur every two (2) years, when the HBE shall select new officers. Legal Ref.: Code, sec. 4.2.I.

5. If a HBE member's term extends beyond his or her position as an officer, the member shall serve the remainder of his or her term as a non-officer. Legal Ref.: Code, sec. 4.2.I.

B. Duties of the Chairperson and Vice-Chairperson:

1. Chairperson. The HBE Chairperson shall:

a. Prepare an agenda for all HBE meetings in consultation with the Chief School Administrator (Code, sec. 4.7.A(1));

b. Serve as and fulfill all duties of the presiding officer at all HBE meetings, oversee HBE functions, and provide guidance to the HBE and its members (Code, sec. 4.7.A(2));

c. Not make motions;

d. Vote only in a case of a tie (Code, sec. 4.2.J);

e. Prepare necessary documents in consultation with the Chief School Administrator and sign correspondence as needed;

f. Represent the HBE at events when approved by HBE members at a duly held meeting; and

g. Appear before Council to present action items and resolutions, annual reports, or as otherwise requested by the Council.

2. Vice-Chairperson. The HBE Vice-Chairperson shall have the following duties:

   a. Perform all Chairperson functions in the absence of the Chairperson (Code, sec. 4.7.C);

   b. If serving as the presiding officer at a duly held meeting, the Vice-Chairperson may vote only in the event of a tie;

   c. When not serving as the presiding officer, the Vice-Chairperson shall have voting power;

   d. Sign correspondence if the Chairperson is unavailable; and

   e. Assist the Chairperson with reports, action items/resolutions, and other matters before the Council.

C. Officer Vacancies:

1. An officer may choose to resign his or her officer position without cause.

2. If an officer resigns his or her position as an officer, such resignation shall be in writing and provided to the Chairperson of the HBE or to the Vice-Chairperson if the Chairperson is the officer resigning his or her officer position.

3. Upon receiving a written resignation of a HBE member's officer position, the officer position shall be filled from amongst the remaining HBE members through nomination and by majority vote of the HBE members present at the next regularly scheduled meeting.

4. Any HBE member who resigns his or her officer position shall continue to serve as a HBE member for the remainder of his or her term.

Section 8104 Meetings

A. Meeting Procedures:

1. General Provisions. All HBE meetings shall be held as set forth in the Code, these Bylaws, and the HSS Policies and Procedures and shall include the following procedures:

   a. An agenda shall be prepared for all meetings following the Order of Business set forth in Article VI [sec. 8106] of the HBE Bylaws and shall be publicly posted on the Hopi School System website and provided to HBE members as set forth in this Section;

   b. All meetings of the HBE where official action is taken shall be public (Code, sec. 4.14.C);

c. During regular meetings, an opportunity shall be made available for the public to speak on any issue on the HBE's agenda during the "Public Comments" Section (Code, sec. 4.14.F);

d. No action or response to public comments is required from the HBE, and the HBE may refer matters raised by the public to the Chief School Administrator for study and recommendation; and

e. Members of the HBE may conduct official business only during a duly held meeting at which quorum is present as follows:

i. Quorum shall be required to begin a meeting of the HBE and shall "consist of a simple majority of the voting HBE members, however a quorum shall not be less than five (5) voting members" (Code, sec. 4.14.D);

ii. A simple majority of the voting HBE members who form a quorum is necessary to pass an official action of the HBE, unless the act of a greater number is required by the Code, these Bylaws, or law (see Code, sec. 4.14.E);

iii. Roll call shall be called at the scheduled meeting time to obtain a quorum. If no quorum is obtained, a second roll call shall be taken fifteen (15) minutes after the first roll call;

iv. Ex officio members shall not be counted in obtaining a quorum; and

v. If no quorum is established, the HBE may make a motion to recess, take measures to obtain a quorum, adjourn, or may continue with informal discussion but no substantive business shall be considered.

2. Minutes. The HBE shall keep an accurate and official record of its meetings and shall prepare official written minutes of votes, quorum count, and other significant actions taken. Legal Ref.: Code, sec. 4.6.A(4)(c). Verbatim minutes are not required. Recordings of meetings may be made for use in the construction of the minutes, but shall not constitute official records of the HBE. Official minutes shall be available for approval at the next regular meeting of the HBE. Official minutes of the HBE are public records and shall be made available for review upon reasonable request by a member of the public. The Hopi School System may charge a fee for copies of HBE minutes.

3. Regular Meetings. The HBE shall select one day of the month to conduct its regular HBE meetings which shall recur on the same day and time each month, for example, on the first Monday of each month. Legal Ref.: Code, sec. 4.14.A. A meeting notice and an agenda shall be publicly posted on the Hopi School System website and provided to HBE members at least twenty-four (24) hours in advance of the meeting. Regular HBE meetings shall be held at the Central Administration Office, at local schools, or as otherwise needed.

4. Special Meetings. Special meetings may be called by the Chairperson or by a majority of HBE members in writing or present at a duly held HBE meeting to address important or time sensitive matters. Legal Ref.: Code, sec. 4.14.H(1). A meeting notice and an agenda shall be publicly posted on the Hopi School System website and provided to HBE members at least forty-eight (48) hours in advance of the meeting. Legal Ref.: Code, sec. 4.14.H(2). There shall be no public comment required at special meetings.

5. Emergency Meetings. Emergency meetings may be called by agreement of the Chairperson and the Vice-Chairperson to address unforeseen circumstances or other matters requiring immediate HBE action. A meeting notice and an agenda shall be publicly posted on the Hopi School System website and provided to HBE members as soon as possible. There shall be no public comment required at emergency meetings.

6. Work Session Meetings. Work session meetings may be called by the Chairperson or by a majority of HBE members in writing or present at a duly held HBE meeting to discuss policies, meet with consultants, conduct training, and study other issues important to the Hopi School System. The HBE shall not make any formal decisions while in work sessions. The public may be invited to and speak at work sessions at the discretion of the HBE.

7. Cancelling or Rescheduling Meetings. The Chairperson may with good cause cancel or reschedule meetings. HBE members shall be notified at least twenty-four (24) hours of a cancellation. Rescheduling a meeting shall be at the discretion of the Chairperson.

8. Executive Session. Executive session of the HBE may be called to review materials or to discuss, but not act upon, sensitive or confidential matters. Executive sessions shall not be open to the public. Legal Ref.: Code, sec. 4.14.C.

B. Virtual and Telephone Meetings:

1. When public health, emergency, or other important needs are present, the HBE may conduct its meetings virtually and/or by telephone.

2. When holding meetings pursuant to this Section, HBE members must be able to clearly hear one another and shall be deemed present for quorum and stipend purposes.

C. HBE Expenses and Compensation:

1. Each year, the HBE shall approve a budget for all its travel, training, and other HBE expenses in accordance with the Tribally Controlled Schools Act and other federal funding requirements applicable as Bureau of Indian Education-funded schools. Legal Ref.: Code, secs. 4.16.A, 4.16.C.

2. The HBE's budget, expenses and stipends shall be included in the Hopi School System annual audit and the Annual State of Hopi Education Report. Legal Ref.: Code, sec. 4.16.B.

3. HBE members shall receive a stipend for discharging their duties as HBE members as follows:

    a. HBE members' compensation for participation in HBE meetings shall be one hundred dollars ($100) per regular, special, emergency and work session meetings;

    b. **Before** the transition to the unified Hopi School System is complete, HBE members, once they are sworn in, shall be compensated up to four (4) meetings per month;

    c. **After** the transition to the unified Hopi School System is complete, the HBE may hold as many meetings as needed per month, but shall only be compensated for up to two (2) meetings per month, which shall include one (1) regular meeting and one (1) special, emergency or work session meeting; and

    d. The HBE shall review the compensation rate every two (2) years, and may modify the rate as determined appropriate, and if the HBE meeting compensation rate is modified, the HBE shall include such modification in its Annual State of Hopi Education Report to the Council. Legal Ref.: Code, sec. 4.16.D.

4. After the transition to the unified Hopi School System is complete, HBE members may be compensated for meetings with and work provided to local entities (e.g., local school boards and villages), subject to the availability of funds.

Section 8105 Rules of Order

Except as otherwise provided herein or in the Hopi School System Policies and Procedures, meetings of the HBE shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

Section 8106 Order of Business

A. Order of Business:

1. A regular meeting agenda of the HBE shall state the type of meeting, date, time, location, and include the following order of business:

    a. Call to Order

    b. Roll Call

    c. Blessing and Welcome

d. Approval of Agenda

e. Approval of Minutes

f. Public Comments

g. Correspondence

h. Reports

i. Unfinished Business

j. New Business

k. Announcements/Next Meeting

l. Adjournment

2. A special, emergency, or work session meeting agenda of the HBE shall state the type of meeting, date, time, location, and include the following order of business:

a. Call to Order

b. Roll Call

c. Blessing and Welcome

d. Approval of Agenda

e. Special/Emergency/Work Session Business

f. Adjournment

B. Amendment to Order of Business. The HBE may amend the Order of Business or the Agenda with a majority vote of the HBE members present at a duly held meeting and at which quorum is present.

Section 8107 Voting

A. Members entitled to Vote:

1. Each HBE member shall have one (1) vote per item at all duly held meetings. Legal Ref.: Code, sec. 4.2.G.

2. The Chairperson of the HBE or the presiding officer of a meeting shall vote only to break a tie vote. Legal Ref.: Code, sec. 4.2.J.

3. Ex officio members do not have voting rights. Legal Ref.: Code, sec. 4.2.C.

B. Manner of Voting:

1. The general procedure for voting shall be by voice vote. Any HBE member may call for a roll call vote. Votes taken during HBE meetings shall be entered in the minutes on all questions or action items called by the Chairperson. Abstentions from voting shall be recorded.

2. All action items shall be numbered with a number and year (e.g., #01-2022) and maintained in HBE records.

3. Voting by proxy shall not be permitted.

4. The Chairperson or presiding officer of a meeting may approve the manner of voting to the extent they do not conflict with these Bylaws or Hopi School System Policies and Procedures.

Section 8108 Committees

A. Establishment of Committees:

1. Section 4.9.D of the Code requires the HBE to establish the following short and long term Committees and provides a short description of them:

   a. Policies and Procedures Committee;

   b. Strategic Planning Committee;

   c. Evaluations Committee;

   d. Hopilavayi Committee;

   e. Behavioral Wellness Committee;

   f. Separating Junior High Committee;

   g. Hopi Youth Committee; and

   h. Hopi Education Standards, Assessments, and Accountability Committee.

2. The HBE may create additional short and long term "Committees" and "Subcommittees" to address and focus on education related issues. Legal Ref.: Code, sec. 4.9.A.

3. The Committees shall not have authority to make decisions on behalf of the HBE and shall serve as fact-finding, advisory, and recommending bodies to the HBE. Legal Ref.: Code, sec. 4.9.A.

B. Committee Membership. Committee membership may include, but not be limited to: HBE members, Principals, educators, parents, field specialists, service providers and

professionals, business managers, students, elders, Hopi Tribal employees, and community members. Total Committee membership shall not exceed six (6) members and shall not be less than four (4) members. Legal Ref.: Code, sec. 4.9.B.

C. Committee Procedures. Committee members shall be appointed to a Committee by a majority vote of HBE members present at a duly held meeting of the HBE. HBE members may make their own Committee nominations for the HBE to consider. Local school boards, local schools, and other Stakeholders may also submit Committee nominations. The HBE shall provide thirty (30) calendar days public notice of the establishment of a Committee. Legal Ref.: Code, sec. 4.9.C. The HBE may establish additional procedures to create and operate these Committees in the Hopi School System Policies and Procedures.

Section 8109 Resignation, Removal and Recall

A. Resignation from the HBE. A member who wishes to resign from the HBE shall utilize the following process:

1. An **elected** HBE member shall submit a letter of resignation to the HBE through the Chief School Administrator. The Chief School Administrator shall provide copies of the letter of resignation to the Chairperson of the HBE or Vice-Chairperson of the HBE if the resignation letter is from the Chairperson. A letter of resignation shall indicate the time and date the resignation is to take effect. If the resignation does not specify an effective date, the effective date shall be 5:00 p.m. on the date it is received by the Chief School Administrator.

2. An **interim** HBE member appointed under Section 4.1.F of the Code shall submit a letter of resignation to the interim HBE. The interim HBE shall submit the letter to the Hopi Tribal Council through the Hopi Tribal Secretary after the interim HBE acknowledges receipt of the resignation. A letter of resignation shall indicate the time and date the resignation is to take effect. If the resignation does not specify an effective date, the effective date shall be 5:00 p.m. on the date it is received by the Hopi Tribal Secretary.

B. Removal from the HBE for Cause:

1. HBE members, elected or appointed, may be removed by the Council for cause, including but not limited to: serious neglect of duty, unexcused absence from three (3) or more meetings, repeated failure to perform tasks properly assigned to the member, or being found guilty of a felony. See Legal Ref.: Code, sec. 4.4.

2. The HBE member shall be given written notice of the charges against him/her. The Council shall hold a hearing in which the member has an opportunity to defend him/herself before the Council. The Hopi Tribal Council Secretary shall provide written notice of the Council hearing, including time and place, to the HBE member at least ten (10) calendar days prior to said hearing.

C. Recall. HBE members holding office by election or appointment are subject to recall by the filing of a recall petition under the following process:

1. A petition may only be circulated one year after a HBE member has been sworn into office and may not be circulated in the last six (6) months of a HBE member's term of office;

2. A petition may be circulated for no more than thirty (30) calendar days;

3. A petition shall contain a statement of not more than two hundred (200) words stating the grounds for recall, which must include conviction of a felony, act(s) of malfeasance, violation of oath of office, failure to perform prescribed duties, or willful misuse, conversion or misappropriation of public property or funds;

4. A petition shall contain at least seventy-five (75) signatures of eligible voters of a HBE member's attendance area;

5. A petition shall be submitted to the Office of the Chief School Administrator;

6. The Office of the Chief School Administrator shall date stamp receipt of the petition and provide it to the Chief School Administrator who shall submit it to the Chairperson of the HBE;

7. Duplicate signatures on a recall petition are not valid and shall be stricken;

8. The HBE shall review the reason for the recall petition and, if deemed valid, shall authorize the Hopi Elections Office to conduct a "recall election" within sixty (60) calendar days of receiving the recall petition;

9. Cancellation of a recall election shall not be permitted once the recall election has been ordered to be held;

10. A recall petition shall pass if a majority of voters in the special recall election vote in favor of the petition;

11. If a recall petition fails to pass in the election, no further recall petition shall be filed against the same HBE member during the term for which he or she was elected or appointed;

12. Any person who knowingly gives or receives money or any other thing of value for signing a recall petition, excluding payments made to a person for circulating such petition, is guilty of a serious offense (see Hopi Code 3.9.2(A)-(B) (Bribery));

13. Any person who knowingly induces or compels any other person, either directly or indirectly or by menace or threat that he or she will or may be injured in his or her business, or discharged from employment, or that he or she will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his or her name to a recall petition, or, after signing or subscribing his or her name, to have his or her

name taken therefrom, is guilty of a serious offense (see Hopi Code 3.9.3 (Extortion)); and

14. A person knowingly signing any name other than his or her own to a petition, except in a circumstance where he or she signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his or her own name, because of physical infirmity or knowingly signing his or her name more than once for the same recall issue, at one election, or who knowingly is not at the time of signing an eligible voter, is guilty of a serious offense (see Hopi Code 3.9.4 (Forgery)).

Section 8110 Amendments

A. Amendments by the HBE. These Bylaws may be amended by a majority of the HBE members present at any duly held meeting of the HBE.

B. Amendments to be presented to the Hopi Tribal Council. The HBE shall present any amendments to these Bylaws to the Hopi Tribal Council for approval by Tribal Resolution. Amendments shall become effective upon approval by the Council. See Code, secs. 2.5, 4.10.B.

C. Future Hopi Education Code Amendments:

1. These Bylaws shall be updated to reflect any relevant amendments to the Code made by the Council.

2. Any updates to these Bylaws made pursuant to Section 10.3.A shall be approved by the HBE, and shall be provided to the Council for the Council's information and shall not require additional Council approval.

CHAPTER 8200 - HBE ADMINISTRATIVE PROCEDURES

Section 8201 HBE Administrative Procedures

In addition to the policies and procedures set forth in the Hopi Education Code and the HBE Bylaws (Chapter 8100), the HBE hereby adopts the following administrative procedures applicable to the HBE.

Section 8210 HBE Candidate Information

A. The HBE desires to provide HBE candidates with information that will enable them to understand the responsibilities and expectations of HBE membership. The CSA or designee shall provide all HBE candidates with general information about school programs, HSS operations, and HBE responsibilities. The CSA or designee may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot information.

B. The HBE encourages all candidates to attend public HBE meetings during the period of their candidacy. Candidates shall have the same access as members of the public to HSS staff and information.

Section 8211 New HBE Member Orientation and Training

A. Once candidates are elected to the HBE, the CSA shall convene a meeting to provide an orientation and information for new HBE members to assist them in understanding the HBE's functions, policies, procedures, protocols, and agreed-upon standards of conduct.

B. The CSA shall provide new HBE members with the Hopi Education Code, the HSS Policies and Procedures Manual, and other materials related to the HSS and HBE member responsibilities.

C. The CSA may provide new HBE members with additional background and information regarding the HSS's vision and goals, operations, and current challenges in areas that include, but are not be limited to, student achievement, curriculum, finance, facilities, human resources, and collective bargaining.

D. New members are encouraged to attend HBE meetings and review agenda materials available to the public in order to become familiar with current issues facing the HSS. When necessary, new members may, at the HSS's expense and with approval of the HBE, attend workshops and conferences relevant to their individual needs or to the needs of the HBE as a whole or the HSS.

E. Any new member of the HBE shall complete 40 hours of training within one year of appointment/election, provided that such training is recommended. Legal Ref.: 25 C.F.R. § 39.603. Local school boards shall not receive the training required under 25 C.F.R. § 39.603 as they are advisory boards.

Section 8220 HBE Self-Evaluation

A. The HBE shall annually conduct a governance workshop in order to demonstrate accountability to the community and ensure that HSS governance effectively supports student achievement and the attainment of the HSS vision and goals.

B. The workshop may address any areas of HBE responsibility, including but not limited to HBE performance in relation to vision setting, curriculum, personnel, finance, policy, collective bargaining and community relations. The workshop also may address objectives related to HBE meeting operations, relationships among HBE members, relationship with the CSA, understanding of HBE and CSA roles and responsibilities, communication skills, or other HBE skills.

C. The HBE shall be evaluated as a whole. Individual HBE members also are encouraged to use the evaluation process as an opportunity to assess their own personal performance.

D. Each year the HBE, with assistance from the CSA, shall determine an evaluation method or instrument that measures a reasonable number of previously identified performance objectives. Video of a HBE meeting may be used as an evaluation tool only with the consent of all HBE members.

E. Any discussion of the HBE's self-evaluation shall be conducted in open session. At the request of the HBE, a facilitator may be used to assist with the evaluation process. The HBE may invite the CSA or others to provide input into the evaluation process.

F. Following the evaluation, the HBE shall develop strategies for strengthening HBE performance and shall establish priorities and objectives for the following year's evaluation.

Section 8230 Legal Counsel

A. The HBE recognizes the complex legal environment in which Tribally Controlled Schools operate and desires reliable, high-quality legal advice at reasonable rates.

B. In order to meet the HSS's legal needs, the HBE shall hire an attorney or firm by contracting with attorneys in private practice or appointing legal counsel as a HSS employee or independent contractor. Legal Ref.: Code, sec. 4.6.A(1)(g).

C. The HBE supports pursuing collaborative legal efforts with other agencies and schools as appropriate.

Section 8231 Duties of Legal Counsel

The HSS's legal counsel may:

A. Render legal advice to the HBE and the CSA.

B. Serve the HBE and the CSA in the preparation and conduct of HSS litigation and administrative proceedings.

C. Perform other administrative duties as assigned by the HBE and CSA.

Section 8232 Retaining Legal Counsel

A. When the HSS seeks legal advice or representation, the CSA shall initiate a Request for Proposals ("RFP") to advertise and solicit proposals for legal services. In evaluating the proposals, the HBE and CSA shall consider:

1. The firm's or attorney's background, experience, and reputation in education and Federal Indian law;

2. Experience advising or representing Tribally Controlled Schools;

3. Attorney fees; and

4. Overall experience of the attorney(s) who will provide legal services.

B. The HBE may also contract for temporary, specialized legal services without initiating an RFP when a majority of the HBE determines that the unique demands of a particular issue or emergency situation so requires.

Section 8233 Contacting Legal Counsel

A. Only the HBE Chairperson and the CSA may contact the HSS legal counsel to receive legal information or advice and to set up meetings.

B. Unless otherwise authorized by a majority of the HBE, only the HBE Chairperson, CSA, or full HBE may receive legal information or advice from the HSS legal counsel. HBE members can have access to any legal information or advice that is given directly to the HBE Chairperson or the CSA.

Section 8234 Review of Legal Counsel

A. At the request of a majority of the HBE, the HBE and CSA shall review the performance of the firm and/or attorneys providing legal services in areas including but not limited to:

1. Efficiency and adequacy of advice;

2. Results obtained for the HSS;

3. Reasonableness of fees; and

4. Responsiveness to and interactions with the HBE, administration, and community in a timely manner.

B. Upon a successful review, the HBE may renew the agreement with legal counsel without initiating an RFP.

Section 8240 Authorized Payments to HBE Members

A. Compensation.

1. HBE members shall not be paid, nor shall they receive, anything of value by way of payment for their services on the HBE.

2. HBE members shall receive stipend as set forth in Section 8104(C) of the HSS Manual for attendance at meetings called to order, for travel, and such other duties as may be approved and adopted by majority decision of the HBE.

3. For attendance at meetings and work sessions, HBE members are eligible to receive stipends if they are present within fifteen (15) minutes of the posted meeting start time.

B. Expenses.

1. Travel expenses and per diem, when authorized by majority decision of the HBE, shall be paid at the regular rates paid to other employees of the HSS for similar travel.

2. All such travel expenses, excepting only a mileage allowance for operation of a privately owned vehicle on official business, shall be reimbursed when supported by an original receipt showing payment of the expense incurred.

3. Use of privately owned vehicles shall be limited as set forth in Chapter 4700 and Section 6006 of the HSS Manual.

4. HBE members shall be reimbursed for miles driven each way between their home and a location outside their attendance area when driving their personal vehicle to attend duly called HBE meetings and work sessions if they are in attendance for the entire meeting or work session.

C. Travel Emergencies.

1. Emergencies occurring during HSS-sponsored travel and/or activities requiring an expenditure shall be the responsibility of the traveler or travelers involved in the emergency and may be reimbursed as determined appropriate by the HBE on a case by case basis.

2. If an emergency situation arises, HSS funds may be immediately expended, upon approval of the CSA or designee, as the emergencies may require, subject to reimbursement as may be determined appropriate by the HBE on a case by case basis.

CHAPTER 8300 - HSS ELECTION HANDBOOK

Section 8301 Source of Authority

A. The HSS Election Handbook shall govern all elections for HBE Attendance Area members, At-Large HBE members, and local school board elections.

1. Provisions specific to HBE elections are found in Sections 8301 – 8360 of the HSS Manual.

2. Provisions specific to local school board elections are found in Section 8370 of the HSS Manual.

B. The sources of authority for the HSS Election Handbook are the Hopi Education Code and the HBE Bylaws.

1. All provisions in the HSS Election Handbook whose source is the Hopi Education Code may not be amended by the HBE unless the Hopi Tribal Council first amends the Code.

2. All provisions in the HSS Election Handbook whose source is the HBE Bylaws may not be amended by the HBE unless the Bylaws are first amended and approved by the Hopi Tribal Council.

C. The Code provides the HBE with the authority to develop additional policies and procedures to govern HSS elections so long as they do not conflict with the Code and the HBE Bylaws. Legal Ref.: Code, secs. 4.6.A(2)(a), 4.11.B. These provisions may be amended by the HBE as future needs may be identified.

Section 8310 General Principles for HBE Elections

A. HBE Members shall remain in office until the end of their term as defined in Section 8321, or their successor has been elected and sworn in.

B. If a current HBE Member, elected to an At-Large position, wishes to run for an Attendance Area HBE member position, he/she shall first resign their position as an At-Large HBE member prior to becoming a candidate for the Attendance Area HBE member position.

Section 8311 HBE Membership

A. Seven (7) HBE members shall be elected from each Attendance Area as shown on the "Attendance Area Designations Map" and as listed below:

1. Moencopi Day School;

2. Hotevilla Bacavi Community School;

3. Hopi Day School;

4. Second Mesa Day School;

5. First Mesa Elementary School;

6. Keams Canyon Elementary School; and

7. Hopi Junior Senior High School.

B. Two (2) At-Large HBE members shall be elected from the entire Hopi Reservation.

C. The interim HBE shall consist of the number of members appointed by the Hopi Tribal Council as set forth in Section 4.1.F of the Code.

Section 8312 HBE Elections conducted by Hopi Election Office

Elections for the nine (9) HBE members shall be conducted by the Hopi Election Board and the Hopi Elections Office. Legal Ref.: Code, sec. 4.2.B.

Section 8320 Qualifications and Eligibility Requirements

A. The seven (7) HBE members elected from each attendance area shall satisfy the following qualifications:

1. At least twenty-five (25) years of age;

2. Preferred to be an enrolled Hopi Tribal member, but it is not required;

3. Not a member of the Hopi Tribal Council or a local school board;

4. Successfully pass a background check as defined in the Hopi Education Code; and

5. Not a current employee of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System.

6. Not a direct relative of an employee who is employed by the attendance area school the member represents. Legal Ref.: Code, sec. 4.2.D(1)-(6).

B. The two (2) at-large HBE members shall satisfy the following qualifications:

1. Hold at least a Bachelor's degree in education or education-related field from an accredited institution

2. At least twenty-five (25) years of age;

3. An enrolled member of the Hopi Tribe;

4. Not a member of the Hopi Tribal Council or a local school board;

5. Successfully pass a background check as defined in the Hopi Education Code; and

6. Not a current employee of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System. Legal Ref.: Code, sec. 4.2.E(1)-(6).

C. The CSA shall determine whether candidates for the HBE satisfy the HBE's eligibility requirements. Legal Ref.: Code, sec. 4.2.F.

D. If a Hopi Tribal Council member, local school board member, or employee of the Central Administration Office, the Department, local school, or pre-school of the Hopi School System is elected to the HBE, he or she shall resign in writing from that position before he or she takes the oath of office as a member of the HBE. Legal Ref.: Code, sec. 4.2.K.

E. "Direct relative" of an employee or Candidate means an employee's or Candidate's parent, sibling, child, or spouse through legal or traditional Hopi marriage, and includes a domestic live-in partner and a non-biological child through adoption or legal guardianship.

F. All written resignations required under Section 8320(D) shall be provided to the Hopi Elections Office prior to taking the HBE oath of office.

Section 8321 Terms of Office

A. To stagger the terms of office for the HBE, the initial terms of office for voting HBE members shall be four (4) year and two (2) year terms.

B. The terms of office shall be staggered as follows:

1. Four (4) of the voting members shall have an initial term of two (2) years; and

2. Five (5) of the voting members shall have an initial term of four (4) years (Code, secs. 4.3.A(1), (2)).

C. The determination of which HBE members shall serve the initial two (2) and four (4) year terms shall be by random draw, except that the two (2) initial At-Large members shall not draw and shall serve in two (2) of the initial four (4) year terms. Legal Ref.: Code, sec. 4.3.B.

D. The random draw to determine HBE Attendance Area members' terms of office shall be held prior to the public posting of eligible Candidates and shall be conducted by the Hopi Tribal Council's Health and Education Committee.

E. All elected HBE members shall begin their terms on January 1. Legal Ref.: Code, sec. 4.1.C.

F. Following the initial terms of office, the terms of office for all elected HBE members shall be four (4) years. Legal Ref.: Code, sec. 4.3.A.

G. Hopi Board of Education members shall serve no more than two (2) terms consecutively. The initial two (2) year and four (4) year terms shall be included in the two (2) consecutive term limit. Legal Ref.: Code, sec. 4.3.C.

H. The term of office for the interim HBE shall be as follows:

1. The term of office for the interim HBE shall be three (3) years, or until the first elected HBE is sworn in following the HBE election in the Year 2024, Code, sec. 4.1.F(5); and

2. An interim HBE member's term shall not count toward the Code's two (2) consecutive term limit for HBE members, Code, sec. 4.1.F(7).

Section 8322 Notice of Election

A. A "Notice of Election" shall be announced at least ninety (90) calendar days from the date of the election.

B. Notices shall be posted at public locations throughout the Hopi Reservation.

C. Notices shall be published in local newspapers, village newsletters, local radio station, and social media as allowed by school policy.

Section 8323 Call for Candidates

A. Candidate Packets shall be available at least ninety (90) calendar days from the date of the election.

B. The Candidate Packet shall be made available at:

1. Each of Hopi's seven Tribally Controlled schools for in-person pick up following health and safety procedures;

2. Online at www.hopi-nsn.gov/tribal-government/hopi-elections-office/; and

3. Hopi Elections Office for in-person pick up following health and safety procedures and when staff are in the office.

C. Candidates shall seek election for one (1) position only.

D. The Hopi Election Board shall offer at least one (1) information session to provide information on the new HBE roles and responsibilities, election procedures, and answer questions.

E. A "deadline date" shall be determined for Candidates to submit a completed Candidate Packet to the Hopi Elections Office.

F. Candidates shall follow the Packet instructions, complete and sign all required forms, and return all required forms and documents by the deadline date in a sealed envelope by one of the following methods:

1. Hand delivery to the Hopi Elections Office;

2. Scan your completed and signed Candidate forms and photo and email them as an attachment to the Hopi Elections Office at kshupla@hopi.nsn.us; or

3. Mail to the Hopi Elections Office, P.O. Box 553, Kykotsmovi, AZ 86039.

G. The Candidate shall provide all necessary documents, signatures, and affirmations to prove that the information provided in submitted documents is true and accurate.

H. The Hopi Elections Office shall receive, log in and time/date stamp, and not alter any documents submitted.

Section 8324 Review of Candidate Qualifications

A. By the conclusion of five (5) working days after the deadline date, the CSA shall determine whether Candidates satisfy the HBE eligibility requirements on all Packets received on or before the deadline date.

B. Candidates shall be given an opportunity to correct errors in their Packets as follows:

1. During the five (5) working days set forth in Section 8324(A), if it is determined that a Candidate's Packet contains an error, is missing information, or otherwise not properly completed, the CSA shall contact a Candidate by email to inform him or her of the error; and

2. If the Candidate does not provide the CSA with information to correct the error within two (2) working days from the date of notification, the Candidate shall not be eligible for the HBE election.

C. Once a Candidate's Packet is reviewed and the CSA determines that a Candidate is preliminarily eligible, the CSA shall provide that Candidate's name to the HSS Personnel Department for a background check.

D. Background Checks shall be conducted as follows:

1. The HSS Personnel Department shall conduct the background checks by making inquiries to federal, State, and Tribal law enforcement and other relevant agencies;

2. Successful passage of a background check includes but is not limited to an individual not having been found guilty of or pled no contest to a felony or any offense under federal, state, or tribal law involving crimes of violence, prostitution, crimes involving a sexual offense, crimes against a child, or fraud or financial crimes (see Code, sec. 3.8.E);

3. If a Candidate is found to have committed any of the crimes listed in Section 8324(D)(2), they shall be deemed to have failed the background check and shall not be eligible to proceed further as a Candidate in the HBE election;

4. The HSS Personnel Department shall complete and provide the background check results to the CSA at least thirty (30) calendar days prior to the election (see Code, sec. 3.8.D(2)).

E. The CSA shall determine whether all Candidates have met the qualification requirements.

F. The CSA shall submit all Candidate Packets whom the CSA has determined are eligible for the HBE election to the Hopi Elections Office.

G. If a Candidate is eligible, the CSA shall send a written notice by certified mail with return receipt to the Candidate stating that the Candidate has been found eligible to appear on the ballot.

H. If a Candidate is found ineligible, the CSA shall send a written notice by certified mail with return receipt to the Candidate stating why the Candidate was found ineligible.

I. If an eligible Candidate decides to withdraw his or her name from the election, he or she shall submit a written request to withdraw to the Hopi Elections Office no later than five (5) working days after the postmark date of the official notification to the Candidate. This will avoid the Candidate's name being printed on the ballot.

