



Hopi Day School

Policy Manual

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From 2015-2017, the Hopi Day School Governing Board of Education met during work sessions to conduct a major revision of the Governing Board Policy Manual. The manual was at least 30 years old at this point with multiple revisions and amendments having been added over the course of time. These work sessions were under the guidance and direction of Mr. Gehl Tucker, Attorney at Law. The following Governing Board members took part in the revision process:

George Silas.....President

Gloria Grover.....Vice-President

Uberta Mowa.....Secretary

Leon Poleheptewa, Sr.....Member

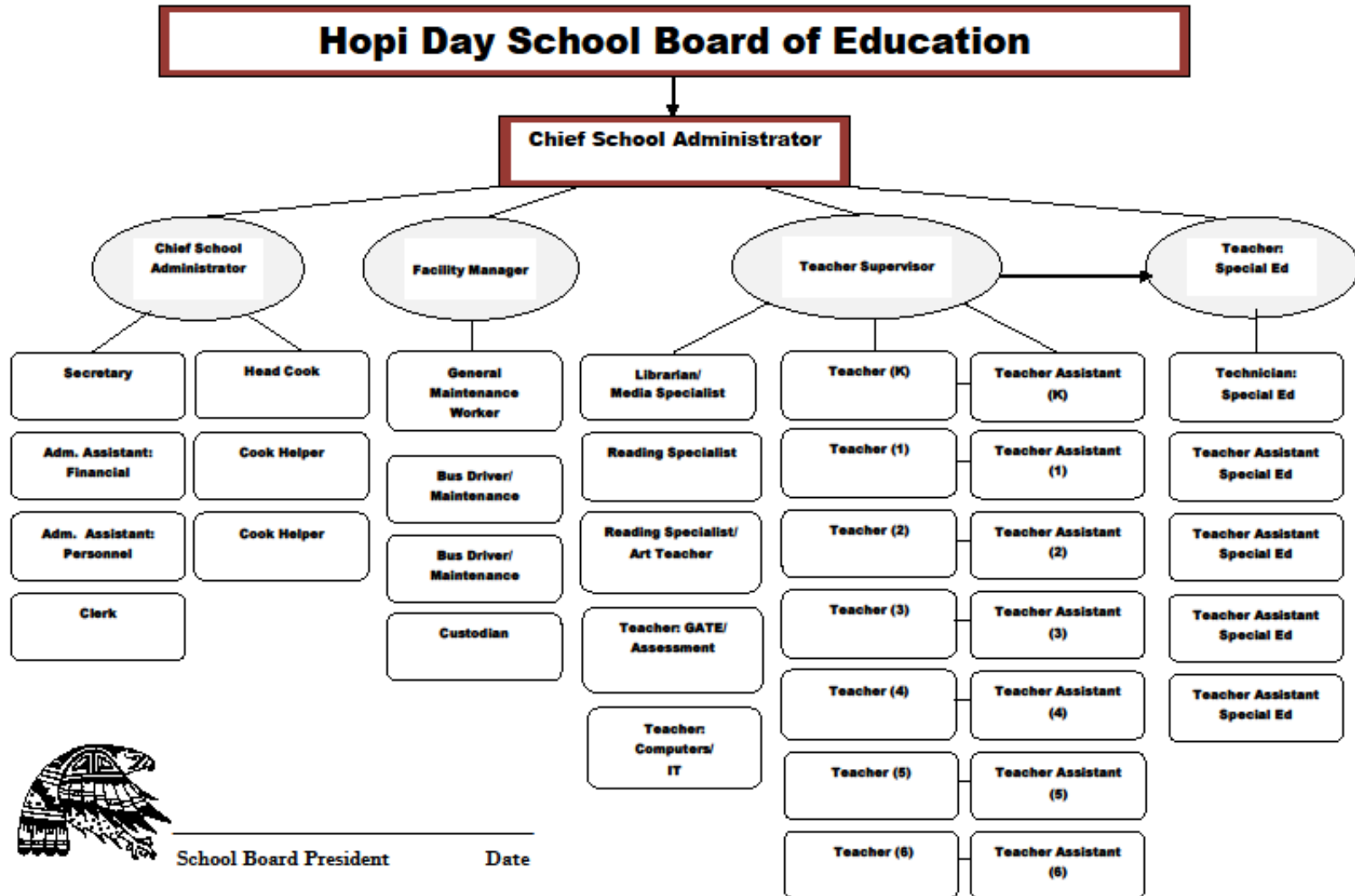
Martha Mase.....HBE Representative

Other Governing Board members that were involved in the process during their terms include:

Antone Honanie

Jack Harding, Jr.

HOPI DAY SCHOOL ORGANIZATIONAL CHART





Hopi Day School

Philosophy

The guiding philosophy of Hopi Day School is that all students are capable of success. Each child deserves compassion, concern, understanding, acceptance, and the enhancement of his/her self-worth. We accept the responsibility to provide our students with guidance and encouragement.

“Itam soosoyam itaatumuy matoanwisni”

Vision Statement

Our vision is to ensure that all Hopi Day School students receive an exceptional education which will develop their ability to meet the challenges of the future. We are committed to preparing all students to be productive, successful, and culturally valuable citizens.

Mission Statement

Hopi Day School encourages the students to demonstrate:

Hitanangwa
Ah’ni,
Wuwniva,
Kyaptsi,
Soosoyhimu

We Believe

- ❖ Learning begins at home with families and continues throughout life.
- ❖ Student learning and literacy will be given the highest priority at our school
- ❖ Student self-esteem is enhanced through a strong understanding of Hopi culture.
- ❖ The uniqueness of each student will be addressed through a variety of instructional approaches to maximize learning

Services Provided

Hopi Day School provides educational services for grades kindergarten through sixth grade. Our open enrollment policy on the reservation allows students to attend Hopi Day School from all the Hopi villages and neighboring communities. A broad range of programs are available including Special Education, Gifted and Talented, Hopilavayi instruction, Resistance to Intervention programs, H.E.A.L. Athletics, and a range of other opportunities.

Hopi Day School is often considered a cultural flagship, as it has received a number of commendations for their efforts in cultural preservation. Each day begins with a song and prayer in the Native language. Paraprofessionals in the classroom provide Hopi instruction several times a week; but, also, provide an immersion experience by speaking Hopi to the students throughout the day. Our mission statement and Positive Behavior Intervention System seek to promote cultural values.

History of Hopi Day School

Construction for Hopi Day School began in 1931; when Hopi and Navajo workers were contracted to hand carve sandstone blocks for the building. Ponderosa Pines were hewn from the Flagstaff area to serve as roof supports of the building. The effect is a quaint structure that is reflective of the building styles of the community and the time period. Hopi Day School is currently on the National Register for Historical Property.

The doors opened to Hopi Day School in 1937 to serve students in grades K-12 that lived throughout the Hopi Reservation. Originally, the school provided a dormitory setting for its students. The school has transformed through the years, based on the needs. In 1985, after the Hopi Jr/Sr High School was built, Hopi Day School became a K-6 provider.

Revision and Implementation

The Hopi Day School Policies and Procedures Manual (hereinafter “Manual”) shall be effective only upon its adoption as the official policy of the Governing Board, and shall be distributed to Governing Board members and employees. All employees are expected to follow the policies and procedures in this Manual and any amendments thereto as soon as they become effective. Duly enacted amendments will replace former policies and procedures and the new amendments, at the time they are enacted, will be considered as part of the employee’s employment contract with the School. The Chief School Administrator, as directed by the Governing Board, shall review proposed amendments and as necessary, shall obtain a legal opinion from legal counsel to the Governing Board regarding said proposed amendments.

The Governing Board may publish the text of the proposed amendments in its minutes and by posting notice of said amendments. The Governing Board shall set a date and time for final consideration of said amendment not less than ten (10) calendar days after said publication. Staff and other persons may submit comments upon proposed amendments prior to final adoption by the Governing Board. If, in the Governing Board’s opinion, time does not permit a review, the Governing Board may enact an amendment to the policy without the ten (10) day posting period and declare the amended policy effective immediately. An amendment to the Manual adopted by the Governing Board shall become effective immediately upon the Governing Board enacting an amendment. Copies of the amendments will be thereafter distributed to all staff members and shall be posted at the School to notify all employees and the general public of the policy change.

(In construing the provisions of this Manual, all references to the “School” shall mean Hopi Day School, and all references to the “Governing Board” shall mean the duly elected and qualified Hopi Day School Governing Board of Education.)

Jurisdiction

Any legal matters and employment agreements shall be determined according to and in accordance with the laws of the Hopi Code and Hopi Ordinance 36. The Hopi Courts shall have sole jurisdiction over any such disputes. Any employee aggrieved must exhaust the administrative remedies provided in the Manual prior to seeking any relief in the Hopi Court.

Employee Acknowledgment Form

The Policy Manual contains important information about the School. I understand that I should consult my supervisor regarding any questions not answered in the Manual.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Manual may occur. All such changes will be

communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies and/or procedures. Only the Governing Board has the ability to adopt any revisions to the policies in this Manual. Furthermore, I acknowledge that this Manual, and revisions to it, are part of my contract of employment with the School. *I understand that it is my responsibility to read and comply with the policies contained in this Manual and any revisions made to it.*

Employee Signature

Date

ARTICLE I. GOVERNANCE

Section I.1 GOVERNING BOARD OF EDUCATION, POWERS AND DUTIES

Hopi Tribal Council Resolution H-114-93 delegated authority to the Hopi Day School Governing Board of Education to assume operation of Hopi Day School under the provisions of P.L. 100-297, the Tribally Controlled Schools Act of 1988, and P.L. 93-638, the Indian Self-Determination and Education Assistance Act. Accordingly, the Hopi Day School Governing Board of Education is the legal entity empowered to control and manage the affairs of the school. In this capacity, the Governing Board has the authority and the responsibility to:

1. Assume all the functions, powers, duties, rights, and responsibilities as delineated herein and as provided by applicable laws, regulations, policies, and procedures.
2. Use funds provided by the federal government, and other entities, to defray any expenditures for education related activities for which any funds that compose the grant may be used.
3. Use funds provided by the federal government, and other entities, to defray expenditures for operations and maintenance so long as funds for such purposes are allocated to the school.
4. Apply for, receive, and administer funds made available through programs of federal, state, and Hopi Tribal governments, and other resources.
5. Make improvements on school facilities and grounds.
6. Initiate claims for and collect damages for the loss, injury, or destruction of school property.
7. Make decisions and initiate actions in pursuit of a high-quality education program for Hopi Day School students.
8. Formulate, implement, and enforce rules and policies for the control and management of the school.
9. Make decisions and initiate actions to ensure fair and uniform application of all relevant federal, state, and tribal laws, rules, regulations, and ordinances in the operation of Hopi Day School.

10. Provide the staff and students of Hopi Day School and members of the local community the opportunity to provide input into school operations and programs.
11. Determine goals, objectives, and standards for the educational program commensurate with the approved mission of the school and the needs of the community.
12. Develop and approve financial investment plans, budgets, and revisions thereof for school programs.
13. Enter into legal and binding contracts and agreements on behalf of Hopi Day School.
14. Designate the President and Vice President of the Governing Board and the Chief School Administrator as authorized signers for official banking and financial management documents.
15. Review qualifications of applicants for employment as school administrators and contract employees, to hire, and to make final decisions in the discharge of any person employed by Hopi Day School.
16. Approve wage rates, salary schedules, and other rates of payment for personnel services.
17. Accept private grants, loans, gifts, endowments, or bequests that are made for educational purposes.
18. Determine, select, develop, or adopt a curriculum to carry out the educational objectives of the school.
19. Develop or adopt academic standards that serve to maximize student achievement levels and provide relevant learning opportunities.
20. Delegate administrative authority to the Chief School Administrator to carry out policies, directives, and decisions of the Governing Board relative to the daily operations of the school.
21. Require reports on expenditures, program activities, personnel performance, and educational achievements.
22. Make decisions and take actions deemed to be necessary and appropriate for the maintenance, prosperity, and success of the school.
23. Evaluate the annual performance of the Chief School Administrator in discharging his or her duties on behalf of the Governing Board.
24. To conduct any and all necessary and appropriate business transactions in the best interest of the school.

Section I.2 SCHOOL GOVERNING BOARD ELECTIONS

1. Eligible Voter: Any person who is eighteen years of age or older and who is a current resident of the Hopi Day School attendance area, or is the parent/guardian or legal guardian of a child currently enrolled at Hopi Day School is eligible to vote in school Governing Board elections. Village-specific representatives shall be elected by current residents of the respective village.
2. Eligibility of Nominee:

- a. Any person residing within the Hopi Day School attendance area, or who is the parent/guardian or legal guardian of a child currently enrolled at Hopi Day School, shall be eligible to serve on the Hopi Day School Governing Board of Education provided that he or she is **not**:
 - (1) under the age of 18;
 - (2) an employee of Hopi Day School;
 - (3) an officer of the Hopi Day School Parent/guardian-Teacher Organization;
 - (4) an employee of the Hopi Tribal Department of Education;
 - (5) a member of the Hopi Tribal Council and/or a member of the village Governing Board or village official;
 - (6) a person directly or indirectly associated with an entity that provides goods and/or services to Hopi Day School for monetary gain;
 - (7) the spouse or a member of the household of an individual who meets one or more of the descriptions delineated above;
 - (8) living in the same household as a Governing Board member in current status;
 - (9) Village-specific representatives shall be current residents of the respective village;
 - (10) been an employee of Hopi Day School or have resigned from the Governing Board in the three years prior to the date of the election; or
 - (11) serve on two concurrent schools Governing Boards.
- b. A Governing Board Member must:
 - (1) successfully pass a fingerprint and background check as required by P.L. 101-630 prior to the election and through the Hopi Day School fingerprint/background check process with costs to be paid by Hopi Day School. Governing Board Member must be free of any criminal history prohibited by P.L. 101-630 and any criminal history that may bring disrepute to the Governing Board. If a Governing Board Member is on the Governing Board and is not able to successfully complete the background check, they will be automatically removed from the Governing Board. If a Governing Board Member is subsequently convicted of a crime barred by P.L. 101-630, they must immediately resign.
 - (2) currently reside in the respective area for which they are a village-specific elected representative.
3. Call for Nominations: Prior to the expiration of a Governing Board member's term of office, the Governing Board shall make public notice of the call for nominations of candidates and establish a deadline date for receiving nominations. Nominations shall be received by the school secretary.
 - a. Public notice of the call for nominations shall be posted at community centers, the post office, and other public places within the Hopi Day School attendance area no less than two weeks prior to the election.
 - b. A notice of the call for nominations shall be sent home with students no less than two weeks prior to the election informing parent/guardians and guardians that nominations are being accepted for the upcoming school Governing Board election.
 - c. Village Representatives: Any person who is eighteen years of age or older and who is a currently enrolled in the Kykotsmovi Village or the Oraibi Village is eligible to nominate candidates for school Governing Board elections to represent the respective village.
 - Position 1: Kykotsmovi**
 - Position 2: Kykotsmovi**
 - Position 3: At-Large**