J. If there are no eligible Candidates for any given Attendance Area or At-Large member position, that position shall not be on the ballot, and a special election shall be held for that position no later than ninety (90) days of the election.

Section 8325 Request for Reconsideration of Eligibility Determination

A. If a Candidate is found ineligible, the Candidate may submit a signed and dated written request stating the reasons for reconsideration to the CSA within five (5) working days of the postmark date of the eligibility notice.

B. The CSA shall issue a decision within two (2) working days of receiving the reconsideration request and provide its decision to the Candidate by certified mail with return receipt.

C. If the Candidate is not satisfied with the reconsideration decision, the Candidate may file an appeal with the Hopi Tribal Courts, no later than five (5) working days of the postmark date of the CSA's mailing of its decision on the reconsideration.

D. The Tribal Courts' decision(s) shall be final and not subject to further appeal.

Section 8326 Posting of Eligible Candidates

A. The Hopi Election Board shall post a listing of the eligible Candidates no later than two (2) working days from the date the CSA provides his or her eligibility determinations to the Hopi Election Board.

B. The list of eligible Candidates shall be posted in areas most visited by the general public and local media.

Section 8327 Preparation of Ballots

A. Once the postings of the eligible Candidate names are made public, the preparation of ballots shall begin.

B. A draft ballot shall be prepared for the Attendance Area and At-Large members for review by the Hopi Election Board as follows:

1. Drawing of names for position on the ballot; and

2. List of approved names for each position in order drawn.

C. Review by the Hopi Election Board shall include accuracy, proper spelling, proper placement of the positions, correct photo to name placement, and proper ballot style for all Attendance Area and At-Large members.

D. Hopi Election Board shall approve the draft ballot styles to be prepared for printing.

Section 8328 Ballot Style

A. Ballot style for each of the six (6) elementary school Attendance Areas shall be as follows:

1. Moencopi Day School, Hotevilla Bacavi Community School, Hopi Day School, Second Mesa Day School, First Mesa Elementary School, and Keams Canyon Elementary School Attendance Area Ballots;

2. Vote for no more than one (1) Candidate; and

3. Candidate Listings for each Attendance Area.

B. Ballot style for the Hopi Junior Senior High School Attendance Area shall be:

1. Hopi Junior Senior High School Attendance Area Ballot (entire Reservation);

2. Vote for no more than one (1) Candidate; and

3. Candidate Listing for the Attendance Area.

C. Ballot style for At-Large Members shall be:

1. At-Large Members Ballot (entire Reservation);

2. Vote for no more than two (2) Candidates; and

3. Candidate Listing.

Section 8329 Eligible Voters and Voting Methods

A. The Hopi Enrollment Office shall prepare the Registry of Eligible Voting Members ("Voter Registry List") for the HBE elections.

B. Attendance Area HBE Members. To be eligible to vote in an election for a school Attendance Area, voters shall satisfy the following qualifications on election day:

1. Be eighteen (18) years of age or older.

2. Must be either:

a. A resident of the Attendance Area for which they are seeking to vote; or

b. A parent or legal guardian of a child enrolled in the school of the Attendance Area for which they are seeking to vote.

3. May only vote in one Attendance Area election per election cycle.

C. At-Large HBE Members. To be eligible to vote in an election for the At-Large positions, voters shall satisfy the following qualifications on election day:

1. Be eighteen (18) years of age or older.

2. Be an enrolled Hopi Tribal member or a resident of the Hopi Reservation.

3. Eligible voters may vote for two At-Large candidates, and the top two candidates in total votes shall be deemed winners of the At-Large HBE election.

D. Mail-in Voting shall be available as follows:

1. Any eligible voter may request a mail-in ballot from the Hopi Elections Office to cast his or her vote;

2. Requests for mail-in ballots shall be made prior to thirty (30) calendar days before the election date; and

3. Mail-in ballots shall be postmarked on or before the election date to be counted.

E. Assistance for voters with disabilities shall be made.

Section 8330 Polling Sites

A. Subject to change to accommodate health and safety measures, one (1) polling site shall be located in a community center or building in each of the following communities for a total of six (6) polling sites:

1. Keams Canyon Communities (Spider Mound, Jeddito, and Keams Canyon);

2. First Mesa Communities (Walpi, Sichomovi, and Tewa);

3. Second Mesa Communities (Sipaulovi, Mishongnovi, and Shungopavi);

4. Third Mesa Communities (Kykotsmovi and Oraibi);

5. Third Mesa Communities (Hotevilla and Bacavi); and

6. Moencopi Communities (Upper Moenkopi and Lower Moencopi).

B. Additional polling sites may be added if funding and building locations are available and a need for additional polling sites arises.

C. No voting shall be held at the schools due to Sex Offender Registration and Notification Act purposes and restrictions.

D. For Emergency Voting procedures, see Election Day, Section 8331(C).

Section 8331 Election Day

A. All approved polling sites shall open from 7:00 a.m. – 7:00 p.m.

B. On-site, in-person voting shall be held for all eligible voters with health and safety guidelines; and

C. Any other election procedures or practices needed to protect voters and election staff's health and safety.

Section 8332 Poll Officers

A. Poll Officers shall be hired and assigned for each polling site as follows:

1. The Hopi Elections Office shall hire three (3) Poll Officers to serve in the following positions: "Judge," "Clerk," and "Marshal," whose duties and responsibilities shall generally be as follows:

a. "Judge" shall supervise the operation of the election polling site;

b. "Clerk" shall maintain the Voter Registry list, handout ballots to voters, and maintain list of names of people who have voted; and

c. "Marshal" shall keep order at the polling site and maintain social distancing of staff and voters.

2. "School Enrollment Clerk": Each of Hopi's Tribally Controlled Schools shall provide one (1) school registrar, school receptionist, or someone who has extensive knowledge of parents and guardians from each Attendance Area school to be present at the polling site and to assist with identifying whether a voter is a parent or guardian of an enrolled student. The schools shall provide compensation for this position.

B. Alternate Poll Officers shall be selected, shall receive training, and be on stand-by on the day of the election to work in the event a Poll Officer is not available to work on election day.

C. Poll Officer minimum qualifications are:

1. Must be eighteen (18) years or older;

2. Must pass a background check; and

3. Must be available to work the entire day of the election.

D. Advertisement for the Poll Officers shall be placed at least forty-five (45) days prior to the election date.

E. Interviews of the Poll Officer applicants and the recommendation of hires shall begin at least thirty (30) days prior to the election date.

F. Payment for Poll Officers and Alternates shall be made available for hours worked.

G. Election training for Poll Officers and Poll Officer Alternates shall be conducted prior to election day.

H. Poll Officer oath of office shall be given on the day of election training.

I. Poll Officers and any Alternates who work on the day of the election shall receive one (1) meal on the day of the election.

J. School employees, HBE members and local school board members are not eligible to serve as Poll Officers for the HBE election.

Section 8333 Election Support Services

A. Hopi Tribal Law Enforcement Officers shall:

1. Escort ballot boxes and marshals to polling sites in the morning;

2. Escort ballot boxes and marshals to canvassing headquarters after polling sites have closed; and

3. Provide security at the canvassing site.

B. HSS Personnel Department shall:

1. Conduct background checks of HBE Candidates;

2. Advertise for Poll Officers, screen applicants, process background checks for Poll Officers; and

3. Process new hires of Poll Officers.

C. Hopi Enrollment Office shall:

1. Verify the HBE Candidates' Hopi Tribal membership;

2. Provide updated Voter Registry List for use at each polling site; and

3. Provide voter verification, if there is a question on a voter.

D. An Election Service Provider may be hired to:

1. Prepare a draft of and finalize the ballot style for the Attendance Area and At-Large members;

2. Provide election training for Poll Officers and alternates;

3. Provide on-site election technical support on election day; and

4. Provide canvassing of election ballots.

E. The HSS's Legal Counsel shall provide the following legal services related to the HBE election:

1. Review and provide an opinion on election procedures;

2. Monitor election process on election day;

3. Monitor canvassing process on election day; and

4. Represent the Hopi Election Board and the CSA in the event of a challenge against the Hopi Election Board and/or the CSA.

Section 8334 Canvassing

A. Only members of the Hopi Election Board, Hopi Elections Office, CSA, Poll Officers, HSS Legal Counsel, Election Service Provider, and Hopi Tribal Law Enforcement may be present for canvassing.

B. Counting of the ballots shall be processed by an Election Service Provider and/or the Hopi Election Board.

Section 8335 Posting of Unofficial Elections Results

A. Posting of the Unofficial Results for all HBE positions shall be posted in the following locations:

1. On the door of the canvassing site at the end of canvassing by the Chairperson of the Hopi Election Board;

2. On the Hopi Elections Office website, www.hopi-nsn.gov/tribal-government/hopi-elections-office/; and

3. On the HSS and Hopi schools' websites.

B. Posting of the Unofficial Results for all HBE positions shall be posted on the door of each polling site location by the Judge for each polling site.

Section 8336 Posting of Official Results

A. Posting of the Official Results shall be posted by the Hopi Elections Office following the challenge dates.

B. Posting of the Official Results shall be posted:

1. In areas most visited by community members;

2. Online at www.hopi-nsn.gov/tribal-government/hopi-elections-office/;

3. On the HSS and Hopi schools' websites; and

4. In local newspaper(s) and other local media sources.

C. Official results shall be mailed to all Candidates, the CSA, the Hopi Department of Education and Workforce Development, and the Hopi Tribal Council.

Section 8337 Challenges

A. An eligible voter, who participated in the election just held, shall be eligible to challenge the election process and shall prove an alleged election infraction.

B. A challenge may only be filed with the Hopi Elections Office by 5:00 p.m. on the third working day after the HBE election.

C. The challenge shall:

1. Be in written form;

2. Provide the name of the challenger, challenger's contact information, and be signed by the challenger;

3. State the election process that is being challenged; and

4. Describe the alleged election infraction and provide evidence thereof.

D. Anonymous challenges shall not be considered.

E. A challenge shall be submitted on or before the deadline date to the Hopi Elections Office which shall date and time stamp the challenge document.

F. The Hopi Election Board shall have up to two (2) working days to issue a decision on the challenge and mail it to the challenger.

G. In reaching its decision on a challenge, the Hopi Election Board may consult with the CSA, other relevant agencies, and Election Service Provider (Section 8333) as needed.

H. If the challenger is not satisfied with the decision, the challenger may file with the Hopi Tribal Courts no later than three (3) working days of receipt of delivery of the decision.

I. The Tribal Courts' decision(s) shall be final and not subject to further appeal.

Section 8338 In Event of a Tie

A. In the event of a tie for any of the positions to fill a seat, the Hopi Election Board shall prepare the completed ballots for a re-count on the night of canvassing.

B. The Hopi Election Board shall have a re-count of the ballots only if the tie will affect the top vote getters for a position.

C. If the re-count still results in a tie, the Hopi Election Board shall notify the Candidates. If a Candidate concedes, a document conceding the election shall be signed by the conceding Candidate, provided to the Hopi Election Board, and no Run Off Election shall be held.

D. If none of the Candidates concede, a Run Off Election shall be held within thirty (30) days of the last election date for the Candidates who have tied for that position.

E. If there is a tie for the At-Large members, the top two (2) vote getters shall take the positions. There shall be a Run Off Election only if there is a tie between three (3) or more Candidates for these positions. If one or more Candidates concedes and there are only two (2) remaining Candidates who are tied, there shall be no Run Off Election.

Section 8339 Run Off Election

A. In the event of a tie for any of the positions to fill a seat, a Run Off Election shall be held thirty (30) days from the last election date. A new calendar of dates shall be issued for that election.

B. If the Run Off Election is for one of the six (6) Elementary School Attendance Areas, only that Attendance Area shall participate in the Run Off Election.

C. If the Run Off Election is for the Hopi Junior Senior High School Attendance Area, the entire Hopi Reservation shall participate in the Run Off Election.

D. If the Run Off Election is for an At-Large member, the entire Hopi Reservation shall participate in the Run Off Election.

E. All polling locations for any Run Off election shall be approved by the Hopi Election Board.

Section 8340 Applicable Laws, Amendments and Miscellaneous Provisions

A. The election of the HBE and local school boards is governed by the Hopi Education Code, the HSS Election Handbook, and all other applicable Resolutions, Ordinances and Laws of the Hopi Tribe.

B. If a Candidate is found to have filed a fraudulent election packet, he or she shall not be eligible to run in the election, shall be removed from the HBE, and shall be subject to other penalties under applicable law.

C. Election procedures for the HBE election shall be approved by the HBE at least ninety (90) days prior to the upcoming HBE election date.

D. HSS Election Procedures and the HSS Election Handbook may be reviewed and amended by the HBE at a duly called public meeting.

Section 8350 Vacancies

If a vacancy occurs within the HBE membership due to death, resignation, or removal more than a hundred eighty (180) calendar days from the date of the next election:

A. The HBE shall offer the vacant HBE seat to the runner up from the previous election for that HBE seat. This runner up shall serve the remainder of the vacant HBE member's term. Legal Ref.: Code, sec. 4.5.A.

B. If there was no runner up in the previous election or the runner up is not able to serve, the HBE shall call a special election within sixty (60) calendar days of the vacancy, and a new HBE member shall be elected for the attendance area in which the vacancy occurred and shall serve the remainder of that term. Legal Ref.: Code, sec. 4.5.B.

Section 8360 Recall Petition

A. General. A HBE Member is subject to recall from their office as a HBE member by the qualified electors who are eligible to vote for HBE Members ("Qualified Electors") following the policies set forth in Section 8109(C) of the HSS Manual. The following implementing procedures shall also apply to any recall petition.

B. Recall Petition Limitation. A separate petition shall be filed against each HBE member sought to be recalled. Multiple HBE members may not be treated in a single petition.

C. Application for Recall Petition. A person or an organization intending to file a recall petition shall, before printing or circulating the petition, submit an application for the petition which shall contain:

1. The name of the person or organization. If an organization the officers must be listed.

2. The address of the above.

3. A general statement of not more than two hundred words stating the grounds of the demand for the recall. This statement shall be printed on any subsequent petition. This general statement must allege specific just cause for the recall. Just cause includes, but is not limited to:

   a. Convictions for misdemeanor, except minor traffic offenses;

   b. Violation of specific HSS policies, including, but not limited to, the policies set forth in Chapter 8400, Code of Ethics; and

   c. Any other act or acts which may discredit, damage (actual or to reputation or otherwise harm HSS) and like conduct.

4. The identification of just cause shall include the facts and circumstances to support the allegations. Failure to include just cause on the facts and circumstances supporting just cause may lead to the rejection of the petition.

5. A blank for the official number that is assigned to the recall.

6. A blank for the signature of the HSS official indicating approval of the petition (Chairperson).

D. The form of a Recall Petition shall be as set forth in the Recall Petition Form in Appendix B of the HSS Manual.

E. Signatures and Verification.

1. Every qualified elector signing a petition for a recall election shall do so in the presence of the person who is circulating the petition and who is to execute the Affidavit of Verification on the reverse side of the signature sheet. At the time of signing, the qualified elector shall sign and print his first and last name, the elector's residence address or if the elector has no street address, a description of his residence location, and the date on which the elector signed the petition.

2. The person circulating the petition and before whom the signatures were written on the signature sheet shall in an affidavit on the back of the signature sheet, subscribed and sworn by that person before a notary public verify that each of the names on the sheet was signed in the presence of the person circulating the petition on the date indicated, and that in his or her belief each signer was a qualified elector. It should be clear that the person circulating the petition must sign the affidavit for each and every person.

3. No employee of the HSS or HBE members may apply for or circulate a petition. Employees and HBE members may sign a petition if they so desire.

F. Filing Petitions.

1. The recall election shall be conducted pursuant to HSS election policies as and for any other school board election. Copies of the petitioner's grounds for petition and the HBE member's response to the allegations shall be available for all electors at all polling places during the election.

2. The election shall proceed to its conclusion as provided for HBE elections under HSS policies.

3. If the recalled HBE member receives a sufficient number of votes under the policies they shall be re-elected and the recall shall terminate.

4. Should the recalled HBE member not prevail in the election, the winner of the election shall be seated on the HBE. If defeated or if the recalled HBE member resigns or steps down prior to the election, the recalled HBE member may not run for the school board for a period of five (5) school years from the date of the recalled election.

Section 8370 Local School Board Elections

The following sections of the HSS Election Handbook shall govern all elections for local school board members as set forth in the Hopi Education Code, Section 6.3:

A. Elections for local school boards shall be conducted by the local schools.

B. The Principal of each local school shall determine whether local school board candidates satisfy the local school board eligibility requirements.

C. All local school boards shall have a total of five (5) voting members.

D. The term of office for each voting board member shall be four (4) years. The initial local school board members shall serve the following staggered terms:

1. Two (2) of the voting members shall be for an initial two (2) year term, and four (4) years thereafter; and

2. Three (3) of the voting members shall be for an initial four (4) year term, and four (4) years thereafter.

E. The determination of which board positions shall serve the initial two (2) year and four (4) year terms shall be by drawing lots.

F. Local school board members shall serve no more than two (2) terms consecutively. The initial two (2) year and four (4) year terms shall be included in the two (2) consecutive term limit.

G. All local school board members shall satisfy the following qualifications in addition to any qualifications established by the HBE:

1. All local school board members shall pass background checks; and

2. A local school board member shall not be a member of the Hopi Tribal Council or the Hopi Board of Education, or an employee or direct relative of an employee of the Department, the Central Administration Office, or a local school or pre-school.

H. Subsequent elections shall be held on an annual basis between November 1 and December 1 with elected members beginning their terms on January 1.

CHAPTER 8400 - OATH OF OFFICE

Section 8401 Recite Oath of Office and Affirmation of Commitment

The HBE Oath of Office shall be given to the newly elected HBE members by a Hopi Tribal Judge prior to the first regularly called meeting following the election. Legal Ref.: Code, sec. 4.1.D. All Hopi Board of Education and local school board members shall recite, sign and date their Oath of Office and Affirmation of Commitment prior to assuming their duties as a HBE or local school board member.

Section 8402 Hopi Board of Education and Local School Board Oath of Office

Hopi Board of Education and local school board members shall recite the following Oath of Office prior to assuming their duties as a board member:

> "I, [state your name], do solemnly swear or affirm that I will support and uphold the Constitution and By-Laws of the Hopi Tribe, the Hopi Education Code, and the policies and procedures of the Hopi School System; and that I will faithfully and impartially discharge the duties of the [Hopi Board of Education or state name of local school board] according to the best of my ability."

Section 8403 Hopi Board of Education Affirmation of Commitment

Hopi Board of Education and local school board members shall also recite the following Affirmation of Commitment prior to assuming their duties as a board member:

A. Hopi Language: "Nu', [state your name], itah Hopitsatsakmuy amumi tuvtsiwni'ytaqe oovi suhtaqewta pumuy mohpeqtaniqe, pumuy qa öönakyang amungem paas tutuqay pötskwanmani, hihta matö'anmani hihta tumalmakiway, Hopilavayit, pu' Hopiqatsit, enang maskyatiwise', put öqalmakiway'ykyaakyang yuumoq naa'oyi'yyungni nen itahqatsiy aapi'ytote' mongvastoynayani."

B. English Translation: "I, [state your name], because I have faith/confidence in our Hopi children, I commit myself to putting them first, to support and uphold the best educational goals, practices, commitment, responsibility, and accountability along with principles and the knowledge of the Hopi language and culture that will enable them to make a strong and rewarding life for themselves in their future and by extending our way of life they will fulfill the Hopi People's life purpose."

Section 8410 Faithful Discharge of Duty

Each HBE member has taken an oath of office in which he/she swore to faithfully discharge the duties and responsibilities of the office as a HBE member. A HBE member is expected to be honest, fair, accurate and open in all reports and statements made to the HBE and the public. A HBE member, when reporting or discussing HBE actions and decisions in a public forum, is expected to be accurate and informed when speaking and avoid taking personal credit for HBE action or divulging confidential information.

CHAPTER 8500 - CODE OF ETHICS

Section 8501 Purpose of Hopi School System Code of Ethics

As required by Section 4.12 of the Hopi Education Code, the HBE hereby adopts the foregoing Hopi School System Code of Ethics ("Code of Ethics"). The Code of Ethics shall apply to HBE members, educators, local school board members, and all employees of the HSS.

Section 8502 Distribution of Code of Ethics

A. The CSA shall ensure a copy of this Code of Ethics is distributed to every member of the HBE, local school boards, and every employee of the HSS before entering upon the duties of his or her office or employment.

B. The CSA shall ensure that a copy of the conflict of interest and other relevant policies shall be kept posted in each public building under the HSS's jurisdiction in a place conspicuous to the HSS's board members and employees.

Section 8510 Code of Ethics for HBE and Local School Board Members

A. HBE and Local School Board Members Ethical Standards. The following standards shall guide all HBE and Local School Board Members in the performance of their official duties:

1. Obey all applicable Tribal, Federal and Arizona state laws and Hopi School System policies and procedures regarding official actions taken as a board member;

2. Uphold the integrity and independence of the board member's office;

3. Avoid impropriety in the exercise of the board's and board member's official duties;

4. Perform faithfully the duties of the office; and

5. Conduct the affairs of the board in an open and public manner, complying with all applicable laws governing open meetings and public records.

B. HBE and Local School Board Member Commitments. In order to implement the above standards, each member of the HBE and local school boards commits to the following:

1. Remember always that a board member's first and greatest concern must be the educational welfare of the students attending the HSS schools;

2. Endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound quality education and only after full discussion at publicly held board meetings;

3. Remember that a board member is a part of an education team;

4. Attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;

5. Consider all issues fairly and without bias, render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

6. Model civility to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the board;

7. Respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in executive session;

8. Work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the CSA and staff;

9. Encourage the free expression of opinion by all board members and seek ongoing communications between the board and students, staff, parents, and members of the communities;

10. Receive training on school board operations and ethics and learn about current educational issues by individual study and through participation in programs providing needed information;

11. Support the employment of those persons best qualified to serve as school employees, avoid allowing personal relationships and biases to influence decision making, and require a regular and impartial evaluation of all employees;

12. Refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the board's complaint or grievance process to resolve concerns;

13. Avoid being placed in a position of conflict of interest, or the appearance thereof, and refrain from using the board member's position on the board for personal or partisan gain;

14. Refrain from using the board position for benefit of oneself, family members or business associates;

15. Recuse oneself whenever a conflict or an appearance of a conflict of interest arises under Section 8101 of the HSS Manual;

16. Take no private action that will compromise the board or administration;

17. Refrain from using connections or privileges related to school instruction, school activities, or school public forums to promote political positions, religious views, or propaganda; and

18. Express my personal opinions but, once the board has acted, accept the will of the majority.

C. All newly elected or appointed HBE and local school board members shall sign a code of ethics statement that includes these provisions.

Section 8520 Code of Ethics for Hopi School System Employees

A. HSS employees are role models of Hopi schools and communities. Employee demeanor expresses both the person's integrity and/or reputation as well as that of the HSS.

B. Employees shall perform their jobs in a professional, competent, lawful and ethical manner.

C. The absence of law, policy or regulation covering a particular situation does not relieve an employee from the responsibility to exercise the highest ethical standards at all times. Employees should avoid conduct, actions, and appearances unbecoming to an education professional, or which bring disrepute on the Hopi School System and schools.

D. Expected ethical standards include, but are not limited to:

1. Agreeing that the welfare of Hopi students is the first concern of the Hopi School System;

2. Complying with all HSS policies and administrative procedures and guidelines, and applicable Tribal, federal, and Arizona laws and regulations governing school employees;

3. Understanding that appointments to positions and promotions are based solely on merit. The use of pressure on HSS officials for appointment or promotion is unethical;

4. Maintaining just, courteous, and professional relationships with students, parents, staff members, community and other stakeholders;

5. Reporting situations of which the employee is aware involving inappropriate conduct of staff with students, parents, employees and others and complying with all HSS investigations;

6. Utilizing efficiency in techniques and keeping up to date of the latest developments in their fields of work;

7. Transacting all official business with the properly designated authorities of the HSS;

8. Refraining from using connections or privileges related to school instruction, school activities, or school public forums to promote political positions, religious views, or propaganda;

9. Properly using and protecting all HSS property, equipment, staff time and materials;

10. Maintaining strict professional confidentiality in all HSS related matters;

11. Demonstrating conduct which exemplifies high ethical and moral standards and which sets a good example for students and others; and

12. Soliciting or accepting any gifts, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract is expressly prohibited.

Section 8530 Violations of Code of Ethics and Penalties

A. In addition to any penalty contained in other provisions of the HSS Policies and Procedures Manual, any person who knowingly and intentionally violates any of the provisions of the HSS's Code of Ethics may be subject to counseling, private and/or public reprimand, suspension, removal from office or employment, or referred to police authorities in a manner provided by applicable law.

B. When a suspected violation of the Code of Ethics has occurred, the following process shall apply:

1. Any HBE, local school board member or employee shall report a suspected violation of the Code of Ethics by submitting a written report to the CSA.

2. The member or employee who is perceived to have violated the Code of Ethics shall be afforded the opportunity to respond in writing to the report of a suspected violation.

3. The CSA shall provide the report and any written response to the HBE who shall conduct a hearing on the suspected violation, including the presentation and consideration of written or oral testimonies and evidence, in executive session. See Legal Ref.: Code, sec. 4.12.A. Such hearing shall follow the procedures set forth in the HSS Manual.

4. Following said discussion, the issue of whether or not a violation of the Code of Ethics has occurred or is occurring shall be put to the vote of the members present.

5. If an accusation is made against a current HBE member, he/she shall abstain from said vote.

6. All other members eligible to vote, who are present, shall vote on the issue.

7. If the HBE members determine, by majority vote of the other members, that the member against whom the accusation is made violated the Code of Ethics, the other members of the HBE shall vote on an official action to address the violation in a duly held public meeting.

C. All discipline, with the exception of the content of private counseling and private reprimands, shall be on the record as a part of the Minutes of a duly called public HBE meeting.

1. Private reprimands shall not be published in the public report of a HBE public meeting.

2. Public reprimands shall be reported in the public report of a HBE public meeting.

CHAPTER 8600 – ADMINSTRATION

Section 8601 Administration Goals and Priorities

A. The HSS administration is responsible, within the guidelines established by HBE policy, for the direction and coordination of students and staff members in their efforts to reach educational goals adopted by the HBE.

B. The HBE expects HSS administration to specialize in:

1. The processes of decision making and communication;

2. Planning, organizing, implementing, and evaluating educational programs;

3. The demonstration of educational leadership;

4. The development and maintenance of close working relationships and channels of communication within HSS schools and the communities;

5. Responding promptly to and clarifying questions from school staff, students and community members; and

6. The development of cooperation toward attaining the educational goals adopted by the HBE.

Section 8610 Chief School Administrator of the Hopi School System

A. The HBE shall employ a Chief School Administrator ("CSA"), who shall implement and administer the policies and procedures of the HSS and applicable Hopi Tribal, federal, and Arizona laws. Legal Ref.: Hopi Education Code, Chapter 5.

B. The administration of the HSS in all aspects shall be the responsibility of the CSA, whose functions shall be carried out in accordance with the policies of the HBE.

C. The CSA shall oversee development of procedures for the administration of HSS schools that are in compliance with all applicable policies of the HBE and shall submit draft procedures to the HBE for approval. Approved HSS procedures shall be binding on all employees and students of HSS schools.

Section 8611 CSA Minimum Qualifications

A. The CSA's minimum qualifications shall be established by the HBE, and shall include, but not be limited to:

1. A Master's degree or Ed.D. degree in education or an education-related field from an accredited institution;

2. A current Superintendent certification;

3. Successful passing of a background check as defined in the Hopi Education Code, sec. 3.8; and

4. At least five (5) years of mid-level to senior level supervisory management with proven experience and knowledge in:

   a. Improving student achievement;

   b. Staff hiring processes, placement, mentorship, evaluation, and professional growth development;

   c. Current and emerging teaching and educational methods and practices;

   d. Education laws, policies and procedures related to finance, school operations, accreditation processes, personnel matters, Tribally Controlled Grant Schools under Pub. L. No. 100-297, and/or Self-Determination Contract Schools under Pub. L. No. 93-638;

   e. Implementation of curriculum, instruction, and assessment;

   f. Building relationships, fostering teamwork, and developing and building networks within and beyond the Hopi School System; and

   g. Effective communication, conflict resolution, and leadership skills. Legal Ref.: Hopi Education Code, sec. 5.2.

B. The HBE shall develop and approve a position description which shall contain the necessary minimum qualifications, knowledge, skills and abilities needed for the CSA position.

Section 8612 CSA's Educational Vision and Leadership

The Chief School Administrator shall provide educational vision and leadership for all Hopi schools and the Central Administration Office, which shall include, but not be limited to:

A. Implements the Hopi Tribe's sovereign authority to ensure a quality education for Hopi children;

B. Implements, monitors, and evaluates program activities to ensure that the activities are consistent with the Mission, Vision, Philosophy, Student Outcomes, and other goals established by the HBE;

C. Provides leadership and direction to all Principals, local school board members, educators and staff, students, and community members;

D. Ensures professional development and growth among all education and administrative staff;

E. Implements HBE policies to achieve educational excellence in all Hopi schools;

F. Supports and includes Hopi language, culture, and history in the education of Hopi students; and

G. Maintains a strong record of strategic planning, team building, and collaborative leadership. Legal Ref.: Hopi Education Code, sec. 5.3.

Section 8613 CSA's Specific Duties

The CSA shall be responsible to the HBE for all administrative functions of HSS schools, including, but not limited to:

A. Education:

1. Administers the development, coordination, maintenance, and evaluation of the educational program, including the Exceptional Student Services program.

2. Supervises and monitors methods of teaching, supervision, administration and assessment in effect in HSS schools.

3. Assures HSS program compliance with accreditation and other standards as determined and established by the HBE.

4. Keeps informed of modern educational thought and practices by advanced study, by visiting school systems elsewhere, by attending educational conferences, and by other appropriate means.

5. Provides direction for the development, use and evaluation of a Hopi culture and language-based curriculum and instructional program for the HSS.

6. Keeps the public informed about modern education practices, educational trends, and the policies, practices, and challenges in HSS schools.

B. Hopi Board of Education:

1. Attends and participates in all meetings of the HBE and its committees, except when excused by the HBE.

2. Takes prompt action to implement all directives of the HBE.

3. Advises the HBE on the need for new or revised policies.

4. Provides timely advice to the HBE on the implication of changes in statutes or regulations affecting education.

5. Informs and advises the HBE about programs, practices, and challenges of the schools, and keeps the HBE informed of the activities operating under the HBE's authority.

6. Prepares and submits to the HBE recommendations relative to all matters requiring HBE action, placing before the HBE such facts, objective information, and reports as are needed to ensure HBE can make an informed decision.

7. Develops and implements procedures in keeping with HBE policy.

8. Acts as chief public relations agent for the HSS and HSS schools, unless a public relations agent or staff member has been designated.

9. Acts on own discretion if action is necessary in any matter not covered by HBE policy, reports such action to the HBE as soon as practicable, and recommends policy guidance in the future.

10. Assists the HBE in the development of Hopi School System policies and procedures by consulting with local school boards, Principals, educators, parents and other Stakeholders, and considering special circumstances of local schools. Legal Ref.: Hopi Education Code, sec. 5.4.B.

11. The CSA shall provide written notice to the HBE of any filed or potential litigation, mediation, or arbitration against any entity or employee of the Hopi School System. This notice shall be provided within seven (7) days of the CSA's becoming aware of the filed or potential litigation, mediation, or arbitration. Legal Ref.: Hopi Education Code, sec. 5.5.D.

C. Personnel:

1. Reviews any local schools' hiring recommendations for school staff and provides advisement, information, and recommendations to the HBE for their approval on employee matters, including selection, disciplinary actions, and termination or non-renewal of employment. Legal Ref.: Hopi Education Code, sec. 5.4.F.

2. Oversees and conducts annual evaluations of Principals and Central Administration Office Directors and provides a copy of each Principal and Directors' written evaluation to the HBE. Ensures that all HSS employees are evaluated in accordance with the schedule established by the HBE.

3. Oversees the assignments, duties, and work of all employees of HSS schools.

4. Recommends all promotions, demotions, and salary changes to the HBE.

5. Ensures communication to all employees of all actions of the HBE relating to personnel matters, and receives all communications from employees to be made to the HBE following established line of communication protocols.

D. Management:

1. Oversees the administration of HSS Policies and Procedures and the Hopi Education Code ensuring staff understanding and compliance with the same.

2. Supervises and manages the Central Administration Office Directors and assumes oversight responsibility of all Hopi School System staff, six (6) elementary schools, and the Hopi Junior Senior High School.

3. Oversees the administration of all programs of the HSS, ensuring programs achieve the highest levels of service to HSS students and the highest standards of school effectiveness.

4. Maintains a strong record of strategic planning, team building, and collaborative leadership.

5. Sets direction for parent, student, and community involvement and participation in the development, implementation, and evaluation of programs of the Hopi School System.

6. Assumes responsibility for the overall financial planning of HSS schools and, in consultation with the Principals, for the preparation of the annual budget, and submits it to the HBE for review and approval.

7. Establishes and maintains efficient procedures and effective controls for all expenditures of school funds in accordance with the adopted budget, fiscal policies, and requirements of funding and granting agencies, subject to direction and approval of the HBE and in consultation with the Finance Director.

8. Oversees the preparation and filing of all audits, Assurances, financial and student reports, including but not limited to the HSS Annual Report, Annual Audit, SF-425 Financial Statement, BIE's background check audit, Facilities and Operations and Maintenance Report, which are to be submitted to BIE, the Hopi Tribe, and/or any other entities as required by law.

9. Reviews and ensures compliance with contracts, budget proposals, and modifications prepared by the Finance Department of the Central Administration Office.

10. Maintains or has maintained adequate records for the schools, including financial accounts; business and property records; and personnel, school population, and scholastic records.

11. Provides directions and procedures to govern the maintenance of:

    a. All HSS and school properties;

    b. The safety and transportation of students; and

    c. The use of buildings and grounds.

12. Recommends the locations and sizes of new school sites and of additions to existing sites; the locations and sizes of new buildings; the plans for new school buildings; all appropriations for sites and buildings; and improvements, alterations, and changes in the buildings and equipment of HSS schools.

13. Interprets the budget and finances to the communities.

14. Remains current on new legislation and implements laws to the best advantage of HSS schools.

Section 8614 Delegated Authority for Renewal and Non-Renewal

A. Renewal and non-renewal of contract employees of the Hopi School System shall be based on performance, evaluations, and/or conduct, and shall include written notification to an employee of the reason(s) based on statements of fact for a non-renewal determination. Hopi Education Code, sec. 4.11.F(5).

B. HBE delegates to the CSA the authority to perform and oversee the following functions:

1. To give notice to probationary teachers of the HBE's intention not to offer a teaching contract;

2. To give notice to continuing teachers of the HBE's intention not to offer a teaching contract and to dismiss the teacher;

3. To give notice to a Principal, director, or any contracted position, including but not limited to a school psychologist, physical therapist, or speech and language therapist, of the HBE's intention not to offer a new contract; and

4. Conduct evaluations of all Principals, assistant Principals and directors according to the Evaluation policy contained in sections 5140-5144 of the HSS Manual.

Section 8615 Evaluation of Chief School Administrator

A. The HBE shall evaluate the CSA at least once per year. Evaluations shall be confidential.

B. The evaluation(s) shall relate to the CSA's duties, responsibilities, and progress toward established goals.

C. The HBE shall oversee development and use of a standardized evaluation instrument to be used in the evaluation of the CSA.

D. The HBE's evaluation of the CSA shall be conducted as follows:

1. The CSA shall provide each member of the HBE a copy of the evaluation instrument no later than November 10;

2. The HBE Chairperson shall schedule a meeting no later than December 18, when the HBE shall devote an executive session to the evaluation of the CSA's performance, to discuss working relationships between the CSA and the HBE, and to review the CSA's contract (with the CSA present). If the dates in this Chapter fall on a legal holiday, weekend or an emergency event occurs, the HBE may move the date to the following business day;

3. If the CSA's contract is in its first year, this initial evaluation will not be a comprehensive evaluation, but shall be used to allow the HBE to communicate its perspective on the CSA's performance to date and to allow the HBE and the CSA to communicate on performance matters;

4. Additional first-year evaluations may be completed by the HBE at the HBE's discretion or upon invitation by the CSA; and

5. The first fully comprehensive evaluation shall be that which occurs in November of the CSA's second year.

E. Any meetings of the HBE to compile evaluations, or meetings to discuss the evaluations with the CSA, shall be held in executive session unless the CSA requests that any such meeting be held in open session. HBE members shall have the opportunity to discuss with the CSA any item(s) on which the HBE fails to achieve consensus.

F. A copy of any written evaluation shall be given to the CSA. If in disagreement with such evaluation, the CSA may respond in writing to the HBE.

G. Upon the conclusion of the evaluation, the HBE may determine whether any changes in the compensation and benefits of the CSA for the next contract year are warranted. The HBE may also determine whether it will offer an additional or multi-year contract for employment.

H. The evaluation and any comments by the CSA shall become a part of the CSA's confidential personnel file.

Section 8616 Contract Offer to the CSA

On or before May 15, the HBE shall offer a contract for the next school year to the CSA, if the administrative contract is in its last year, unless on or before April 15, the HBE gives notice to the CSA of the HBE's intention not to offer a new administrative contract.

Section 8617 CSA Vacancy

In the event that the CSA is released, non-renewed without an immediate replacement, or the position becomes vacant for any reason, the HBE shall appoint an interim CSA to serve in the CSA position until a permanent CSA is hired and begins work as the CSA.

Section 8618 Lines of Authority

A. Unless otherwise specifically limited by policy, statute or HBE action, the CSA may delegate any of the powers and duties specifically assigned to the CSA to others serving under the CSA. The CSA shall continue to be responsible to the HBE for the satisfactory execution of the delegated power and duties.

B. Lines of authority shall be clearly outlined by the CSA by means of organization charts, job descriptions, and administrative procedures and directives.

Section 8619 Administration in the Absence of Policy

A. The CSA shall have the authority to implement action if a situation should develop that is not addressed by established HBE policy, the Hopi Education Code, or other applicable law.

B. It is the CSA's duty to inform the HBE of any such action and of the need to develop an official policy.

Section 8620 Required Reports

A. In consultation with the Principals, the Chief School Administrator shall:

1. Compile student data to submit reports to the HBE;

2. Meet with the HBE at least once per month and give monthly reports on pre-schools, local schools, local school boards, and the Central Administrative Office; and

3. Provide reports to community members and Tribal, State, and federal officials as needed to fulfill the provisions of the Hopi Education Code and applicable laws. Legal Ref.: Hopi Education Code, sec. 5.5.A(1)-(3).

B. All collected privileged and confidential information shall be stored in the Central Administrative Office and access to such information shall be restricted to only authorized persons in accordance with the Hopi School System's student records privacy policy developed pursuant to the Hopi Education Code, sec. 5.5.B, and applicable laws, including but not limited to the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g and the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400, et seq.

C. Copies of privileged and confidential information may be stored at local schools with appropriate safe guards in place to protect them under applicable laws. Such information shall be stored only in a locked room or fire-proof, filing cabinet with a list of individuals who may access the records on the room's door or front of the filing cabinet. The CSA shall oversee development of procedures to implement this policy.

D. The CSA, in consultation with pre-schools, local schools, local school boards, Principals, and the HBE, shall prepare an "Annual State of Hopi Education Report" as follows:

1. The Annual State of Hopi Education Report shall include, but not be limited to educational statistics reported annually by pre-schools and local schools, including enrollment, assessment results, pupil-teacher ratios, educator retention and housing needs, graduation and dropout rates, attendance rates, accreditation matters, financial data, audits, and all other reporting required by federal law;

2. The Annual State of Hopi Education Report shall be provided to the Tribal Chairman, Tribal Council, and other Stakeholders no later than June 1 each year reporting on the school year which ended in May of the prior year;

3. Each local school, pre-school, and Principal shall provide reports of his or her school to the CSA to assist the CSA in preparation of the Annual State of Hopi Education Report. Legal Ref.: Hopi Education Code, sec. 5.5.C(1)-(3);

4. The "Annual State of Hopi Education Report" shall include the "annual report" required by the Tribally Controlled Schools Act, 25 U.S.C. § 2505(b)(1)(A)-(E):

    a. An annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

    b. An annual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

    c. A biennial compliance audit of the procurement of personal property during the period for which the report is being prepared that shall be in compliance with written procurement standards that are developed by the local school board;

    d. An annual submission to the Secretary of the Department of the Interior of the number of students served and a brief description of programs offered under the grant; and

    e. A program evaluation conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection 25 U.S.C. § 2505(c)(1)(B)(ii); and

E. The CSA shall provide written notice to the HBE of any filed or potential litigation, mediation, or arbitration against any entity or employee of the HSS. This notice shall be provided within seven (7) days of the CSA's becoming aware of the filed or potential litigation, mediation, or arbitration. Legal Ref.: Hopi Education Code, sec. 5.5.D.

Section 8630 Duties of Principals

A. The primary duty of a Principal is to administer and supervise the instructional program as set forth in Hopi Education Code, Chapter 7. A Principal, as the educational leader of the school, shall have day-to-day management authority of their schools and shall administer and supervise the school in accordance with policies and administrative procedures of the HBE. Legal Ref.: Hopi Education Code, sec. 7.1.

B. A Principal shall be directly responsible to and shall report only to the CSA and shall keep the CSA informed of the conditions and needs of the school. All duties, authorities, and responsibilities of the Principal shall be delegated only by the CSA. These duties include, but are not limited to, the following:

1. A Principal is responsible for the operation of the educational program of the school;

2. A Principal is responsible for the supervision and evaluation of the building staff members;

3. A Principal shall maintain discipline on the part of personnel and students;

4. A Principal shall care for and protect the building, the equipment, the grounds, and other school property;

5. A Principal shall maintain school records and prepare reports;

6. A Principal shall take reasonable precautions to safeguard the health and welfare of students and staff members, shall report accidents, shall formulate plans for emergencies, and shall conduct evacuation drills each school month and keep written records of such drills;

7. A Principal shall be responsible for maintaining a close relationship with the community and should interpret the educational program to the citizens of the Hopi Reservation; and

8. A Principal shall, by advanced study, by visits to school systems in other areas, by attendance at educational conferences, and by other means remain well informed relative to modern educational thought and practice.

Section 8640 Handbooks and other HSS publications

A. Drafting of HSS staff and student handbooks shall be overseen by the CSA and shall be approved by the CSA prior to publication. The CSA shall ensure that all handbooks are consistent with HBE policies and administrative procedures.

B. Any curriculum guides, manuals, pamphlets, and similar publications shall be reviewed by the Principal and/or supervisor, and shall be forwarded to the CSA for approval prior to printing and distribution.

C. Copies of all such approved publications shall be provided to the HBE.

Section 8650 Advisory Councils

A. The HBE authorizes the CSA to establish advisory councils, cabinets, and committees when deemed necessary for proper administration of HBE policies and for the improvement of the HSS educational program.

B. All cabinets, councils, and committees created by the CSA shall be for the purpose of obtaining, to a maximum degree, the advice and counsel of the personnel, clients, and patrons of HSS schools.

C. The number, composition, and work to be done by such cabinets, councils, and committees shall be defined by the CSA.

D. Principals, directors, and others designated by the CSA shall establish procedures for conducting activities within their individual units that are consistent with administrative procedures and HBE policies. Procedures shall be approved by the HBE.

TITLE 9 – PARENTS, FAMILIES AND COMMUNITIES

CHAPTER 9000 – PARENT AND FAMILY ENGAGEMENT POLICY

Section 9001 Parent and Family Engagement Requirement under the ESSA and the Hopi Education Code

A. Because the Hopi School System ("HSS") receives Title I, Part A funds, the HSS shall "develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy" that contains information required by section 1116 of the Every Student Succeeds Act ("ESSA"). Legal Ref.: 20 U.S.C. § 6318(a)(2).

B. Chapter 14 of the Hopi Education Code ("Code") requires that the HSS and the Hopi Board of Education ("HBE") develop "a parents and community involvement policy describing the strategies for carrying out parental activities, fieldtrips, and fundraising necessary to improve the quality of teaching and learning." Legal Ref.: Code, sec. 14.1.B. This shall include providing: "technical assistance, parental training, and other resources necessary to coordinate parent programs and inform parents and community members of school and Tribal services that are available to them." Legal Ref.: Code, sec. 14.1.C.

C. In fulfillment of these federal and Tribal mandates, the HBE hereby establishes the "HSS Parent and Family Engagement Policy."

Section 9002 Purpose

A. The HSS is dedicated to providing high quality educational opportunities for all HSS students, and is committed to creating and sustaining a welcoming and responsive environment for all parents and families.

B. Parents and families play an integral role in assisting their child's learning and are encouraged to be actively involved in their child's education.

C. The HSS believes in building parent/family capacity and skills by using effective parent, family and community engagement strategies to promote positive school-family-community partnerships to enhance and support student achievement.

D. Parents and families are full partners in their child's education and shall be included, as appropriate, in decision-making and on advisory committees and organizations to assist in the education of their child.

Section 9003 Goals of HSS Parent and Family Engagement Policy

The goals of the HSS Parent and Family Engagement Policy are:

A. Supporting students success by providing resources and opportunities for parents, guardians and families to advocate on behalf of their children;

B. Strengthening parents, guardians and families' capacity to assist, engage and support the education of their children; and

C. Committing to work with all stakeholders, including community organizations and businesses, to raise awareness about the importance of their involvement with the schools and the HSS.

Section 9010 Application of HSS Parent and Family Engagement Policy

The HSS Parent and Family Engagement Policy shall apply to all parents, guardians, and families of students at all HSS schools.

Section 9020 Development of HSS Parent and Family Engagement Policy

A. The HSS shall work to ensure that the HSS parent and family engagement policy meets the requirements of section 1116 of the ESSA, and include, as a component, a school-parent compact consistent with section 1116(d) of the ESSA.

B. The HSS shall notify parents/guardians of the existence of family engagement in education programs and the policy in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. The policy shall be made available to the local community and updated periodically to meet the changing needs of parents/guardians and HSS schools.

C. In carrying out the Title I, Part A, parent and family engagement requirements, to the extent practicable, the HSS shall provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 1111 of the ESSA in an understandable and uniform format and including alternative formats upon request and, to the extent practicable, in language such parents and family members understand.

D. The HSS shall involve the parents and family members of children served in Title I, Part A schools in decisions about how the 1 percent of Title I, Part A funds reserved for parent and family engagement activities are spent, and will ensure that not less than 90 percent of the 1 percent reserved goes directly to the school. 20 U.S.C. § 6318 (a)(3)(A)-(C).

E. Funds reserved by the HSS shall be used to carry out activities and strategies consistent with this policy, including at least one of the following:

1. Professional development: Supporting schools and nonprofit organizations in providing professional development for the schools and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, Principals, and other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.

2. Home-based programs: Supporting programs to reach parents and family members at home, in the community, and at school.

3. Disseminating information: Informing on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

4. Collaborating with community-based organizations: Providing sub-grants so that the schools can collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.

5. Other activities: Engaging in any other activities and strategies that the schools determine are appropriate and consistent with this policy.

F. The HSS shall build its own and the parents' capacity for strong parent and family involvement, in order to ensure effective parent and family involvement and to support a partnership among the schools, parents, and the community to improve student academic achievement, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education.

G. The HSS shall provide other reasonable support for parental involvement activities under section 1116 of the ESSA as the parents may request.

H. The HSS shall be governed by the following statutory definition of "parental involvement," and shall carry out programs, activities, and procedures in accordance with this definition:

"Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:

(A) that parents play an integral role in assisting their child's learning;

(B) that parents are encouraged to be actively involved in their child's education at school;

(C) that parents are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child; and

(D) the carrying out of other activities, such as those described in section 6318 of [the ESSA]." Legal Ref.: 20 U.S.C. § 7801(39)(A)-(D).

Section 9021 Family Teacher Organizations and Family Liaisons

A. Family Teacher Organizations at each HSS School.

1. A critical part of the HSS Parent and Family Engagement Policy shall be the establishment of a Family Teacher Organization ("FTO") at each Tribally Controlled School of the HSS.

2. Through the FTOs, parents, guardians and families shall be encouraged to participate in a meaningful manner to support and encourage student learning at school and at home.

3. The FTO policies and procedures are contained in Chapter 9100 of the HSS Policies and Procedures Manual (hereinafter "HSS Manual") and are incorporated herein.

B. Family Liaisons at each HSS School.

1. An important resource of the HSS Parent and Family Engagement Policy shall be the hiring of a "Family Liaison" at each HSS School.

2. The Family Liaison shall serve as the connection between the school and students' families to empower parents and guardians to become active participants in the education of their children.

3. The Family Liaison shall help parents, guardians, and families get the information and assistance they need to support their children at home and their children's academic and social success at school.

4. The Family Liaison policies and procedures are contained in Section 9104 of the HSS Manual and are incorporated herein.

Section 9022 Local School Boards

A. The local school boards shall provide their respective schools with individualized advice and support so that the HSS can provide the most effective educational services for students and increase involvement and participation of parents, guardians and community members.

B. The local school boards shall advise their local schools of community and parental concerns and assist in the implementation of the HSS Parent and Family Engagement Policy.

Section 9030 Description of Required Components to Involve and Engage Parents and Families

A. To involve parents, guardians and families in the joint development of its schoolwide program plan under Section 1114(b) and the parent and family engagement policy under section 1116(a) and (b) of the ESSA, the HSS, schools, and FTOs shall take actions including but not limited to:

1. Surveys; and

2. Advertise the planning dates and times for meetings.

B. To involve parents, guardians and families in the process of school review and improvement under section 1111 of the ESSA, the HSS, schools, and FTOs shall take actions including but not limited to:

1. Surveys;

2. Interview parents, guardians and families for input; and

3. Notify of progress through parent/guardian meetings.

C. To conduct, with the meaningful involvement of parents, guardians and families, an annual evaluation of the content and effectiveness of the HSS parent and family engagement policy in improving the academic quality of its Title I, Part A schools, the HSS, schools, and FTOs shall take actions including but not limited to:

1. The evaluation shall include identifying barriers to greater participation by parents, guardians and families in activities (with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);

2. The evaluation shall include identifying the needs of parents, guardians and family members to assist with the learning of their children, including engaging with school personnel, teachers and strategies to support successful school and family interactions;

3. The HSS shall use the findings of the evaluation about its parent and family engagement policy to design evidence-based strategies for more effective parental/guardian involvement, and to revise, if necessary, its parent and family engagement policies; and

4. Surveys and focus groups shall be the primary evaluation tools.

D. Each HSS school shall hold an annual meeting to inform parents, guardians and families of the school's participation in Title I, Part A programs, and to explain the Title I, Part A requirements and the right of parents to be involved in Title I, Part A

programs. Each HSS school shall convene the meeting at a time convenient for parents, guardians and families and shall offer a flexible number of additional meetings, such as in the morning or evening, so that as many parents/guardians as possible are able to attend. Each HSS school shall invite all parents, guardians and families of children participating in Title I, Part A programs to this meeting, and will encourage them to attend, by taking actions such as:

1. Providing an information meeting at Open House; and

2. Sending flyers with the date and time of the meeting.

E. Each HSS school shall provide parents, guardians and families of participating children information in a timely manner about Title I, Part A programs that includes a description and explanation of the school's curriculum, the forms of academic assessment used to measure children's progress, and the achievement levels of the challenging BIE academic standards by taking actions such as:

1. Parents/guardians trainings and/or conferences;

2. Parent/Guardian Newsletters; and

3. Open House Meetings.

F. Each HSS school shall, at the request of parents/guardians, provide opportunities for regular meetings for parents/guardians to formulate suggestions and to participate, as appropriate, in decisions about the education of their children. Each HSS school shall respond to any such suggestions as soon as practicably possible by taking actions such as:

1. Parent/Guardian Newsletters;

2. Notices; and

3. Media announcements (e.g., KUYI).

G. Building Capacity for Involvement. To ensure effective involvement of parents, guardians and families and to support a partnership among HSS schools, parents/guardians, and the communities to improve student academic achievement, each HSS school shall:

1. Provide assistance to parents/guardians of children served by the school, as appropriate, in understanding topics such as the challenging BIE academic standards, assessments, the requirements of building capacity for involvement under section 1116(e) of the ESSA, how to monitor their child's progress, and how to work with educators to improve student academic achievement by taking actions such as:

   a. Trainings provided during school/parent/guardian events;

b. Parent/Guardian-Teacher Conferences;

c. Parent/Guardian Newsletters; and

d. Evening Trainings.

2. Provide materials and training to help parents/guardians work with their children to improve their children's academic achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parental/guardian involvement, by taking actions such as:

   a. Trainings;

   b. DVD's; and

   c. Library Nights.

3. Educate teachers, specialized instructional support personnel, Principals, and other school leaders and staff, with the assistance of parents, in the value and utility of "parents as teachers" and how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and HSS schools, by taking actions such as:

   a. Trainings; and

   b. Partnerships with organizations.

4. To the extent feasible and appropriate, coordinate and integrate parent/guardian engagement programs and activities with Federal, State, and local programs, including public and Tribal pre-school programs, and conduct other activities, such as parent/guardian resource centers, that encourage and support parents/guardians in more fully participating in educating their children, by taking actions such as:

   a. Providing trainings and information on academic programs.

5. Ensure that information related to the school and parent/guardian-programs, meetings, and other activities is sent to parents/guardians of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents and guardians can understand by taking actions such as:

   a. Providing interpreters, as needed; and

   b. Alternative language methodology (e.g., sign language).

6. Provide such other reasonable support for parental/guardian involvement activities under section 1116 of the ESSA as parents/guardians may request.

Section 9040 Description of Optional Components to Involve and Engage Parents and Families

The HSS may include the following actions to involve parents and guardians in the joint development of the HSS schoolwide program plan under Section 1114(b) and the HSS parent and family engagement policy under section 1116 of the ESSA (20 U.S.C. § 6318(e)):

A. Involving parents/guardians in the development of training for teachers, Principals, and other educators to improve the effectiveness of that training;

B. Providing necessary literacy training for parents/guardians from Title I, Part A funds, if the HSS has exhausted all other reasonably available sources of funding for that training;

C. Paying reasonable and necessary expenses associated with parental/guardian involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions;

D. Training parents/guardians to enhance the involvement of other parents/guardians;

E. Arranging school meetings at a variety of times, or conducting in-home conferences between teachers or other educators who work directly with participating children, arrange meetings with parents/guardians who are unable to attend conferences at school in order to maximize parental/guardian involvement and participation in their children's education;

F. Adopting and implementing model approaches to improving parental/guardian involvement;

G. Establishing a HSS-wide parent/guardian advisory council to provide advice on all matters related to parental/guardian involvement in Title I, Part A programs, the FTOs and the local school boards; and

H. Developing appropriate roles for community-based organizations (e.g., Hopi Foundation, Hopi Education Endowment Fund, First Things First) and businesses (e.g., privately owned businesses and employers) in parent/guardian involvement activities.

Section 9050 Adoption

A. This Parent and Family Engagement Policy shall be developed jointly and agreed on with parents and families of children participating in Title I, Part A programs, as evidenced by the opportunity to provide input as posted in various locations around the communities.

B. Once consensus is reached on the Parent and Family Engagement Policy, the policy shall be adopted by the Hopi School System and may be amended as needed. The HSS and the schools shall distribute the policy to all parents and guardians of participating Title I, Part A children.

CHAPTER 9100 – FAMILY TEACHER ORGANIZATION

Section 9101 Establishment of Family Teacher Organizations at each HSS school

A. The HBE authorizes the establishment of a Family Teacher Organization ("FTO") at each Tribally Controlled School of the HSS.

B. Through the FTOs, parents, guardians and families shall be encouraged to participate in a meaningful manner to support and encourage student learning. Parents and guardians can be involved by assisting teachers in the classroom, attending reading and math workshops, learning about technology, teaching Hopi arts and crafts to students, and collaborating with staff, teachers, HBE, and local school board members. See also HSS Manual, sec. 5040 (parent/guardian volunteers having significant or unsupervised access to students shall be required to successfully complete a background check, criminal history check, and fingerprints check).

C. The FTOs shall have no legal authority to commit the HBE or the school to any legally binding contract, agreement, financial obligation, purchase, or claims, verbally or in writing, and shall not represent itself as having any legal authority.

D. The FTOs shall have no authority over the governance, administration and operations of the HSS or the school.

Section 9102 HSS Mission and Vision Statements

A. The FTOs shall adopt the Mission and Vision Statements of the HSS as set forth in the HSS Policies and Procedures Manual. See HSS Manual, secs. 1101, 1102.

B. HSS Mission Statement. The HBE has adopted the following Mission Statement which was developed by Hopi school Principals, teachers, and education stakeholders to guide Hopi schools in providing education services for students of Hopi schools:

Hopituy öqalankyàakyangw puhupöhut ang itamuy tsaami'yma

"Encouraging the Hopi people and guiding (leading) them on a new path."

C. HSS Vision Statement. The HBE has adopted the following Vision Statement which was developed by Hopi school Principals, teachers, and education stakeholders to guide Hopi schools in providing education services for students of Hopi schools:

To create an environment in which every individual is cared for intellectually, socially and culturally.

Whose people are connected and exposed to the best educational experiences and resources.

To enrich the lives of people through the integration of language, culture, and the Hopi principles.

Section 9103 FTO Mission Statement

The mission of the FTOs shall be to provide input and contribute to educational planning with the HSS administration and academic staff on behalf of the HSS and respective school's stakeholders. The FTOs shall aim to support and assist parents and guardians in developing the necessary skills to contribute to student success. The FTOs shall be one of the voices of our HSS stakeholders who facilitate and encourage parent, guardians and public involvement.

Section 9104 Family Liaison

A. Each Tribally Controlled School of the HSS shall employee a "Family Liaison."

B. The Family Liaison shall serve as the connection between the school and students' families to empower parents and guardians to become active participants in the education of their children.

C. The Family Liaison shall help parents, guardians, and families get the information and assistance they need to support their children at home and their children's academic and social success at school.

D. The Family Liaison shall provide training, resources and assistance to the FTO related to students served by the school.

Section 9105 Purpose

It shall be the purpose of the FTOs to:

A. Support, promote and speak on behalf of students and youth at their respective schools and with their local school boards;

B. Assist parents in developing the skills they need to support their students' educational development;

C. Encourage and facilitate parent and public involvement in their school and provide a positive communication link between the communities and the schools; and

D. Advise, support and implement the HSS Parent and Family Engagement Policy as appropriate.

Section 9110 Roles of Different Stakeholders

A. There are different groups and entities at each HSS school, including FTOs. It is important that each school's FTO becomes familiar with and acknowledges these different groups, their duties as well as their parameters, including their authority. This knowledge and acknowledgement will allow the FTO to best fulfill its role. It is important to realize that the authority of each group at the school, including the FTO, is derived from a grant of limited authority from the HBE.

B. The primary purpose of the HSS and each group is the education of students. The students served by the HSS shall remain the focus of each of these interrelated groups. All employees, officials and community members involved in the mission of HSS shall keep the focus on the best interest of HSS stakeholders. All FTO actions shall be directed towards the education, development and well-being of our HSS students.

C. FTO is an arm of the HSS authorized by the HBE. The FTO does not have an independent source of authority. The FTO is part of the school team. The FTO is not authorized to operate the school or dictate how the school should operate.

D. FTOs shall provide support to their school in accomplishing the HSS mission, act in advisory capacity on school matters, and work collaboratively with all stakeholders of the school, including the following:

1. Hopi Board of Education.

   a. The HBE has broad policymaking and oversight functions. HBE does not become involved in the day-to-day operation of the school but sets policy, delegates limited authority and designates others or other groups to perform the day-to-day operation of the school and accomplish other needed functions. Legal Ref.: Code, Chapter 4.

   b. The HBE authorizes the FTO to meet prior to the full implementation of these FTO policies and elect officers. The HBE recognizes the validity of the FTO actions to date and recognizes the validity of the current FTO officers.

2. Local School Boards. The local school boards shall provide their respective schools with individualized advice and support so that the HSS can provide the most effective educational services for students and increase involvement and participation of parents, guardians and community members. Legal Ref.: Code, Chapter 6.

3. Chief School Administrator. The Chief School Administrator ("CSA") shall serve as the chief operating officer of the HSS, oversee all HSS employees and ensure implementation of HSS policies and procedures. Legal Ref.: Code, Chapter 5.

4. Principal. The Principal is responsible for the day-to-day operation of their school following the HSS Policies and Procedures. The Principal reports to and is supervised by the CSA. Legal Ref.: Code, Chapter 7.

5. Family Liaison. A Family Liaison shall be employed by each school. The Family Liaison will support the parents and guardians by providing training, resources, and assistance to the FTO in matters related to the families served by the school. They will serve as the connection between the school and the families and will encourage parent and family engagement.

6. HSS and School Staff. The staff are composed of professionals who carry out day-to-day school and Central Administration Office operations. They are responsible for accomplishing the necessary tasks for the school to perform the HSS mission and vision. It is this group that performs the teaching, maintenance, housing, security and administrative and other tasks necessary for the HSS. The staff are supervised by the school administration in carrying out their tasks and administer the policies set by the HBE.

Section 9120 Membership

A. Membership in the FTO is open to mothers, fathers, and legal guardians of students in their respective school. Members may attend FTO meetings and participate in the proceedings, except they may not vote unless and until they fulfill the requirements to become voting members.

B. Voting Members.

1. Voting members shall attend either the first organizational meeting of the FTO or two (2) other meetings of the FTO to qualify to be voting members as follows:

   a. Voting members shall fill out the membership form; and

   b. The FTO shall keep a record of attendance, membership forms, and a current list of voting members. Only those members on the list shall be allowed to vote on FTO matters.

2. Non-members may attend and participate in FTO meetings; however, they do not have voting rights.

3. Expulsion of Members. Any member may be expelled for cause at a duly-called meeting of the FTO by a simple majority vote of the voting members present if a quorum is met. "Cause," as used in this section, is any conduct injurious or prejudicial to the good order, peace or interest of the FTO or HSS, or at variance with the FTO and/or the HSS Mission and Philosophy Statement, policies and procedures, bylaws or rules. Prior to expulsion, the member considered for expulsion shall be given the opportunity to be heard at the meeting. The time allowed for the member to be heard may be reasonably limited by the presiding officer. Any member who is to be considered for expulsion shall be notified by a letter addressed to the member's address of record, of the intention to move for the member's expulsion and the date and time of the meeting at which the expulsion will be considered. This letter shall be mailed to the member five (5) working days prior to the meeting. Any member so expelled may not participate in FTO meetings or activities for the remainder of the school year.

Section 9121 Officers

A. Each HSS school's shall have the following officers: President, Vice President, Secretary, and Treasurer.

B. Executive Board. The FTO Officers for each HSS school's FTO shall constitute the Executive Board of the HSS school's FTO. The Executive Board of the FTO is responsible for conducting the affairs of the FTO between regularly scheduled meetings and carrying out resolutions and official directives flowing from FTO meetings. The officers of the FTO shall also serve in said official capacities on the Executive Board. Should vacancies appear in an office and/or on the Executive Board, the Executive Board shall recommend a replacement or names of possible replacements to the HBE.

C. Officers shall be nominated and elected at the first annual meeting of the FTO at the beginning of each new academic year. The term of office for each officer shall be one (1) year. The Principal or designee shall preside over the first annual meeting and the nomination and election of officers. Nominations shall be received from the floor and elections shall be by a show of hand. Officers shall be approved by the HBE. Employees, local school board members, and HBE members are not allowed to be officers of the FTO.

D. At any time a vacancy occurs within FTO, an FTO Alternate shall be appointed by the HBE upon receiving a recommendation from the FTO to fulfill the duties of the vacant position.

E. Duties of Officers:

1. President. The president shall preside at all meetings of the FTO and Executive Board. In the absence by the president, the vice president, secretary and treasurer shall act in that order to fulfill the duties of the president. The president is authorized to recognize and reasonably limit speakers and discussion and otherwise make rulings to ensure the efficient and orderly process of FTO meetings. The president is also designated as the official spokesperson for the FTO. It is the president's responsibility to set the agenda for upcoming meetings in a timely fashion to allow publication of said agenda as set forth herein.

2. Vice President. The vice president shall perform all of the duties of the president in the absence of the president.

3. Secretary. The secretary shall keep and file all records, maintain the correspondence and have custody of all the documents of the FTO. The secretary shall be responsible for recording FTO meetings and preparing Minutes of the FTO meetings. The secretary shall also be responsible for posting all required notices of meetings, agendas and other types of notices. The secretary shall also, in general, perform the customary duties of such office and shall ensure that the incoming Secretary receives copies of and/or access to all FTO documents and records.