Position 4: Old Oraibi

Position 5: At-Large

- d. Member at Large for Original Attendance Area Representative: Any person who is eighteen years of age or older and who is a current resident of the Hopi Day School attendance area is eligible to nominate candidates for at-large representatives on the school Governing Board. (Position # 3)
 - e. Member at Large for Open Enrollment Attendance Area Representative: A second "At Large" position is available to any parent/guardian or guardian of a Hopi Day School student from the open enrollment area. (Position #5)
 - f. The Governing Board shall ensure that all eligible candidates duly nominated for the school Governing Board election are placed on the election ballot.
 - g. Public notice of the candidates for the school Governing Board election, and the date, time, and place of the election, shall be posted at the school, at community centers, at the post office, and at other public places within the Hopi Day School attendance area no less than seven days prior to the election.
 - h. A notice shall be sent home with students no less than seven days prior to the election informing parent/guardians of the candidates for the school Governing Board election and advising them of the date, time, and place of the election.
4. Date of Election:
- a. Regular annual elections of the Governing Board of Education shall be held during the month of November.
 - b. Notice of the election shall be posted at the school, at community centers, at the post office, and at other prominent places within the Hopi Day School attendance area at least seven days prior to the election.
 - c. A notice shall be sent home with students no less than seven days prior to the election informing parent/guardians of the date, time, and place of the election.
 - d. The Governing Board may change the election date and place, and make public notice thereof, if such change serves to increase community participation.
5. Polls and Voting Hours: Voting polls for school Governing Board elections shall be at the school, or other such places as designated by the Governing Board. The polls shall be open from 7:00 a.m. until 7:00 p.m. on the day of the election.
6. Ballots: Names of eligible candidates shall be printed on the election ballot. The Governing Board may request that the Chief School Administrator and/or the school secretary assist in the preparation and printing of ballots.
7. Candidates: Candidates shall not, at any time or in any way, interfere with or be involved in the election process, nor post campaign material or campaign within 150 feet of voting polls.
8. Procedures for Conducting the Election: The Parent Teacher Organization, with the guidance of the school administration, shall be responsible for setting up and taking down the polls; distributing ballots to voters; maintaining a voter sign-in roster; collecting and securing ballots, and counting votes. Votes shall be counted within one hour after the closing of the polls. When members of the Governing Board count the votes, the counting shall be witnessed by three impartial parties who are independent of the Governing Board and these witnesses shall certify the results of the election. Prior to the election, the Governing Board shall appoint the three witnesses, or assign the Chief School Administrator the responsibility to appoint the three witnesses. The Governing Board may delegate the responsibility for conducting the election to the P.T.O. If so, the P.T.O. will be responsible for conducting the election with guidance from the Governing Board and/or the Chief School Administrator. The P.T.O. shall certify and present to the Governing Board the results of the election. The Governing Board, by certified mail, shall notify successful candidates and inform them of the date for administering the Oath of Office.

9. Election procedures: Only residents of Kykotsmovi may vote for positions 1 and 2. Only residents of Old Oraibi may vote for position 4. All residents of Hopi Day School attendance area may vote for positions 3 and 5.
10. Restriction of Indian Affairs employees' (BIE and BIA) participation in the election of school Governing Board members:
Reference: 5 CFR § 3501.105(a)(3) No Bureau of Indian Affairs employee may hold a position on a tribal election Governing Board, or on a tribal school Governing Board which oversees Bureau of Indian Affairs schools.

Section I.3 GOVERNING BOARD OF EDUCATION MEMBERSHIP

1. The Hopi Day School Governing Board of Education shall be composed of five (5) members.
 - a. Position 1: Kykotsmovi
 - b. Position 2: Kykotsmovi
 - c. Position 3: At-Large (Hopi Day School Boundary)
 - d. Position 4: Old Oraibi
 - e. Position 5: At-Large (Parent or Guardian of Hopi Day School Student)
2. Membership: The membership of the Governing Board shall consist of persons duly elected by voters of the Hopi Day School attendance area in accordance with the election policies and procedures delineated herein, or alternatively, the provisions of Hopi Tribal ordinances pertaining to school Governing Board elections, at the discretion of the Governing Board.
3. Membership on the Governing Board shall consist of one representative for the village of Old Oraibi, two representatives for the village of Kykotsmovi, one at-large representative from the Hopi Day School attendance area, and one at-large representative for attendees in the open enrollment area of the Hopi Day School.
4. Oath of Office: All Governing Board members shall be sworn in by the presiding President of the Governing Board at the first meeting following their election. The following oath of office shall be affirmed:

"I, _____, do solemnly swear that I will support the Constitution of the United States, the Constitution and laws of the State of Arizona, the Ordinances and laws of the Hopi Tribe, and the policies of the Hopi Day School Governing Board of Education. I pledge to bear truth, faith, and allegiance to the same, and that I will, to the best of my ability, act faithfully, impartially, and responsibly in the discharge of my duties as a Governing Board member, so help me God. "
5. Voting Power: Each Governing Board member shall be entitled to one vote on each item brought before the Governing Board for action.
6. Election: Regular school Governing Board elections shall be held annually in the month of November.
7. Length of Office: Each elected member of the Governing Board shall serve a term of

three (3) years. There will be no restriction on the number of consecutive or intermittent terms to which a Governing Board member may be elected. Terms of office shall be staggered to preclude the election of more than two Governing Board members each year, under normal circumstances.

8. **Unscheduled Vacancies:** An unscheduled vacancy occurs when an elected or appointed Governing Board member fails to complete the respective term of office.
 - a. The Governing Board shall have the authority to appoint an eligible person to fill an unscheduled vacancy on the Governing Board. A person appointed to fill a vacancy shall hold that office until the next succeeding regular school Governing Board election. A village-specific unscheduled vacancy occurring on the Governing Board shall be filled by a member of the same community as the member vacating the seat on the Governing Board.
 - b. The Governing Board may, by majority vote, choose to hold a special election to fill an unscheduled vacancy on the Governing Board.
9. **Removal:** A member of the Governing Board may be removed for cause as follows:
 - a. If a member has had three (3) or more absences or six (6) absences from duly called meetings of the Governing Board, including special meetings, Governing Board may declare the office of such member vacated by reason of neglect.
 - b. If a Governing Board Member finds that he is unable to attend meetings on a regular basis, although excused; the Governing Board President has the responsibility of reminding the member of his Oath of Office. It could require discipline for infractions of the Code of Ethics.
 - c. If a member engages in public misconduct that brings the Governing Board, or the school into disrepute, or attends a Governing Board meeting, or a public function while under the influence of alcohol or an illegal drug, the Governing Board may declare the office of such member vacated by reason of misconduct.
 - d. If a member is found to be in violation of Section 1.15, Code of Ethics, the position held by that member shall be declared vacant the Governing Board.
 - e. If a member is found to be in violation of Section 1.17, Conflict of Interest, the position held by that member shall be declared vacant by the Governing Board if the conflict of interest is not removed to the satisfaction of the Governing Board.
 - f. The decision of the Governing Board shall be final.
10. **Resignation of a Governing Board Member:** A Governing Board member may resign from his position by submitting a letter to the Governing Board President. At this time, the position is considered an unscheduled vacancy and the Governing Board has the authority to appoint an eligible person or schedule a special election.
11. **Recall Election:** Each member of the Governing Board is subject to recall by the voters of the Hopi Day School attendance area. Voters may petition for the recall of a Governing Board member by making formal petition to the Governing Board, and such petition must have 75 signatures of eligible voters of the attendance area. The Governing Board shall review the reason for the recall petition and, if deemed valid, shall conduct a "recall election" within thirty (30) days of receiving the formal petition for recall. Each Governing Board member shall be subject to only one recall election during his/her term of office.

Section I.4 DUTIES OF GOVERNING BOARD MEMBERS

As a condition of serving on the Hopi Day School Governing Board of Education, members are required to attend school Governing Board meetings and to actively participate in discussion, deliberation, debate, and voting. The Governing Board shall exercise its legal authority only in duly called Governing Board meetings when official action is required. It is, therefore, incumbent upon Governing Board members to attend and participate in meetings to fulfill the responsibilities of the office to which they were elected. Administrative action or interference in daily school operations by individual members of the Governing Board is not appropriate.

Section I.5 GOVERNING BOARD MEMBER ABSENCES POLICY

Regular attendance by School Governing Board Members at all School Governing Board meetings is critical to accomplishing the School's mission and ensuring representation of all interests in the community. Therefore, Governing Board Members shall be dismissed from their office and their Governing Board position declared vacant due to absences from meetings as set forth in this policy. If a Governing Board Member has three unexcused absences from meetings or has six unexcused absences from duly called meetings in a year, the Governing Board Member shall be removed from the Governing Board, the Governing Board Member's position declared vacant, and that position shall be filled as set forth in these policies. For the purpose of this policy, a meeting is defined as any regular meeting, special meeting or work session. For illustrative purposes, a non-inclusive list of unexcused absences includes employment, social events, and discretionary events.

A non-inclusive list of excused absences includes, but is not limited to:

- A. Medical (medical disability or treatments requirements – documentation may be required upon request by the Governing Board)
- B. Family Emergency
- C. Other types of emergency which renders attendance impossible or dangerous to the Governing Board Member.

Please note that the Governing Board may require documentation from the absent Governing Board Member relative to any absence. It shall be the responsibility of a Governing Board Member who is absent from a meeting to provide the reason, in writing, for the absence to the Governing Board at the next meeting. Failure to submit a written reason for an absence shall constitute a presumptive unexcused absence.

Should there be a disagreement regarding whether or not an absence is excused or not excused, the matter shall be determined by the Governing Board minus the Governing Board Member who was absent. The Governing Board Member who is absent shall not be allowed to vote regarding whether or not the absence was excused or not excused.

Upon a Governing Board Member having three unexcused absences from meetings or six unexcused absences from meetings in a year, the matter shall be placed on the next Governing Board meeting agenda. At that time, the Governing Board shall allow the Governing Board Member who has been absent to address the Governing Board. Thereafter, the Governing Board

may discuss the matter and the Governing Board, minus the Governing Board Member who has been absent, shall vote whether or not to remove the Governing Board Member from office and declare the position vacant. The Governing Board Member who has been absent may not vote on whether or not he/she should be removed. These proceedings may take place in executive session at the discretion of the Governing Board with the final vote in open public meeting. The above process shall constitute the hearing regarding any Governing Board member dismissed under this policy. The decision of the Governing Board shall be final.

Section I.6 ELECTION OF OFFICERS

Officers of the Governing Board shall be elected annually at the regular meeting of the Governing Board in the month of December

1. Officers: The officers of the Governing Board shall be President, Vice-President, and Secretary.
 - a. President: The President shall preside at all meetings of the Governing Board and shall have a vote on motions placed before the Governing Board. The President shall sign on behalf of the Governing Board such documents as may require official Governing Board signature. The president shall represent the Governing Board in the conduct of all official business of the Governing Board. The President shall be the spokesperson for the Governing Board. The president shall have authority to establish committees when needed, and appoint members to such committees. The President may call special meetings and perform other duties prescribed herein or authorized by law.
 - b. Vice-President: The Vice-President shall perform all duties of the president when the president is unable to attend meetings of the Governing Board, or is unable to fulfill his or her duties. The Vice-President shall have signatory authority for official documents, by Governing Board approval, if the President is not available.
 - c. Secretary: The Secretary shall record minutes of all meetings and shall serve as custodian of Governing Board records. The Secretary shall perform other duties as assigned by the Governing Board.
 - d. The Governing Board may establish other officers of the Governing Board as may be needed and may delegate secretarial duties to a school employee.

Section I.7 PUBLIC RELATIONS

The Governing Board shall be earnest in promoting good public relations with the school staff, the general public, and entities within and outside of the school's attendance boundary. Information of general interest pertaining to school operations, goals, and overall performance should be provided to the public through newsletters, local newspapers, and community meetings. The Governing Board shall provide opportunities for input from students, school employees, and the general public through the use of meetings, written communication, and surveys to acquire relevant information for decision making purposes.

Section I.8 RELATIONSHIP WITH CHIEF SCHOOL ADMINISTRATOR

The Governing Board shall assign the daily administration and operations of Hopi Day School to the Chief School Administrator. The Chief School Administrator of Hopi Day School shall be

held accountable to the Governing Board for all aspects of the day-to-day operations of the school including administration, supervision, curriculum and instruction, monitoring and evaluation, program compliance, transportation, facilities management, documentation and reporting, public relations, communications, financial operations, and program accountability.

Section I.9 ACCOUNTABILITY FOR SCHOOL OPERATIONS

1. The Governing Board authorizes and directs the Chief School Administrator to maintain responsible administration and accountability of daily school operations.
2. The Chief School Administrator shall advise the Governing Board on all educational, administrative, and legal matters that affect Hopi Day School.
3. The Chief School Administrator shall make regular reports to the Governing Board on current and projected activities, accomplishments, needs, and school operations.

Section I.10 SCHOOL ATTORNEY

The Governing Board has the right to obtain and contract legal services as needed and the authority to appropriate funds for such services. The attorney must be contacted by either the Chief School Administrator or Governing Board President.

Section I.11 CONTROL OF FUNDS

1. All funds received by the Governing Board to support operations of Hopi Day School shall be deposited to the credit of the school in banks or other depositories as the Governing Board designates.
2. The Governing Board is the legal custodian of all funds and other financial assets provided to or acquired by Hopi Day School and shall ensure that accurate and complete financial records of such funds and financial assets are maintained.
3. The Governing Board shall ensure that payments to vendors are made in a timely manner for services and materials provided to the school.
4. All checks, drafts, or orders for payment issued in the name of the Hopi Day School for legitimate indebtedness shall be signed by an authorized Governing Board signatory and countersigned by the Chief School Administrator.
5. The Governing Board shall invest school funds in insured and collateralized government money market funds or other safe and secured investment portfolios in accordance with applicable laws and regulations.
6. The Governing Board shall 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.

Section I.12 GOVERNING BOARD MEMBER COMPENSATION AND EXPENSES

1. Each member of the Governing Board shall receive a stipend of \$150.00 for each official Governing Board meeting attended for the purpose of conducting business as a member of the Governing Board, including regular meetings, special meetings, or work sessions. At the discretion of the Governing Board President, the amount of the stipend for a particular meeting may be reduced proportionately for a member who is not present for the entire meeting.
2. Reimbursement for expenses incurred in the performance of official Governing Board functions shall be made in accordance with the established financial policies and procedures of Hopi Day School.
3. Each member shall submit all necessary travel expenses and receipts within five days.
4. The Chief School Administrator shall certify statements of actual and necessary travel expenses incurred by Governing Board members in attending meetings or performing duties authorized by the Governing Board.
5. Failure of a member of the Governing Board to carry out assigned responsibilities and violation of Governing Board travel policies is gross neglect of duty and expenses shall not be paid and the Governing Board member who has received a travel advance shall reimburse the school.

Section I.13 GOVERNING BOARD MEMBER TRAINING

Training is an on-going process for all Governing Board members and may include such activities as seminars, in-service, workshops, conferences, and professional organizational meetings. Governing Board members are encouraged to participate in training immediately upon becoming a member. Pursuant to 25 C.F.R § 39.603, the Governing Board shall ensure that each new Governing Board member receives, within one year after the individual becomes a member of the Governing Board, forty hours of training relevant to the duties and responsibilities of Governing Board members and the role and function of the Governing Board. Governing Board members should continue training throughout the duration of their Governing Board term.

Section I.14 GOVERNING BOARD RECORDS

1. The Governing Board shall designate staff members to keep accurate and complete records of school operations including the inventory of property, student records, personnel records, financial records, audit reports, annual reports, and statistical data as required and as deemed appropriate. Records should be available for at least 5 years.

2. The Governing Board shall ensure that there is an accurate record of all Governing Board meetings.
3. The approved budget, certain statistical compilations, reports, notices, minutes of meetings, and official communications are public records and access thereto may be granted to the public. When access to any public record is granted, examination thereof shall be made in the presence of the appropriate custodian of such records who is regularly responsible for maintenance of the file.

Section I.15 CODE OF ETHICS

Members of the Governing Board of Education shall adhere to the following Code of Ethics:

1. Each member of the Governing Board must have a voice in the education of its children, Members of the Governing Board are elected to represent the community and guide the operation of the School for the benefit of the students, first and foremost. All decisions of the Governing Board will be primarily determined by the educational needs of the students and their welfare.
2. Each member of the Governing Board shall assume fiduciary responsibility for the governance and operations of Hopi Day School.
3. Each member of the Governing Board shall strictly adhere to the Oath of Office affirmed as a condition to serve as a public official on the Governing Board, and perform all duties to the best of his or her abilities.
4. Each member of the Governing Board shall represent his or her constituents with honesty and integrity as an elected public official.
5. Each member of the Governing Board should make a conscientious effort to be involved with the school, but is prohibited from direct involvement in the administrative operations.
6. Each member of the Governing Board must recognize and acknowledge that his or her role and function is policy making and not administrative.
7. Each member of the Governing Board must respect the rights of school personnel and their right to be heard at official meetings.
8. Each member of the Governing Board must recognize that the authority of individual Governing Board members rests in the conduct of official business in duly-called meetings where actions are taken by the Governing Board as a whole, and that individual members have no legal status to act for the Governing Board outside of official meetings. Individual Governing Board members have no authority to commit the Governing Board or school to any financial obligation, contract, or agreements that are legally binding.
9. Each member of the Governing Board shall refuse to make commitments on any matter that should properly come before the Governing Board as a whole.
10. Each member of the Governing Board must respect the opinions of others and graciously accept the principle of "majority rule" in decisions made by the Governing Board.
11. Each member of the Governing Board must recognize and acknowledge that the Chief

School Administrator has full administrative authority for properly discharging day-to-day administrative duties within the limits of established Governing Board policy and applicable laws.

12. Each member of the Governing Board is to refer any complaints or problems to the Chief School Administrator and to address them at official Governing Board meetings only after failure of administrative resolution.
13. Each member of the Governing Board is to present personal concerns on any matter of school operations directly to the Chief School Administrator and not to school personnel.
14. Each member of the Governing Board must ensure that his or her conduct and that of each Governing Board member is ethical, honest, fair, impartial, and proper.
15. Each member of the Governing Board is prohibited from using his or her position on the Governing Board, in any way whatsoever, for personal gain.
16. Each member of the Governing Board shall refrain from bringing personal problems or bias into Governing Board considerations.
17. Each member of the Governing Board shall demonstrate appropriate respect and consideration for all school employees.

Section I.16 DISCIPLINE OF MEMBERS FOR VIOLATION OF CODE OF ETHICS

It is the intention of this Governing Board that all violations of this Code of Ethics be met with appropriate discipline. Discipline shall, by majority decision of the School Governing Board, consist of private counseling of the member found to have violated the Code of Ethics, private reprimand; public reprimand, termination of office, or such other action as may be allowable under Hopi Law. All discipline, with the exception of the content of private counseling, shall be on the record as a part of the Minutes of the meeting. Private reprimands shall not be published in the public report of the meeting. Public reprimands shall be reported in the public report of the meeting.

The perception of possible violation of the Code of Ethics shall be verbally reported by any member at any time during a general meeting of the Governing Board at which a quorum is present. The member who is perceived to have violated the Code of Ethics shall thereupon be afforded the opportunity to verbally respond to the report of a perceived violation and, thereafter, a general discussion shall be had as to the matter. 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. The member against whom the accusation is made shall abstain from said vote. All other members present shall be required to vote on the issue. If the member against whom the accusation is made is found, by majority vote of the other members, to have violated the Code of Ethics, then the matter of discipline shall be determined by majority vote of the members present, excepting only the member found guilty of a violation of the Code of Ethics.

Section I.17 CONFLICT OF INTEREST

Neither the Governing Board, nor an individual member of the Governing Board, shall engage in activities that constitute a conflict between personal interests and the official interests of the school. Prohibited activities and actions include, but are not limited to the following:

1. Participation by an individual Governing Board member in bringing influence to bear upon, or advancing any Governing Board decision regarding the employment of a person of the immediate family of the Governing Board member.
2. Contracting with or selling goods and/or services to the school while serving as a member of the Governing Board.
3. Using one's position as a member of the Governing Board to bear influence upon an employee of the school as a condition of employment, or quid pro quo, either prior to or after hiring.
4. Appropriation of materials, supplies, equipment, or other property of the school for personal use or gain while serving as a member of the Governing Board.
5. Interceding on behalf of students or employees who are family relatives or who are otherwise personally known to individual Governing Board members.
6. A Governing Board member shall disqualify himself or herself anytime a conflict of interest arises on any matter for which the Governing Board must make a formal decision. If the member refuses to recuse, the Governing Board shall not recognize that Governing Board member's participation in the discussion of and/or the vote on the item.

Section I.18 GOVERNING BOARD MEETINGS

1. The Governing Board shall hold one regular meeting per month to conduct official business of the Governing Board. The Governing Board has no legal authority outside of duly call meetings of the Governing Board.
2. Regular and special meetings of the Governing Board shall be open to the public.
3. The Governing Board is authorized to hold regular meetings and to call special meetings as deemed necessary.
4. The Governing Board shall seat newly elected members to the Governing Board and elect school Governing Board officers during the regular meeting in the month of December of each year.
5. Notice of Governing Board meetings:
 - a. Governing Board members shall be provided written notification of meetings at least 48 hours in advance.
 - b. The agenda for each regular school Governing Board meeting shall be posted in conspicuous public places at least 48 hours prior to the meeting.
 - c. Meetings are not to exceed two hours in duration unless extended by action of the Governing Board.

- d. If the date and/or time of a school Governing Board meeting is changed, notification of the change shall be posted in conspicuous public places at least 48 hours prior to the meeting.
6. Special meetings may be held at the call of the President of the Governing Board or by written request of a majority of the Governing Board members.
- a. No business shall be conducted except for which the meeting was expressly called.
 - b. Governing Board members shall be provided written notification of special meetings at least 24 hours in advance.
 - c. The agenda for a special school Governing Board meeting shall be posted in conspicuous public places at least 24 hours prior to the meeting. The agenda for a special meeting shall state the purpose for which it was called.
7. The Governing Board is authorized to conduct executive sessions as deemed necessary.
- a. Executive sessions are closed to the public, but the Governing Board may invite such persons as deemed necessary or appropriate.
 - b. Executive sessions are for discussion purposes only and the deliberations are not recorded in the minutes of the meeting. Final decisions and formal action on matters discussed in executive session shall be made only in an open meeting and such Governing Board action shall be recorded in Governing Board minutes.
8. The Governing Board has the authority to conduct work sessions and retreats for the purpose of developing functional working relationships, for study and planning, and for training and professional growth. The Governing Board shall not conduct official business or take formal action during work sessions or retreats. Work sessions of the Governing Board shall be open to the public.

Section I.19 CONDUCT OF MEETINGS

- 1. All meetings of the Governing Board shall be conducted in accordance with Roberts Rules of Order.
- 2. The Chief School Administrator will consult with the Governing Board President to prepare the agenda for regular and special meetings. Agenda items may be submitted to the Chief School Administrator or the Governing Board President in writing not less than five (5) days prior to the scheduled meeting date.
- 3. The order of business to come before the Governing Board at any regular meeting shall be as follows:
 - a. Call to Order
 - b. Roll Call

- c. Approval of Agenda
 - d. Approval of Minutes
 - e. Public Comments
 - f. Reports
 - g. Old Business (discussion and possible action)
 - h. New Business (discussion and possible action)
 - i. Other Correspondence
 - j. Adjournment
4. Formal approval of the Governing Board agenda for each meeting shall be the first order of business preceding any official actions of the Governing Board.
 5. The Governing Board may exclude any person(s) from a meeting for unduly interfering with the orderly conduct of business.
 6. The Governing Board may call to its meetings such administrative officers, legal advisors, consultants, witnesses, or other persons as deemed necessary or appropriate to provide the Governing Board with information or technical assistance prior to taking formal action.
 7. A majority of the current membership of the Governing Board (2 members plus member of presidency) shall constitute a quorum for the official conduct of business at any meeting. If a quorum is not present within twenty minutes after the time the meeting was scheduled to begin, the members in attendance may declare the meeting cancelled.
 8. Members of the Governing Board, either individually or as a group, have no authority to conduct official school business except in a duly called meeting at which a quorum is present. The practice of making decisions in advance of duly called meetings, whether at private meetings or at any gathering at which a quorum is present, is expressly prohibited.
 9. The Governing Board shall keep an accurate and official record of its meetings. The Secretary of the Governing Board shall be responsible for making a record of Governing Board meetings and for preparing the official written minutes. The Governing Board may delegate the Secretary's recordkeeping duties to a school employee provided that such practice is in compliance with the School's overtime policy. Tape recordings of meetings may be made for use in the construction of the minutes, but shall not constitute official records of the Governing Board. Official minutes shall be available for approval at the next regular meeting of the Governing Board and be reviewed by the Chief School Administrator and Governing Board secretary prior to reproduction for inclusion into Governing Board packets. Governing Board minutes are to be given priority as they are essential and a record of official Governing Board business.
 10. Official records of the Governing Board shall be available for audit purposes and preserved for a period of at least five (5) years. Governing Board records shall contain the original minutes, resolutions, agreements, and other documentation of official transactions.

11. The general procedure for voting is by voice vote; however, a Governing Board member may call for a roll call vote. Votes taken during Governing Board meetings shall be entered in the minutes on all questions called by the president. Any member may request that his/her vote be changed prior to consideration of the next order of business. Abstentions from voting shall be recorded. Proxy voting is not allowed.
12. Official minutes of the Governing Board are public records and, as such, shall be made available for review upon reasonable request by a member of the public. The school may charge a fee for copies of Governing Board minutes.
13. Each member of the Governing Board should be provided a packet of materials at least 48 hours prior to a scheduled meeting that includes the agenda and such materials to be discussed at the meetings. Governing Board members are responsible for the review and study of all information prepared for meetings. The Chief School Administrator and the School Secretary will coordinate preparation materials for Governing Board meetings.
14. Attendance at Meetings:
 - a. Governing Board members are responsible for attending duly called meetings of the Governing Board to attend to official business of the Governing Board and the school.
 - b. Governing Board members are responsible for notifying the Governing Board President or the Chief School Administrator if he or she must be absent from a scheduled meeting of the Governing Board.
 - c. Individual Governing Board members are expected to attend other meetings as directed or requested by the Governing Board when necessary to carry out official business. These duties will be distributed among Governing Board members in such a way as not to impose an undue burden upon any one member.
15. Official and Public Statements: The Governing Board must recognize that official statements and public statements by Governing Board members carry great weight with the community at large and may affect the welfare of many other people. It is, therefore, expected and required that any public statement, whether an official statement of the Governing Board or a public statement by a Governing Board member, must be:
 - a. Supportive of the philosophy, policy and procedure officially adopted.
 - b. Supportive of Governing Board members and School personnel.
 - c. Fair, accurate and objective.
 - d. Devoid of any personal opinion expressed to create or influence public opinion.
 - e. Refrain from divulging private and personal information discussed in executive sessions.
16. All funds received by the Governing Board to support operations of Hopi Day School shall be deposited to the credit of the school in banks or other depositories as the Governing Board designates.

17. The Governing Board is the legal custodian of all funds and other financial assets provided to or acquired by Hopi Day School and shall ensure that accurate and complete financial records of such funds and financial assets are maintained.
18. The Governing Board shall ensure that payments to vendors are made in a timely manner for services and materials provided to the school.
19. All checks, drafts, or orders for payment issued in the name of the Hopi Day School for legitimate indebtedness shall be signed by an authorized Governing Board signatory and countersigned by the Chief School Administrator.
20. The Governing Board shall invest school funds in insured and collateralized government money market funds or other safe and secured investment portfolios in accordance with applicable laws and regulations.
21. The Governing Board shall 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

Section I.20 ADMINISTRATIVE ASSISTANT OF FINANCE/ADMINISTRATIVE ASSISTANT FOR FINANCE_

The Governing Board shall employ an Administrative Assistant of Finance or Administrative Assistant for Finance who will serve at the pleasure of the Governing Board, and may require such employee to post any required bond. The Governing Board shall maintain a sound financial management system at Hopi Day School in accordance with applicable laws, regulations, and directives. Under the provisions of P.L. 100-297, the Fiscal affairs of Hopi Day School are subject to review by the Hopi Tribe.

Subject to the direction of the Governing Board and the guidance and supervision of the Chief School Administrator, the duties and responsibilities of the Administrative Assistant of Finance/Administrative Assistant for Finance shall include, but not be limited to, the following:

1. Be under the direct supervision of the Chief School Administrator.
2. Keep an accurate record of the school's finances and have custody of the school's financial records.
3. Serve as custodian of all school funds, be responsible and accountable for all money received and disbursed, and keep accurate records of the sources and amounts of all revenues received.
4. Prepare and submit to the Governing Board each quarter, a written report of the schools receipts and expenditures.
5. Use budgeting, accounting, and auditing procedures that are in accordance with generally accepted accounting principles and auditing standards.

6. Prepare and submit to the Governing Board a detailed annual financial statement for the period ending June 30 showing revenues and expenditures and beginning and ending fund balances.
7. Assist the Chief School Administrator in the preparation and submission of budget documents and statistical and financial reports required by law or regulation.
8. Ensure that timely payments are made to vendors for providing services and materials to the school.
9. Ensure that adequate internal controls are in place to safeguard school funds and perform other duties as the Chief School Administrator may direct or require.

ARTICLE II. ADMINISTRATION

Section II.1 ADMINISTRATION

Administration of Hopi Day School will function within the guidelines, policies and procedures established by the Governing Board to provide direction, coordination and accountability for overall school operations.