4. Treasurer. The treasurer shall collect and account for all funds relative to the FTO. The treasurer shall submit a detailed report of all fund accounts at each meeting. The treasurer shall, in consultation with the HSS Finance Director or designee, ensure that all funds are disbursed and accounted for in strict compliance with HSS policies and procedures and applicable federal laws and regulations.

F. Any members of FTO who travel for training activities shall be expected to sign a Travel Authorization Form which includes a Code of Conduct. Should the FTO member violate the Code of Conduct, he/she will be immediately relieved of their position and may be required to reimburse HSS for travel costs as determined by the HBE.

Section 9122 Meetings

A. Regular Elementary School FTO meetings shall be held during the first two weeks of the month. Regular Junior High and High School FTO meetings shall be held during the third week of the month. To the extent practicable, FTO meetings should not be held on the same date and time as another FTO, their respective local school board meeting or the HBE's monthly public meeting.

B. Special meetings may be called by the FTO president or by three (3) of the FTO Officers.

C. A schedule of the regularly scheduled meetings shall be posted at the School and all Village Administration Buildings served by the school, and will be announced in the monthly school calendar.

D. Any change in or additional meetings shall be publicized by posting notice of said change or meeting, forty-eight (48) hours prior to the meeting.

E. The president shall be responsible for setting an agenda forty-eight (48) hours in advance of any FTO meeting. The president shall receive suggestions for agenda items up to that time. It shall be the responsibility of the president to inform the secretary of the proposed agenda. The secretary shall be responsible for posting the proposed agenda at least twenty-four (24) hours prior to the meeting at the administration building of the school and all Village Administration Buildings served by the school.

F. The FTO shall comply with the open meeting policies of the HSS.

G. All action by the FTO shall be taken by a majority vote of voting members present at a duly-noted and called meeting at which a quorum is present unless otherwise specifically stated herein. The FTO may not act except by resolution or motion arising from motions duly made and seconded and voted on as noted above. The secretary shall cause a recording of the meeting and Minutes which shall reflect the proceedings, including wording of the motion, motioning party, seconding party and vote. Minutes shall be reviewed, corrected and approved at the next meeting. Minutes shall be provided to the HBE each month.

H. The presence of a simple majority of voting members at a duly-noted meeting is necessary to establish a quorum. If a quorum is not present, the only permissible, official action that can be taken is adjournment.

I. Meetings shall be conducted pursuant to Robert's Rules of Order.

J. The presiding officer shall conduct the meeting to ensure that meetings proceed in an orderly and efficient manner in order to accomplish the business of the FTO. The presiding officer is authorized to take such reasonable measures to accomplish the foregoing.

Section 9123 Functions

Each HSS school's FTO may perform the following functions:

A. Organize and perform volunteer activities to support school functions.

B. Annually review and provide written comments regarding the HSS curriculum. The curriculum shall be discussed at the second meeting of the year and the FTO comments should be developed and written at the third meeting of each year.

C. Review and report on HSS policies annually. This review should take place in the second half of the school year. The FTO should review the current HSS Policies and Procedures Manual or sections thereof and comment and provide their written comments to the HBE.

D. Identify and participate in school activities. By the fourth meeting of the school year, the FTO shall provide the Principal or designee with a proposed list of activities for the upcoming school year and a narrative of expected FTO involvement in each activity. The FTO shall strive to create harmony and positiveness at the school and community to assist the school in creating healthy environment.

Section 9140 Operations

A. FTOs and all other parent and guardian organizations or clubs shall obtain prior approval from their school Principal for:

1. Any fundraising event;

2. Any purchase for the FTO;

3. Any function involving the participation of students; and

4. Any event which is likely to reflect upon the school and/or the HSS.

B. Fliers and other literature displayed or distributed by a FTO and other parent organizations shall comply with the HSS Policies and Procedures Manual.

C. FTOs are responsible for maintaining their own financial records to coincide with the HSS's financial policies. Only designated employees of the HSS are permitted to help manage the affairs of FTOs and parent organizations during the workday.

D. FTOs and parent organizations are expected to consider the cultural diversity and economic differences of students and parents in planning school-related functions.

E. The Principal shall grant or deny FTOs and parent organizations' approval to operate at each school. Parent organizations that do not comply with HSS policies may have their approval to operate within the school revoked by the HBE upon receiving a recommendation from the Principal and the CSA.

Section 9150 Procedure for FTO Concerns

A. FTO concerns not covered above shall be submitted to the Principal of the respective school by the Family Liaison. The Principal shall attempt to resolve the complaint with the FTO within ten (10) working days of receiving the complaint. Should the Principal require additional time in which to investigate or research the issue, the Principal shall inform the FTO and provide them with a reasonable time for a response. If the Principal is able to resolve the complaint to the satisfaction of the FTO, the Principal shall set forth the resolution in writing and provide a copy to the FTO and a copy to the CSA to be presented under reports at the next HBE meeting.

B. Should the Principal not be able to resolve the complaint as set forth above, notification to the FTO of the Principal's final decision on the matter shall be given to the FTO. At that time, the Principal shall inform the FTO that they may, within ten (10) working days of receipt of the Principal's written resolution, request that the matter be forwarded to the CSA for resolution. If the parties are not satisfied with the CSA's resolution, they may request the CSA place the matter on the next HBE agenda for the HBE's consideration, utilizing the Procedures for Action Item form. The HBE's decision on the matter shall be final and is not appealable.

Section 9160 Donations to a School or the Hopi School System

A. Any item that an FTO, organization or individual proposes to contribute to a school shall meet all legal requirements, including safety codes. Before accepting a donation of equipment, supplies or funds, the Principal shall notify the CSA and ensure that the donation complies with the requirements of HSS Policies and Procedures.

B. All donated tangible items shall become the property of the HSS and included in the HSS inventory per the HSS Policies and Procedures. While the intent of the donor shall be considered, the HSS reserves the right to modify the use of the donation for the needs of students or the HSS needs and priorities.

Section 9170 Amendments

A. The FTO policies and procedures set forth in this Chapter may only be amended pursuant to a recommendation of the FTO adopted by a majority vote of all voting members registered and eligible to vote who are present for a duly called meeting.

B. The HBE shall then consider the recommendation and accept, modify or reject the amendment.

C. The HBE may also amend these policies and procedures on its own motion.

CHAPTER 9200 - COMMUNITY AND PUBLIC RELATIONS

Section 9201 Community Relations

A. The HSS wishes to cultivate and facilitate positive relations with the community in order that the focus of the community and the HSS can remain on the children and their education. To that end, it is the HSS's desire that the local community and parents/guardians know and understand the HSS's mission and philosophy statement and all aspects of HSS school operations.

B. The HSS welcomes public comment and recommendations through the channels set forth herein. The HSS desires the community support and cooperation in carrying out this most important community function—the education, development, and health, safety and well-being of the community's children.

Section 9202 Community and Parent/Guardian Involvement in School

A. Local community involvement and impact on the HSS shall primarily be accomplished through the local elections of the HBE and the local school board members. The HBE members shall be the authorized voice of the local communities as set forth in the Hopi Education Code. Legal Ref.: Code, Chapter 4 (Hopi Board of Education).

B. Parent and family involvement shall be encouraged and welcomed primarily through the schools' Family Teacher Organizations ("FTO"). See HSS Manual, Chapter 9100.

C. All parents and guardians are encouraged and invited to become members of the FTO and participate in the school through that organization. Other community members are invited to attend those meetings.

D. Procedures for involving parents and guardians in the local community and the school have been developed through the HSS Parent and Family Engagement Policy, and additional procedures may be developed by the HSS as needed. See HSS Manual, Chapter 9000.

Section 9203 Community, After-School and other Programs

A. Under the Elementary and Secondary Education Act, Pub. L. No. 89-10, as amended, and other federal, State and Tribal laws, the HBE may enter cooperative agreements and other partnership agreements with local educational agencies where Hopi students attend so that the Hopi School System can assist the local educational agencies in meeting the unique educational and culturally related academic needs of Hopi students.

B. Some of these agreements and programs include, but are not limited to community, after-school programs, and culture, language and academic federal programs, for example Safe and Secure Schools, Focus and Enhancement Program, and Johnson-O'Malley Programs.

C. The HBE may seek to enter cooperative agreements and other collaborative instruments with any educational institution, including pre-schools and post-secondary colleges and universities, to create coordination, opportunity, and consistency amongst these educational institutions and the Hopi School System.

Section 9210 Communicating With and Informing the Public

A. All school personnel are responsible for good public relations.

B. The Principal is responsible/accountable for informing the public and communicating with the public on local school matters.

C. Questions relating to local school matters shall be referred to the Principal or designee for the official school response. Principal shall consult with the Chief School Administrator as needed on HSS-wide matters.

D. Questions relating to HSS-wide matters shall be referred to the Chief School Administrator for the official HSS response.

E. Employees shall not respond to information and communication requests unless specifically authorized to do so by the Principal or CSA.

F. Employees shall not make representations concerning school or HSS matters unless specifically authorized to do so by the Principal or CSA.

G. Employees may be subject to disciplinary action up to and including termination if they are found to be in violation of Section 9210(E) or (F).

Section 9211 Media Relations

A. All communication with the news media regarding HSS or school matters shall be done by the Chief School Administrator or his/her designee.

B. An employee, without specific authorization to communicate with news media on HSS or school matters, who does so anyway, may be subject to disciplinary action up to and including termination.

Section 9220 Visitors to Schools

A. The CSA shall establish HSS-wide visit procedures to apply to all HSS schools for the control of persons other than school personnel or students who enter school premises.

B. Such procedures shall permit full use of all legal means to ensure that students, employees, and school property are properly safeguarded.

C. Only law enforcement officers are authorized to and may carry or possess a firearm or other device or weapon that is used in the normal course of law enforcement activities on HSS school grounds, buildings, parking lots, playing fields, buses and other school

vehicles, or off-campus school-sponsored events. No other persons are authorized to or may carry or possess a firearm, air gun, knife, or any other device or weapon capable of causing damage, harm or injury to any person or property on any HSS school grounds, buildings, parking lots, playing fields, buses and other school vehicles, or off-campus school-sponsored events.

Section 9221 Procedures Governing Visitors to Schools

A. Parents are encouraged to visit the schools.

B. All visitors to any HSS school must report to the school office upon arrival.

C. For those who wish to visit a classroom during the school day, it is preferred that the teacher and the Principal be contacted in advance to arrange a day and time for such visit so as to avoid any conflicts with the school schedule.

D. In visiting a classroom, teachers will generally be unable to converse at any length with a parent/guardian. If a conference is desired, arrangements will be made by the teacher for an appointment with the parent/guardian either before or after school hours.

E. No person may enter school premises, including visits or audits to a classroom or other school activity, without approval by the Principal. Neither will any person be allowed to conduct or attempt to conduct any activity on school premises that has not had prior approval by the Principal.

F. Anyone who is not a student or staff member of the school, and is in violation of this policy, may be asked to leave the property of the school. All visitors shall comply with the lawful directions of school officials, school security officers, and any other law enforcement officers acting in performance of their duties. Visitors shall also be required to identify oneself to such officials or officers when lawfully requested to do so. Failure to obey such instructions may subject the person to criminal proceedings applicable under law.

Section 9222 Special Health Provisions for all Persons Entering HSS Campuses/Vehicles

A. HSS schools shall follow all special health orders issued by the Hopi Tribe.

B. Until revoked by the Hopi Tribe, the following special health provisions shall apply for all persons entering a HSS school and vehicles pursuant to Hopi Tribe Executive Order(s):

1. All persons, including, but not limited to, staff, students, vendors, visitors, and volunteers, shall wear a cloth face covering while on any HSS property, in any HSS facility, at any HSS event, whether indoors or outdoors, and in any HSS vehicle, including buses or vehicles rented or leased by the HSS.

2. Cloth face coverings should not be worn by:

a. Children under the age of two (2);

b. Anyone who has trouble breathing; and

c. Anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

3. The CSA may make exceptions to the requirement to wear a cloth face covering while keeping in mind the health and safety of everyone involved.

C. Cloth face coverings are to fully cover a person's nose and mouth, ideally fitting snugly but comfortably against the sides of the face and under the chin. They are to remain affixed in place without the use of one's hands and are to not have holes. They are to be laundered regularly or disposed of appropriately.

D. A cloth face covering does not replace the need for frequent handwashing, covering coughs and sneezes, and practicing physical distancing (six feet [6'] away) to the extent possible. Individuals are to be reminded to avoid touching their cloth face covering and to wash their hands frequently. To ensure the proper use of cloth face coverings, staff and students are to be educated on how to wear and care for their cloth face coverings.

Section 9230 Public Conduct on School and HSS Property

A. The HSS policy regarding public conduct on school and HSS property shall be a zero tolerance policy intended to protect the health and safety of all HSS students, staff and visitors.

B. Parents and members of the public shall comply with all standards of behavior set forth in the HSS Policies and Procedures Manual while on HSS/school property or at school functions.

C. There shall be no use, possession, gifting or sale of alcohol, tobacco products or other controlled substances on any HSS school grounds, buildings, parking lots, playing fields, buses and other HSS vehicles, or off-campus HSS-sponsored events.

D. There shall be no use, possession, gifting or sale of a firearm, air gun, knives, or any other device or weapon capable of causing damage, harm or injury to any person or property on any HSS school grounds, buildings, parking lots, playing fields, buses and other school vehicles, or off-campus school-sponsored events.

E. The public shall not act in a manner intended to obstruct, disrupt, interfere with, or in any way negatively impact the work of the HSS or the attainment of the HSS's mission and vision.

F. Members of the public shall follow the lawful direction of HSS personnel while on campus. Unauthorized entry, use or occupation of HSS facilities, grounds, buildings, equipment and/or property is prohibited.

G. Members of the public may not enter or remain in the administration buildings, classrooms or residential facilities without appropriate authorization by HSS personnel authorized to grant such authorization.

Section 9240 Public Concerns and Complaints – Purposes

A. HSS policy aims to address public concerns and complaints seriously by following due process procedures set forth herein to ensure the least disruption to HSS schools and student's education.

B. Public concerns and complaints shall be resolved at the lowest possible administrative level. When a complaint is made directly to the HBE as a whole or to a HBE member as an individual, it shall be referred to the CSA or to the school Principal for study and resolution, as appropriate.

C. Employees shall be allowed to participate, as appropriate, at each level of attempted resolution of the complaint.

D. Public concerns or complaints shall be divided into four categories: Personnel, Instructional Resources, Facilities and Services, and Miscellaneous. If a parent, guardian or other community member wishes to file a concern or complaint, they shall complete the "Public Concern – Complaint Form" and submit it to the proper authorities following the procedures set forth in Sections 9241-9244 of the HSS Manual.

E. Submitted Concern and Complaint Forms containing confidential student or personnel information which are protected under applicable laws and policies, including but not limited to, the Family Educational Rights and Privacy Act, 20 U.S.C. §§ 1232g, et seq., the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, et seq., and the HSS Manual, shall be treated as confidential records.

F. The CSA shall develop additional procedures as needed for courteously receiving and addressing all categories of public concerns and complaints set forth in Sections 9241-9244, and shall take steps to make proper replies to complainants. Such procedures shall provide for:

1. Administrative review of such complaints;

2. HBE review at the request of the complainant if the matter is not resolved at the administrative level; and

3. Option to submit form anonymously with the understanding that the HSS shall make every effort to address the concern or complaint but may be limited in reaching a resolution without the ability to contact the complainant for additional or needed information.

Section 9241 Public Concerns and Complaints – Personnel

A. Concerns and complaints from parents, guardians or members of the community regarding personnel are best handled starting with the employee and employee's supervisor, and when necessary, may proceed through additional administrative levels, including the school Principal.

B. All complaints regarding personnel shall be referred to the CSA for investigation. The CSA shall consult with the Personnel Department Director or designee as appropriate. The employee involved shall be given an opportunity, at each administrative level at which the matter is reviewed, for explanation, comment, and presentation of facts, either formally or informally. The employee shall be afforded elements of due process as provided in the HSS Policy and Procedures Manual and applicable law.

C. If a parent, guardian or member of the community has a personnel concern or complaint, the following procedures shall be followed to resolve it:

1. The complainant shall complete the "Public Concern – Complaint Form" and shall include, at minimum, the following information on the Form:

   a. Name of person(s) making the complaint (optional if submitting anonymously);

   b. Whether the person(s) making the complaint represents an individual or a group. If a group is represented, information shall be provided about the nature of the group and the manner in which the group has reviewed and taken a position on the matter; and

   c. A summary of the complaint(s) and a suggested solution(s);

2. Complainant shall submit one copy of the completed Public Concern – Complaint Form to the school secretary or designee in a sealed envelope. The school secretary or designee shall provide one copy to the employee toward whom the complaint is directed and one copy to the employee's supervisor or school Principal, whoever is the employee's supervisor;

3. It is the responsibility of the employee's school Principal to keep the CSA informed as the matter is reviewed at all administrative levels;

4. The employee shall have a minimum of five (5) working days in which to reply to the complaint at each administrative level at which the matter is reviewed;

5. If the complaint is not resolved between the complainant and the employee, the complaint shall be reviewed by the employee's supervisor;

6. If a satisfactory response is not received by an employee's supervisor, the complainant may provide a copy of the Public Concern – Complaint Form to the school Principal, who shall provide a decision within ten (10) working days of receiving the complaint;

7. If a satisfactory response is not received, a copy of the Public Concern – Complaint Form may be forwarded to the CSA, who shall have twenty (20) working days to reply. After review by the CSA, copies of the complaint and the CSA's final decision shall be sent to the school Principal and the complainant. The CSA shall be the final administrative level; and

8. Following the decision of the CSA, if any of the parties concerned deem it necessary, the matter may be referred to the HBE within ten (10) working days following the CSA's decision for HBE's consideration. Consideration as to the disposition of the complaint shall be given within sixty (60) days of HBE's receipt of the complaint. The HBE may refer the matter back to the CSA or school Principal for further review, or reach a final decision. If the HBE reaches a final decision, the HBE's decision is final and not appealable. Neither the HBE nor an individual HBE member shall consider or act on complaints that have not been first addressed at the appropriate administrative level.

Section 9242 Public Concerns and Complaints – Instructional Resources

A. Concerns and complaints from parents, guardians or members of the community regarding instructional resources are best handled starting at the school level and, when necessary, may proceed through additional administrative levels.

B. If a parent, guardian or member of the community has an instructional resources concern or complaint, the following procedures shall be followed to resolve it:

1. The complainant shall complete the "Public Concern – Complaint Form" and shall include, at minimum, the following information on the Form:

   a. Name of person(s) making the complaint (optional if submitting anonymously);

   b. Whether the person(s) making the complaint represents an individual or a group. If a group is represented, information shall be provided about the nature of the group and the manner in which the group has reviewed and taken a position on the matter; and

   c. A summary of the complaint(s) and a suggested solution(s);

2. Complainant shall provide the completed Public Concern – Complaint Form to the school Principal, who shall have ten (10) working days to reply;

3. If a satisfactory response is not received, a copy of the Public Concern – Complaint Form may be forwarded to the CSA, who shall have twenty (20) working days to reply. The CSA shall review the materials in question. After review by the CSA, copies of the request form and the report shall be sent to the school Principal and the complainant; and

4. Following the decision of the CSA, if any of the parties concerned deem it necessary, the matter may be referred to the HBE within ten (10) working days

following the CSA's decision for HBE's consideration. Consideration as to the disposition of the complaint shall be given within sixty (60) days of HBE's receipt of the complaint. The HBE may refer the matter back to the CSA or school Principal for further review, or the HBE may review the materials in question in the light of its policy establishing criteria for the selection of instructional resources. If the HBE reaches a final decision, the HBE's decision is final and not appealable. Neither the HBE nor an individual HBE member shall consider or act on complaints that have not been first addressed at the appropriate administrative level.

Section 9243 Public Concerns and Complaints – Facilities and Services

A. Concerns and complaints from parents, guardians or members of the community regarding HSS facilities or services are best handled starting at the school level and, when necessary, may proceed through additional administrative levels.

B. If the matters of concern are eligibility and related procedures, procedural safeguards, or provision of a free and appropriate public education, the matter may be referred, at any juncture in the procedure, to the CSA.

C. If a parent, guardian or member of the community has a facilities or services concern or complaint, the following procedures shall be followed to resolve it:

1. The complainant shall complete the "Public Concern – Complaint Form" and shall include, at minimum, the following information on the Form:

   a. Name of person(s) making the complaint (optional if submitting anonymously);

   b. Whether the person(s) making the complaint represents an individual or a group. If a group is represented, information shall be provided about the nature of the group and the manner in which the group has reviewed and taken a position on the matter; and

   c. A summary of the complaint(s) and a suggested solution(s);

2. Complainant shall provide the completed Public Concern – Complaint Form to the school Principal, who shall have ten (10) working days to reply;

3. If a satisfactory response is not received, a copy of the Public Concern – Complaint Form may be forwarded to the CSA, who will have twenty (20) working days to reply. After review by the CSA, copies of the completed Public Concern – Complaint Form and the final decision shall be sent to the school Principal and the complainant; and

4. Following the decision of the CSA, if any of the parties concerned deem it necessary, the matter may be referred to the HBE within ten (10) working days following the CSA's decision for HBE's consideration. Consideration as to the disposition of the complaint shall be given within sixty (60) days of HBE's receipt of the complaint. The HBE may refer the matter back to the CSA or school

Principal for further review, or reach a final decision. If the HBE reaches a final decision, the HBE's decision is final and not appealable. Neither the HBE nor an individual HBE member shall consider or act on complaints that have not been first addressed at the appropriate administrative level.

Section 9244 Public Concerns and Complaints – Miscellaneous

A. Concerns and complaints from parents, guardians or members of the community regarding miscellaneous matters are best handled starting at the school level and, when necessary, may proceed through additional administrative levels.

B. If a parent, guardian or member of the community has a miscellaneous concern or complaint, the following procedures shall be followed to resolve it:

1. The complainant shall complete the "Public Concern – Complaint Form" and shall include, at minimum, the following information on the Form:

   a. Name of person(s) making the complaint (optional if submitting anonymously);

   b. Whether the person(s) making the complaint represents an individual or a group. If a group is represented, information shall be provided about the nature of the group and the manner in which the group has reviewed and taken a position on the matter; and

   c. A summary of the complaint(s) and a suggested solution(s);

2. Complainant shall provide the completed Public Concern – Complaint Form to the school Principal, who shall have ten (10) working days to reply;

3. If a satisfactory response is not received, a copy of the Public Concern – Complaint Form may be forwarded to the CSA, who will have twenty (20) working days to reply. After review by the CSA, copies of the completed Public Concern – Complaint Form and the final decision shall be sent to the school Principal and the complainant; and

4. Following the decision of the CSA, if any of the parties concerned deem it necessary, the matter may be referred to the HBE within ten (10) working days following the CSA's decision for HBE's consideration. Consideration as to the disposition of the complaint shall be given within sixty (60) days of HBE's receipt of the complaint. The HBE may refer the matter back to the CSA or school Principal for further review, or reach a final decision. If the HBE reaches a final decision, the HBE's decision is final and not appealable. Neither the HBE nor an individual HBE member shall consider or act on complaints that have not been first addressed at the appropriate administrative level.

Section 9250 Records Requests

A. Student records requests. Requests for student documents and records shall be made in accordance with the HSS students records policies. See HSS Manual, Chapter 2900.

B. Non-student records requests.

1. Requests for documents and records which are not student records shall be made using the HSS Request for Records Form. The requesting party shall provide the completed HSS Request for Records Form to the CSA. HSS documents and records may only be provided pursuant to this procedure and upon completion of the HSS Request for Records Form. The HSS shall respond to all such requests, within ninety (90) days unless documented circumstances require otherwise, using the HSS Response to Request for Records Form.

2. A requesting party may appeal a denial of a Records Request to the HBE. An appeal shall be in writing, stating the specific reasons why the record should be released and why the cited authority is inapplicable and shall be filed and received in the Office of the Chief School Administrator within ten (10) business days of the denial. The Hopi Board of Education shall issue its decision on the appeal. The decision of the Hopi Board of Education is final and not appealable.

3. HSS staff may only provide non-student HSS documents and records utilizing the procedure in this section and related forms. Failure to do so is grounds for disciplinary action up to and including termination.

C. All record requests and responses to requests shall comply with:

1. The HSS student records privacy policy (see HSS Manual, sec. 1306);

2. The Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g;

3. The Non-Disclosure of Confidential Information policy, which shall be resolved by Chief School Administrator as needed. See HSS Manual, sec. 5124; and

4. All other HSS and school policies and procedures which govern requests for students transcripts and other HSS and school records.

Section 9260 Relations with Education Research Agencies and Individuals

A. Any requests from colleges, universities, other recognized research agencies or individuals to conduct research in regards to HSS schools or students shall be assessed and shall comply with the Hopi Tribe's policies and practices regarding research on the Hopi Reservation.

B. All requests received by HSS personnel for such research shall be immediately provided to the CSA so that it can be properly addressed by the HBE and in compliance with this section.

C. Failure of HSS personnel to comply with this section is grounds for disciplinary action up to and including termination.

Section 9261 Relations with Colleges, Universities and Technical Schools

A. In order for staff members and students to benefit from the resources provided by colleges, universities and technical schools, the CSA shall seek out and utilize the services of college and university faculty members or programs when they are compatible with the needs of the HSS.

B. Research involving student time shall conform to the restrictions set forth in section 9260 and Hopi Tribe's policies and practices regarding research on the Hopi Reservation.

Section 9262 Student Teaching and Internships

The HBE authorizes the CSA to arrange for the supervision and training of a reasonable number of student teachers each year and to establish procedures for such activity.

Section 9263 Relations with Education Accreditation Agencies

It shall be the policy of the HBE to seek the highest status of membership for its schools in the accreditation agency for Hopi schools, cooperating in the association's evaluations of the HSS and considering its recommendations.

TITLE 10 – TECHNOLOGY AND INTERNET USE

CHAPTER 10000 – TECHNOLOGY RESOURCES

Section 10001 Purpose

A. The Hopi School System ("HSS") may provide electronic information services ("EIS") to qualified students, teachers, and other personnel who attend or who are employed by the HSS.

B. Electronic information services include networks (Internet), databases, and any computer-accessible source of information, whether from hard drives, tapes, compact disks ("CDs"), thumb drives, or other electronic sources.

C. The use of the technology resources and services shall be in support of instructional, research, and educational goals and objectives of the HSS.

D. The HBE hereby establishes an "Information Technology Department" within the HSS Central Administration Office which shall be led by an "Information Technology Director" to oversee all technology services and Information Technology ("IT") technicians of the HSS and HSS schools.

E. In addition to ensuring that technology devices throughout Hopi schools are functioning properly, the IT Department shall manage how technology is integrated into daily instruction. The use of technology by teachers and students for communication and collaboration, as well as in support of critical thinking and creativity, is essential to learning the skills and competencies necessary to prepare students for college and career.

Section 10010 Technological Resources available to Students and Staff

A. The IT Department shall support computers in labs, classrooms and offices, including but not limited to:

1. Administration Technology Resources: The IT Department shall support the installation and administration of administrative support services, including but not limited to the library system, food services' computer system, and finance and personnel management software, computers and servers.

2. Instructional Technology Resources: Instructional technology resources include, but are not limited to student personal computers, Chromebooks and iPads, computer labs, teacher laptops/desktops, and interactive whiteboards in each classroom.

B. Television programming may be available as a technological resources as follows:

1. The availability of many television program options via satellite and cable makes the proper review and planning for their instructional use important. Without careful consideration of applicability to the particular course of study, use of multiple programs could undermine the curriculum;

2. If television programming is a regular part of the course of study, a summary of the segments to be used shall be incorporated in a presentation for adoption by the HBE. Any addition to an adopted course of study by use of television shall receive approval from the HBE;

3. For purposes of this Section, "regular part" means a periodic use such as daily, weekly, or monthly;

4. When television programming is to be a part of the course of study or is to be used as a study aid, prior review by the teacher shall take place and either a written summary or taped typical segments should be made available for review by parents upon request;

5. Non-prerecorded television programming shall be used only if the HBE has approved the guidelines under which the programs are prepared. If television programming of a non-prerecorded nature (i.e., no summary is available for prior review) is approved for classroom viewing by the HBE, time shall be allowed in planning so that controversial issues may be adequately discussed; and

6. Televisions and computer monitors may be used to broadcast school events, announcements, projects, HBE meetings, and other events as part of a course of study or curriculum which has been approved.

C. Movies and videos may be available as a technological resource as follows:

1. It is the policy of the HSS that there is educational value in utilizing movies and videos in classrooms only when such movies and videos extend and/or reinforce the concepts being taught and have been planned for in advance; and

2. Movies and videos with ratings other than for general audiences of all ages are not to be shown in classrooms or at any HSS facility (this includes buses and hotels where students are present).

CHAPTER 10100 – ELECTRONIC INFORMATION SERVICES

Section 10101 Guidelines for Use of Electronic Information Services

A. Acceptable use of electronic information services ("EIS") by HSS employees, students or other authorized users requires that EIS resources be used in accordance with the following guidelines and support the education, research, and educational goals of the HSS.

B. An EIS user shall:

1. Use the EIS for educational purposes only;

2. Agree not to submit, publish, display, or retrieve any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material;

3. Abide by all copyright regulations;

4. Not reveal home addresses or personal phone numbers;

5. Understand that electronic mail, computer use, and internet use are not private;

6. Not use the network in any way that would disrupt the use of the network by others;

7. Understand that many services and products are available for a fee and acknowledge the responsibility for any expenses incurred without HSS authorization;

8. No use of EIS for commercial purposes;

9. Follow the HSS's code of conduct; and

10. Not attempt to harm, modify, or destroy software or interfere with system security.

Section 10102 Additional Guidelines for Employees' Use of Electronic Information Services

Acceptable use by HSS employees is extended to include the following requirements:

A. Maintain supervision of students using the EIS.

B. Agree to directly log on and supervise the account activity when allowing others to use a personal account.

C. Take responsibility for personal accounts, including password protection.

D. Take all reasonable precautions, including password maintenance and file and directory protection measures, to prevent the use of personal accounts by unauthorized persons.

Section 10103 Adherence to EIS Guidelines is Required

A. To assure that the EIS is used in an appropriate manner and for the educational purposes intended, the HSS shall require anyone who uses the EIS to follow its guidelines and procedures for appropriate use.

B. Anyone who misuses, abuses, or chooses not to follow the EIS guidelines and procedures shall be denied access to the HSS's EIS and may be subject to disciplinary action.

C. The CSA shall be responsible for establishing and enforcing the HSS's electronic information services guidelines and procedures for appropriate use.

Section 10104 No HSS Liability

The HSS does not assume liability for information retrieved via EIS, nor does it assume any liability for any information lost, damaged, or unavailable due to technical or other difficulties.

CHAPTER 10200 – INTERNET USE POLICY

Section 10201 Internet Services

A. The HBE shall select a provider for internet services for the HSS and all schools of the HSS.

B. Access to the Internet expands classroom and library media resources. Internet resources enable staff and students to explore thousands of libraries, databases, and other informational resources.

C. Internet resources can be used for individual and group projects, collaborations, curriculum materials and idea sharing.

Section 10210 Internet Use Agreement

A. To access the HSS internet and network onsite, all staff, students, visitors, vendors/ contractors shall sign an EIS user's agreement, entitled the "Internet Use Agreement" ("IUA").

B. A copy of the IUA signed by the student shall reside at the school building in which the student attends.

C. A copy of the IUA signed by a staff member shall be kept at the HSS Personnel Department at the Central Administration Office. A copy may also be kept at the school or building the staff member works.

D. To gain access to the HSS network and the Internet, all students under the age of eighteen (18) shall obtain parental permission and their parents shall sign the IUA on their child's behalf.

E. Students eighteen (18) and over may sign their own IUA and any other applicable forms.

Section 10220 Internet Responsibilities

A. With access to the Internet comes responsibility. HSS shall install an Internet filtering application and a Firewall to help protect students from inappropriate material while they are accessing Internet resources at school.

B. Filtering is effective but not perfect. Staff shall be vigilant in monitoring student use of technology systems and prepared to enforce the guidelines found within the IUA.

C. Parents and guardians of minors are responsible for setting and conveying the standards that their children should follow when using any media and informational sources. Students are responsible for appropriate behavior when using electronic devices and resources. When signing the IUA, the students and parents/guardians agree to abide by the policies set forth by HSS.