The Governing Board expects the Chief School Administrator to facilitate and implement the following:

1. The exercise of responsible administrative decision making, accountability and communication.
2. The implementation of a sound financial management system.
3. Planning, organizing, developing, implementing, and evaluating educational programs.
4. The demonstration of educational leadership.
5. The facilitating of human relations with staff and students in the school.
6. Facilitation of public relations and communications with the public.
7. The coordination of initiatives toward attaining the educational goals adopted by the Governing Board.
8. Overseeing the facilities management operation.
9. The coordination with local, state, and federal programs.
10. Providing a physically and emotionally safe learning environment for the students.

Section II.2 CHIEF SCHOOL ADMINISTRATOR

1. The Governing Board shall employ a Chief School Administrator who serves under the direction of the Governing Board and who shall serve as the Governing Board's chief executive officer.
2. The Chief School Administrator shall enforce the policies and procedures adopted by the Governing Board of Education.
3. The Chief School Administrator has full administrative authority and responsibility for school operations, and shall carry out his/her responsibilities with due diligence in accordance with policies of the Governing Board, and take necessary actions for the daily

operations of Hopi Day School from 7:30 a.m. to 5:00 p.m. Monday through Friday. These hours may be extended to include school sponsored functions.

4. The Chief School Administrator is authorized to be signatory to all documents required by the federal, state, and Hopi Tribe for reporting and compliance with applicable rules and laws.
5. The Chief School Administrator may prepare administrative policies for the school that are in compliance with all applicable statutes of the Hopi Tribe, policies of the Hopi Governing Board of Education, policies of the school Governing Board and all applicable laws. These policies are binding on the employees and students of Hopi Day School.
6. The Chief School Administrator is the spokesperson for Hopi Day School on educational matters.

Section II.3 QUALIFICATIONS AND COMPENSATION

1. The Chief School Administrator shall hold an administrative/supervisory certificate issued by the Arizona Department of Education.
2. The Governing Board shall approve the Chief School Administrator's compensation for services on a yearly basis.

Section II.4 DUTIES

1. The Chief School Administrator shall have administrative and supervisory responsibility for daily operations of Hopi Day School.
2. The Chief School Administrator shall have direct supervision of all school personnel, recommend appointment of, dismiss an employee for cause, administer disciplinary action, make staff assignments and duties thereof, and recommend promotions, demotions and salary changes to the Governing Board in accordance with policies and procedures.
3. Shall administer the policies of the Governing Board; provide leadership and guidance for the school.
4. Make recommendations to the Governing Board for changes in education programs.
5. Manage programs of the school to meet all requirements for compliance.
6. Prepare and submit the annual budget for Governing Board review and approval, approve fiscal expenditures, oversee the financial management system and insure an annual audit is conducted.
7. Affect a sound financial management system to control receipt of school funds, expenditures and investments.

8. Maintain adequate records for the school that include financial accounts, business and property records, personnel records, statistical records and academic records.
9. Provide guidance and direction for school safety, transportation and maintenance of school properties.
10. Assume responsibility for the use of buildings and grounds.
11. Prepare annual reports and documents to account for school operations.
12. Ensure the development, coordination, maintenance and evaluation of school education programs including special education and other support programs.
13. Supervise methods of teaching, instruction, selection of curriculum, staff development program planning, student assessments, and innovative means of enhancing school programs.
14. Advise the Governing Board on all educational matters and concerns that impact school operations and programs.
15. Advise the Governing Board on the need for new or revised policies.
16. Communicate employee actions to the Governing Board relating to personnel matters and receive communication from employees to the Governing Board.
17. Maintain professional growth in the principles and practices of education services through visiting other school systems, attending workshops and conferences, taking college courses, and reading of current education research.
18. Remain current on new legislation, statutes, rules and regulations.
19. Do all other administrative things necessary for the maintenance and success of school operations.

Section II.5 DELEGATION OF AUTHORITY

The Governing Board delegates to the Chief School Administrator the authority to perform the following:

1. To give notice to teachers of the Governing Board's intention not to offer a teaching contract and to dismiss the teacher.
2. To issue to teachers preliminary written notices of inadequacy of classroom performance.
3. To administer and supervise daily school operations.

Section II.6 LINE AND STAFF AUTHORITY

Unless otherwise limited by statute or Governing Board action, powers and duties assigned to the Chief School Administrator are to give him/her full authority to administratively make decisions and carry out school operations. The Chief School Administrator is responsible to the Governing Board for the satisfactory exercise of the delegated powers and duties. The Chief School Administrator may delegate authority to others serving under the Chief School Administrator to carry out administrative, supervisory or programmatic requirements.

Lines of authority shall be clearly outlined by the Chief School Administrator by means of an organization chart, job descriptions, administrative policies and directives. In the absence of the Chief School Administrator, the teacher supervisor would be next in line of authority to make decisions on behalf of the Chief School Administrator in matters:

- Of an emergency situation where an immediate decision is necessary for the safety of the students and/or school.
- Related to staff or students where an immediate answer benefits the situation.
- Where a signature is required immediately. The Chief School Administrator will initial agreement at a later date.

If the teacher supervisor is not available, school personnel will follow the delegation of authority as published at the beginning of each school year.

Section II.7 COUNCILS AND COMMITTEES

1. The Governing Board authorizes the Chief School Administrator to establish school advisory councils and committees when necessary for the improvement of educational programs, school activities, and mandated educational requirements. All councils and committees created by the Chief School Administrator are for the purpose of obtaining input, advice and counsel from personnel, parent/guardians and communities of the school.
2. The number, composition and work to be done by such councils and committees shall be defined by the Chief School Administrator.
3. School advisory councils and committees have no authority to represent, commit or bind the Governing Board or the school to financial obligations, contracts or agreements.

Section II.8 POLICY DEVELOPMENT AND IMPLEMENTATION

1. The Chief School Administrator is responsible for the revision, updating and development of policies for the Governing Board to align with changes in statutes, rules and regulations.
2. Effect of any changes in school policy and implementation of new policy must meet with Governing Board approval and cannot be arbitrarily applied administratively.

3. The Chief School Administrator has responsibility for implementing and administering policies established by the Governing Board.
4. All employees and students shall comply with Governing Board policies.

Section II.9 COMPLIANCE WITH APPLICABLE REGULATIONS

The Chief School Administrator is responsible for ensuring that Hopi Day School operations comply with applicable federal, state and Hopi tribal rules and regulations. Such compliance includes, but is not limited to P.L. 93-638 the Indian Education and Self-Determination Act, P.L. 100-297 the Indian Controlled Schools Act, financial accounting, audit requirements, investments, federal program requirements, and required reports.

Section II.10 HANDBOOKS

1. The Chief School Administrator is responsible for keeping the employee and student handbooks current and ensure they are consistent with Governing Board policies.
2. Hopi Day School handbooks will be presented to the Governing Board for approval prior to final publication and distribution.
3. The Chief School Administrator is authorized to develop handbooks for the school as deemed necessary.

Section II.11 ADMINISTRATIVE REPORTS

1. The Chief School Administrator, Administrative Assistant of Finance/Administrative Assistant for Finance shall comply with all requirements and procedures related to reports, accounting and business matters that are required for administration of school programs and operations. Attention to and responses for submittal of reports will be timely in order to meet scheduled timelines.
2. The Governing Board and the Chief School Administrator shall submit an annual report to the Hopi Tribal Council on or before December 1st of each year, unless otherwise directed.

Section II.12 PERSONNEL

1. The Governing Board and the Chief School Administrator will comply with all personnel policies as set forth in the personnel chapter of the Governing Board Policy Manual.

2. The Governing Board and the Chief School Administrator will assure that workplace harassment based on race, skin color, religion, gender, national origin, age, or disability is prohibited.
3. The Governing Board and the Chief School Administrator will assure that all forms of violence and threats of violence are prohibited.
4. Hopi Day School facilities and property shall be a “Drug and Alcohol Free Workplace.”

Section II.13 EMERGENCY/BAD WEATHER/CATASTROPHE POLICY

1. Emergencies: An appropriate plan and procedures are to be used to evacuate the facility safely and in an orderly manner for the following: bomb threats, fire, toxic chemical fumes, and life threatening situations. Staff must notify appropriate officials as soon as possible; evacuate facilities, roll calls, and treatment when necessary.
2. Bad Weather/Snow Days: School may be delayed one or two hours on the day snow is covering the ground and roads are unsafe. The Chief School Administrator or Facilities Manager will notify local media stations to air the notice of delay.
3. Catastrophe: The Chief School Administrator in conjunction with proper authorities can make decisions related to unforeseen events that have a major impact on the operation of the school such as:
 - a. Infectious disease outbreak affecting students and school personnel.
 - b. Facility breakdown and unsafe conditions.
 - c. Environmental hazards that directly affect the school and community.
 - d. Natural disasters such as earthquakes, tornadoes, severe windstorms, severe rain or snow storms

The Governing Board will be notified of the event as soon as possible under the ensuing circumstance.

ARTICLE III. BUSINESS OPERATIONS

Section III.1 ADOPTION OF THE SUPER CIRCULAR

The School has adopted the Super Circular, 2 C.F.R. §200 *et seq.* (hereinafter referred to as “Super Circular”), in situations wherein there are no controlling or applicable policies in this manual. Therefore, all matters relative to property procurement, management and disbursement not treated in these policies are generally controlled by, and shall be in accordance with, the Super Circular and any applicable rules and regulations arising from the laws of the Hopi, the federal government and the School’s contractual grant status.

The current Super Circular and any amendments thereto should be consulted and followed regarding the proper form and procedure for requisitions, purchase orders, bidding procedures, inventory control, receiving and disbursements.

Section III.2 GOVERNANCE

The Governing Board is responsible for the budget, accounting and reporting functions of the Hopi Day School. The Governing Board may request assistance from the Education Line Office, assigned to the Hopi tribe, Office of Indian Education Programs.

Section III.3 INTERNAL CONTROLS

The Governing Board shall have in place, policies and procedures for the control of daily business transactions, financial management, procurement, and contracts. The Chief School Administrator and Administrative Assistant of Finance/Administrative Assistant for Finance are responsible for the business management of school operations in a responsible manner to ensure the fiscal solvency of the school. The School Administration, department heads and all personnel performing under the policies and procedures of this Article shall familiarize themselves with the rules and regulations associated with the School's funding contract, applicable rules and regulations of the Hopi and federal government and provisions and procedures found in the Super Circular.

Section III.4 FINANCIAL MANAGEMENT SYSTEM

The Governing Board shall have in place a financial management system to account for the following:

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. Controls that are in keeping with accepted financial principles and practices.
2. All revenues shall be deposited in a valid, safe and secure bank account in the name of Hopi Day School.
3. The financial portfolio of Hopi Day School 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, state and Hopi tribal financial management statutes, rules and regulations.
5. Controls that will meet audit requirements.
6. 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.
7. Expenditures and investments of a speculative nature shall be prohibited.

8. The financial management system shall account for the financial solvency of the school.
9. Checks, cash and any payments to the school shall be kept in a secured safe or locking file.

Section III.5 BUDGETING

The tentative budget (completed and adopted no later than the date set by BIE) and the final budget (completed and adopted no later than May 1st), which account for actual receipts and expenditures, as projected in the budget, are the prime consideration of school finance officials. The budget is designed to cover school operations for one fiscal year--that is, from July 1 of a specific year through the following June 30. The Annual School Budget constitutes the most important planning document for the Hopi Day School.

The Hopi Day School Governing Board is legally responsible to ensure that the budget is not exceeded.

An Annual report is prepared and submitted to the Grants Officer and other necessary organizations; which should include actual revenues, actual expenditures and ending balances for each fund in the school. The format is prescribed by P.L. 100-297.

Section III.6 BUDGET ADOPTION_

The school officials responsible for preparing the budget should be fully informed not only of school needs but also of the limits within which expenditures for the following year may be projected.

Preliminary work on the succeeding year's budget should be commenced early in the calendar year. Not only should tentative figures based on a compilation of requests from various school personnel be entered for analytical review, but realistic revenue estimates should be projected as early as possible showing how much income is likely to be received from potential fund sources.

The tentative and final expenditure budgets should comply with amounts issued by the appropriate federal agency i.e. Bureau of Indian Affairs or Department of Education. The Governing Board may, as need dictates, revise the budget in a Governing Board meeting.

Section III.7 ACCOUNTING

An effective accounting system is essential in providing accurate and timely financial information to the Governing Board, School Administrators, Hopi Tribe and the Public. The Governing Board uses financial information to allocate financial support, plan overall policies and operations and to project future funding. School Administrators use the information to plan and conduct the daily financial affairs of the school. The Hopi Tribe and public use such

information to determine how well the Governing Board and its Administrators are meeting its stewardship responsibilities.

Accounting system policies and procedures should be in writing and formally adopted by the Governing Board. Essential to an effective accounting system is a system of internal accounting control that will provide a plan of organization, adequate internal checks and balances and sufficient supporting records to ensure the safeguarding of assets and the accuracy and reliability of the financial records. The accounting system must also provide information necessary to determine compliance with P.L. 100-297.

A uniform Chart of Accounts should be used as the basis for recording and classifying transactions and preparing financial reports. The school should use the modified accrual basis of accounting applicable to governmental units to prepare financial reports.

The school should use documents that provide for proper authorization of financial transactions by its administrators. Signatures or initials are the usual form of authorization. Facsimile signature stamps may be used in certain instances, if properly controlled.

The school should verify the accuracy of the accounting records at least monthly by preparing bank reconciliations.

Section III.8 BASIC ACCOUNTING REQUIREMENTS

The following basic accounting system requirements should be implemented to provide adequate internal accounting controls. This section prescribes procedures for implementing these basic requirements.

1. Accounting Records: The Hopi Day School should maintain prescribed accounting records and should reconcile them monthly to help ensure their accuracy and otherwise provide financial accountability. Transactions reported in the accounting records should be supported by adequate documentation.

The Hopi Day School should use the account codes prescribed in the Chart of Accounts when recording transactions in the accounting records. The chart identifies the account descriptions and codes that form the framework for summarizing operations.

2. Financial Reporting: The Hopi Day School must prepare the Annual Financial Report and furnish it to the Bureau of Indian Education and to the Hopi Tribal Council by July 1 of each year. The Hopi Day School is required to comply with the Super Circular and must prepare general purpose financial statements to enable a financial audit of the Hopi Day School's financial transactions and accounts to be performed annually.
3. Cash: The Hopi Day School should properly safeguard record and classify cash in the accounting records.
4. Bank accounts may be maintained only when specifically authorized by the Hopi Day School Governing Board and must be reconciled monthly.

5. Revenues and Expenditures: The Hopi Day School must record revenues and expenditures on a timely basis, and report them in the financial statements and Annual Financial Report using the modified accrual basis of accounting. Under this method of accounting, revenues are recognized in the accounting period in which they become both measurable and available to finance expenditures of the fiscal year.