D. HSS shall be held harmless and released from liability for ideas and concepts that students, employees and any user gain by their use of the Internet.

Section 10221 Children's Internet Protection Act Compliance

A. The HSS shall comply with the requirements of the Children's Internet Protection Act ("CIPA"), as codified at 47 U.S.C. § 254(h) and (l).

B. The HSS is committed to the safety of all students while online and has a comprehensive policy about the proper use of HSS technological resources.

C. At the beginning of each school year, students and staff shall be informed of the HSS Internet Use Agreement and corresponding policies.

D. All students shall have a signed IUA Form on file before they are allowed access to the Internet and the HSS network. It is the HSS's intent to preserve network bandwidth and improve network response times by limiting Internet access to educational-related sites. The HSS shall provide filtering software to block and filter access to pornographic, obscene and otherwise inappropriate Internet sites to ensure compliance with HSS policies and maintaining a positive online environment.

Section 10222 Monitoring and Violations of the Internet Use Agreement

A. A user who violates the provisions of the IUA shall be denied access to EIS and may be subject to disciplinary action.

B. The HSS may log the use of all systems and monitor all system utilization.

C. Accounts may be closed and files may be deleted at any time. The HSS is not responsible for any service interruptions, changes, or consequences.

D. Details of the IUA shall have been discussed with each potential user of the EIS. When the signed IUA is returned to the HSS, the user may be permitted use of EIS resources through the HSS equipment.

E. The HSS reserves the right to establish additional policies and procedures as necessary for the efficient operation of EIS.

CHAPTER 10300 – NETWORK SERVICES

Section 10301 HSS Network Services

A. Each staff member and student shall be provided a network account, which allows access to the HSS network and services. Access to network services is provided for those who agree to act in a considerate and responsible manner. Network accounts provide for a limited amount of personal storage space (HSS Share Folder) on the HSS network for files related to the pursuit of education, which should be maintained by periodically clearing out older files.

B. It is important for staff and students to keep passwords secure and private.

C. All users should be aware that teachers and administrators have the right to review files to maintain system integrity and to be sure that the system is being used according to HSS policy.

D. HSS shall employ an extensive back-up of data each week. Copies are stored both on-site and off-site for additional security. Employee files can be recovered if saved to their Network Share Folder.

Section 10302 HSS Network Access Responsibilities

A. Individual users of HSS technology are responsible for their behavior and communication over those networks. Users shall only use their personal Network ID to login to the HSS network (some elementary students may use a generic classroom ID). When signing the IUA, users agree to comply with HSS rules and policies.

B. HSS makes no warranties of any kind, either expressed or implied, for the provided access.

C. The staff, school and HSS are not responsible for any damages incurred, including, but not limited to, the loss of data stored on HSS resources, to personal property used to access HSS resources, or for the accuracy, nature or quality of information stored on HSS resources.

Section 10310 Electronic Technology Restrictions

The following activities are not permitted on HSS electronic resources:

A. Accessing, uploading, downloading, transmitting, displaying or distributing obscene, abusive, or sexually explicit material or language.

B. Accessing, uploading, downloading, transmitting, displaying, or distributing unauthorized files or applications of any kind (including but not limited to games, Instant Messaging, Virtual Private Networks and Internet Proxies).

C. Damaging or vandalizing computers, computer systems, computer networks or computer files.

D. Debilitating, disabling or altering computers, systems or networks.

E. Creating, downloading, or distributing computer viruses or parts of computer viruses.

F. Violating copyright or otherwise using another person's intellectual property without his or her prior approval and/or proper citation.

G. Using another person's account, password, folder, work or files.

H. Intentionally wasting computer network or printer resources.

I. Using the HSS network or equipment for personal, commercial or political purposes.

J. Violating HSS, Hopi Tribal, state or federal laws, regulations or policies.

Section 10320 Consequences for Improper Use

A. Inappropriate use of HSS technology shall result in the restriction or cancellation of the users account.

B. Violations of the IUA may lead to disciplinary and/or legal action, including but not limited to suspension, expulsion and termination, or criminal prosecution by government authorities.

CHAPTER 10400 – SOCIAL MEDIA POLICY

Section 10401 Purposes

As required by the Hopi Education Code, the HBE hereby adopts the foregoing social media policy for the Hopi School System ("HSS"). Legal Ref.: Hopi Education Code, sec. 4.11.F(2). This policy shall apply to both HSS staff and students. As participation in social media and use of portable electronic devices have become a common presence in staff and students' daily life, the HSS social media policy seeks to balance staff and students' use of these electronics and social media with the need to provide quality educational services and protect the safety and security of staff, students and the HSS.

Section 10402 Definitions

A. "Social media" includes all forms of communicating or posting information or content of any sort through electronic media, including but not limited to text messaging, instant messaging, electronic mail (e-mail), websites, Web logs (blogs/podcasts), 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, Twitter, LinkedIn, eHarmony).

B. "Electronic media" includes all forms of telecommunication such as landlines, cell phones, computers, tablets, laptops and Web-based applications, all now existing and arising in the future.

Section 10410 Social Media Use by Staff

A. Application. These guidelines apply to all HSS employees to include clerical, maintenance and educational staff, such as: teachers, student teachers, teacher aids, coaching staff, tutors, library personnel, volunteers, HBE and local school board members, contractors, vendors, and students or any similar types of people or those for whom they are responsible, who participate in, create or contribute to any form of social media or any other kind of social networking.

B. General policy.

1. If employee participation, communication, or interaction with any social media or social networking adversely affects the following, such activity shall be grounds for disciplinary action up to and including termination:

    a. The employee's job performance or the performance of fellow HSS staff;

    b. Any other persons, companies, groups, or families associated with the HSS;

    c. HSS students or the HSS; or

    d. Otherwise disrupts the operation of the HSS or adversely affects the HSS's reputation in the community.

2. Inappropriate postings or communication pursuant to social media or social networking of any type, that may include discriminatory remarks, harassment, threats of violence or similar inappropriate or unlawful conduct or postings which may otherwise disrupt the operation of the HSS is not acceptable and may, in addition to being violations of other HSS policy related to harassment or discrimination, subject an employee to disciplinary action up to and including termination.

3. The lines between public and private, personal and professional are blurred in the digital world. Even if using a disclaimer or different user name, employees shall always be considered to be a HSS employee and shall be held responsible as such under this policy.

4. Employees shall not:

    a. Post photos or movies of fellow employees, HSS activities, or students without the permission of the employees and parents of students.

    b. Make offensive comments, denigrate or insult others including students, staff, administration, HBE and local school board members, government, parents, governmental officials, other such persons or other schools;

    c. Use ethnic slurs, innuendos, obscenities, violent terminology or any other inappropriate content; and

    d. Post inappropriate photos or other communication that may violate the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, other HSS policies, community norms, decency norms, or contain material related to drugs or alcohol, or sexually or otherwise inappropriate materials.

5. Any negative comments as described in this policy may also constitute cyber-bullying or other forms of discrimination or harassment under HSS policies and be grounds for disciplinary action under those policies. Employees shall refrain from commenting on or forwarding unsupported information and rumors.

C. Staff-Student Relations.

1. HSS Employees are prohibited from establishing personal relationships with students that are unprofessional and thereby inappropriate.

2. Examples of unprofessional relationships include, but are not limited to: employees fraternizing or communicating with students as if employees and students were peers such as writing personal letters or e-mails; "texting" students; calling students on cell phones or allowing students to make personal calls to them unrelated to homework or class work; sending inappropriate pictures to students; discussing or revealing to students personal matters about their private lives or inviting students to do the same (other than professional counseling by a school counselor); and

engaging in sexualized dialogue, whether in person, by phone, cell phone, via the Internet, or in writing.

3. Employees shall not allow a "friend" relationship under Facebook with a student or any other such similar one-on-one electronic or digital relationship.

4. Employees who post information on Facebook or similar websites that include inappropriate personal information such as, but not limited to, provocative photographs, sexually explicit messages, use of alcohol, drugs or anything that students are prohibited from doing, or which would be inappropriate for an employee of the HSS, shall be investigated by HSS officials, and if warranted shall be disciplined up to and including termination, depending upon the severity of the offense.

5. Certified personnel, depending upon the severity of the offense, may have their case forwarded to the appropriate Hopi, State or federal agency for review and possible further sanctions/prosecution.

6. If inappropriate use of computers and websites is discovered, the IT Director or designee shall download the offensive material. The IT Director shall promptly notify the employee's immediate supervisor who shall conduct an investigation and make a recommendation of disciplinary action, up to and including termination of employment, to the CSA. The CSA shall make a recommendation to the HBE regarding disciplinary action, up to and including termination of employment.

7. The IT Director or designee may periodically conduct Internet searches to determine if employees have posted inappropriate materials online.

D. Specific Social Media/Social Networking Policies.

1. Purpose. The main purposes of this policy are to protect our students, staff, families, HBE and local school board members, and community while ensuring the orderly operation of the HSS. This policy shall be enforced to accomplish these purposes.

2. Use of Social Media or Social Networking During Work Time. Unless you have been given express permission to utilize social media or social networking sites for the purposes of the HSS or education, employees' use of any social media or social networking from workplace computers or electronic devices at any time is disallowed by this policy.

3. Social Networking on Personal Devices. Unless otherwise expressly allowed, there shall be no communication through social media or social networking activity from personal devices (Examples: cell phones, pda's, tablets, pc's) during work time. When employees are on work breaks and lunch, activity is allowed only from devices which do not use the HSS's network. During these times, it is especially important to adhere to the remainder of this policy for an understanding of potential consequences of posting information about HSS, its programs, clubs, students,

parents, faculty, HBE, local school board, and volunteers and to further ensure such use is strictly limited and does not go beyond lunch time or break time.

4. No Offensive Comments about Students/Staff. Offensive comments shall not be made about students or colleagues (including administrators) or the HSS in general. Employees shall not comment on or forward unsupported information and rumors. Negative comments about people could also amount to cyber-bullying and could be deemed a disciplinary offense.

5. The Media. If a member of the media or non-traditional online media (can include bloggers/podcasters) contacts a staff member, volunteer, or other agent of the HSS about the business of the HSS (e.g. programs, services, students, parents, clubs, policies, practices, or additional business information of any kind), the individual shall contact the CSA, Principal, or immediate supervisor for direction prior to any response.

6. Use of HSS and Local School Name or Logo. Employees shall not promote or sell any product or service online or in general which would represent the HSS/Local School or bear the HSS/Local School motto, mascot or logo without specific permission of the Principal, CSA or HBE.

Section 10411 Social Media Use by Students

A. It is HSS's goal to provide and encourage positive and responsible use of social media and social networking to further enhance students' development and educational opportunities, and at the same time, provide appropriate boundaries for such use to protect students, others and the HSS.

B. This social media policy is intended to ensure that it does not compromise the health, safety and welfare of students, HSS staff, Hopi Board of Education members, local school board members, community members and others. A violation of this social media policy, even after school hours and at your home or other places, shall be grounds for disciplinary action if your use has a nexus or connection to the HSS and HSS school operations and/or if such use violates this or other HSS policies or otherwise disrupts the operation of the school.

C. The HSS social media policy requires the following:

1. Use of social media and social networking shall not violate HSS's anti-discrimination or harassment policy. This policy prohibits cyberbullying, discrimination, threats, and other conduct that has a connection or nexus to the HSS or any HSS schools, 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 shall be violations of HSS policy and shall subject the student to discipline, up to and including, expulsion. In addition, the HSS shall contact law enforcement authorities as may be needed;

2. Any student use of social media or social networking that may convey a threat, exposure to danger, or which is otherwise disruptive to the HSS, is prohibited in that this conduct may negatively impact the HSS, the operation of the HSS, the community sense of well-being for their children at a HSS school, and it may have other negative consequences for a HSS school;

3. Students should not engage in personal social media or social networking relationships with HSS staff. Students should not seek to be a "friend" under Facebook or establish other such electronic relationships with a HSS staff member, unless they are direct relatives;

4. Students shall refrain from publishing names of fellow students or staff and providing information which identifies students or staff. There are predators that use social media and social networking to identify possible victims. Students should exercise care to avoid this. School photographs or videos taken at school and involving students and others shall 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; and

6. The HSS recommends that in all use of social networking or electronic media that students always be respectful, be careful, be responsible, and be accountable.

Section 10420 Staff Use of Portable Electronic Devices in School

A. Subject to HSS policy, staff may possess and use PEDs, including but not limited to cellular telephones, MP3, iPods and similar music players, radios, Walkmans, CD players, tape, video or other electronic recorders and players, scanners, wireless e-mail devices, cameras, and game devices.

B. Staff use of PEDs is subject to the limitations of this Chapter and other HSS policies under the following conditions and guidelines:

1. The basic purpose to be served by this policy is that employees refrain from all use of PEDs during the work day and their performance of their professional duties in order to maintain the focus on the students and their employment responsibilities. This policy expects the common sense action of all employees to accomplish the above purpose and any action or conduct which violates that purpose shall be grounds for disciplinary action, up to and including termination of employment.

2. PEDs shall not be turned on or used in any way in classrooms, during instructional time, when an employee is or should be supervising students or when their use is otherwise prohibited by HSS policy. 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 ceremonies, etc.).

3. PEDs are allowed to be taken and used on HSS trips except that they may not be used during any instructional activity, meetings, or trainings, student supervision or at other times when HSS policies prohibit their use.

4. Use of cameras or the camera features on a cell phone or other PEDs 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.

5. PEDs shall not be used during work hours, while supervising students, while driving for HSS related purposes and when such devices would otherwise distract employee from the performance of employee's duties or from the vigilant supervision and control of students.

6. Any use of PEDs shall be strictly limited to lunch period when not supervising students. Any such calls or use shall terminate at or before the termination of any such lunch time. Use of PEDs during periods of student supervision responsibilities is strictly prohibited and shall result in immediate and severe disciplinary action.

7. CD/Radio/MP3 players may only be used for school educational purposes, subject to prior approval of Principal.

8. Use of PEDs can compromise the health, safety and welfare of our students and staff. Use of PEDs during work time is unprofessional conduct and diminishes the efficiency and value of employee services to the HSS. This policy shall be strictly applied.

9. HSS is <u>not</u> responsible for any lost, stolen or damaged PEDs or any other personal property an employee may bring to HSS or HSS activities. The owner/employee assumes all risks for PEDs or other personal property brought to HSS or HSS activities. HSS shall not provide compensation for any item or PED which has been confiscated, lost, stolen or damaged.

10. Employees shall ensure that there is no communication and/or transmission which may offend cultural standards or be a violation of FERPA or other privacy laws or regulations relating to students or other individuals.

Section 10421 Students Use of Portable Electronic Devices in School

A. Subject to HSS policy, students may possess and use PEDs, including but not limited to cellular telephones, MP3, iPods and similar music players, radios, Walkmans, CD players, tape, video or other electronic recorders and players, scanners, wireless e-mail devices, cameras, and game devices.

B. Student use of PEDs is subject to the limitations of this Chapter and other HSS policies under the following conditions and guidelines:

1. PEDs shall not be turned on or used in any way during instructional time or when their use is otherwise prohibited by school personnel. 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 ceremonies, etc. If such PEDs are used when prohibited, the device may be confiscated by school personnel. They may be obtained by the parent or guardian from the Principal;

2. Students are required to turn PEDs over to school personnel when requested. Students who refuse to do so may be removed from class or other school activity and shall have committed insubordination and resisting authority;

3. PEDs 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. Athletic directors and principals or designee are encouraged to set guidelines for their use;

4. Use of cameras or the camera features on a cell phone or other PEDs in a restroom, a locker room or for any use constituting an invasion of any person's reasonable expectation of privacy is strictly prohibited;

5. The use of any PED to engage in any act of cyber bullying or other act to cause harm, shame or embarrassment to another shall result in the confiscation of the PED and further disciplinary action against those engaging in such acts or behavior;

6. The Principal may establish and school personnel may enforce additional guidelines appropriate to campus needs to the extent any additional guidelines do not interfere with or are contrary to the policies and procedures set forth in this Chapter and the HSS Manual;

7. Students violating this policy may be subject to disciplinary action up to and including in-school suspension;

8. There is, in certain instances, educational value in utilizing PEDs 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 shall be at the discretion of the classroom teacher and/or Principal unless such device is mandated in the student's individualized education plan (IEP) or the extreme nature of a bona fide emergency renders the securing of such permission impractical under the circumstances; and

9. The HSS is <u>not</u> responsible for any lost, stolen or damaged PEDs or any other personal property a student or other person may bring to a HSS school/facility or to HSS activities. The owner/student assumes all risks for PEDs or other personal property brought to a HSS school/facility or HSS activities. The HSS shall not provide compensation for any item or PED which has been confiscated, lost, stolen or damaged.

APPENDIX A

ORGANIZATIONAL CHARTS

CENTRAL ADMINISTRATION OFFICE
&
ELEMENTARY SCHOOLS AND
HOPI JUNIOR SENIOR HIGH SCHOOL

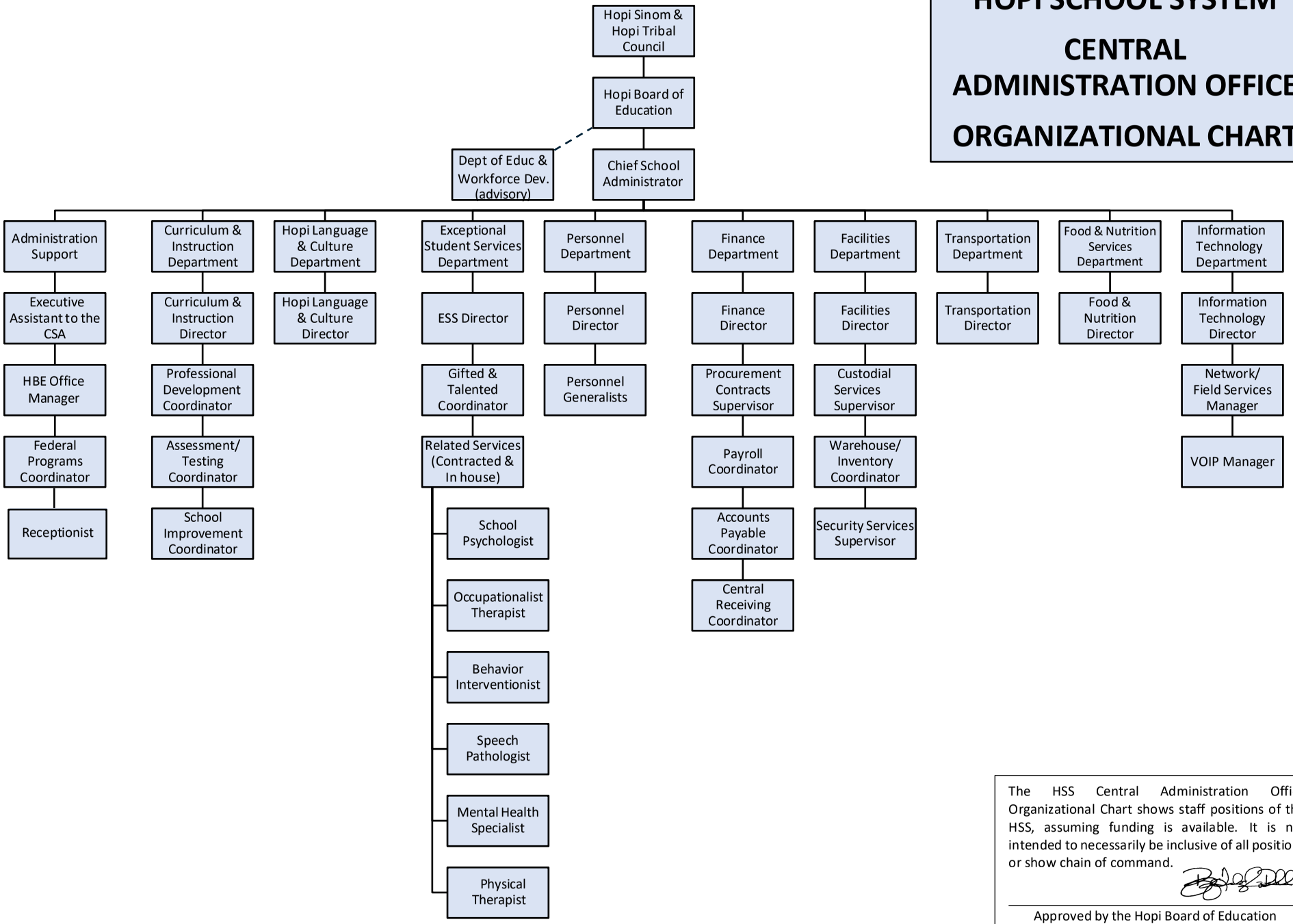
HOPI SCHOOL SYSTEM
POLICIES & PROCEDURES MANUAL

DATED: MAY 17, 2023
AS AMENDED, APRIL 15, 2026

HOPI SCHOOL SYSTEM

CENTRAL ADMINISTRATION OFFICE

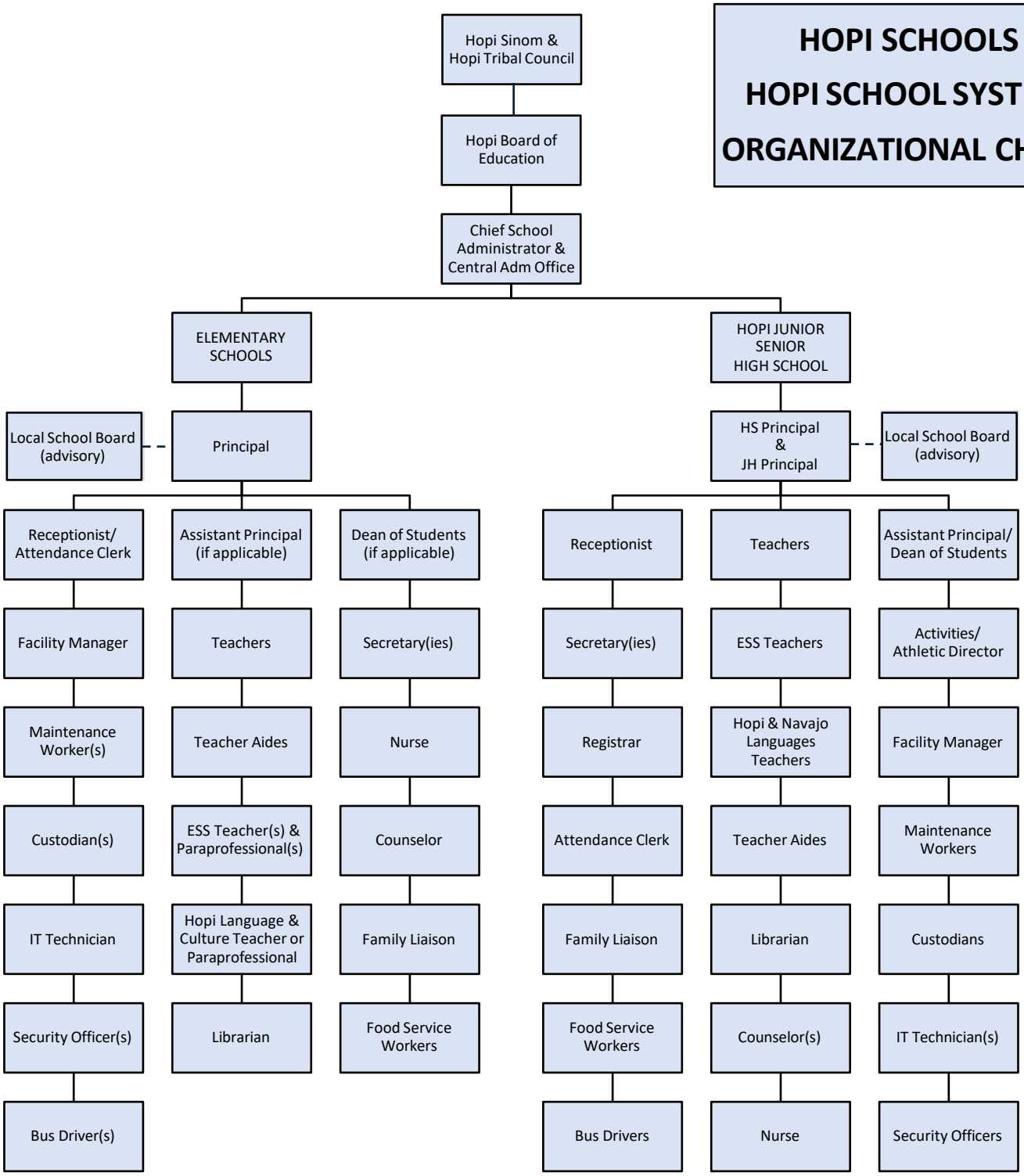
ORGANIZATIONAL CHART



The HSS Central Administration Office Organizational Chart shows staff positions of the HSS, assuming funding is available. It is not intended to necessarily be inclusive of all positions or show chain of command.

Approved by the Hopi Board of Education
Action Item # 06-2024 (05/01/2024).

HOPI SCHOOLS
HOPI SCHOOL SYSTEM
ORGANIZATIONAL CHART



The HSS School Organizational Chart shows staff positions of the HSS, assuming funding is available. It is not intended to necessarily be inclusive of all positions or show chain of command.

Approved by the Hopi Board of Education
Action Item # 06-2024 (05/01/2024).

APPENDIX B

FORMS & NOTICES

HOPI SCHOOL SYSTEM
POLICIES & PROCEDURES MANUAL

DATED: MAY 17, 2023
AS AMENDED, APRIL 15, 2026

HOPI SCHOOL SYSTEM FORMS & NOTICES
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EMPLOYEES/PERSONNEL:

APPLICATION FOR EMPLOYMENT:

- APPLICATION FOR EMPLOYMENT
- BACKGROUND CHECK FORM FOR APPLICANTS
- REFERENCE CHECK FORM FOR APPLICANTS
- CONSENT AND WAIVER TO CONDUCT BACKGROUND CHECKS
- NOTICE OF CONTRACT OFFER AND FORM FOR ACCEPTING CONTRACT OFFER

APPLICATION FOR EDUCATIONAL CLASSES AND TUITION REIMBURESEMENT

AUTHORIZED DRIVER REQUEST FORM

BUS BEHAVIOR REFERRAL

CONFLICT OF INTEREST AGREEMENT

STAFF/BOARD CONFLICT OF INTEREST WAIVER FORM

CREDIT CARD ACKNOWLEDGEMENT AND AUTHORIZATION FORM

DOCUMENT RETENTATION AND DESTRUCTION POLICY

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- FORMAL GRIEVANCE PRESENTATION
- DECISION OF IMMEDIATE SUPERVISOR
- REFERRAL TO PRINCIPAL
- DECISION OF PRINCIPAL
- REFERRAL TO CHIEF SCHOOL ADMINISTRATOR
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- REVIEW BY HOPI BOARD OF EDUCATION

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MEDIA RELEASE FORM
PASSENGER WAIVER
PUBLIC COMMENT FORM
PUBLIC CONCERN—COMPLAINT FORM
RECALL PETITION FORM
REQUEST FOR RECORDS
RESPONSE TO REQUEST FOR RECORDS
REQUEST FOR WAIVER TO ATTEND SCHOOL OUTSIDE ATTENDANCE AREA
STUDENT USE OF TECHNOLOGY AGREEMENT AND RELEASE OF LIABILITY FORM

HOUSING:

HOUSING LEASE AGREEMENT
TENANT PAYROLL DEDUCTION
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NOTICE TO PARENTS, GUARDIANS AND ELIGIBLE STUDENTS REGARDING STUDENT RECORDS
NOTICE: PROCEDURES FOR DRUG AND ALCOHOL TESTING
POSTED AREA NOTICE [RECORDS]

HOPI SCHOOL SYSTEM

Application for Employment

HOPI SCHOOL SYSTEM
ADDRESS: c/o Hopi Department of Education and Workforce Development
P.O. Box 123, Kykotsmovi, AZ 86039
PHONE: 928-734-3503
P.L. 100-297 GRANT SCHOOL SYSTEM

APPLICATION FOR EMPLOYMENT

In compliance with applicable Federal and Tribal equal opportunity laws, qualified applicants are considered for all positions without regard to race, religion, sex, age, disability and national and/or ethnic backgrounds with the exception of the preference given to Indians under the Civil Rights Act of 1964, and subsequent modifications It is the policy of the School, in all employment decisions, to give preference first to qualified Hopi persons, and secondly, to qualified Indians. Further, it is the policy of the HSS to provide for Indian employment whenever possible, consistent with the operation of a high quality educational program. The HSS also provides a hiring preference to veterans.

Position applying for:_____ Date: _____

School applying for:_____

Name: _____ Social Security #:_____

Address: _____Email: _____

Cell number: _____Home number: _____Work number:_____

Are you known by or referred to by another name? ( ) YES ( ) NO

If yes, indicate name: _____ How did you learn of this position? _____

If employed, when will you be available to work? _____

Are you a member of an Indian Tribe? ( ) YES ( ) NO. State Tribe: _____

Do you have a valid, unrestricted Driver's License? YES NO

If offered the position, could you obtain within 2 weeks? Y / N

List any trade or community/village organizations of which you are a member, including offices held:

_____

_____

_____

_____

EDUCATION (List ultimate degree)

☐ GED: Yes __No____ Date received_____Name and Address of Site:_____

Name

_____

City State

_____ Mo____ Yr. _____ to Mo._____ Yr._____

Name of High School

_____ Diploma Received: Yes._____ No._____

Street Address City State Zip Code

Date of Graduation: Mo _____ Yr. _____

List last name(s) if different than above at time of high school attendance: _____

_____ Mo_____ Yr.____ to Mo_____ Yr.____

Name of College/University

_____ Degree Received Yes____ No___

Street Address, City, State, Zip Code

_____ Date Degree Received _____

Degree(s)/Major(s)

Is College/University accredited? ( ) Yes (____) No

List last name(s) if different than above at time of college attendance: _____

Type of Professional License/Certification._____ State_____ Date Received._____

License/Certification # _____

Location where License/Certification was received. _____

EMPLOYMENT HISTORY (list most recent first) (include military service)

May we contact Present Employment? Yes No

_____ _____

Company Name Phone (area code and extension)

_____ _____

Full address (city, state, zip) First and Last Name of Supervisor

_____ _____

Dates of Employment (include month and year) Supervisors Title

_____ _____

Reason for leaving Position Held by Applicant

Describe Duties:

_____

_____

_____

_____

Company Name

Phone (area code and extension)

Full address (city, state, zip)

First and Last Name of Supervisor

Dates of Employment (include month and year)

Supervisors Title

Reason for leaving

Position Held by Applicant

Describe Duties:

Company Name

Phone (area code and extension)

Full address (city, state, zip)

First and Last Name of Supervisor

Dates of Employment (include month and year)

Supervisors Title

Reason for leaving

Position Held by Applicant

Describe Duties:

Company Name

Phone (area code and extension)

Full address (city, state, zip)

First and Last Name of Supervisor

Dates of Employment (include month and year)

Supervisors Title

Reason for leaving

Position Held by Applicant

Describe Duties:

REFERENCES

_____(_____)_____(_____)_____
Name Home Phone# Business Phone#

_____ Years Known_____ Socially_____ Professionally_____
Address

_____ Title_____
Business Address

_____(_____)_____(_____)_____
Name Home Phone# Business Phone#

_____ Years Known_____ Socially_____ Professionally_____
Address

_____ Title_____
Business Address

_____(_____)_____(_____)_____
Name Home Phone# Business Phone#

_____ Years Known_____ Socially_____ Professionally_____
Address

_____ Title_____
Business Address

_____(_____)_____(_____)_____
Name Home Phone# Business Phone#

_____ Years Known_____ Socially_____ Professionally_____
Address

_____ Title_____
Business Address

Please describe special technical and/or other skills, abilities and qualifications or other work experience which further qualify you for the position for which you are applying:

_____

_____

_____

_____

_____

_____

Please describe why you want to work at Hopi School System:

_____

_____

_____

_____

_____

_____

SIGNATURE. CERTIFICATION RELEASE

I certify that answers given herein are true and complete to the best of my knowledge and I hereby authorize designated HSS staff to conduct follow-up consultation regarding my previous employment and other information as may be necessary in arriving at an employment decision. 1 authorize a criminal record background check 1 also understand that if employed, I may be subject to drug testing. I hereby release the HSS and their designated staff from all liability for other employers or individuals' responses to inquiries in connection with this application for employment In the event of employment, I understand that false or misleading information given in my application or interview (s) may result in discharge.

Signature:_____ Date:_____

APPLICATION SUBMITTAL:
Arizona State Certification
Arizona Fingerprint Card
Unofficial Transcripts
High School Diploma
Degree(s), Etc.
Enrollment Card or CIB Card

SUPPLEMENTAL DATA (Please Print Clearly)

Name _____
Last Name, First Name, Middle Name (as listed on Social Security Card)

Date of Birth _____

Social Security Number. _____

Maiden Name or Other Names Used _____
(Please list the year when each name changed.)

Mother's Maiden Name (For applicants who are living or have lived In Puerto Rico or Mexico):_____

Applicant Phone (Home & Cell) Numbers _____Applicant email address _____

Driver's License Number_____ _____ State:_____

HOME ADDRESS FOR PAST 10 YEARS (Use additional page if needed)

Street Address	City, State	Zip code	County	From (MM/YR)	To (MM/YR)

DISCLOSURE STATEMENT

Disclosure

In connection with an evaluation of your qualifications for employment, promotion, reassignment, or retention as an employee, volunteer or contractor with the Hopi School System ("HSS"), HSS may obtain a "consumer report" and an "investigative consumer report" pertaining to you. A "consumer report" consists of any written, oral, or other communication of information by a consumer reporting agency bearing on a person's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. An "investigative consumer report" is a consumer report or portion thereof in which information on a person's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the person reported on, or through personal interviews with others with whom he/she is acquainted or who may have knowledge concerning such items of information.

HSS will be utilizing Corporate Investigations, Inc. ("CII") (2275 Swallow Hill Road, Suite 500, Pittsburgh, Pa 15220,1-800-600-0244, http://ciilink.com a consumer reporting agency, to conduct an investigation into your background and to prepare a consumer report and/or investigative consumer report pertaining to you. In conducting its investigation, CII may contact your neighbors, friends, associates, or other people who may have knowledge of your personal, employment, or educational background. CII may obtain information concerning, among other things, your character, general reputation, personal characteristics, mode of living, diplomas, degrees, licenses, transcripts, credit history, driving record, employment eligibility (E- Verify), employment history, criminal arrests and convictions, motor vehicle violations, records of civil judgments, tax liens, bankruptcy information, and worker’s compensation history.

You have the right to obtain additional disclosures concerning the nature and scope of the investigation that HSS has requested. You also have the right to request a written summary of your rights pursuant to Section 609(c) of the Fair Credit Reporting Act. If you would like to obtain additional disclosures concerning the nature or scope of the investigation that HSS has requested, or if you would like to obtain a written summary of your rights, please submit a written request to HSS. CII's Privacy Statement may be viewed at http://ciilink.com.

Acknowledgment

I hereby acknowledge that I have received and read this Disclosure Statement

Sign Name _____

Print Name _____

Date _____

AUTHORIZATION AND RELEASE

Hopi School System (“HSS") has informed me that HSS may obtain a "consumer report" or "investigative consumer report" pertaining to me, in connection with the evaluation of my qualifications for employment, promotion, reassignment, or retention as an employee, volunteer or contractor of HSS's. HSS has also informed me of the following: (1) that a "consumer report" consists of any written, oral, or other communication of information by a consumer reporting agency bearing on a person's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living; (2) that an "investigative consumer report” is a consumer report or portion thereof in which information on a person's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the person reported on, or through personal interviews with others with whom he/she is acquainted or who may have knowledge concerning such items of information; (3) that HSS will be utilizing Corporate Investigations, Inc. ("CII") (2275 Swallow Hill Road, Suite 500, Pittsburgh, Pa 15220,1-800-600-0244, http://ciilink.com a consumer reporting agency, to assist in conducting an investigative consumer report pertaining to me; (4) that, in conducting their investigation, CII may contact my neighbors, friends, associates, and other people who may have knowledge of my personal, employment, or educational background; and (5) that HSS and CII may obtain information concerning, among other things, my character, general reputation, personal characteristics, mode of living, diplomas, degrees, licenses, transcripts, credit history, driving record, employment eligibility (E-Verify), employment history, criminal arrests and convictions, motor vehicle violations, records of civil judgments, tax liens, bankruptcy information, and worker's compensation history.

I hereby authorize HSS to procure, and CII to prepare, a consumer report and/or investigative consumer report pertaining to me. I further authorize HSS and CII to conduct an investigation into my personal, employment, and educational background for purposes of the preparation of such reports.

I further authorize HSS and CII, in conducting their investigation, to contact my neighbors, friends, associates, and other people who may have knowledge of my personal, employment, or educational background, and for HSS and CII to obtain information concerning, among other things, my character, general reputation, personal characteristics, mode of living, diplomas, degrees, licenses, transcripts, credit history, driving record, employment eligibility (E-Verity), worker’s compensation history, employment history, criminal arrests and convictions, motor vehicle violations, records of civil judgments, tax liens, bankruptcy information, and worker's compensation history. I further authorize CII to provide HSS with the information that CII obtains pursuant to its investigation.

In authorizing this investigation, I will voluntarily provide the supplemental data requested on the attached Supplemental Data Form, to ensure that any records which are located which may refer to a person with a name that is identical or similar to mine are properly determined as referring to, or not referring to, me. I understand that I do not have to provide the supplemental data, and that if I do it will be used only in connection with this investigation. Additionally, I certify that I, the undersigned applicant, have personally completed the Supplemental Data Form and any supporting documents required to conduct my background check.

I hereby release HSS, CII, and any persons providing information to HSS or CII from any and all liability that may arise in connection with the above-described background investigation.

If I am hired as an employee or retained as a volunteer or contractor, this authorization will remain on file and shall serve as an ongoing authorization for HSS to obtain consumer reports and investigative consumer reports at any time during my employment or contractual or volunteer relationship with HSS.

I further agree that copies of this Authorization and Release that show my signature are as valid as the original Authorization and Release that I have signed.

Before signing this Authorization and Release, I have had the opportunity to review this document with anyone of my choosing, including an attorney.

Print Name _____ Social Security Number _____

Sign Name _____ Date _____

corporate investigations, inc.

STATE SPECIFIC NOTICES

If you live or work in any of the states listed below, please note the following:

CALIFORNIA: Applicants residing in California acknowledge receipt of the Notice Regarding Background Investigation Pursuant to California Law. If requested by the Employer, California applicants also acknowledge that the Employer will obtain a consumer credit report from TransUnion through CII and have been advised regarding the specific basis for which the consumer credit report is required.

Additionally, under Section 1786.22 of the California Civil Code, you may view the file maintained on you by Corporate Investigations, Inc. during normal business hours. You may also obtain a copy of this file upon submitting proper identification and paying the costs of duplication Services, by appearing at Corporate Investigations, Inc. in person or by mail. You may also receive a summary of the file by telephone. CII is required to have personnel available to explain your file. If you appear in person, a person of your choice may accompany you, provided that this person furnishes proper identification.

MAINE: Upon request you will be informed whether or not a consumer report was requested, and if such a report was requested, the name and address of the consumer reporting agency furnishing the report. You will be provided a copy of your rights under the Maine Fair Credit Reporting Act.

MASSACHUSETTS: If you contact the Employer's Human Resources department, you have the right to know whether the Employer ordered an investigative consumer report about you. You also have the right to ask the CRA for a copy of any such report.

MINNESOTA: You have the right in most circumstances to submit a written request to the CRA for a complete and accurate disclosure of the nature and scope of any consumer report the Employer ordered about you. The CRA must provide you with this disclosure within five (6) business days after its receipt of your request or the report was requested by the Employer, whichever date is later.

NEW YORK: Applicants seeking employment in the state of New York acknowledge receipt of a copy of article 23-A of New York Correction law.

You have the right to inspect and receive a copy of any investigative consumer report requested by the Employer by contacting the CRA identified below.

Corporate Investigations, Inc.
2275 Swallow Hill Road, Building 500
Pittsburgh, PA 15220 Telephone: 800-600-
0244 Facsimile: 800-891-1399
http://ciilink.com

WASHINGTON STATE: if you submit a written request to the Employer's Human Resources department, you have the right to a complete and accurate disclosure of the nature and scope of any investigative consumer report the Employer ordered about you. You are entitled to this disclosure within five business days after the date your request is received or the Employer ordered the report, whichever is later. You also have the right to request a written summary of your rights under the Washington Fair Credit Reporting Act.

□ California. Massachusetts. Minnesota. New Jersey and Oklahoma Residents only: Please check this box if you would like to receive a copy of a consumer report or investigative consumer report at no charge whenever you have a right to receive such a copy, if one is obtained by the Employer. The report will be provided to you within three (3) business days after the report is provided to the Employer.

I hereby acknowledge that I have received and read the additional state specific notices:

Print Name	Sign Name	Date

BACKGROUND INFORMATION

Please Read Carefully and Thoroughly

1. Have you ever been arrested for, charged with, or convicted of a crime involving a child, violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, crimes against persons, or drugs and alcohol including but not limited to driving under the influence and like or similar offenses? YES NO
    a. If the answer to the above question is Yes, what is the disposition of the arrest or charge?

        _____
        _____
        _____
        _____

If "Yes", use the Additional Space section at the end of this application to list the offense, provide the date, explanation of the violation, disposition of the arrest or charge, place or occurrence and the name and address of the police department.

2. Have you ever been found guilty or, or entered a plea of nolo contendere or guilty of any offense under Federal, State, or tribal law Involving crimes of violence; sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against persons?
    YES NO

If "Yes", use the Additional Space section at the end of this application to provide the date, explanation of the violation, disposition of the arrest or charge, place of occurrence, and the name and address of the police department or court involved.

3. During the last 10 years have you been arrested, convicted, been imprisoned, been on probation, or been on parole? (Include felonies, firearms, or explosives violations, misdemeanors, and all other offenses.) YES NO

If "Yes", use the Additional Space section at the end of this application to provide the date, explanation of die violation, place of occurrence, and the name and address of the police department or court involved.

4. Have you been convicted by a military court-martial in the past 10 years? (If no military service, answer "NO"). YES NO

If "Yes", use the additional space section at the end of this application to provide date, explanation of the violation, place of occurrence, and the name and address of the police department or court involved.

5. Are you under charges for any violation of law? YES NO

If "Yes", use the additional space section at the end of this application to provide date, explanation of the violation, place of occurrence, the name and address of police department/court involved.

6. During the last 5 years, were you fired from any job for any reason, did you quit after being told that you would be fired, did you leave any job by mutual agreement because of specific problems, or were you debarred from Federal, State, or Tribal employment by such respective Agency and/or Tribe? YES NO

If "Yes", use the Additional space section at the end of this application to provide the date, an explanation of the problem and reason for leaving and the employer's name and address.

ADDITIONAL SPACE (Use Separate Sheet for additional information, if necessary)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

I, _____ certify, swear and verify under oath that my response to these questions are made under
(Print Full Name)
penalty of perjury, which is punishable by fines or imprisonment, and I further verify the truth of all information provided in this employment application. I also have received notice that a criminal history record check will be conducted and is a condition of employment.

_____

Signature of Employee/Applicant Date

Local Law Enforcement
Inquiry Check

REQUESTED UNDER P.L 101-630, 'THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT" AND P.L. 101-647 "CRIME CONTROL ACT OF 1990, CHILD CARE WORKER EMPLOYEE BACKGROUND CHECKS"

FROM: HOPI SCHOOL SYSTEM
ADDRESS: c/o Hopi Department of Education and
Workforce Development
P.O. Box 123, Kykotsmovi, AZ 86039
PHONE: 928-734-3503

TO:

DATE:

The person identified below is employed or is being considered for employment or a volunteer, to a position whose duties and responsibilities allow them regular contact with or control over Indian children. To comply with these laws, please search your files and report results on this form within 10 days from date above. The information you provide including your identity will be disclosed to the person identifies below if he or she

PLEASE PRINT CLEARLY:		
FIRST NAME:	*MIDDLE:*	*LAST NAME:*
DATE OF BIRTH:	*SOCIAL SECURITY#:*	
MAIDEN NAME:		

Do your records show that the person identified above has ever been arrested or convicted of an offense against the law, or forfeited collateral, or is now under charges for any offense against the law? (exclude traffic violations for which a fine of $l00 or less was imposed, any offense committed before 18th birthday which was finally adjudicated in a juvenile court or any conviction record of which has been expunged under Federal or State laws) ( )YES ( )N0

If your answer is "YES" please list each charge below or attach report to this form:

DATE	AGE GIVEN	OFFENSE	DISPOSITION

PLEASE RETURN THE REQUESTED INFORMATION TO THE ABOVE ADDRESS. PLEASE REPLY PROMPTLY.

SIGNATURE OF OFFICIAL *TITLE* *DATE*

HOPI SCHOOL SYSTEM
REFERENCE CHECK FORM FOR APPLICANTS

Applicant's Name: _____ Position Applied for: _____

Date of Background Check: _____

Name of Person Contacted: _____ Telephone: _____

Name of School/Business (if applicable): _____

Address: _____

Relationship to applicant:

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

Method of contact: □ Telephone □ Letter □ Facsimile

QUESTIONS FOR FORMER EMPLOYERS / SUPERVISORS:

Dates of employment: _____

Position Held: _____

Final rate of pay: _____

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

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

Any concern about the person being late to work without authorization? □ yes □ no;
If yes, explain:

_____

Any concern with abuse of leave policies (i.e. sick or personal leave)? □ yes □ no;
If yes, explain:

_____

Any concern with abuse of other policies? □ yes □ no;
If yes, explain:

_____

Any difficulty establishing communication and rapport with children? □ yes □ no;
If yes, explain:

_____

Any difficulties in establishing communication and rapport with supervisors? □ yes □ no;
If yes, explain:

_____

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

_____

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

_____

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

Abusive language? _____

Insulting or derogatory comments?_____

Inappropriate contact with a child? _____

Verbal or physical contact of a sexual nature? _____

Dishonesty? _____

Substance Abuse? _____

Failure to provide adequate supervision? _____

Failure to follow reasonable directions or instructions? _____

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

_____

_____

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

Would you rehire this person? _____

_____

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

_____

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

_____

QUESTIONS FOR PERSONAL REFERENCE

How long have you know the applicant? _____

What is the nature of your relationship? _____

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

_____

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

_____

Background check form completed by: _____

Date completed: _____

HOPI SCHOOL SYSTEM

CONSENT AND WAIVER TO CONDUCT BACKGROUND CHECKS

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

_____ have applied for employment with the Hopi School System (hereinafter HSS). As indicated by my signature below I understand that the HSS will conduct a background check of me through any or all of the following:

1. Bureau of Indian Affairs;
2. The United States of America and any of its branches, agencies or departments;
3. The State of Arizona and any of its subdivisions, branches, agencies or departments;
4. The Hopi Tribe and any of its subdivisions, branches, agencies or departments;
5. Any other relevant jurisdiction necessary to determine the fitness of the candidate; and
6. Any private entity retained by the HSS to conduct such background checks.

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

As evidenced by my signature below I consent to any or all of the above noted entities providing all requested information and hereby waive and forever surrender any objection or claim I may have or acquire relative to the background checks or those providing information pursuant to the HSS's request. I further agree and direct that a copy of this request shall have the same force and effect as an original.

This consent is limited to requests for background information from Hopi School System and its authorized agents from _____ to _____.

[Month , Day, Year] [Month, Day, Year]

_____
Signature

_____
Date

HOPI SCHOOL SYSTEM

NOTICE OF CONTRACT OFFER AND

FORM FOR ACCEPTING CONTRACT OFFER

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

The Hopi School System ("HSS") Hopi Board of Education ("HBE") offers you the attached employment contract for the year _________. The date of this offer is ________________________.
[Month, Day, Year]

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

If you wish to accept this contract you must do so in writing (by completing the form below or otherwise) and delivering your written acceptance to the HSS Chief School Administrator on or before

_________________________.
[Month, Day and Year]

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

- -

I, ____, evidenced by my signature below, accept the
[Printed name of Employee]

Contract attached hereto as shown by my signature below and also by my signature on the contract. I understand that the Contract is not valid and the offer is not accepted until I have signed the contract and the contract and acceptance are delivered to the Chief School Administrator.

____
Signature

____
Date

Application for Educational Classes & Tuition Reimbursement
Hopi School System

Name _____ SS# _____

Job Title: _____ Dept. _____

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

_____

_____

_____

NAME & ADDRESS OF ACCREDITED SCHOOL

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

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

REQUIREMENTS FOR REIMBURSEMENT: Upon completion of courses, submit 1) official grade report or transcript, and 2) original receipt for payment to the Personnel Department for reimbursement processing.

Signature of Applicant: _____ Date: _____

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

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

Supervisor: _____ Date: _____

Personnel Dept: _____ Date: _____

Finance Dept: _____ Date: _____

Principal: _____ Date: _____

Chief School Administrator: _____ Date: _____

Hopi Board of Education: _____ Date: _____

APPLICATION FOR EDUCATION REIMBURSEMENT
HOPI SCHOOL SYSTEM

NAME _____ SS#_____
JOB TITLE _____
DEPT_____

CLASSIFICATION ☐ exempt ☐ non-exempt

PLEASE SPECIFY ANY PAYROLL ADJUSTMENT OR CHANGE YOU WISH TO MAKE

_____
_____

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

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

NAME AND ADDRESS OF ACCREDITED SCHOOL

_____

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

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

Signature of Applicant _____

Date:_____

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

Supervisor	_____	Date	_____
Personnel	_____	Date	_____
Finance	_____	Date	_____
Principal	_____	Date	_____
Chief Sch. Admin.	_____	Date	_____
Hopi Bd. of Educ.	_____	Date	_____

Approved Amount _____

Identify Account No. _____

HOPI SCHOOL SYSTEM

AUTHORIZED DRIVER REQUEST FORM

Name: _____

Address: _____

_____

_____

Position: _____

Driver's License No.: _____

I certify that all the information above is correct and that I have informed my supervisor of any offenses on my driving record. I have read, understood and agree to comply with the Hopi School System Vehicle Use Policy. I agree to inform my supervisor should my license be revoked or suspended or should my driving record become impaired.

I understand that my failure to provide accurate information to my supervisor may result in disciplinary measures.

Date: _____

_____ _____

Employee Supervisor

HOPI SCHOOL SYSTEM
BUS BEHAVIOR REFERRAL

Student:_____
School:_____
Selection No.:_____ Date:_____( ) A.M. ( )P.M.
Driver:_____ Location/Garage:_____

REASON FOR REFERRAL:

( ) CONTINUOUSLY NOT STAYING IN THE SEAT
( ) LITTERING ON THE BUS
( ) TOO LOUD OR BOISTEROUS
( ) SMOKING OR LIGHTING MATCHES
( ) THROWING OR SHOOTING OBJECTS
( ) USING FOUL OR ABUSIVE LANGUAGE
( ) FIGHTING, PUSHING, OR TRIPPING ON THE BUS
( ) GETTING TO BUS STOP LATE
( ) DAMAGING BUS
( ) DISRESPECT TO DRIVER OR OTHER RIDERS
( ) OTHER (BE SPECIFIC)

Please give details on incident_____
_____
_____
_____

Driver's Signature_____

Action taken by Principal_____
_____
_____
_____

Principal's Signature_____ Date_____

( ) Parents are to sign and return to Principal when checked.

(Parent's Signature) _____

(Please write any comments on back)

CONFLICT OF INTEREST AGREEMENT

HOPI SCHOOL SYSTEM

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

Actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or a relative of that employee. For the purposes of this policy, a relative is person who is defined as a relative under the Hopi School System's (HSS) hiring policy (see HSS Policies and Procedures Manual, Section 5016 - Anti-Nepotism).

HSS business dealings with outside firms should not result in personal financial gains for any employee or his or her relatives (see Section 5016). An employee who has, or whose relative has a substantial personal interest in any decision of the HSS, shall make known the interest in the official records of the HSS, and shall refrain from participating in or influencing the HSS's position on any matter as an employee in such a decision. Personal gain may result not only in cases where an employee or relative has a significant ownership of a firm with which the HSS does business but also when an employee or relative receives any kick-back, bribe, substantial gift, or special consideration as a result of any transaction or dealings involving the HSS. All transactions that can be interpreted to involve personal financial gain shall require specific Hopi Board of Education approval.

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

The undersigned employee, as evidenced by their signature below has reviewed HSS Personnel Policies Section 5016 and 5017 (Conflict of Interest); and any related Construction Policies of the HSS, understands said policies and requirements, and agrees to comply with and be bound by said policies and requirements as an employee of the HSS. Employee understands that failure to comply with the above noted Conflict of Interest Provisions may result in disciplinary action up to and including termination.

I have been provided with a copy of this signed Conflict of Interest Agreement and understand that a signed copy will be placed in my personnel file.

_____ _____

Employee Signature Date

_____

Employee Print Name

HOPI SCHOOL SYSTEM
STAFF/BOARD CONFLICT OF INTERENT WAIVER FORM

I, _____, do hereby indicate:

1. That I am presently an employee/Hopi Board of Education Member of the Hopi School System;

2. That I (or my relative(s);

   _____) have a substantial interest in the employment, contract, sale, purchase, or service to or decision by the Hopi School System Hopi Board of Education (HBE) as described below.

3. That I shall refrain from participating in any manner in my capacity as a HBE Member or an employee of Hopi School System in such employment contract, sale, purchase, service to, or decision by the HBE unless specifically permitted to do so by law.

_____ _____
Date Signature

_____
Print Name

HOPI SCHOOL SYSTEM

CREDIT CARD ACKNOWLEDGEMENT AND AUTHORIZATION FORM

I, _____, as evidenced by my signature below, have read the Hopi School System's (HSS) policies regarding credit card use and agree as follows:

1. I understand the policies;

2. I understand that the use of the school credit card is strictly limited as set forth in the policies and that any use outside those strict limits will result in those charges being assessed against me, personally;

3. I agree to immediately reimburse the HSS for any such charges assessed against me with interest at a higher rate than that charged by the credit card;

4. I further authorize the HSS to deduct any charges assessed against me relative to the use of the HSS credit card from any payments the HSS may owe me for payroll, payment of stipends, per diems, and from any other source whatsoever; and

5. Reimbursement of charges does not waive any criminal liability of the employee.

_____ _____

User Date

HOPI SCHOOL SYSTEM
DOCUMENT RETENTATION AND DESTRUCTION POLICY

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

Document Retention Procedure
HSS follows the document retention procedures outlined in the attached Appendix. Documents that are not listed, but are substantially similar to those listed in the schedule will be retained for the appropriate length of time.

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

Emergency Planning Procedure
HSS records will be stored in a safe, secure and accessible manner. Documents and financial files that are essential to keeping HSS operating in an emergency will be duplicated or backed up in a separate location or forwarded to be maintained at the Departmental office.

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

Compliance
Failure on the part of HSS Principal or designee and Hopi Board of Education (HBE) Members to follow this policy can result in possible civil and criminal sanctions against HSS and possible disciplinary action against responsible individuals. The HBE will periodically review these procedures to ensure that they are in compliance with new or revised regulations.

Approved by the Hopi School System Hopi Board of Education: _____

Appendix:
Personnel Records

Generally, personnel records include, but are not limited to, pre-employment documents, hiring records, payroll records, timecards, background check information, medical records, health and safety information, medical, dental and vision benefits information, drug test records, Form I-9, FMLA records, ADA records, disciplinary records, performance reviews, resignation letter, and 401(k) documents. The length of time employee records must be kept varies, according to federal, tribal and state laws concerning employer record keeping. Because record keeping rules vary, HSS finds it prudent to maintain employee records for the maximum length of time or longer. Here, HSS finds that maintaining employee records for seven (7) years after the employee's employment ends will comply with all applicable laws, unless a litigation hold, subpoena or court order is issued requiring longer.

Student Records

General:

Student records must be kept in compliance with all applicable federal, tribal and for any charter or state schools, state statutes, regulations or grant conditions. Where there are no such statutes or regulations, HSS shall use the records retention and disposition schedule in Records Retention and Disposition for Arizona School Districts which may be found at http://www.lib.az.us/records/school.cfm. 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 HSS. HSS 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 HSS to the jurisdiction of Arizona courts or the application of Arizona law.

Special Education:

A. Special education including placement records, referrals, evaluations, testing data, etc. shall be maintained for four (4) fiscal years after a student's final enrollment in the special education program. — 4 years

B. Special education census records shall be maintained for five (5) years after the fiscal year in which they were prepared. — 5 years

C. HSS shall follow 34 C.F.R. § 300.624 regarding notification to parents of destruction of information and records relative to special education.

D. Medicaid (MIPS) records. — 5 years

Item #	Record Series	Retention (Yrs.)	Remark
1.	Daily Attendance Records (attendance records for the school and not individual student attendance records This series include student sign in/out logs	4	After fiscal year created or received
2.	School Registers	4	After fiscal year created or received
3.	Certificates of Educational Convenience (CEC)	4	After fiscal year of last attendance
4.	Disciplinary Records	4	After fiscal year of last attendance
5.	Excused Absence Records	4	After fiscal year created or received
6.	Child Abuse Reports	2	After student's 18th birthday
7.	Counseling Session Records	4	After fiscal year of last attendance
8.	Professional and Writing Records	4	After fiscal year of last attendance
9.	Federal Survey Records	3	After fiscal year created or received
10.	Access and Release Records	4	After fiscal year of last attendance
11.	Grade records (class grade books and not individual student's grades)	2	After grades transferred to permanent student records
12.	Standardized Test Score Sheets (including AIMS)	3	After scores transferred to permanent student records
13.	Student Activities Records (including extracurricular activities, awards, recommendations, and other related records)	4	After fiscal year of last attendance
14.	Pesticide Notification Records	2	After posted
15.	Health Records (including basic identifying data, general medical history, medical reports, vision and hearing tests, student accident reports, and other related records but does not include immunization records)	3	After fiscal year of last attendance

Item #	Record Series	Retention (Yrs.)	Remark
16.	Immunization Records (card specified by Department of Health Services)	Permanent	Preserve pursuant to ARS §39-101
17.	Anecdotal Records	4	After fiscal year of last attendance
18.	Non-medical Professional Reports (including reports from psychologists, social workers and other related records)	4	After fiscal year of last attendance
19.	Student Withdrawal Notices	4	After fiscal year of withdrawal
20.	Permanent Student Records (including personal identifying information (name, student identification number, etc.), transcript of final grades summary of attendance and standardized test scores)	Permanent	Preserve pursuant to ARS §39-101
21.	Special Education Records (including placement records, referrals, evaluations, testing data and other related records)	4	After fiscal year of final enrollment in program **(Parents must be notified prior to destruction of special education records)**
22.	Special Education Census Records	5	After fiscal year created or received
23.	Student Insurance Records	4	After fiscal year of last attendance
24.	Student Population Studies	3	After fiscal year created or received
25.	Tuition Program Records	4	After fiscal year created or received
26.	Affidavits of Intent to Home School (office copy-official copy with County Superintendent of Schools	4	After fiscal year of last attendance
27.	Juvenile Probation Records	3	After student's 18th birthday

Item #	Record Series	Retention (Yrs.)	Remark
28.	Registration Records for Students Who Never Attend School	4	After fiscal year of created or received
29.	Pre-school Records (students not continuing in school district)	1	After fiscal year of last attendance
30.	Composite Test Scores and Growth Models (not scores of individual students but general school and district scores)	-	After administrative value has ended
31.	Annually Updated Records (including computer use agreements and annual questionnaires including residency questionnaire)	-	After superseded or obsolete
32.	All Other Non-permanent Student Records	4	After fiscal year of last attendance

Hopi Board of Education/P.L. 100-297 Grant Records

HBE Meeting and HBE Committee Minutes	Permanent
HBE Policies/Resolutions	Permanent
By-laws	Permanent
Bureau of Indian Education/Federal or State Agency Correspondence	Permanent
Annual Reports	Permanent
Fixed Asset Records (equipment, etc.)	Permanent
Tax-Exempt Status Application and Determination Letters	Permanent
Contracts (after expiration)	7 years
Correspondence (general)	3 years

Accounting and Tax Records

Annual Audits and Financial Statements	Permanent
Depreciation Schedules	Permanent
General Ledgers	Permanent
Business Expense Records	7 years
Cash Receipts	3 years
Credit Card Receipts	3 years
IRS Form 1099s*	7 years
Invoices	7 years
Journal Entries	7 years
Sales Records (registration forms, etc.)	5 years

Bank Records

Check Registers	Permanent
Bank Deposit Slips	7 years
Bank Statements and Reconciliation	7 years
Donor Records and Acknowledgement Letters	7 years
Electronic Fund Transfer Documents	7 years
Grant Applications and Contracts (after completion)	5 years after completion

Legal Records

Copyright or Trademark Registrations	Permanent
Insurance Policies	Permanent
Stock and Bond Records	Permanent

Press Releases/Public Filings

Press Releases	Permanent
Other Publications, Photos, Press Clippings	7 years

*IRS 1099s: Should HSS pay any one individual a sum of $600 or more cumulative in honorariums, scholarship dollars, raffle money or prizes, etc., HSS must issue that individual a Form 1099.

HOPI SCHOOL SYSTEM

DRUG-FREE WORKPLACE

NOTICE TO EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Sections 5403 through 5415 (Drug Free Workplace Policies) of the Hopi School System's (HSS) policies and procedures for any employee to violate the law or HSS's policies in the manufacture, distribution, dispensing, possession or use, on or in the workplace, of alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 C.F.R. §§ 1300.11 through 1300.15, and amendments thereto.

The term "workplace" includes any place where work is performed, including a HSS building or other HSS premises; any HSS-owned vehicle or any other HSS-approved vehicle used to transport students to and from the HSS or HSS activities; and off-HSS property during any HSS-sponsored or HSS-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the HSS. In addition, the workplace shall include all property owned, leased or used by the HSS for any educational purpose.

YOU ARE FURTHER NOTIFIED that it is a condition of your employment that you will comply with Sections 5403 through 5415 of the HSS's policies and procedures, and will notify your supervisor of your conviction under any criminal drug statute for a violation occurring in the workplace, not later than five (5) days after such conviction; that you will abide by the terms and requirements of this notice and those in the Drug Free Workplace sections (5403-5415) of the Policies and Procedures Manual, and, that you will make available and permit inspection, for the purpose of assuring a drug free workplace, of all school personnel or any other property in or brought into the workplace which is under your control or use; without prior notice.

Any employee who violates the terms of the HSS's drug-free workplace policies and procedures in any manner is subject to discipline, which may include, but is not limited to, dismissal and/or referral for prosecution.

I have been provided with two (2) copies of this Notice to Employees for my review and signature. I understand that a signed copy will be placed in my personnel file.

_____ _____

Signature of Employee Date

HOPI SCHOOL SYSTEM

EDUCATIONAL EXPENSE REIMBURSEMENT AGREEMENT

THIS EDUCATIONAL EXPENSE REIMBURSEMENT AGREEMENT is entered into between the Hopi School System ("HSS") Hopi Board of Education ("HBE") and _____ ("Employee") and sets out the terms and conditions for receipt of Educational Expense Reimbursement for the enhancement of the professional skills and development of Employee.

Employee recently requested approval for reimbursement of expenses for an educational course. In accordance with our Staff Development Plan/Tuition Reimbursement Policy, Employee must complete the following Educational Expense Agreement, receive approval from the HBE, and complete the course prior to receiving reimbursement of expenses.

As part of HSS's Staff Development Plan/Tuition Reimbursement Policy, HSS agrees to reimburse Employee for expenses related to the course specified below:

Course: _____
Sponsor or College/University: _____
City, State: _____
Dates of Attendance: _____to _____
Total Expense Amount: $_____

In consideration of payment of these expenses, the parties agree to the following:

1. If Employee is terminated from employment or resigns from employment with HSS after completion of the course and prior to completing two (2) years of active employment, Employee will refund the entire amount of the educational expenses provided. HSS may subtract this amount from any salary or payment HSS may owe Employee.
2. If Employee earns less than an "A" grade, reimbursement will be prorated. The prorated amount will be a percentage based on grade: "B" grade = 90%, "C" grade = 80%. If Employee received a "D" grade, failing grade or withdrawals from the course specified above, the Employee will not receive reimbursement of tuition.
3. Teachers and Para-professional instructors are eligible for reimbursement up to $2,000.00 per year, depending on availability of funds, to be reimbursed for tuition and fees for job related course work.
4. HSS agrees to make every prudent effort to provide a position at HSS in order for Employee to fulfill the requirements of this Agreement. The failure of HSS to make a position available to Employee shall absolve Employee of the refund requirements of this Agreement.
5. If any action is brought to enforce any provision of this Agreement by HSS, Employee agrees to pay all costs associated with the action as well as any costs of litigation, including all reasonable attorney fees.