The Hopi Day School must deposit all monies received either in the General Fund account or the Student Activities account as appropriate. Adequate supporting documentation must be maintained to document the receipt and subsequent deposit of all revenues.

The Governing Board must authorize expenditures, including payroll. The Hopi Day School must retain adequate supporting documentation.

The Hopi Day School must retain at least three bids for all purchases of goods and services above \$25,000.00. The Governing Board may waive this requirement for purchases of textbooks or instructional consumable supplies. The bid requirements will ensure the best possible prices for the school.

Revenues due on or before June 30 and expected to be received within 60 days after fiscal year-end should be accrued by the school. Accrued expenditures should include all amounts obligated for goods and services on or before June 30, but not yet paid as of that date.

6. Supplies Inventory: The Hopi Day School must establish adequate internal control procedures over supplies inventory to physically safeguard the supplies inventory. Inventories from the various departments should be reviewed in June.
7. General Fixed Assets: The Hopi Day School must establish an adequate property control system over general fixed assets. A listing of furniture and equipment with unit costs of \$500.00 or more and useful life of one year or more should be prepared or updated at the end of each fiscal year. (See Management and Disbursement of Property Section.) The Hopi Day School should take a physical inventory of furniture and equipment at least yearly.

Section III.9 ACCOUNTING RECORDS

1. Introduction: Accounting records and procedures comprise the accounting system through which the school records, classifies and summarizes its financial transactions and reports the financial position and results of operations of the school. An accounting system's primary objectives are to provide management with reliable financial information in conformity with generally accepted accounting principles on a timely basis and safeguard assets. To achieve these objectives, the accounting system must ensure that all transactions are recorded in the appropriate accounts at the amounts and fiscal years in which they were made.

Accounting records provide the documentary support for account balances and must be properly maintained to provide financial accountability for the Hopi Day School. Accounting

records include source documents, journals, registers ledgers and other supplementary records.

The Hopi Day School should use a double entry accounting system in accordance with the principles of fund accounting to maintain accounting records and should prepare its financial reports on a modified accrual basis of accounting.

2. Source Documents: Source documents are used to initiate accounting transactions and must be retained to support each entry recorded in the accounting records. Examples of cash receipts source documents include cash receipt forms and validated bank deposit slips. Examples of cash disbursements source documents include purchase orders, receiving reports and vendor invoices.
3. Journals: A journal is defined as a book of original entry. Journals provide a detailed record of daily financial transactions and support balances in the general ledger accounts. The two types of journals are general journals and special journals.
4. Trial Balance: A trial balance is a listing of the balances of the accounts in the general ledger, and is prepared periodically to ensure that the ledger is in balance. The general ledger is in balance if the debit and credit columns are equal. The Hopi Day School should prepare a trial balance for each fund at the end of the reporting period to facilitate preparation of the Annual Financial Report and Financial Statements.
5. Financial Reporting: Financial reporting is the means of communicating financial information to users. To be effective, such information must be understandable, reliable, relevant, timely and consistent. Information in financial reports should be expressed as simply as possible so the reports can be understood by those who may not have a detailed knowledge of accounting principles. The information should be verifiable and should in fact represent what it purports to represent. If financial reports are to be useful, they must be issued timely enough to affect decisions.

Financial reports are used to compare actual financial results with the adopted budget, to assess the financial condition and results of operations of the school, to assist in determining compliance with program requirements and to assist in evaluating efficiency and effectiveness of the school.

Two types of financial reports are used:

- a. Annual Financial Report and Summary of the Annual Financial Report.
- b. Financial Statements.

Section III.10 CASH

Cash includes currency, coins and certain types of formal negotiable paper, such as bank drafts, cashiers' checks, money orders, certified checks and personal checks and balances on deposit with commercial banks.

Cash received directly by the Hopi Day School 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 activities.

Because of the relatively high risk associated with transactions involving cash, the Hopi Day School should 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.

1. Policies:

- a. Cash-handling and record-keeping functions must be segregated among employees to safeguard cash.
- b. Cash must be adequately safeguarded, promptly recorded and accurately classified.
- c. Employees handling significant amounts of cash must be adequately bonded.
- d. Pre-numbered cash receipt forms must be used.
- e. Cash receipts must be deposited at least weekly.
- f. A validated deposit slip must be retained for each bank deposit.
- g. Bank accounts must be authorized by the Governing Board. A list of authorized check signers designated by the Governing Board for each bank account must be kept current. Inactive bank accounts must be closed promptly.
- h. Cash disbursements from authorized bank accounts must be made with pre-numbered checks. Each check should be marked "void after 180 days" to ensure prompt cashing by the payee.
- i. Checks must be properly completed before issuance, and must not be written payable to cash or bearer. Void checks must be so stamped to prevent reuse and numerically filed with other canceled checks.
- j. Unused checks must be physically safeguarded and access to them must be limited to authorized personnel who do not have access to the signature facsimile plates.
- k. Written bank reconciliation must be prepared monthly for each checking account on a timely basis. An employee who is not responsible for handling cash or issuing checks should prepare the bank reconciliation; but if one employee must perform both functions, the Chief School Administrator or another administrator should review and approve the reconciliations. The Governing Board shall approve all investment of funds.

Section III.11 BANK ACCOUNTS

The Hopi Day School Governing Board shall only authorize the establishment of bank accounts that are insured by an agency or instrumentality of the United States, but no others. The bank accounts must be used only for their intended purpose. The following bank accounts have been prescribed:

- a. General Fund account
- b. Investment account

- c. Student Activities Fund account
- d. P.T.O.
- e. Hopi Grant School Benefit Trust (when assigned)

Section III.12 BANK STATEMENT RECONCILIATION

The Hopi Day School should 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 school's records because checks may be outstanding, deposits may be in transit and the school may not have recorded bank charges. Therefore, reconciliation is performed to verify the accuracy of both balances.

Bank reconciliations should be prepared by the Administrative Assistant of Finance and must be reviewed and approved by an Administrator. The bank reconciliation should be signed and dated by the Administrative Assistant of Finance and the reviewer. To properly reconcile bank accounts, the preparer should:

- a. Receive the unopened envelope containing the bank statement and canceled checks.
- b. Obtain the check register and file of validated deposit slips for the bank account.
- c. Compare the canceled checks to the check register to ensure that the number, date, payee and amount are in agreement. Canceled checks should be examined for alterations, authorized signatures and irregular endorsements.
- d. Prepare a listing of outstanding checks. Outstanding checks are checks that have been issued and deducted from the check register balances that are not returned canceled by the bank.
- e. If the listing of outstanding checks discloses checks that have been outstanding for six months (180 days) or longer, the employee should delete those checks from the listing of outstanding checks and adjust the check register to reflect the voided checks.
- f. Compare the date and amount of each deposit shown on the bank statement to the validated bank deposit slip maintained on file and to the check register.
- g. Prepare a listing of deposits in transit. Deposits in transit are deposits made subsequent to the bank statement date and, therefore, are not included in the bank balance or shown on the bank statement.
- h. Differences in canceled checks and deposits should be resolved and the check register balance adjusted, if necessary.
- i. Record the bank charges indicated on the statement in the check register.
- j. Compute the month-end reconciled balance as follows:
 - Ending balance per bank statement
 - (+) Deposits in transit
 - (-) Outstanding checks
 - (=) Month-end reconciled balance
- k. Compare the balance computed to the adjusted balance in the check register. Differences should be investigated and resolved.
- l. Sign and date the reconciliation. Reviewer must also date and sign the reconciliation.

- m. File the reconciliation, bank statement and canceled checks by account by month.

Section III.13 INVESTMENT OF CASH

An effective system of cash management includes the investment of idle monies to increase revenues. The Hopi Day School should pool its monies for investment by the Administrative Assistant (Finance). Interest earned on investments is to be utilized for procurement of goods and services consistent with the goals and objectives of the Hopi Day School. Monies shall be invested only in financial programs with a guaranteed rate of return. Any investment of funds must comply with P.L. 100-297.

Student activity monies may not be invested.

Section III.14 REVENUES

Policies: The following policies are implemented to strengthen internal accounting controls over revenues.

- a. The Bureau of Indian Education shall, via electronic transfer; deposit funds into the bank account established by the Governing Board and shall notify the Chief School Administrator of the date and amount of the deposit.
- b. All other revenues received at the Hopi Day School shall be deposited at least weekly.
- c. All revenues waiting to be deposited shall be maintained in the locked vault.
- d. Revenues shall be recorded on a timely basis using account codes prescribed in the chart of accounts in this manual.
- e. The Hopi Day School must segregate the duties of receiving, depositing and recording revenues among employees.

Section III.15 EXPENDITURES

The following policies are comprised of those that must be followed to comply with school Governing Board requirements and those that are recommended to strengthen the system of internal accounting control over expenditures.

- a. The Governing Board is responsible for the implementation of expenditure policies and procedures.
- b. All expenditures must be approved by the Governing Board.
- c. The Governing Board should not authorize expenditures in excess of the adopted budgets.
- d. The Governing Board should not authorize expenditures from cash controlled funds unless sufficient cash is available in the funds.
- e. Bidding procedures, established in accordance with rules prescribed by the Governing Board must be followed.
- f. Purchase orders must be prepared for all school expenditures except for exempted items such as salaries and related costs.

- g. Blanket purchase orders may be used for purchases of a recurring nature. Blanket purchase orders must indicate a definite time period covered and a specified expenditure limit.
 - h. Receiving reports must be prepared for all goods and services received. The date of receipt, quantity received and signature of the recipient must be noted on the receiving report.
 - i. The Hopi Day School must prepare a listing of liabilities for all funds for goods and services received but not yet paid for on June 30.
1. Procedures: The expenditure cycle consists of six processes: budgeting, requisitioning, purchasing, receiving, paying and recording. Duties must be adequately segregated among employees so that no individual performs all processes of the cycle. Additionally, a school administrator independent of the expenditure function should periodically review expenditure transactions to ensure that expenditures are made in compliance with the Governing Boards established policies and procedures.
 2. Expenditures Processing Procedures: Following are representative procedures for processing expenditures.

Performed by	Procedure
Secretary	1. Prepares a purchase requisition which must be signed and dated by the preparer and the individual authorized to approve the requisition. 2. Forwards original requisition to the Administrative Assistant for Finance (AAF) and retains the copy on file.
Administrative Assistant (Finance)	3. Verifies that sufficient budget capacity exists to make expenditures from program funds. 4. Signs and dates the requisition, or returns it to the secretary if sufficient budget capacity is not available. 5. Initiates bidding procedures required by the Governing Board, if the amount of the purchase exceeds \$5,000.00 for materials or services. 6. Selects a vendor in accordance with Governing Board approved policies and procedures. 7. Distributes the purchase order as follows: a. Original - Vendor b. Copy 1 - Vendor File - alphabetical with the requisition attached c. Copy 2 - Receiving Report
Clerk/Secretary	8. Receives Copy 2 of the purchase order and performs the following steps when the goods are delivered. a. Inspects the goods for visible damage in the presence of the carrier. Damaged goods should 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.

	d. Submits the completed receiving report to the Administrative Assistant of Finance, With shipping documents such as bills of lading or freight bills attached.
Administrative Assistant (Finance)	9. Compares the receiving report with copy one of the purchase order and requisition on file. 10. Notes items satisfactorily received on the purchase order and clearly indicate status of the purchase order (complete, partial shipment etc.) 11. Attaches receiving report with shipping documents to copy 1 of the purchase order and requisition, and files alphabetically in the vendor file until receipt of the invoice. 12. Receives vendor's invoice and records date of receipt of invoice. 13. Reviews vendor's invoice for mathematical accuracy, indicating evidence of such review on the invoice. 14. Compares terms, quantities and prices on the purchase order, vendor's invoice, requisition and receiving report. Differences should be resolved before payment is made. If a partial shipment is received, the vendor should be paid only for the goods received. 15. Calculates cash discount, if applicable. 16. Attaches the invoice to copy 1 of the purchase order, requisition, receiving report and shipping documents. 17. Prepares an expenditure approval request. Classifies expenditure by proper account. 18. Forwards expenditure approval request to the Chief School Administrator or appropriate signatory for approval of payment. 19. Prepares check for vendor, acquire appropriate signatures and make payment to vendor.

Section III.16 BLANKET PURCHASE ORDERS

Blanket purchase orders may be used for items that are purchased on a recurring basis from the same vendor within a specified time frame. The preparation, approval and processing of blanket purchase orders should follow the same procedures and be subject to the same internal accounting controls as standard purchase orders. Blanket purchase orders must state a specific period of time that the purchase order is in effect and a specific dollar limit. Invoice amounts paid against a blanket purchase order should be deducted from the total limit to determine the unexpended balance remaining.

Section III.17 BANKING AND INVESTMENTS

1. The Governing Board shall ensure all revenues and funds received by and appropriated to the Governing Board of Education and Hopi Day School are deposited in safe and secure bank accounts.

2. The Governing Board shall ensure all investments and financial portfolios are invested in government market funds or other safe and secure accounts that are insured and collateralized.
3. The President and the Vice-President of the Governing Board and the Chief School Administrator shall be signatories on the Hopi Day School financial accounts and investments and all checks shall require two signatures, that of the President or Vice-President and the CHIEF SCHOOL ADMINISTRATOR.
4. The Administrative Assistant of Finance/Administrative Assistant for Finance shall reconcile the Hopi Day School bank account(s) on a monthly basis to account for the financial solvency of the school.

Section III.18 PROCUREMENT

The Governing Board shall have in place policies and procedures for the procurement of services, purchases and materials.

1. The Hopi Day School will do business transactions with reputable commercial and private businesses, consultants, firms, government entities and service agencies.
2. Only the Governing Board of Education, unless delegated to the Chief School Administrator, is authorized to approve, enter into, or terminate legally binding contracts and agreements for services and major purchases. All contracts and agreements shall be brought before the Governing Board for consideration and action.
3. Only the Chief School Administrator is authorized to approve and sign “purchase orders” in the day to day business operations of the school. In the interim of a vacancy in the Chief School Administrator position, the Teacher Supervisor and/or the School Governing Board President are authorized to approve and sign “purchase orders”.
4. All purchase orders and receipts must be formally documented and filed by the Administrative Assistant of Finance/Administrative Assistant for Finance.

Section III.19 PROCUREMENT STANDARDS

1. School employees with responsibilities for procurement shall ensure that the School’s vendors, contractors and/or subcontractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders.
2. General standards of conduct of School employees who award and administer contracts are as follows:
 - a. No employee, officer, elected official or agent of the School shall participate in the selection, award or administration of procurement if a conflict of interest, real or apparent/guardian, would be involved.