This Educational Expense Agreement creates no contract of employment between Employee and HSS.

Employee: _____

Agreed to by: _____

Signature of Employee:_____
Employee's printed name: _____

Date: _____

Hopi School System
Hopi Board of Education Chairperson: _____
(signature)

HOPI SCHOOL SYSTEM

EMPLOYEE ACKNOWLEDGEMENT FORM OF HSS POLICIES

The Hopi School System Policies and Procedures Manual ("HSS Manual") contains important information about the Hopi School System. I understand that I should consult my supervisor regarding any questions not answered in the HSS Manual.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the HSS Manual may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies and/or procedures. Only the Hopi Board of Education has the ability to adopt any revisions to the policies in the HSS Manual.

By my signature below, I acknowledge my understanding of and consent to Section 4513 (Determination of Value or Cost of Repair of Lost, Stolen or Damaged Property). I agree that the reasonable and proper value or cost of the repair of lost, stolen or damaged property, for which I am the responsible custodian, shall be deducted from any money owing to me by the HSS.

Furthermore, I acknowledge that HSS Manual, and revisions to it, are part of my contract of employment with the HSS. ***I have received these Policies, and I understand that it is my responsibility to read and comply with the policies contained in the HSS Manual and any revisions made to it.***

_____ _____

EMPLOYEE'S SIGNATURE DATE

_____

EMPLOYEE'S NAME (PRINT)

HOPI SCHOOL SYSTEM EMPLOYEES
USE OF COMPUTERS, THE INTERNET AND ELECTRONIC MAIL
AGREEMENT AND PERMISSION FORM

Hopi School System (hereinafter "School" or "HSS") is pleased to offer staff and community members (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 on the form below.

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 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 HSS's computer resources.

General conditions for use

Privacy – IT Managers may review communications to maintain system integrity and ensure that Users are using the system responsibly and within the HSS's policies and guidelines.

Storage capacity – Users are expected to remain within allocated disk space and delete e-mail or other material which 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 IT Director.

Inappropriate materials or language – No profane, abusive or impolite language should be used to communicate nor should materials be accessed which are not consistent with the rules of School behavior. Should Users encounter such material by accident or otherwise, they should report it to the IT Director 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 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 HSS's Internet policy.

10. Read and adhere to the HSS's Internet Use policy attached hereto.

11. Read and adhere to the HSS's social Internet policies and anti-harassment policies.

12. Do not reveal your home address or personal telephone number or the addresses and telephone numbers of students, staff or colleagues.

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.

INTERNET USE AGREEMENT

USER:

Name _____

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

I have read the HSS'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 _____

HSS EMPLOYEE LAPTOP/DEVICE AGREEMENT

I understand that I am being issued a laptop/device to facilitate student instruction and enhance student achievement. It will be in my possession for use at and away from school. I understand that I am responsible for the laptop/device, including accessories and peripherals issued to me. I will care for the laptop/device in such a manner as to prevent loss or damage.

I understand and agree that I am responsible to HSS for the cost of any laptop/device that is damaged, lost or stolen as a result of my intentional act, neglect, or abuse of the laptop/device. I agree to the conditions and to fully cooperate with property loss reporting requirements and documentation.

-- I understand that I will return the laptop at the end of the school year and will sign-off on the Return Date portion of this form.

-- In the event of damage, loss or theft of the laptop/device, I will immediately notify my principal and the IT Department.

-- I understand that damage to the laptop/device is my responsibility, and that I may be held responsible for payment of repairs.

-- If the laptop/device is lost or stolen due to negligence and failure to adhere to Hopi Board of Education Policies, Rules or guidelines, including this agreement, I will be responsible to reimburse HSS for the replacement cost.

-- The laptop/device should be transported and stored carefully with its protective bag/cover so it is not susceptible to damage.

The laptop/device should not be left inside a vehicle where temperature extremes can permanently damage the unit and/or its components.

-- The laptop/device should not be left unattended in any unlocked area; i.e. classroom, instructional area, office, vehicle, or common area.

-- The laptop should be secured in a desk, cabinet, bag or other secured space/place and should not be left visible while not in the user's possession or out overnight in the classroom.

-- This laptop/device is issued to an HSS employee "You" and you only; not your daughter at college, a relative using it to surf the web and so on. Treat the laptop/device as a HSS vehicle and remember it is HSS property.

-- I may not make any permanent personally identifying marks on the laptop computer.

-- Any data corruption or configuration errors caused by the installation of unauthorized or illegal software may result in a loss of all data on the laptop and/or system due to the need for a complete system reload.

-- Use of this laptop is governed by and subject to the rules and conditions contained in the HSS Internet Use Policy and other applicable Hopi Board of Education Policies, Rules and Guidelines.

-- The laptop/device, power adapter and protective bag/cover will be returned to HSS immediately upon resignation, re-assignment and/or termination of my employment, or at any other time specified by HSS authority.

My signature below indicates I have thoroughly read and understand the above information.

Signature:_____

Printed Name:_____

Issue Date:_____ (Beginning of New School Year)

Return Date:_____ (End of School Year)

HSS Tag#:_____

HOPI SCHOOL SYSTEM

NONDISCRIMINATION/HARASSMENT REPORT FORM

(To be filed with the Chief School Administrator as provided in HSS Manual Section 5433)

Please print clearly

Name: Date:

Address:

Telephone: Alternative phone:

Complaint is against:

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

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

Date of the action against which you are complaining:

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

NAME ADDRESS TELEPHONE NO.

The projected solution:

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

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

_____

Signature of Complainant

The Chief School Administrator shall give one copy to the complainant and shall retain one copy for the file.

STAFF GRIEVANCES

LEVEL I **GRIEVANCE**
FORM A

FORMAL GRIEVANCE PRESENTATION

To be completed by grievant within five (5) business days after the last informal conference but no later than fifteen (15) business days after the employee knew or should have known of the act or omission giving rise to the grievance.

GRIEVANT_____ DATE OF LAST INFORMAL PRESENTATION_____

SCHOOL_____ IMMEDIATE SUPERVISOR_____

ASSIGNMENT_____

POLICY OR REGULATION ALLEGED TO HAVE BEEN VIOLATED _____

STATEMENT OF GRIEVANCE:

ACTION REQUESTED:

_____
(SIGNATURE OF GRIEVANT)

STAFF GRIEVANCES

LEVEL I **GRIEVANCE**
FORM B

DECISION OF IMMEDIATE SUPERVISOR

To be completed by immediate supervisor
within five (5) business days after formal filing.

GRIEVANT_____

DATE OF FORMAL GRIEVANCE PRESENTATION_____

SCHOOL_____

SUPERVISOR_____

ASSIGNMENT_____

DECISION OF IMMEDIATE SUPERVISOR
AND REASONS THEREFOR:

DATE OF DECISION_____ _____
(SIGNATURE OF IMMEDIATE SUPERVISOR)

GRIEVANT'S RESPONSE (To be completed by the grievant within five (5) days after the decision):

_____ I accept the above decision of the immediate supervisor.

_____ I hereby refer the above decision to the Principal, with reasons detailing nonacceptance at Level I and any relief sought (Level II). I attach all related Grievance Forms for the appeal.

DATE OF RESPONSE_____ _____
(SIGNATURE OF GRIEVANT)

STAFF GRIEVANCES

LEVEL II **GRIEVANCE**
FORM C

REFERRAL TO PRINCIPAL

To be completed by immediate supervisor
Within five (5) business days of immediate supervisor's response.

GRIEVANT_____

DATE OF FORMAL GRIEVANCE PRESENTATION _____

DETAIL REASONS FOR NONACCEPTANCE OF GRIEVANCE
DECISIONS AND ANY RELIEF SOUGHT:

_____ The attached grievance is hereby referred to the Principal.

DATE OF REFERRAL_____ _____
(SIGNATURE OF GRIEVANT)

STAFF GRIEVANCES

LEVEL II **GRIEVANCE**
FORM D

DECISION OF PRINCIPAL

To be completed by the Principal
within five (5) business days.

GRIEVANT _____

DATE OF FORMAL GRIEVANCE PRESENTATION _____

DATE APPEAL RECEIVED BY PRINCIPAL _____

DATE PERSONAL CONFERENCE HELD BY PRINCIPAL (OPTIONAL)_____

DECISION OF PRINCIPAL AND REASONS THEREFOR:

DATE OF DECISION_____ _____
(SIGNATURE OF PRINCIPAL)

GRIEVANT'S RESPONSE (To be completed by the grievant within five (5) business days after the decision):

_____ I accept the above decision of the Principal.

_____ I hereby appeal to the Chief School Administrator for review of this grievance (Level III). I attach all related Grievance Forms for the appeal.

DATE OF RESPONSE_____ _____
(SIGNATURE OF GRIEVANT)

STAFF GRIEVANCES

LEVEL III **GRIEVANCE**
FORM E

REFERRAL TO CHIEF SCHOOL ADMINISTRATOR

To be completed by Principal
Within five (5) business days of Principal's response.

GRIEVANT_____

DATE OF FORMAL GRIEVANCE PRESENTATION _____

DETAIL REASONS FOR NONACCEPTANCE OF GRIEVANCE
DECISIONS AND ANY RELIEF SOUGHT:

_____ The attached grievance is hereby referred to the Chief School Administrator.

DATE OF REFERRAL_____ _____
(SIGNATURE OF GRIEVANT)

STAFF GRIEVANCES

LEVEL III **GRIEVANCE**
FORM F

DECISION OF CHIEF SCHOOL ADMINSTRATOR

To be completed by the Chief School Administrator within five (5) business days.

GRIEVANT_____

DATE APPEAL RECEIVED BY CHIEF SCHOOL ADMINSTRATOR _____

DATE PERSONAL CONFERENCE HELD BY CHIEF SCHOOL ADMINSTRATOR (OPTIONAL)_____

DECISION OF CHIEF SCHOOL ADMINSTRATOR AND REASONS THEREFOR:

_____

_____

_____

_____

DATE OF DECISION_____ _____
(Signature of Chief School Administrator)

GRIEVANT'S RESPONSE (To be completed by the grievant within five (5) business days after the decision):

_____ I accept the above decision of the Chief School Administrator.

_____ I hereby appeal to the Hopi Board of Education for a review of this grievance (Level IV).

DATE OF RESPONSE_____ _____
(SIGNATURE OF GRIEVANT)

STAFF GRIEVANCES

LEVEL IV (Final Action) **GRIEVANCE FORM G**

REVIEW BY HOPI BOARD OF EDUCATION

GRIEVANT _____

DATE OF FORMAL GRIEVANCE RECEIVED BY THE CSA _____

DATE OF FORMAL GRIEVANCE PRESENTATION _____

_____ The attached grievance has been provided to the Chief School Administrator for appeal and consideration by the Hopi Board of Education.

DATE HEARING HELD BY HOPI BOARD OF EDUCATION (OPTIONAL)_____

DETAIL REASONS FOR NONACCEPTANCE OF GRIEVANCE
DECISION AT LEVEL III AND ANY RELIEF SOUGHT:

HOPI BOARD OF EDUCATION RESPONSE (TO BE COMPLETED WITHIN FIFTEEN (15) BUSINESS DAYS OF REVIEW):

_____

_____

_____

DATE OF RESPONSE_____ _____
Hopi Board of Education Chairperson or Designee

GRIEVANT'S RESPONSE:

_____ I accept the above decision of the Hopi Board of Education.

_____ (SIGNATURE OF GRIEVANT)

HOPI SCHOOL SYSTEM

WHISTLEBLOWER POLICY

The Hopi School System ("HSS") Hopi Board of Education approves the inclusion of the following statement in the Employee Handbook, and directs the Principal to ensure that it is given to and acknowledged by all employees. In addition, the Principal will ensure that whistleblower protection notification is posted in the workplace(s) as required by state law.

Notes: The Whistleblower Policy extends beyond the law by encouraging reporting of law violations as well as prohibiting retaliation. Whistleblower Posters can be downloaded from each state.

Policy: If any employee reasonably believes that some policy, practice, or activity of HSS is in violation of law, a written complaint may be filed by that employee with the Principal.

It is the intent of HSS to adhere to all laws and regulations that apply to HSS, and the underlying purpose of this Policy is to support HSS's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of HSS and provides HSS with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

HSS will not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of HSS, or of another individual or entity with whom HSS had a business relationship, on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of public policy.

HSS will not retaliate against an employee who discloses or threatens to disclose to a supervisor or a public body any activity, policy, or practice of HSS that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy concerning health, safety, welfare, or protection of the environment.

My signature below indicates my receipt and understanding of this Policy. I also verify that I have been provided with an opportunity to ask questions about the Policy.

_____ _____

Employee Signature Date

_____

Employee Print Name

HOPI SCHOOL SYSTEM

CONSENT TO RELEASE OF INFORMATION

I hereby authorize Hopi School System 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

Parent/Guardian Print Name: _____

HOPI SCHOOL SYSTEM

FAMILY TEACHER ORGANIZATION

MEMBERSHIP FORM

All parents, grandparents and/or legal guardians of students at Hopi School System are eligible to be members of the Family Teacher Organization (FTO). There are no membership dues for FTO members. We invite each family member, who are defined in HSS Policies and Procedures Manual, Section 9120(A), as "mothers, fathers, and legal guardians of students in their respective school", to become involved in our activities including service projects, social events for both children and adults, fundraisers, and support groups for school-sponsored activities. In order to ensure that we include all new and returning members and comply with applicable laws, we ask that you complete the following form for FTO records. Thank you.

Father's Name _____ Mother's Name _____

Father's Address _____ Mother's Address _____
Street/P.O. Box Street/P.O. Box

_____ _____
city state zip city state zip

Father's Phone (home)_____ Mother's Phone (home)_____
(work)_____ (work)_____
E-mail_____ E-mail_____

Guardian or Other Members' Name and Directory Information:

Name _____

Address _____
street

_____
city state zip

Phone (home)_____
(work)_____
E-mail_____

Optional:

a. Special talents or abilities you would like to share with FTO:

b. Child(ren)'s Name(s) and Grade level(s) for the upcoming school year to whom you are related or in whom you are interested. If your interest is general and not specific to a specific student, please so note:

HOPI SCHOOL SYSTEM
FAMILY TEACHER ORGANIZATION
COMPLAINT FORM

Any parent/grandparent/legal guardian who wishes to file a complaint regarding the Family Teacher Organization (FTO) must fill out this form completely and turn it in to the Principal of _____ [name school] of the Hopi School System (HSS). All complaints will be processed in accordance with HSS policies.

Complainant: Name:_____

Address:_____

Telephone:_____

Please state date of the event or series of events causing the Complaint.

_____
_____
_____

Please state your Complaint including the individual harm alleged.

_____
_____
_____
_____
_____
_____
_____
_____
_____

Please state specific facts of which you are aware to support your Complaint (list in detail).

_____
_____
_____
_____
_____

Please state your desired outcome.

_____
_____
_____
_____
_____

Dated:_____ Signature:_____

HOPI SCHOOL SYSTEM -- MEDIA RELEASE FORM

The Hopi School System and its schools use photographs and videos of our students in a variety of printed and online media, including viewbooks, yearbooks, e-newsletters, the HSS and schools' websites, brochures, admissions materials, fundraising efforts, the HSS and schools' official social media outlets, and occasionally with local or national news media. In promoting the HSS, the school and our students, we sometimes use students' names, images and samples of work. These might include photographs, video/audio recordings, quotations, student writing, and artwork.

Photographs, video, and/or audio tapes of student performances and samples of student work intended for publication or display may be stored in the HSS/school archives and/or library for preservation. This release applies to media intended for the general public. All students are presented in in-house publications such as classroom newsletters and online publications that are access restricted.

I agree to release and hold the HSS and my school harmless from any and all damages or injury to me or to my child arising from said publication and waive all claims for compensation for use or for damages.

Please choose an option below, sign, and return the form to your school as soon as possible. If this form is not returned within ten (10) days of your child's first day of school, it will be regarded as "consent" by the Hopi School System.

____ Yes, I give consent for my school/HSS to use and publish my child's name, photographs, videotape, and work product produced during the course of the school year which may subsequently be archived by Hopi School System.

____ No, I do not give consent for my school/HSS to use and publish my child's name, photographs, videotape, and work product produced during the course of the school year which may subsequently be archived by Hopi School System.

Parent's Name (Print): _____

Parent's Name (Signature): _____

Student's Name (Print): _____ Date: _____

HOPI SCHOOL SYSTEM

PASSENGER WAIVER

This waiver form is to be signed by all passengers in Hopi School System (HSS) vehicles or any other vehicle used for HSS approved activities. Under Section 6411 of the HSS Policies and Procedures Manual, only passengers who have a direct or formal relationship with the HSS may ride in a HSS owned or operated vehicle, for example, student, employee, or authorized volunteer/parent.

All drivers of HSS or other vehicles for HSS approved activities must be Authorized Drivers. Please submit this form, signed by all passengers, before leaving School campus by depositing the form with or at the Principal's office.

[*This blank form may be copied if you need more waiver forms.]*

*EVENT:*_____ *NAME:*_____
DEPARTMENT _____
*DESTINATION:*_____
*DATE & TIME OF DEPARTURE/RETURN:*_____/__ _____

LIABILITY, RISK ACKNOWLEDGMENT, AND CLAIMS RELEASE FORM

I, the undersigned, wish to be transported as a passenger in a Hopi School System ("HSS") vehicle driven by _____ in order to participate in _____ (herein "Event"), an event or program sponsored or approved by HSS. I realize that there are inherent risks involved in riding as a passenger in a vehicle, including the possibility of serious physical injury, other injuries or accidents or even death. In consideration for receiving permission to participate in this "Event," and transportation to and from the "Event," I knowingly and freely agree to accept these risks as a condition of my participation and transportation. I agree for myself, my heirs, administrators, executor and employees to hereby release, hold harmless, and indemnify, including cost of defense, "HSS," its officers, trustees, employees, agents and related parties, from any and all liability for any loss, injury, or damage, including without limitation, any claim for personal injuries resulting from or arising out of the negligence of "HSS" in connection with my transportation in a HSS vehicle.

I have carefully read this Liability, Risk Acknowledgment and Claims Release Form and know and understand its contents. I understand it is a full release of all liability and I sign it of my own free will. I, the undersigned, also understand that I must sign this agreement before riding as a passenger in a HSS or other vehicle as part of my participation in and transportation to the "Event" described above.

Dated this ____ day of _____, 20___.

_____ _____

Signature **Printed Name**

HOPI SCHOOL SYSTEM
HOPI BOARD OF EDUCATION
PUBLIC MEETING -- PUBLIC COMMENT FORM

Name	
Mailing Address & Email Address	
Telephone	
Name of Student(s) or Person(s), if any, the individual is representing	

The public comment form must be filled out and submitted to the Chief School Administrator who will provide it to the Hopi Board of Education (HBE) prior to the time for public comment. Public comment will be addressed to the HBE only regarding matters relevant to the function, authority and responsibilities of the HBE. The HBE Chairperson will exercise such authority as may be necessary to limit public comment in order to protect due process and privacy rights, preserve order, require relevancy and to prevent redundancy and/or excessive length of public comment.

Public comment shall be limited to **two minutes per speaker**. No action or response to public comments is required from the HBE. HBE may refer matters raised by the public to the Chief School Administrator for study and recommendation, but no direct action during the HBE meeting.

Statement of Comment (provide specific details by clearly stating the proposed comment and all relevant dates, statements and witnesses):

_____

_____

_____

_____

_____

Action Requested:

_____

_____

_____

Date and Time Slot Requested: _____

Date: _____ Signature: _____

HOPI SCHOOL SYSTEM
PUBLIC CONCERN—COMPLAINT FORM

Complainant Name: _____

Mailing Address: _____

Email Address: _____

Telephone: _____

Check box indicating the type of Public Concern or Complaint you are submitting:	Check box indicating the Level of Review which has been completed:
❑ Personnel	❑ Employee
❑ Instructional Resources	❑ Supervisor/School Principal
❑ Facilities and Services	❑ Chief School Administrator
❑ Miscellaneous (all other concerns or complaints)	❑ Hopi Board of Education

State the name of the Student(s) concerned, or Person(s), if any, the Complainant is representing:

State the result reached at each Level of Review that has been completed:

Statement of Complaint (provide specific details by clearly stating the complaint and all relevant dates, statements, employees related to the complaint, and witnesses):

Action Requested:

Dated: _____ Signature: _____

NOTE: Confidential information placed on this form is protected under current, applicable laws.

NOTE: Resolution of any Public Concern-Complaint Form filed anonymously may be limited.

HOPI SCHOOL SYSTEM

RECALL PETITION FORM

We, the qualified electors of the HSS Attendance Area of _____ [State name of Attendance Area and School], call for the recall of _____ [State name and title of elected HSS official]. The grounds of this demand for recall are as follows [State the grounds of the demand in two hundred words or less]:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Name	**Address**	**Date**

AFFIDAVIT

Affiant, appearing before me this ____ day of _____, 20___, did swear and affirm that he/she witnessed the attached signatures and believes them to be legitimate for the purposes of this Recall Petition.

_____
Affiant

STATE OF ARIZONA)
) ss.
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20___, by Affiant: _____.

_____
Notary Public

HOPI SCHOOL SYSTEM

REQUEST FOR STUDENT RECORDS FORM

I, _____ (Proof of requesting party's identity required) hereby make

[Print Name of Requesting Party]

written request for:

_____

[State with specificity, to include document type, date, etc., the precise records requested.)

The Hopi School System (hereinafter "HSS") is providing this/these record(s) because it believes it may be required to do so by applicable law. The requesting party, as indicated by their signature below assumes all responsibility and liability for the production of the record(s) to said requesting party and any further use, publication, or any other action relative to the record(s) or contents thereof. The requesting party further agrees to indemnify and hold harmless the HSS for producing the record(s) pursuant to their demand.

_____ _____

Date Signature of Requesting Party

_____ _____

Mailing Address Phone Number

_____

Email Address

HOPI SCHOOL SYSTEM

RESPONSE TO REQUEST FOR STUDENT RECORDS

Hopi School System (hereinafter "HSS") response to your request for records is as follows:

❑ Approved upon payment of cost of production. Cost of production is _____.

❑ The HSS does not maintain the record(s) requested. _____
[Name of Agency or "unknown"]

may maintain the requested record.

❑ Denied

1. Description of record or portions to which access denied.

.

2. Reason for denial to include citation to authority.

.

3. This denial may be appealed to the HSS's Chief School Administrator upon:

   a) Filing a written appeal in the Chief School Administrator's office within ten (10) business days of the date of this denial;

   b) The written appeal MUST include written reasons why the record(s) should be released, why the denial is unlawful and why the cited authority is inapplicable; and

   c) Failure to include the foregoing or deliver the appeal to the Chief School Administrator's office within the above time will result in denial of the appeal.

4. The decision of the Chief School Administrator is the HSS's final decision and is not appealable.

Approved by _____
Principal of Attendance Area School

Hopi School System

Submit Completed Form to Principal of
Attendance Area School of Your Residence by August 1, 2023.

Number ___-20__
For school use only

Request For Waiver To Attend School Outside of Attendance Area

(Please Note: All information provided on this form is subject to verification by school officials.)

_____ Waiver for School Year

Student's Name _____ Grade Level (for waiver year) _____

Parent's Name _____ Phone Number _____

Residence Address _____ City: _____ State: _____ Zip Code: _____

Mailing Address (if different from above) _____

School Attendance Area of Child's Residence _____

School Attending Currently _____

Outside Attendance Area/School Requested _____

A student may transfer from the assigned school only under one of the following categories. Place a "X" on the Category which applies to you, and furnish details to support your request.

- ☐ **1. A child who attended a non-attendance area school in the 2022/2023 school year and his/her parent or guardian wishes his/her child to attend the same non-attendance area school in the 2023/2024 school year.**
- ☐ **2. A child of a parent/guardian employed full-time by another school or government department/office in the attendance area of the requested school.**
- ☐ **3. A child whose sibling(s) is currently enrolled at the requested school.**
- ☐ **4. An elementary school child whose parent or guardian demonstrates hardship in providing appropriate supervision for the child in the designated school attendance area where the parent or guardian resides.**
- ☐ **5. A child placed into a home outside their attendance area by court order (for example, foster care placement).**
- ☐ **6. A child whose parents have joint physical custody may attend attendance area school of either parent. Provide Parent's name, contact information, and their residence address/location:** _____
- ☐ **7. A child changing residence during the school year may complete only the current school year at the school in which he/she was first in attendance.**
- ☐ **8. A child with certain physical, emotional or social adjustment difficulties as documented by a licensed professional currently treating the student.**
- ☐ **9. A child has been the victim of a convicted crime or convicted offense under the Hopi Code, and the convicted crime was committed by a student in the school, a HBE member, HSS employee, volunteer, contract worker or another person regularly performing services in a HSS facility, or the convicted crime was committed on HSS property or a bus owned or operated by the HSS.**
- ☐ **10. A child who has an Individualized Education Plan (IEP) or disabilities whose education/services requires attendance at the requested school.**
- ☐ **11. Other extenuating circumstances, exceptional hardship, specific medical reasons, or other special educational reasons: (Explain)** _____

Parents/Guardians Agreement of Understanding for students with approved Waivers to attend a school outside attendance area:

1. If a waiver is approved, Parents/Guardians will be required to provide punctual transportation to and from school, except HSS will provide transportation to students with approved waivers in Categories #1, #5, #9, #10, and certain medical or legal reasons in #11 above.
2. Should class size grow to exceed permissible limits, transfer students may be required to return to the attendance area school of their residence.
3. Compliance with all HSS and school policies relating to attendance/academics/extracurriculars/behavior is required.
4. Expectation that student will be at school only during normal school hours, unless participating in a scheduled activity.
5. Annual renewal of waiver form is required.
6. To appeal a final decision, submit appeal and reason to Chief School Administrator @ 928-734-3503, who shall file appeal with the Hopi Board of Education.

Parent/Guardian Signature _____ Date _____

* * * * * * * * * * * * FOR HOPI SCHOOL SYSTEM OFFICE USE ONLY * * * * * * * * * * * *

- ☐ Principal Approved _____ Date Effective _____
- ☐ Principal Disapproved _____
- ☐ CSA or Designee Endorsing Signature _____ Date _____
- ☐ Student is Currently Enrolled in Requested School

Chief School Administrator Sending School Receiving School Parent/Guardian

**** School must make a copy of finalized Waiver Form for each entity above****

HOPI SCHOOL SYSTEM

STUDENT USE OF TECHNOLOGY AGREEMENT AND RELEASE OF LIABILITY FORM

Hopi School System (HSS) authorizes students to use technology owned or otherwise provided by HSS as necessary for instructional purposes. The use of HSS technology is a privilege permitted at HSS's discretion and is subject to the conditions and restrictions set forth in applicable Hopi Board of Education policies, administrative regulations, and this Internet Use Agreement. HSS reserves the right to suspend access at any time, without notice, for any reason.

HSS expects all students to use technology responsibly in order to avoid potential problems and liability. HSS may place reasonable restrictions on the sites, material, and/or information that students may access through the system. Any Violation will result in confiscation of HSS technology.

Each student who is authorized to use HSS technology and his/her parent/guardian shall sign this Internet Use Agreement as an indication that they have read and understand the agreement.

Definitions

HSS technology includes, but is not limited to, computers, HSS's computer network including servers and wireless computer networking technology (Wi-Fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through HSS-owned or personally owned equipment or devices.

Student Obligations and Responsibilities

Students are expected to use HSS technology safely, responsibly, and for educational purposes only. The student in whose name HSS technology is issued is responsible for its proper use at all times. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned.

Students are prohibited from using HSS technology for improper purposes, including, but not limited to, use of HSS technology to:

1. Access, post, display, or otherwise use material that is discriminatory, libelous, defamatory, obscene, sexually explicit, or disruptive.

2. Bully, harass, intimidate, or threaten other students, staff, or other individuals ("cyberbullying").

3. Disclose, use, or disseminate personal identification information (such as name, address, telephone number, Social Security number, or other personal information) of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person.

4. Infringe on copyright, license, trademark, patent, or other intellectual property rights, or copy other people's work or intrude into other people's files.

5. Intentionally disrupt or harm HSS technology or other HSS operations (such as destroying HSS equipment, placing a virus or malware on HSS computers, adding or removing a computer program without permission from IT Department personnel, or changing settings on shared computers).

6. Install unauthorized software.

7. "Hack" into the system to manipulate data of the HSS or other users.

8. Engage in or promote any practice that is unethical or violates any law or Hopi Board of Education policy, administrative procedure, or HSS practice.

Privacy

Since the use of HSS technology is intended for educational purposes, students shall not have any expectation of privacy in any use of HSS technology.

The HSS reserves the right to monitor and record all use of HSS technology, including, but not limited to, access to the Internet or social media, communications sent or received from HSS technology, or other uses. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of HSS technology (such as web searches and emails) cannot be erased or deleted.

All passwords created for or used on any HSS technology are the sole property of HSS. The creation or use of a password by a student on HSS technology does not create a reasonable expectation of privacy.

Personally Owned Devices

If a student uses a personally owned device to access HSS technology, he/she shall abide by all applicable Hopi Board of Education policies, administrative procedures, and this Internet Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Reporting

If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of HSS technology, he/she shall immediately report such information to the teacher or other HSS personnel.

Consequences for Violation

Violations of the law, Hopi Board of Education policy, or this agreement may result in revocation of a student's access to HSS technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Hopi Board of Education policy, or this agreement may be reported to law enforcement agencies as appropriate.

Student Acknowledgment

I have received, read, understand, and agree to abide by this Internet Use Agreement and other applicable laws and HSS policies and procedures governing the use of HSS technology. I understand that there is no expectation of privacy when using HSS technology. I further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

Student Name:_____ Student Signature:_____
(Please print)

Date:_____ Grade:_____ School: _____

Parent or Legal Guardian Acknowledgment

If the student is under 18 years of age, a parent/guardian must also read and sign the agreement.

As the parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the Internet Use Agreement. By signing this Agreement, I give permission for my child to use HSS technology and/or to access the school's computer network and the Internet. I understand that, despite the HSS's best efforts, it is impossible for the school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, HSS, and HSS personnel against all claims, damages, and costs that may result from my child's use of HSS technology or the failure of any technology protection measures used by HSS. Further, I accept full responsibility for supervision of my child's use of his/her access account if and when such access is not in the school setting.

Parent Name:_____ Parent Signature:_____
(Please print)

Date:_____ Device/HSS Tag#:_____

HOPI SCHOOL SYSTEM

HOUSING LEASE AGREEMENT

It is mutually agreed that HOPI SCHOOL SYSTEM ("HSS"), Lessor, will lease to _____, Tenant, the premises located at house number _____ on the _____ [enter name of school] campus for a period of _____ at a rental rate of **$**_____ U.S. Dollars per month, upon the following terms and conditions and those set forth in HSS Policies and Procedures Manual Chapter 7200; all terms and conditions are subject to interpretation at a properly convened session of current and available Housing Committee members in an official meeting as described in HSS Housing Policies and Procedures:

1. Term: The Tenant shall use and occupy the premises commencing on _____ and ending on _____. House lease agreements are for no more than one (1) year at a time and all leases terminate on June 30. Tenants are not entitled to continued assignments. Tenant's employment with the Lessor does not require Lessor to provide housing.

2. Tenant's right to use and occupancy: The Tenant shall have the right to exclusive use and occupancy of the leased premises, including reasonable accommodations of guests and visitors. Use of the premises for the residences of any other than the Tenant's immediate family is prohibited unless prior consent is obtained from the Housing Committee. "Immediate family" shall be defined as spouse, aged parents, and/or legal dependents. "Spouse" shall be defined as a mate by marriage or a person with whom the Tenant has maintained a long-time spousal relationship. "Legal dependents" shall be defined as children or young adults who are under the Tenant's physical custody by legal decree or by legal guardianship.

The Tenant must have prior approval by the Housing Committee if participating in activities that could be hazardous to the dwelling or to neighboring Tenants (silversmithing, welding, et cetera) or if the Tenant plans to make structural changes or add storage areas.

The tenant agrees not to use or occupy the dwelling unit or grounds for any unlawful purpose, nor to use them for any purpose deemed hazardous by insurance companies because of fire or other risks.