- b. An employee, officer, elected official or agent of the School is not allowed to solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements with the following exemption; a financial interest that is not substantial and that is disclosed to the School and waived by the School, a gift that is an unsolicited item of nominal value.
 - c. A violation of these standards will be the basis for disciplinary action, up to and including termination.
- 3. The School employees responsible for procurement shall review proposed procurements to avoid buying unnecessary or duplicative items to ensure the reasonableness of the price of items purchased. Consolidating or breaking up procurement to obtain more economical purchases should be considered. Where appropriate, leasing and purchasing alternatives should be compared to determine which is more economical.
- 4. The School shall conduct all major procurement transactions by providing full and open competition, to the extent necessary, to assure efficient expenditure of funds and, to the extent feasible, in the local area. As provided herein, Hopi preference and Indian preference shall be applied in procurement awards.
- 5. The School shall make procurement awards only to responsible entities who have the ability to perform successfully under the terms and conditions of the proposed procurement. In making this judgment, the School shall consider such matters as the contractor's integrity, its compliance with public policy, its record of past performance, and its financial and technical resources.
- 6. The School shall maintain records on the significant history of all major procurement transactions. These records may include, but are not limited to, the rationale for the method of procurement, the selection of contract type, the contract selection or rejection, and the basis for the contract price.
- 7. School employees shall use good administrative practice and sound business judgment for processing and settling all contractual and administrative issues arising out of the procurement. These issues include, but are not limited to, source evaluation, protests, disputes and claims.
- 8. All village or tribal organizations will be consulted relevant to the particular procurements i.e. the Hopi Tribal Revenue Commission, the Tribal Employment Rights Office (TERO), Environmental Protection Agency (EPA), etc.

Section III.20 EXPENDITURE APPROVAL

Only the Governing Board and Chief School Administrator are authorized to approve expenditures, unless otherwise provided.

Section III.21 COMPETITIVE PURCHASING

Purchase of services, goods and materials that exceed \$7,500.00 shall require Governing Board approval.

- 1. Hopi Day School will follow the procurement and bidding processes as set forth in the Super Circular.

2. Purchases and services acquired through the bid process shall be made for the best value of the product or services, and not solely for the lowest bid.
3. Transactions are permitted for and with sole source vendors.
4. The Administrative Assistant of Finance/Administrative Assistant for Finance shall account for the delivery of all purchases for services, goods, and materials.
5. The Chief School Administrator is authorized to publicize notice for bids for the delivery of services, goods and materials for the school; however any contract that may be required must meet with approval of the Governing Board.

Section III.22 VENDORS

Vendors are expected to provide and deliver, in good faith, those needed services, goods and materials that will benefit of Hopi Day School.

1. The Chief School Administrator and the Administrative Assistant of Finance/Administrative Assistant for Finance shall ensure that vendors provide and deliver quality services, goods and materials.
2. The Chief School Administrator and Administrative Assistant of Finance/Administrative Assistant for Finance shall ensure that vendors comply with contract or agreement conditions, or with product guarantees and warranties.
3. The Chief School Administrator is authorized to conduct business for the delivery of services, goods and materials.
4. The Chief School Administrator is authorized to discontinue general business with a vendor or may recommend to the Governing Board not to enter into a new contract or to terminate a contract currently in force with a vendor.

Section III.23 CONTRACTS

The Governing Board of Education is the legal authority to approve, commit to, enter into, or terminate legally binding contracts and agreements for Hopi Day School.

1. All contracts and agreements that would legally bind the Governing Board or Hopi Day School must be formally approved in a duly called meeting of the Governing Board.
2. The President or Vice-President shall be the legal signatories to any contracts or agreements approved by the Governing Board.
3. The Governing Board may authorize the Chief School Administrator to be a signatory to contracts and agreements approved by the Governing Board.

Section III.24 CONTRACT STANDARDS

1. All contracts in which the school is a party shall, at a minimum:
 - a. Be in writing;
 - b. Identify the interested parties in the contract and their authority and/or agency;
 - c. Clearly state the purpose of the contract;
 - d. State the work to be performed under their contract; and
 - e. State the terms and conditions of the contract, the time and manner of payments and the process for making any claims.
2. All contracts should contain a provision informing the recipient that their award is funded with Indian Self-Determination Act funds and that the recipient is responsible for identifying and ensuring compliance with applicable federal laws, regulations, and Executive Orders.

Section III.25 CONTRACT SERVICES AND CONSULTANTS

1. Firms and consultants providing specialized, technical or educational services to Hopi Day School shall hold the required licenses, certifications and qualifications, as may be applicable to the services being provided and such other requirements shall be specified.
2. Contract services for non-technical or non-specialized services shall specify service requirements to be provided.

Section III.26 INVENTORY

The Hopi Day School shall establish and maintain a property management system for the accountability and control of capitalized assets and sensitive personal property. In general, the property management system shall be consistent with current federal government standards and practices as pertains to property value thresholds.

Definitions:

1. Cost Basis: The total cost of an item including shipping and handling, taxes, and initial installation when performed under contract.
2. Durable Personal Property: Property that normally may be expected to have a useful life of a year or more without material impairment of its physical condition or functional capacity.
3. Sensitive Personal Property: Durable Personal Property that, because of its nature, is moderately or highly susceptible to theft. The school shall create a Sensitive Personal Property List that reflects a reasonable estimation of the risk of theft.
4. Capitalized (depreciated) Assets: Assets having a cost basis of five thousand dollars (\$5,000) or more.

5. Non-Capitalized Assets: Assets having a cost basis of less than five thousand dollars (\$5,000).

The Chief School Administrator shall have the authority to dispose of capitalized and non-capitalized assets that are deemed to be in excess to the needs of the school or for which the useful life has been depleted. The property may be disposed of by donations to local villages, the Hopi Tribe, and other educational entities or through direct sales to individuals. Direct sales may include auctions, sealed-bid solicitations, or school-determined pricing. Sales to individuals shall be conducted in a fair and equitable manner providing everyone the opportunity to purchase disposal items. Hopi Day School employees and members of the Governing Board may purchase disposal items on the same basis as non-employees. Any appearance of a conflict of interest shall be avoided.

Section III.27 PURCHASING PROCEDURES FOR LESS THAN \$100,000

A. Purchase Orders

Purchase orders must be prepared for all School expenditures, with the exception of salaries and related costs and otherwise documented travel expenditures. Credit cards must be used with a purchase order as well as by a requisition.

B. Definitions

1. Aggregate Value: The total cost or dollar value of a procurement contract.
2. Procurement: The process for the acquisition of goods and/or services.
3. Purchase: A purchase for the purpose of these policies and procedures is defined as the payment, with School funds, for any goods, services or other expense.
4. Unauthorized Purchases: An unauthorized purchase is any purchase which is not legally and appropriately approved within the School budget or by other School action allowed by these policies and procedures, or which does not substantially comply with these policies and procedures. The School may decline payment of any unauthorized purchase. The School assumes no responsibility for payment of unauthorized purchases, and any person initiating, causing, making or otherwise executing an unauthorized purchase is solely responsible for payment thereof. All authorized purchases shall be legally budgeted or approved within an appropriate fund account, or within the appropriate line item as approved by the School. Purchases which are not within the authorized budget, or otherwise not properly approved by the School, are unauthorized purchases.

C. Requisition Process

All purchases for or on behalf of the School or for which the School pays shall be done pursuant to requisition and this requisition process unless such purchase or procurement requires bidding.

The requisition process is as follows:

1. The requesting party shall:
 - a) Prepare a complete requisition pursuant to the School's Requisition Form and Instructions which may be obtained from the finance person. All information required by the requisition must be provided. An incomplete requisition shall be rejected and returned to the person submitting the requisition without approval. Justification must be included.
 - b) Sign and date the requisition and submit said requisition to the appropriate approving authority (Chief School Administrator, Facilities Manager, Teacher Supervisor, etc.) for that person's signature.
2. Submit the completed and fully executed requisition to the financial assistant for procurement.
3. The clerk/secretary shall:
 - a) Verify that the items requested are not already in stock.
 - b) Verify the sufficient budget capacity exists to make expenditures requested and verify the sufficient cash balances available to make expenditures. The financial assistant will sign and date.
 - c) Select the proper purchase procedure, depending on the expected purchase amount.
 - d) Follow the guidelines concerning bids or quotes, with the exception of purchases from GSA vendors or pre-approved vendors.
 - e) Attempt to ensure that all purchases are made at the best possible price and in accordance with the following provisions.
 - f) Follow the Guidelines for Competitive Purchasing Below the Dollar Limits Required for Sealed Bids as found in the Super Circular at 2 C.F.R. § 200.320.
 - g) Re-verifies budget capacity and cash balance, as applicable, if the actual cost exceeds the estimated cost recorded on the requisition. Prepare a four-part pre-numbered purchase order. The School should issue purchase orders in sequential order and numerically account for them. Those initiated, but not issued, should be voided to prevent re-use and retained in the numeric purchase order file. Purchase orders must be signed by an individual authorized by the Governing Board.
 - h) Submit the requisition to the financial assistant.
3. Threshold Guidelines for Procurements:
 - i. Purchases of \$3,000.00 or less (procurement by micro-purchase unless Davis-Bacon applies, then \$2,000.00 or

- less): Purchase shall be made according to the best obtainable price.
- ii. Purchases of at least \$3,000.00, but less than \$10,000.00: Purchase shall be made according to the best obtainable price, provided at least three written quotes from different vendors have been obtained for such purchases; unless the purchase is a sole source or meet exemption guidelines. The purchases are required to be documented on the requisition form, including at least the following information: Person contacted; time; date; and phone number.
 - iii. Purchases of at least \$10,000.00, but no more than \$100,000.00: Purchases shall be made according to the best obtainable price, provided at least three (3) bona fide written quotes are obtained and include the signature of the authorized person to bind the vendor's company.
 - iv. Purchases over \$100,000.00: All purchases over \$100,000.00 require formal bid procedures, after receiving Governing Board approval to advertise for bid. Such purchases must be approved in the current budget. However, Mohave services may be utilized in lieu of this process.
4. The Financial Assistant shall:
- a) Review and double-check the requisition for accuracy.
 - b) Notify the requestor and department if the requisition is rejected with reasons therefor and appropriate recommendations.
 - c) Verify that all parties have followed the bidding quotation rules, regulations and procedures.
 - d) Submit all requisitions exceeding \$3,000.00 to the Chief School Administrator for review and approval.
 - e) After the foregoing has been completed, and upon return of the requisition from the Chief School Administrator, submit the approved requisition to the Clerk/Secretary for the preparation of a purchase order.
5. The Chief School Administrator shall:
- a) Review all requisitions over \$3,000.00 and/or any other unusual purchases.
 - b) Return rejected requisitions to the requestor and the Financial Assistant with an explanation for the rejection.
 - c) If approved, return the requisition to the Financial Assistant for processing the purchase order. All requisitions must have signatures from the requestor, the Chief School Administrator, and the financial assistant.

D. Purchase Order Process

1. A requisition approved as set forth above shall be returned to the Financial Assistant, who then shall submit the requisition to the Clerk/Secretary for the preparation of a purchase order.
2. The Clerk/Secretary shall prepare purchase orders according to the following guidelines.
 - a) The purchase orders shall be consecutively and sequentially pre-numbered.
 - b) It is the Clerk/Secretary's responsibility to numerically account for all purchase orders.
 - c) Each purchase order is accounted for by number in a purchase order log.
 - d) Purchase orders initiated, but not used, must be marked "void" and recorded in the purchase order log and retained in the numeric purchase order file.
 - e) Purchase orders shall be properly safeguarded.
 - f) Purchase orders shall be in two-part form and distributed as follows:
 - i. Copy 1 (original) - white - vendor: (1) hand-carry; (2) mail; (3) fax
 - ii. Copy 2 – yellow – placed in the check voucher file
 - g) Prepare the purchase order according to the information provided on the requisition.
 - h) Order any necessary equipment tags.
 - i) Submit the purchase order to the Financial Assistant and Chief School Administrator for the proper authorizing signature.
 - j) Distribute the purchase order to the vendor.
 - k) Ensure that purchase orders are prepared and sent within five (5) days or less of receiving the completed requisition.
 - l) Provide information regarding the purchase order upon the vendor's request.

E. Receiving Process for Goods Procured

1. The Clerk/Secretary shall:
 - a) Maintain copies of purchase orders on file prior to receiving the goods.
 - b) Upon arrival, inspect the goods for visible damage in the carrier's presence. Damaged goods shall not be accepted and must be returned to the vendor.
 - c) Complete the receiving report indicating the quantity received (count, weigh or measure the goods as applicable to determine the quantity received), the date received, condition of goods, and signature of employee receiving the goods. If a copy of the purchase order is used as a receiving report, the quantity ordered should have been blocked out and the quantity received should be recorded next to the description of each item.

- d) If partial shipments are received, a partial shipment will be noted on the purchase order.
 - e) Tag all equipment items as required and maintain the log of tags and inventory log of the model, name, serial number, price of equipment and date equipment is received.
 - f) Inform the requestor that the goods have been received and are available. Secure proof of delivery by requiring the recipient to initial and date the receiving report.
 - g) Submit the completed receiving copy IMMEDIATELY to the Administrative Assistant (Finance), along with the shipping documents, such as bills, packing slips or freight bills attached.
 - h) Reconcile all purchase orders which are twenty (20) days or more old with the Administrative Assistant (Finance).
2. The Administrative Assistant (Finance) shall:
- a) Enter purchase orders in the computer.
 - b) Compare the receiving report with the copy of the purchase order on file. Ensure that the purchase order satisfactorily notes items received and status of purchase order (complete, partial, etc.).
 - c) Attach receiving report with shipping documents to copy of the purchase order and requisition, and file until receipt of invoice.
 - d) Receive vendor invoice and record date of receipt on invoice.
 - e) Review vendor's invoice for mathematical accuracy and indicate evidence of such review on the invoice.
 - f) Compare terms, quantities and prices on the purchase order, vendor's invoice and receiving report. Differences or open credit memorandum should be resolved before payment is made. If a partial shipment was received, the vendor should be paid only for the goods received.
 - g) Calculate cash discounts or credits, if applicable.
 - h) Prepare check, voucher or other appropriate payment device. Check to ensure that amount of payment device agrees with requisition, purchase order, invoice, and is the appropriate amount owed.
 - i) Submit the payment device to the proper party; i.e., Financial Assistant and/or Chief School Administrator, for signature.
 - j) Obtain a copy or lower portion of check or payment device and keep in file with copies of requisition, purchase order and invoices.
 - k) Properly record all fully executed expenditures.
3. The Administrative Assistant (Finance) shall:
- a) Review all checks and payment devices.
 - b) Execute, when appropriate, checks and payment devices utilizing internal controls.
 - c) Submit, when appropriate, payment devices to the Chief School Administrator.
4. The Chief School Administrator shall:

- a) Sign checks and payment devices, when appropriate.
- b) Submit payment devices to the Governing Board for approval, when appropriate.

Section III.28 ADVERTISED PROCUREMENT PROCEDURES

General Statement of Process – There shall be three general types of advertised procurement procedures:

1. Advertised procurement by sealed bid requires that bids are publicly solicited and a firm fixed price contract providing for either a lump sum or unit price is awarded to the qualified vendor/bidder whose bid conforms to all the material terms and conditions of the invitation for bids and is the lowest in price. In order to utilize this process, the following conditions should exist:
 - a) A complete, adequate and realistic specification or description of the item or items to be procured is available.
 - b) Three responsible and qualified bidders are willing and able to compete effectively for the contract award.
 - c) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made Chief School Administrator on the basis of price; but other factors may be considered, as well.
2. Competitive proposal procurement is used when procurement by sealed bids is not appropriate because one or more of the above conditions do not exist which would, if present, justify the use of the sealed bid process.
3. This process may be eliminated by contacting pre-approved vendors such as Mohave, GSA, etc. and utilizing their resources.

Section III.29 ADVERTISED PROCUREMENT BY SEALED BIDS

Advertised procurement by sealed bids shall conform to the following requirements:

1. The invitation for bids will be publicly advertised and bids shall also be solicited from an adequate number of known vendors.
2. A reasonable and sufficient time shall be provided between the time of advertisement and the time when all bids must be received by the School.
3. The invitation for bids, which will include all specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond.
4. All bids will be publicly opened at the time and place designated in the invitation for bids.
5. A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in the invitation, such factors as discounts, transportation costs, and maintenance costs may be considered in determining which bid is lowest.

6. Any or all bids may be rejected if the cause, therefore, is reasonable, in the best interest of the School, consistent with this Manual, and is fully documented. The procurement may thereafter be re-advertised for additional bids or, if consistent with law and this Manual, be procured by other means.
7. With the approval of the grantor, the school may proceed with an Alternative Project Delivery (APDM) including CM@R, Design Build, and Job Order Contracting.
8. Hopi Day School may aggregate projects when it becomes cost efficient.

Section III.30 PROCUREMENT BY COMPETITIVE PROPOSALS

The process of procurement by competitive proposals requires that more than one source or vendor submit an offer of either a fixed-price or cost-reimbursable contract to the School for the goods or services to be procured. Such procurement shall be conducted as follows:

1. Requests for proposals shall be advertised in and about the Hopi and in metropolitan areas where such goods or services may be available and shall identify all evaluation factors by which the proposals will be evaluated and their relative importance in addition to a full description of the goods or services to be procured.
2. Proposals shall also be solicited from an adequate number of qualified sources previously known for their business with the School.
3. As a part of the process, criteria will be communicated 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.
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.

Section III.31 EMERGENCY PROCUREMENT BY NON-COMPETITIVE PROPOSAL

Procurement by non-competitive proposal shall be used only when the award of a contract is not feasible under small purchase procedures, competitive proposals or advertised procurement by sealed bids and one or more of the following circumstances exist:

1. The item is available only from a single source.
2. The urgent or emergency need for the procurement will not permit a delay resulting from competitive solicitation.
3. The funding source authorizes non-competitive procurement.
4. After solicitation of at least three sources, competition is determined to be inadequate.

In the event that one or more of the above circumstances are found to exist, then the School may solicit a proposal from one qualified vendor without competition.

Section III.32 CONSTRUCTION AND FACILITY IMPROVEMENT PROCUREMENT/ACCEPTANCE OF REGULATION

For all construction and facility improvement contracts or subcontracts exceeding an aggregate value of \$100,000.00, the School hereby accepts the bonding policy and requirements of the agency or authority of the funding source or awarding agency.

Section III.33 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 School; therefore, all such acquisitions must receive prior approval of the Governing Board or the Chief School Administrator as authorized by the Governing Board. Any such property shall be treated as other property obtained under these procurement provisions.

Section III.34 STUDENT ACTIVITIES

The importance of student funds and student activities are central to a strong education program at the Hopi Day School. It is from the two activities (management of student funds and related activities) that a very practical type of instruction can be provided.

In analyzing the total program of activities and management of funds, it is apparent/guardian that while simple in approach, it is a very complex part of school operations.

The management of student funds is not just money management; it is management of funds within a school setting. Further, the educational setting includes all the children/students in the school. Consequently, it includes all the teachers and staff in the school. Generally, the entire staff should have a good idea of the program and how it operates. A School Banker will be designated. This person must be someone other than the Administrative Assistant of Finance, as the funds of the school cannot comingle with the student activities funds. The funds typically are managed by the Administrative Assistant of Personnel. A check and balance system must be maintained in the management of these funds.

1. Organization: The Hopi Day School 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 Chief School Administrator. The Chief School Administrator 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 Chief School Administrator 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 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 should 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 projects to buy t-shirts.
 - c. The plan of operation of each activity shall be finally approved by the Chief School Official.
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.
5. Accounting: Student activity accounting shall be performed by the School Banker with assistance from the students and sponsors in accordance with the established accounting system.

Section III.35 SCHOOL BANKS

1. **Organization** - The Hopi Day School shall operate a central school bank to safeguard student activity funds and to provide learning experiences for the students. The bank shall be organized as a controlled student activity and shall operate in accordance with the appropriate plan of operation.
2. **Sponsor** - The sponsor shall work closely with other school personnel in teaching students how to use the school bank and in the instruction of students assigned to banking duties.
3. **Group Funds** - All funds derived from class projects, student associations or other types of

group activities shall be deposited and expended through the school bank.

4. Bonding - All personnel assigned to perform duties in the school bank shall be covered by a bond the premium to be paid from the student activity funds.
5. Insurance:
 - a. School bank funds on hand and in transit to commercial depositories shall be protected from burglary, unexplained shortages, theft, fire etc.
 - b. School bank funds, over the amount authorized by the plan of operation to be retained on hand for operating purposes shall be deposited in commercial depositories providing insurance coverage with the Federal Deposit Insurance Corporation.
6. Safekeeping Facilities - Cash on hand shall be kept in a safe, vault or other appropriate safekeeping facility.
7. Definitions of Accounts:
 - a. Cash on Hand - This account represents the total amount of cash items (coins, bills, checks and money orders etc. received by the school bank) which have not been deposited in a commercial bank. Such items shall be counted at the close of each operating day to ensure that the balance of the account is correct. All negotiable instruments and currency surplus to operating needs shall be deposited in a commercial bank.
 - b. Cash in Banks - The balance of this account represents the total of cash on deposit in commercial banking institutions. All funds for this purpose shall be deposited in one and the same banking institution. All transactions affecting these accounts shall be accounted for in the accounts balance register.
8. Receiving and Recording Deposits - All deposit slips shall be entered each operating day on the Accounts Balance Register as increases in revenue.
9. Paying and Recording Withdrawals - For withdrawals of student activity funds deposited in the school bank authorized activity officers shall fill out withdrawal slip and present it to the school banker. The school banker and student officer shall verify or cause to be verified that the account of the activity has a balance sufficient to cover the requested withdrawal. If sufficient funds are on deposit in the account, the banker shall then make payment or authorize the paying out of money equal to the requested amount. The withdrawal slip shall then be marked "PAID". Each time a slip is marked paid, it shall be initialed by the person making payment. On each operating day all withdrawal slips presented for payment shall be entered to the Accounts balance register as decreases to both the cash on hand column and summary of depositor's accounts column.
10. Banker Payments for Depositors - When impracticable or undesirable for student activities to pay their debts by withdrawing cash from the school bank and securing a paid receipt, the banker shall make payment by check drawn on the commercial bank against the account of the school bank. Such payment shall be made only after receiving a

signed authorization for payment requested by the authorized activity representative and approved by the sponsor. The number and date of the check shall be noted on the authorized request when drawn. In recording such transactions, the check shall be posted as decreases to the student activity account involved and to the Summary of Depositors Accounts column of the register with a corresponding decrease to the Cash in Banks column, the check shall also be posted as a decrease against the account of the bank upon which the check was drawn.

11. Depositing Surplus Cash - All the accumulation of cash on hand above the amount authorized in the approved plan of operation to be maintained for daily operations shall be promptly deposited (once a week) in a commercial bank. A Commercial Bank deposit slip shall be prepared in duplicate covering all the checks, money orders etc., as well as the accumulation of currency in the forms of bills and coins above the amount authorized to be retained on hand. After deposit, the receipted duplicate of the commercial bank deposit slip shall be entered to the Accounts Balance Register as a decrease to the Cash on Hand column and an increase to the Cash in Banks column.
12. Replenishing Cash on Hand - Whenever the cash on hand for daily operation of the school bank falls below the amount needed, the authorized officer shall draw a check on the commercial bank to the order of "cash" and record it, before leaving for the commercial bank, in the accounts balance register as a decrease to the Cash in Banks column and an increase to the Cash on Hand column.
13. Balancing Accounts - All accounts shall be balanced after the close of each day's business before the bank is again open to transact business. The balancing operations requirements are as follows:
 - a. The balance of each account on the Accounts Balance Register shall be determined and reflected.
 - b. After determining that the amounts of the register are equal, the actual "Cash on Hand" shall be counted and the actual total of such items must equal the balance of the Cash on Hand account.
 - c. After counting the cash on hand and the totaling of the subsidiary accounts proves the balances of the register accounts, balances shown thereon shall be ruled off and initialed by those participating in the counting and balancing processes.
14. Reconciling School Bank Accounts to Depository Statement - Promptly upon receipt of a periodic statement of account from the bank, the cash in bank account shall be reconciled thereto as of the date of the statement. Each reconciliation shall be approved by the official in charge of the installation (or their designee). After approval, the documents shall be filed for future audit.
15. Change in School Banker - When the School Banker responsible for supervision of a school bank is relieved of such duties and responsibility, the following clearance steps shall be observed:

- a. All accounts shall be balanced.
 - b. The cash items on hand shall be counted in the presence of two administrators, balanced to the cash on hand account on the register and verified in writing by the attending officials and a copy of that statement furnished the relieved school banker.
 - c. A statement of account shall be requested from the commercial bank in which school bank funds are deposited and the school bank records shall be reconciled thereto and approved by the official in charge of the installation or the new school banker.
16. Closing Group Accounts - In order to keep the number of class, activity and association accounts to a minimum, the accounts which do not reflect any activity for a period of one year may be transferred upon approval of the official in charge of the school to the general school bank activity account unless the approved plans of operation of such organizations make contrary provisions.
17. Audits and Inspections - Accounting records and documents of school banks and student associations shall be audited annually by a Certified Public Accountant. A specific feature of the audit shall be the reconciliation between accounts of the organization and organizations' accounts maintained by the school bank or the commercial bank where consolidated student funds are deposited.

Section III.36 TRAVEL

1. General Principles: Travel shall be authorized only when necessary to accomplish the mission of the Hopi Day School, including travel of experts, consultants, employees and others whose travel expenses are directly reflected in costs to the Hopi Day School. Travel should not be permitted when the matter or issue can be handled by mail, telephone or other less expensive means of communication. The number of people traveling for a single purpose shall not exceed the number necessary to accomplish the purpose of the travel. Attendance at meetings, conferences, seminars and other necessary gatherings of travelers shall be limited to employees whose participation is essential. To the extent possible travel shall be performed for more than a single purpose. Travelers must be kept aware that travel is to be conducted in a prudent manner and that unreasonable costs are not reimbursable even though the expenses may be within the limitations provided by this policy.
2. General Rules:
 - a. Traveler's Obligation - An authorized traveler for the Hopi Day School traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.
 - b. Reimbursable Expenses - Traveling expenses to be reimbursed are confined to those expenses essential to the transacting of the official business.
3. Authority for Travel: All travel shall be authorized by the Hopi Day School Governing Board, or Chief School Administrator to whom such authority has been delegated. Travel authorization shall be issued prior to the incurrence of the expenses. The authorization shall be as specific as possible in the circumstances as to the travel to be performed.

4. Transportation Allowable: Transportation expenses that the Hopi Day School Governing Board may pay directly or by reimbursement includes fares, rental fees, mileage payments and any expenses incidental to transportation such as baggage transfer, parking etc.
5. Methods of Transportation: Methods of transportation authorized for official travel include railroads, airlines, helicopter service, buses, subways, taxicabs, privately owned or rented automobiles and any other means of conveyance.
6. Lodging, Per Diem, and POV Reimbursement Rates for Travelers: The lodging, per diem, and POV reimbursement rates allowable for official travel for the Hopi Day School shall follow the rates established by the United States Government Travel Regulations. Receipts necessary for travel reimbursement vouchers will also follow the above referenced regulations.
7. Travel Advances: Travel funds may be advanced for those eligible travel expenses to be paid by the traveler including lodging, transportation, meals, and any other expenses as may be deemed appropriate considering the character or duration of the travel to be performed. Travel advances shall not exceed 90 percent of the total estimated cost of the travel if the travel does not require lodging for more than one night or 100 percent of the total estimated cost if the lodging requirement exceeds one night. Travel advances shall not be made if the traveler has not refunded any overpayment of prior travel advances. (Travel advances covered by a submitted voucher will not be considered as outstanding advances.) Any overpayment of funds advanced for travel must be refunded to Hopi Day School within five (5) business days of return from travel. Travel advance requests shall be submitted for approval (from appropriate supervisor) and submitted to the Administrative Assistant of Finance at least five days before the actual travel begins.
8. Travel Request Procedures:
 - a. All travelers shall complete a Travel Authorization Request form and submit to their supervisor or designee for approval, at least five days before actual travel begins.
 - b. The travel request forms shall indicate the approximate time and duration of travel and the purpose of the travel.
 - c. Once travel is authorized, if advance is required, submit to the Administrative Assistant of Finance for the travel advance check at least five days prior to actual travel.
 - d. Administrative Assistant of Finance issues travel advance check to the traveler for official travel.
9. Travel Reimbursement/Voucher Procedures:
 - a. Within five (5) days upon return from official travel, the traveler shall submit all appropriate receipts for processing the close of the travel. Any unused travel advance funds, to which the traveler is not entitled, must be paid back within five days after return from official travel.

- b. If the traveler cannot produce required receipts for the travel, employee shall reimburse the school for the amounts of funds in question.
- c. All other reimbursement/voucher claims shall be processed according to the Federal Travel Regulations.

10. Fraudulent Claims: A claim against the Hopi Day School Governing Board is forfeited if the claimant defrauds or attempts to defraud the Hopi Day School Governing Board. In addition, the employee or traveler may be subject to removal if the employee or traveler knowingly presents a false, fictitious or fraudulent claim against the Hopi Day School Governing Board.

Schedule of Penalties for falsification of travel expense claims or improper use of school owned or Government owned vehicles:

Nature of Offense Penalty

Submitting a Fraudulent Claim	Forfeiture of claim and a 30 day suspension and/or termination
Unofficial use of Government owned vehicles.	Thirty day suspension to termination
Aiding in the presentation of a false claim	Fourteen day suspension and/or termination

Section III.37 FOOD SERVICES

USDA and Other Food Reimbursements

1. General Policy: The Hopi Day School Governing Board shall establish a special revenue fund for food service operations. The principles of accounting are the same as those required for other school accounts.
 - a. Revenues generally will be recognized when cash is received; however, the school must recognize a reimbursement receivable for the USDA at the end of the fiscal year (June 30).
 - b. Expenditures from other funds for direct and indirect expenses of the food service program must be identified as food service operations.
 - c. Food and other supplies must be expensed at time of acquisition. The school must keep complete inventory records to document the federal reimbursement claim.
 - d. Staff, Parent/guardians and other Adults wishing to eat in the school cafeteria will pay the established price from USDA per meal, unless in duty status.
2. Budget Preparation: The total amount of estimated revenue must be included in the total revenue and the total amount of anticipated expenditures must be included in the total annual budget. Actual and budgeted revenues and expenditures must be presented in the annual financial report.