Lessor agrees to make, within a reasonable time, necessary repairs, alterations, and improvements to the premises necessitated by normal wear and tear, and to maintain in good and safe working order and condition the electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances. If maintenance or repairs are made necessary by reason of damage intentionally or negligently caused by the Tenant's family or guest, then the reasonable cost of such maintenance shall be charged to the Tenant. These provisions are subject to the Tenant's duty to give prompt notice of any defects, problems, repairs, or improvements.

3. Tenant obligations: The Tenant agrees not to sublet any portion of the dwelling. The tenant further agrees not to use or permit the use of the dwelling unit for any purpose other than as a private dwelling unit used solely for the Tenant and the Tenant's family and/or dependents.

The Tenant agrees to abide by such necessary and reasonable regulations as are established by the School. The Tenant agrees to:

a. Comply with all obligations primarily imposed upon Tenants by applicable provisions of building and housing codes materially affecting health and safety.

b. Keep the premises and such other areas as may be assigned to the Tenant for upkeep clean and safe.

c. Make proper adjustments in thermostats and water valves to prevent frozen waterlines during the winter months.

d. Dispose of all garbage, rubbish, and other waste in a sanitary and safe manner, ready for collection.

e. Use all electrical, plumbing, sanitary, heating, and other facilities in a reasonable manner.

f. Refrain from and cause the Tenant's family members and guests to refrain from deliberately or negligently destroying, defacing, damaging, or removing any part of the premises.

g. Pay reasonable charges for the repair of damages to the premises, building, facilities, or common areas intentionally or negligently caused by the Tenant, family members, or guests.

h. See that all persons on the premises, including the Tenant, conduct themselves in a manner that will not disturb the neighbors' peaceful enjoyment of their accommodations.

i. See that the Tenant's family members, including the Tenant and guests, refrain from using or possessing alcohol, illegal drugs or inhalants on the premises, which shall include the School campus.

j. Tenant or any other person shall not act or permit or allow actions that may compromise or endanger the health, safety, welfare or quiet enjoyment of any other resident of School quarters, student, staff or other person, nor shall such persons permit or allow actions that conflict with the best interests of the HSS (actions and conduct of persons other than the Tenant, on or about the Tenant's premises are the responsibility of the Tenant).

4. Security Deposit: Tenant shall make a security deposit with Lessor in the sum of $250.00, on or before the date of occupancy, which sum will be applied to payments for any loss or damage to the premises occupied by the Tenant. Upon Tenant vacating the premises in good condition, said deposit will be refunded.

5. Rental Collection: Rental collection will be by payroll deduction. Procedures for collection are listed as follows:

a. ***Monthly rent will be deducted pro rata from the two paychecks you receive each month.***

b. Tenants moving in or out during the month will have that month's rental fee prorated by dividing the rental fee for this unit by the number of days in the month to get the daily rate; and multiply the daily rate by the number of days the unit is available to be occupied.

c. Certified employees (10-month contract) retaining housing during the summer months will have rent deducted from their last check.

d. If a returning teacher elects to vacate the assigned housing to avoid paying rent for the summer months, the unit vacated may be assigned to another teacher or other person.

e. "Rental Collection" does not apply to utility services or collection. Utility collections and other services that are necessary for proper habitation, including the initiation of such services, are the responsibility of the Tenant.

6. Utilities: Water will be furnished by the HSS; however, it will be metered and Tenant shall pay the cost of the water provided as established by the HSS. Propane gas and electricity will be furnished by private vendors. Sewer services will be provided and Tenant shall be liable for any charges arising therefrom. Tenants are to make arrangements for electricity, propane gas, cable/satellite and garbage collection. Payments and/or payment arrangements for these services are the responsibility of the Tenant; this also includes the transfer of all names on all accounts so that they accurately reflect current living arrangements.

7. Care of Grounds: The Tenant is responsible for the watering, mowing, and the general upkeep of the Tenant's yard (during both the school year and summer) until the Tenant leaves the HSS's employment.

No objects of any kind that are unsightly or a nuisance to neighbors will be kept on Tenant's grounds; this also includes abandoned vehicles.

8. Noise: Tenants will keep noise factors to a reasonable level.

9. Vehicles: Tenants will comply with all applicable motor vehicle laws of the State of Arizona and the Tribal Code. In addition to these cited codes, the Tenant agrees to abide by such necessary and reasonable regulations as are established by the HSS. The Tenant agrees to:

a. Vehicles are to be driven at or below 15 mph on school grounds.

b. Abandoned cars, other vehicles, and undesirable objects are not allowed to remain on the premises.

c. Tenants shall have 14 calendar days after the receipt of written notice to remove abandoned cars, other vehicles, or undesirable objects.

d. No house trailer or other trailer of any kind is allowed to be parked against the unit and/or in the yard without permission from the Housing Committee.

10. Animals: A maximum of two (2) pets shall be allowed per household. An additional deposit of fifty dollars ($50.00) per pet will be required to cover each pet. Pet deposits are not refundable. Tenant agrees that:

a. All pets must have rabies shots and must be tagged and collared.

b. Animals that become a threat to students, staff, and visitors will be permanently removed from the premises.

c. Tenant will comply with applicable Tribal regulations and the laws of the State of Arizona pertaining to animals.

d. Damage of any dwelling or HSS-owned furniture by an animal will be paid for by the owner of the animal.

e. It is the Tenant's responsibility to clean up after their own pets.

11. Repairs and Maintenance: The Tenant shall immediately notify maintenance personnel by written request for a work order in the event the Tenant is unable for any reason to perform necessary maintenance. Maintenance shall make repairs within a reasonable time. If the damage has been caused by the Tenant or the Tenant's family or guest, the reasonable cost of the repairs shall be charged to the Tenant.

12. Entrance to dwelling: The Tenant shall not unreasonably withhold consent to the Lessor to enter the dwelling unit in order to inspect the premises, make necessary or agreed repairs, and alterations or improvements. Except in case of emergency, the Lessor shall give the Tenant at least two (2) days' notice of his/her intent to enter and enter only at reasonable times.

13. Termination: The Lessor may terminate the housing lease for cause, by reason of abandonment, or priority considerations set forth in HSS/Lessor policies. Cause shall be defined as:

a. Violation of any rule, regulation, obligation or provision set forth herein.

b. Violation of any HSS/Lessor housing policy.

c. Destruction of the Lessor's housing in which the Tenant resides (destruction: damages intentionally or negligently caused by the Tenant).

d. Subletting, leasing, or loaning apartment or premises to any other individual without the School's written approval.

e. Using a housing unit for commercial business.

f. Failure to follow the Lessor's rules on housing.

g. Alterations and adding to or deleting from the housing unit without the Housing Committee's approval.

h. Using housing for illegal activities, or allowing for illegal activities to take place on the premises. Illegal activities include, but are not limited to: possession, use, and/or distribution of alcohol and/or illegal drugs; acts of violence against another; theft of School, visitor, and/or staff property; acts of vandalism on campus, etc.

i. Discharging of firearms on the premises by the Tenant, the Tenant's family members, or guests.

j. Abandonment, which shall be defined as: the Tenant abandons the leased unit.

k. Priority consideration and procedures are set forth in HSS/Lessor's policies.

14. Termination procedure for cause: Noncompliance with rental agreement by Tenant. The Lessor shall deliver a written notice to the Tenant specifying the acts and omissions constituting the breach and stating that, if the breach is not remedied in fourteen (14) calendar days and if no written notice or correction is received specifying remedy and expected completion date, the rental agreement will terminate upon a date not less than thirty (30) calendar days after receipt of the notice. However, if the breach is remediable by repair or the payment of damages or otherwise, and the Tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement will not be terminated.

15. Termination for other cause: Should Tenant's employment with the Lessor be terminated for any reason, then in such an event, Tenant agrees to vacate the premises no later than seven (7) calendar days after Tenant's employment termination date during the School year. Tenants who finish the school year but are not returning to HSS employment for the next ensuing year, are to vacate premises no later than fifteen (15) calendar days from the last day of work.

16. Termination for priority considerations, or at the expiration of the lease shall be pursuant to the procedures set forth in the HSS's/Lessor Housing Policies and Procedures.

17. Miscellaneous: Tenant specifically agrees to the conditions of this housing contract and acknowledges that he/she understands that violations of any of the conditions of this contract constitutes sufficient cause for Lessor to terminate the lease and request that Tenant vacate the premises.

18. Other: (If no other stipulations exist, please indicate this by writing "NONE" in the below space; if not, attach the appropriate pages as an addendum to this document; all attached documents must be titled, dated, and must display all appropriate signatures as listed below.)

_____

Housing Committee Member HSS DATE

_____

Housing Committee Member HSS DATE

_____

Housing Committee Member HSS DATE

_____

Housing Committee Member HSS DATE

_____

Housing Committee Member HSS DATE

_____

Tenant/Employee HSS DATE

*** In signing this document, the Tenant expresses his/her understanding of both Housing Policies and the Housing Lease Agreement ***

HOPI SCHOOL SYSTEM
TENANT PAYROLL DEDUCTION

Tenant Payroll Deduction

Tenant: _____ Acct# _____ File#____
Unit# _____

	Month	
Rent		$ -
Water		$ -
Sewer		$ -
Total due:		$ -

HOPI SCHOOL SYSTEM
LANDLORD/TENANT WALK-THROUGH CHECKLIST

Tenant:_____ Date:_____ Unit Number:_____

Keys Out: _____ Keys returned:_____ Propane:_____/_____

START END

**Propane must be filled 30% on move in and upon move out . Tenant's security deposit will be deducted for propane not filled to the required percentage.

S=SATISFACTORY **U=UNSATISFACTORY** **N=NEEDS REPAIR** **R=REPLACEMENT**

Date:_____ Date:_____

	Description	Condition on arrival	Condition on Departure	Estimated Cost
LIVING ROOM:				
FLOORS				
WINDOW				
OTHER WINDOW				
WINDOW SCREENS				
WALLS				
CEILING				
CEILING FAN				
LIGHT FIXTURES				
OUTLET FIXTURES				
FRONT DOOR				
FRONT SCREEN DOOR				
BACK DOOR				
BACK SCREEN DOOR				
SMOKE DETECTORS				
OTHER				
KITCHEN:				
FLOOR				
WINDOW				
WINDOW SCREENS				
WALLS				
CEILING				
LIGHT FIXTURES				
OUTLET FIXTURES				
KITCHEN CABINET				
KITCHEN COUNTER TOP				
RANGE				

VENT FAN				
REFRIGERATOR				
MICROWAVE				
DISHWASHER				
GARBAGE DISPOSAL				
SINK/PLUMBING				
FAUCET FIXTURES				
SMOKE DETECTORS				
OTHER				

S=SATISFACTORY U=UNSATISFACTORY N=NEEDS REPAIR R=REPLACEMENT

Date:_____ Date:_____

	Description	Condition on arrival	Condition on Departure	Estimated Cost
BEDROOM 1				
FLOOR				
WINDOWS				
WINDOW SCREENS				
DOOR				
WALLS				
CEILING				
LIGHT FIXTURES				
OUTLET FIXTURES				
CLOSET				
SMOKE DETECTORS				
OTHER				
BEDROOM 2				
FLOOR				
WINDOWS				
WINDOW SCREENS				
DOOR				
WALLS				
CEILING				
LIGHT FIXTURES				
OUTLET FIXTURES				
CLOSET				
SMOKE DETECTORS				
OTHER				
LAUNDRY ROOM				
WALLS				
FLOOR				
WINDOWS				
SHELVES				
HOOK UPS				
WATER HEATER				
OTHER AREAS				
HEATING SYSTEM				

COOLING SYSTEM				
PARKING AREA				
FIRE EXTINGUISHER				
GUTTERS				
FRONT YARD				
BACK YARD				
SIDE WALKS				
SHED				
PEST				

S=SATISFACTORY U=UNSATISFACTORY N=NEEDS REPAIR R=REPLACEMENT

Date:_____ Date:_____

	Description	Condition on arrival	Condition on Departure	Estimated Cost
DINING ROOM				
FLOOR				
WINDOWS				
WINDOW SCREENS				
WALLS				
LIGHT FIXTURES				
OUTLET FIXTURES				
SMOKE DETECTORS				
OTHER				
MASTER BEDROOM				
FLOOR				
WINDOWS				
WINDOW SCREENS				
DOOR				
WALLS				
CEILING				
LIGHT FIXTURES				
CLOSET				
SMOKE DETECTORS				
OTHER				
MASTER BATHROOM				
FLOOR				
WINDOW				
WINDOW SCREENS				
WALLS				
CEILING				
LIGHT FIXTURES				
OUTLET FIXTURES				
BATHTUB/SHOWER				
SINK & COUNTERS				
FAUCET FIXTURES				
TOILET				
BATH VENTING				

SINK CABINET/DRAWER				
MEDICINE CABINET				
DOOR				
OTHER				

FACILITY MANAGER, SIGNATURE-CHECK IN DATE

TENANT DATE

FACILITY MANAGER, SIGNATURE-CHECK OUT DATE

TENANT DATE

HOPI SCHOOL SYSTEM

Notice of Directory Information

Hopi School System will be publishing directory information for students in compliance with applicable regulations, including the Federal Educational Rights and Privacy Act (FERPA), 34 C.F.R. Part 99. 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. 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
- Telephone listing
- Email address
- Photograph
- Date(s) of attendance
- Tribal affiliation
- Village affiliation
- Grade Level
- Name of parent(s)/guardian(s)
- Address
- Date and place of birth
- Activities and sports
- Weight/height if member of athletic team
- Degrees, honors, awards received
- Gender
- Most recent educational agency, school or institution attended before enrollment in a HSS school.

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.

HOPI SCHOOL SYSTEM

NOTICE TO PARENTS, GUARDIANS AND ELIGIBLE STUDENTS REGARDING STUDENT RECORDS

Dear Parent/Guardian/Eligible Student:

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

The Hopi School System Hopi Board of Education 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 HSS 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 HSS 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 HSS 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 HSS Central Administrative Office. The HSS 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 HSS is not required to give an eligible student access to his/her mental health or medical records. 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 HSS 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 HSS 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 HSS 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 HSS 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 HSS.

You have the right to refuse permission for the HSS 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 HSS does not receive written notification from you within this two (2) week period, the HSS will assume that it has your permission to use the above-designated information.

If you believe that the HSS is violating public school records policies and procedures, you should immediately contact a HSS official. The HSS 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, D.C.

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

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.

HOPI SCHOOL SYSTEM

NOTICE: PROCEDURES FOR DRUG AND ALCOHOL TESTING

(1) **Purpose**. The purpose of this policy is to deter the use of drugs and alcohol in the workplace by establishing standard procedures for drug and alcohol testing for all employees required to hold a Commercial Drivers' License in the performance of safety-sensitive functions.

(2) **Authorization**. Employers of persons performing safety sensitive functions and holding commercial drivers' licenses are required to implement a drug and alcohol testing program pursuant to the Omnibus Transportation Employee Testing Act of 1991 (OTETA), regulations of the Federal Highway Administration (FHWA) contained in 49 CFR Parts 40 and 382, et al.

(3) **Definitions**. Prohibited Substances or Drugs: Any illegal drug or substance as identified in Schedules I through V of Section 202 of the Controlled Substance Act and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. Illegal use includes use of any illegal drug, misuse of legally prescribed or obtained prescription drugs. Failure of the covered employee to report the use of prescription or over-the-counter medications that warn of impairment in the operation of vehicles or heavy equipment or that contain controlled substances fall within the scope of the law and this policy.

(a) **Alcohol**: Alcohol use is the consumption of any beverage, mixture or preparation including any medication or product containing alcohol.

(b) **Covered Employees**: Covered employees include those HSS employees who perform safety sensitive functions by operating vehicles that require a Commercial Drivers' License by federal requirements.

(4) **Application**. This policy applies to all HSS employees who are required to hold a Commercial Drivers' License as a condition of employment and/or who perform safety sensitive functions. Specifically, the federal requirement to hold a Commercial Drivers' License and to fall within the covered employee category of this policy applies to employees who drive vehicles over 26,000 pounds GVR or, vehicles originally designed to carry 16 or more passengers (including the driver) or, vehicles carrying hazardous material. The requirement to be covered under OTETA and this policy includes those employees who voluntarily maintain Commercial Drivers' Licenses and only occasionally operate the vehicles described above.

(5) **Enforcement Authority.** The Principal or the Principal's designee shall determine when testing shall take place under these procedures and shall ensure enforcement of these policies. All administrators and supervisors are responsible for reporting all violations of these policies to the Principal or designee, and, further, for making recommendations to the Principal or designee for testing when they deem appropriate or required under these policies. All Administrators are required to identify covered employees within their areas of responsibility and to keep the Principal or designee advised of current names and position descriptions covered by OTETA.

(6) **Prohibited Conduct**. Prohibited Substances or Drugs: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, including prescription medications or over-the-counter medications.

(a) **Alcohol**: No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of BAC.02 or greater. An OTETA covered employee who has a blood alcohol count of 0.02 but less than 0.04 shall not perform safety sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. A blood alcohol content at or above 0.04 is deemed to be positive. No covered employee shall use, have in possession, or have on their assigned vehicle, alcohol as defined in this policy and as applicable to OTETA. No driver shall perform safety-sensitive functions within four hours after using alcohol.

Failure of an employee to submit to or report for any required drug or alcohol test is considered a positive test in accordance with this Policy and Federal Highway Administration (FHWA) Regulations. Employees are expected to cooperate fully in providing specimens and explanations which may be subsequently required by this Policy. Failure to provide specimens, attempts to contaminate specimens or otherwise interfere with HSS procedures shall be considered as positive tests. An employee who is injured in the course and scope of his employment and who refuses to submit to a drug or alcohol test, or who tests positive, in addition to the above, may forfeit his or her eligibility for any Worker's Compensation medical and indemnity benefits. The HSS group medical insurance may not cover injuries sustained in the course and scope of employment if an employee refuses to submit to a drug or alcohol test or tests positive.

(7) **Consequences of Prohibited Conduct**. It shall be the policy of the Hopi School System (HSS) that employees who engage in the prohibited conduct described in this or other HSS Policies and Procedures or the Statutes and Regulations that require this drug and alcohol testing program, shall be subjected to disciplinary action which may include termination of employment.

Prior to termination, the FHWA requirement for evaluation by a designated Substance Abuse Professional (SAP) may be conducted and the individual employee may be advised of any recommended rehabilitation. Failure by the employee to appear at the scheduled SAP appointment shall constitute a waiver of the offer to be evaluated by a SAP prior to dismissal.

TREATMENT AND NOTICE REQUIREMENTS

Notice to Affected Employees: HSS will communicate to all covered employees prior to conducting drug and alcohol testing and provide the reasons for conducting said test(s). The HSS shall provide written notice of the required testing to covered employees and shall provide oral notice at the time of the actual testing.

Education and Training: HSS shall provide educational materials that explain the requirements of the program and its policies and procedures with respect to meeting the requirements.

Notice to Physicians: Covered employees are required to notify attending physicians that they perform safety-sensitive functions and that they are subject to drug and alcohol testing. Employees are encouraged to request medications that will not impair their ability to perform their safety-sensitive functions.

Covered Employee Mandatory Notice to Supervisor: Covered employees are required to notify their supervisor of their taking prescribed or over-the-counter medications containing controlled substances or alcohol. The supervisor receiving such notification shall ensure the immediate cessation of safety sensitive duties for that employee. If non-safety-sensitive duties are available, the covered employee may be temporarily assigned those duties instead of sick leave at the discretion of HSS.

Treatment Information: Each covered employee who engages in prohibited conduct shall be evaluated by a substance abuse professional designated by the HSS who shall determine what assistance, if any, the employee needs in resolving problems associated with use of prohibited drugs or alcohol misuse. The decision to seek further assistance in resolving problems associated with the use of prohibited drugs or alcohol misuse shall be the individual employee's. The HSS's financial obligation is limited to the evaluation by a substance abuse professional, selected by the HSS to conduct such evaluations.

TESTING AND ANALYSIS

It is the intent of the HSS to comply with all alcohol and controlled substance testing procedures contained in 49 Code of Federal Regulations Part 382, 291, 192, and 395. The HSS recognizes the need to protect individual dignity, privacy and confidentiality in the program. Specimen analysis shall be conducted in a manner to assure a high degree of accuracy and reliability.

Employees directed to participate in any of the required testing shall be in a pay status from departure from the workplace to the test facility, while waiting for testing, and while traveling directly back to the workplace, regardless of the reason for the testing.

The testing laboratory shall use a split sample procedure. The first sample is used to measure the presence of the controlled substances and the cost of this test is borne by the HSS. The second, split sample, is available at the covered employee's request upon notification by the Medical Review Officer of a positive reading. The decision to conduct the split sample (confirmation) test is solely the employee's and the option to conduct the test is offered prior to the HSS's notification of a positive test. All that is required as confirmation in the split sample test is a mere trace of controlled substances. The cost of the split sample test shall be borne by the covered employee requesting its use.

The following are conditions under which testing may be conducted as required by HSS Policy, Federal regulations or when circumstances warrant.

1. Pre-Employment Testing

   All applicants for employment for positions that meet the covered employee definition and who meet the requirements stated under "Application" of this policy must be tested before being hired, or after the offer to hire but before performing any safety-sensitive

function. This requirement applies also to current employees who are transferring to a safety-sensitive position and to candidates for employment who are receiving training for licensing to operate a school bus or other vehicle requiring a Commercial Drivers' License. Under no circumstances will employment candidates, current employees who are transferring to safety-sensitive positions or undergoing driver training for school buses or other covered vehicles be allowed to operate the vehicle until Pre-Employment drug and alcohol testing is conducted and negative test results received. Candidates for employment who test positive for controlled substances or alcohol shall not be offered employment or further training leading to employment. Current employees not in safety sensitive positions being tested in relation to a job transfer to a safety-sensitive position or for purposes of qualifying to perform safety-sensitive functions on an occasional basis or for any other reason shall be subject to disciplinary action that may include termination.

Additionally, as part of previous employment verification for candidates/transfers to safety-sensitive positions, it is required that previous employers provide written results of drug and alcohol testing for the previous two years where the applicant may have performed safety-sensitive functions under OTETA. Likewise, HSS must provide test results for HSS employees seeking employment elsewhere. In either case, signature release of the records is required from the employee/candidate. Applicants whose previous test results reveal positive readings for drugs or alcohol shall not be offered employment, regardless of their having passed the Pre-employment tests, if the positive reading was within the last 7 years.

2. Reasonable Suspicion Testing

A supervisor or designee who has been trained in accordance with these policies shall require a driver to submit to an alcohol or drug test when the employer has reasonable suspicion to believe that a driver has violated the prohibitions contained in these policies or FHWA Regulations.

Reasonable suspicion must be based on documented objective facts and circumstances which are consistent with the long- and short-term effects of alcohol or substance abuse including but not limited to physical signs and symptoms, appearance, behavior, speech and/or body odor.

The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by all supervisors of all employees required to hold a Commercial Driver's License in the performance of safety-sensitive functions. All such supervisors must have been trained for at least 60 minutes on alcohol misuse and an additional 60 minutes on controlled substance misuse. Employees who exhibit cause for reasonable suspicion testing shall immediately cease the performance of safety-sensitive duties. They shall be escorted directly to the designated test facility by a trained supervisor who shall be authorized to order the reasonable suspicion test. During the period of time that the results from the laboratory are pending, the individual shall not be allowed to resume safety-sensitive duties and shall be allowed to take annual, personal or sick leave. Employees whose primary duties are not safety-sensitive but exhibit cause for reasonable suspicion testing shall also be removed from their regular duties and allowed to take

annual, personal or sick leave. If test results are returned as negative, the individuals leave shall be changed to temporary duty with pay.

3. Post-Accident Testing

Alcohol or drug testing shall be administered following an accident when the driver was performing a safety-sensitive function. The limitations described herein are applicable to drug and alcohol testing requirements and are not intended to prohibit or limit the definition of "accidents" in other policies or work rules and do not limit other disciplinary or administrative actions deemed appropriate for lesser accidents. The following circumstances dictate post-accident testing for alcohol and drugs:

a. When there are one or more fatalities;

b. The covered driver was cited for a moving violation by a law enforcement officer, and one or more drivers or passengers received immediate medical treatment away from the scene of the accident; or

d. One or more of the vehicles involved had to be towed away from the scene.

In the application of the above circumstances, the following factors are necessary considerations by the individual making the decision to order testing. The fatality's rule does not mean death must occur at the scene of the accident; if an accident victim dies within 30 days of the accident as a direct result of the injuries sustained in the accident, testing is required. In addition, should a victim's injuries be serious enough that there is an anticipated death, testing will be required. The towing rule is not restricted to vehicles that are so severely damaged they cannot be driven. If a vehicle must be towed in order to prevent further damage, and the covered employee was cited for a moving violation, testing must occur. Testing for drugs must be conducted prior to commencement of the 32nd hour after the accident; testing for alcohol must be conducted within 8 hours of the accident.

If law enforcement officers on the scene of the accident determine the need to administer Evidential Breath Testing for alcohol due to suspicion of DUI, that test result will meet the requirements of this Policy. However, the field sobriety test often used to pre-screen before EBT testing will not suffice. Drug testing, even with an on-the-scene test and DUI charge, must still be conducted unless the covered employee is incarcerated beyond the time limits set in these policies or FHWA Regulations (prior to the commencement of the 32nd hour after the accident). A law enforcement drug test, by urinalysis or blood test, will meet the requirements of these policies or FHWA Regulation post-accident testing.

Drivers involved in accidents must not consume alcohol for a period of 8 hours, unless tested sooner or until it has been established that they were not a contributing factor in causing the accident.

Drivers, including employees whose primary duties are not driving duties, who are required to submit to post accident testing shall immediately cease performing the safety-sensitive function and shall be placed in a non-driving assignment until all test results are

received. Drivers whose test results are positive shall immediately be placed in a leave without pay status pending evaluation by the substance abuse professional and disciplinary action. If test results are returned as negative, the individual's status shall be changed to temporary duty with pay.

4. Random Testing

All covered employees shall be subject to random, unannounced drug and alcohol testing. The annual random rate for alcohol testing shall be 25% of the covered employees. The annual random rate for controlled substance testing shall be 50% of the covered employees. Lower testing percentage rates will be authorized based on the performance guidelines set forth in these policies or FHWA Regulations.

Covered employees whose daily duties do not require the performance of safety-sensitive functions (such as teachers driving for field trips, substitute school bus drivers, painters, etc.), but who are selected for random testing, must be tested either just before, during, or just after performance of safety-sensitive functions. "Just before" is interpreted to mean the day before or day the employee is to perform a safety sensitive function. The fact that such individual has been selected for random testing must remain strictly confidential until the day the individual is scheduled to perform the safety-sensitive function. The individual selected must submit to testing as directed that day, and report to the testing facility immediately upon being so notified.

Covered employees are subject to both drug and alcohol random testing. Selection for random testing does not preclude being selected subsequent times during the same year; random selection for drugs does not restrict selection to be tested for alcohol or vice versa.

Random tested employees, including employees whose regular duties are not driving, shall be in a regular pay status while waiting test results and shall continue their safety-sensitive functions without restriction. Upon notification of positive test results, random tested employees shall immediately cease the performance of safety-sensitive duties and be placed in a leave status pending evaluation by the designated substance abuse professional until disciplinary or dismissal proceedings are completed.

5. Return to Duty Testing

Employees who previously tested positive on a drug or alcohol test must submit to a return to duty test and test negative prior to returning to duty. Additionally, prior to returning to duty, the employee must have completed an evaluation and any referral and education/treatment process recommended by the designated substance abuse professional. Such treatment or actions shall be at the individual employee's expense and the employee will be in a leave without pay status until the actual commencement of authorized duties.

6. Follow-up Testing

Subsequent to passing the Return to Duty testing requirement, follow-up testing is required. Follow-up testing must be unannounced with the number and frequency of follow-up testing determined by a substance abuse professional. At a minimum, the substance abuse professional shall direct 6 tests in a 12 month period and may extend the follow-up testing requirement for up to 60 months. The cost for all follow-up testing shall be the responsibility of the employee. Any positive reading for a follow-up test for either drugs or alcohol shall result in immediate termination.

HOPI SCHOOL SYSTEM

POSTED AREA NOTICE [RECORDS]

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 Sections of the HSS Policies and Procedures 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; or

    b. Alteration or destruction is required by the order of a court of competent jurisdiction.

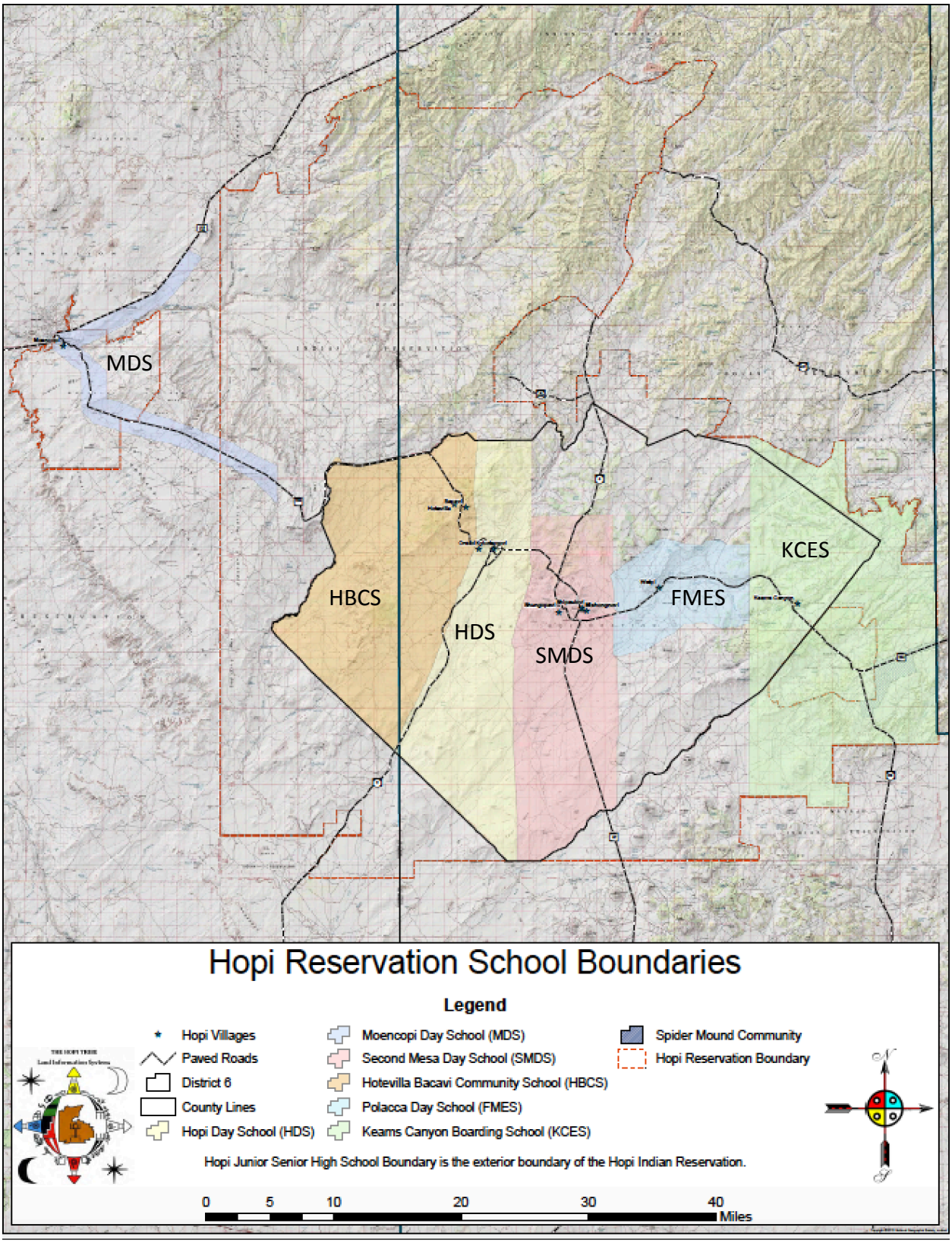
4. Any person may be subject to a criminal penalty imposed by law for the unauthorized disclosure of student records.

5. Unauthorized disclosure, alteration or destruction of a student record may also be the subject of disciplinary action pursuant to the Hopi School System's Policies and Procedures Manual.

APPENDIX C

MAP OF ATTENDANCE AREA DESIGNATIONS

HOPI SCHOOL SYSTEM POLICIES & PROCEDURES MANUAL

DATED: MAY 17, 2023 AS AMENDED, APRIL 15, 2026

APPENDIX C
MAP OF ATTENDANCE AREA DESIGNATIONS