Administrators should compare actual revenues and expenditures monthly with budgeted amounts in order to determine that adequate resources are available to cover anticipated expenditures.

Annual budget preparation requires development of the following estimates:

- a. Number of lunches to be served, based on projected enrollment and prior year's participation.
- b. Cost of food, supplies and equipment.
- c. Salaries, employee benefits and other costs.
- d. Annual revenues from adult meals etc.

The Administrative Assistant of Finance should prepare statements of estimated and actual revenues and budgeted and actual expenditures to evaluate operations and plan for the future. Causes of significant variances should be determined and considered in future planning.

3. Bank Account: A separate bank account shall be established for the food service operation. All safeguards (established earlier in this handbook) which apply to cash, revenues and expenditures are to be implemented for this program.
4. Ordering Goods and Services: Established school purchasing procedures should be followed in the food service operations. The school requisition, purchase order and receiving report should be utilized.

The food services manager or Administrative Assistant of Finance should approve the requisition. If funds are available, a purchase order should be issued.

Blanket purchase orders may be used for recurring purchases of items. The amount designated in the open purchase order should be the anticipated monthly amount.

5. Receiving Goods and Services: The recipient of goods and services must complete, sign and date the receiving report. The food service manager or designated employee should submit the completed receiving report to the Administrative Assistant of Finance.
6. Audit Requirements: The food service operation shall be audited at the same time all other program funds are audited at the school.

Section III.38 MANAGEMENT AND DISBURSEMENT OF PROPERTY

A. Property Management

The School has adopted the Super Circular, 2 C.F.R. §200 *et seq.* (hereinafter “Super Circular”), for provisions regarding property management, warehousing procedure and inventory issues. Further, the School requires compliance with GASB 34 regarding the management, inventory and reporting of property. The Chief School Administrator, all

relevant department heads and all personnel whose responsibilities and duties relate to property management shall familiarize themselves with the relevant Super Circular provisions, the requirements arising from the School's funding contract, rules and regulations of the Hopi and the federal government relative to said contract regarding property management, inventory and disbursement reporting requirements. Failure on the part of the responsible party to comply with any of the above rules and regulations may result in disciplinary action.

B. Conflicts in Regulations

In any conflict between the rules and regulations arising from the School's funding contract, the laws of the Hopi and/or the federal government and the Super Circular or these policies, the rules and regulations arising from the funding contract, the laws of the Hopi and the federal government shall control. In any conflict between the Super Circular and this Manual, the Super Circular shall control unless the specific policy expressly states that it is controlling.

C. Applicability

All property, other than food or other perishable supplies, must be processed through the Inventory/Receiving Technician or their designee (hereinafter "Administrative Assistant"), who shall be responsible for tagging where necessary and tracking said property.

D. Inventory

A physical inventory shall be conducted annually, every year. The results of the inventory shall be reconciled with the School's internal property and accounting records. The Administrative Assistant shall be responsible for said inventory.

E. General Purpose of the Property Management System

The general purpose of the School's policies regarding property management is to account for all of the School's property, including property transferred by the Secretary for use under a self-determination contract or acquired with contract funds, and to establish requirements and procedures for the use, care, maintenance and disposition of all such property.

F. Type of Property to be tracked

The property management system of the School shall track:

- Sensitive personal property, which is all personal property that is subject to theft and pilferage.
- Personal property with an acquisition value in excess of \$500.00 per item.

- Real property provided by the Secretary for use under the contract.

G. Records and Internal Controls

The property management system shall maintain records that accurately describe the property, including any serial number, tag number or other identification number. The records shall also contain the following information: Source of the property, titleholder, acquisition date, cost, share of federal participation in the cost, location, use and condition of the property and the date of disposal and sale price, if any.

- a. Internal controls shall include procedures:
 - i. For the conduct of periodic inventories;
 - ii. To prevent loss or damage to property; and
 - iii. To ensure that property is used for the School until the property is properly declared to be in excess of or insufficient for the needs of the School.

H. Maintenance

All School property shall be properly maintained. Required maintenance includes the performance of actions necessary to keep the property in good working condition, the procedures recommended by equipment manufacturers and the steps necessary to protect the interest of the School and funding entities and any express warranties or guaranties covering the property.

I. Federal Property

Additional requirements for federal property (i.e., property which the School chooses not to take title) are as follows:

- a. Within ninety (90) days following the end of an annual funding agreement, the School shall certify and submit to the Secretary of Interior an annual inventory of all federally-owned real and personal property used in the School program.
- b. Said inventory shall report an increase or decrease of \$5,000.00 or more in value of any item of real property. Such property shall be disposed of as follows:
 - i. The School shall report to the Secretary, in writing, any federally-owned personal property that is worn out, lost, stolen, damaged beyond repair or no longer needed by the School.
 - ii. The School shall state whether the School wants to dispose of or return the property.
 - iii. If the Secretary does not respond within sixty (60) days, the School may return the property to the Secretary, who shall accept transfer, custody, control and responsibility for the property (together with all associated costs).

J. Property Receiving

All personal property, other than food or other perishable supplies, must be processed by the Administrative Assistant before use by any department or employee.

1. The Administrative Assistant shall inspect the personal property so delivered to confirm whether the purchase order has been filled by the delivery and to identify those items that are subject to inventory.
 - a. The Administrative Assistant shall identify those items that were ordered and were not delivered and so notify the ordering department and the Business Office.
 - b. The Administrative Assistant shall, after confirmation of receipt, deliver all shipping and billing documents to the Business Office.
 - c. The Administrative Assistant shall cause items that are subject to inventory to be tagged and included in the property inventory of the School.
 - d. The Administrative Assistant shall cause all remaining items to be delivered to the department that ordered the property.
 - e. Items or quantities of items that are too large to be accommodated in the office of the Administrative Assistant shall be taken directly to the department purchasing them, and the Administrative Assistant shall be immediately notified of the delivery. The Administrative Assistant shall immediately thereafter go to that department and conduct his or her responsibilities as provided in this Section. No property so delivered shall be placed in use until the functions of the Administrative Assistant have been completed.
2. The Administrative Assistant shall tag and enter into the inventory records all property subject to inventory. A Master Locator List 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 List acknowledging that custodial responsibility.

K. Food and Perishable Property

- a. All deliveries of food shall be delivered to the cafeteria and properly and safely maintained in an appropriate storage area. All such property shall be inventoried upon receipt and properly used in an approved menu.
- b. All perishable property shall be delivered directly to the department ordering such property.
- c. All shipping and billing documents accompanying food or perishable property, together with the signed certificate of the receiving authority attesting to the receipt of all such property, shall be delivered to the Business Office by the department receiving such property.

L. Hazardous Property

- a. The department ordering hazardous property shall notify the Administrative Assistant of the order before delivery is made. The notice shall identify the nature and hazard of the property, the name of the supplier and the approximate date of the intended delivery.
- b. At the time of delivery, such property shall be placed in a secure location accessible only to authorized persons. Such locations shall be clearly identified as

having restricted access and as containing hazardous substances and equipment. The Administrative Assistant 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.

- c. Hazardous property shall not be removed from that secure location except by persons properly authorized and trained to operate, handle and transport that property.

M. Inventory System

- a. An inventory system of all personal property subject to inventory and belonging to the School shall be maintained by the Administrative Assistant. The inventory system shall be comprised of the following elements:
- b. All items of personal property shall be tagged and identified as the property of HOPI DAY SCHOOL, and shall be identified with a property number and such other information as may be necessary for the proper control of the property.
- c. An electronic entry on the Master Locator List shall be prepared for each item of personal property subject to inventory. The Master Locator List shall identify the item of property, its property, serial or identification number, if any, the model and make of the property and contain such notations as will fully describe the property. The Master Locator Lists shall also provide for a record of the delivery of the property to a custodian by date, department, name of custodian, signature of custodian and the date upon which the item of property was returned to the Administrative Assistant. Each subsequent delivery of the item of property to a custodian shall be entered on the Master Locator List. The Master Locator List shall also contain the following information: Source (where property was acquired); cost; source of funds for cost; use; condition; date of disposal and sale price, if any. The Master Locator List shall be kept in an electronic format on the school's computer system with appropriate backup.
- d. A computer program shall be maintained in which each item of personal property that has been inventoried has been entered. Each entry shall identify the property, its property number, the department to which the property is assigned, the name of the custodian and the purchase cost of the property.

N. Annual Inventory

An annual inventory shall be conducted not later than the 15th day of May in every year. The said inventory shall be in strict compliance with GASB 34. The inventory shall be conducted by the Administrative Assistant and such other assistants as shall be designated by the Chief School Administrator. The inventory shall consist of a physical inspection of each item of personal property for which a Master Locator List has been prepared.

- a. The physical inspection shall confirm the following:
 - i. that the item of personal property is the property described on the Master Locator List.
 - ii. That the item is in the custody of the named custodian.

- iii. That the item is in proper operating condition.
 - iv. That the item is in current use or remains useful to the custodian for the purpose and function for which it is intended.
- b. When the Administrative Assistant determines from the physical inspection that the item is not as it is described on the Master Locator List, a notation shall be made on the Master Locator List to that effect and the discrepancy shall be resolved at the earliest reasonable time by the Administrative Assistant.
- c. When the Administrative Assistant determines that the item is not in the custody of the person named on the Master Locator List, the item shall be removed to a central storage facility and not returned until a proper custodial agreement has been entered on the Master Locator List.
- d. When the Administrative Assistant determines that the item is not in proper operating condition, the item shall be removed to a central storage facility until repairs can be made to bring the item into operating condition or until proper disposition can be arranged.
- e. When the Administrative Assistant determines that the item is no longer in current use or no longer remains useful for the purpose or function for which it was intended by the custodian, then the property shall be removed to a central storage facility, advertised in all departments of the School to determine further usage, or until proper disposition can be arranged.
- f. When the Administrative Assistant determines that an item cannot be produced by the custodian for inventory, such fact shall be immediately reported to the Chief School Administrator for further action consistent with the terms of this Manual.

O. Duties of Custodian

A custodian of property subject to inventory or items determined to be of a sensitive nature shall have the following duties concerning that property:

- a. To take all reasonable and prudent precautions to protect the property from loss, theft, unauthorized use, and damage.
- b. To report immediately any loss, theft, unauthorized use or damage of the property to the appropriate department head and to the Procurement Technician.
- c. To take all reasonable and prudent actions to recover or repair the property at the earliest reasonable opportunity.
- d. To surrender custody and deliver the property to the Procurement Technician upon the expiration of the need and proper use of the property or upon the expiration of employment.
- e. To cooperate and assist in the inventory of such property.
- f. To use the property only for the use or uses intended by the grant of custody and the mission of the department or program and to report immediately to the Procurement Technician when such property is no longer of use to the custodian.
- g. To pay the reasonable value or cost of repair of property to HOPI DAY SCHOOL when said property is lost, stolen or damaged due to the negligence, or failure to perform the duties required, of the custodian.

P. Responsibility of Department Head

Every department head should provide a secure space in which custodians of property may keep and store items of School property as necessary to fulfill their duty as a custodian of property.

Q. Determination of Value or Cost of Repair of Lost, Stolen or Damaged Property

The Chief School Administrator, after full and prudent inquiry, shall determine the responsibility of a custodian for the loss, theft or damage to property in his or her custody and the reasonable and proper value or cost of the repair of the property. Such decisions shall be final and such amounts as are determined to be due from the custodian shall be deducted from any money owing by the School to the custodian.

R. Duties of Department Head

Every department head shall, before the annual inventory of School property, cause a survey of the property in the custody of his or her department to be made. Such surveys shall determine and identify, as to each such item of property, the following:

- a. All property that is fully functional and of continuing use and benefit to the department in the accomplishment of the duties and responsibilities of the department.
- b. All property that is in need of repair and, if repaired, would be of continuing use and benefit to the department in the accomplishment of the duties and responsibilities of the department.
- c. All property that is in need of repair and which, if repaired, would no longer be of use and benefit to the department.
- d. All property that is fully functional, but which is no longer of use and benefit to the department.

S. Storage and Disposal of Property

- a. At the time of the annual inventory, inoperable items of property and items of property that are no longer of use and benefit to the department shall be removed to a central storage facility, and:
 - i. The Procurement Technician 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 return to the central storage facility.
 - ii. The Procurement Technician shall cause a list of all such items of property to be circulated among the departments of the School.
 - iii. Thereafter, any department having a need and use for such property so listed may request that such property be transferred from the central storage facility to the custody of an employee within the requesting department. Necessary repairs of such property shall thereafter be the responsibility of the department taking custody of the item of property.

- b. Any item of property that has remained in the central storage facility for five years or more, which has not been used or repaired during that time, shall be disposed of as follows:
 - i. The Procurement Technician shall cause a list of all such items of property to be circulated among the departments of the School. The list shall identify the items of property intended for disposal unless a request for their custody and use is made prior thereto by any department.
 - ii. Not less than thirty (30) days after the publication of the list among the departments of the School, a list of such property then remaining for disposal shall be circulated among the chapters served by this School and other schools in the Hopi area. Items of property having a substantial value may be listed as being for sale at a price shown on the list. The sale of property shall be accomplished in compliance with 25 CFR § 276.11.
 - iii. Such property as is requested or purchased by other schools or chapters shall be transferred to them.
 - iv. All remaining property shall be sold at auction (if that is economically feasible); properly disposed of as waste or disbursed in another reasonable manner approved by the Governing Board. The obvious outcome to avoid in any disposition is the appearance of impropriety, unfair personal gain or favoritism.

T. Development of Specific Procedures

Departments and functions which utilize specific property requiring more specific procedures than those which are contained herein, such as use of vehicles, tools or equipment, shall develop written procedures concerning such use or function and submit them to the Chief School Administrator. The Chief School Administrator shall, by memorandum, designate those departments and functions which must develop and provide such procedures. In addition to those procedures required by the Chief School Administrator, a department or function may develop such property procedures as will assist in the operation of the department or function. All such additional procedures shall be consistent with the policies and procedures contained in this Manual.

U. Approval of Specific Procedures

Such specific procedures as are developed shall be reviewed by the department head of the department promulgating the procedures and, if approved, then submitted to the Chief School Administrator for his or her review. If approved by the Chief School Administrator, 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 HOPI DAY SCHOOL.

V. Amendment of Specific Procedures

Any such procedure that has been approved may thereafter be amended from time to time by the action of the department or function promulgating them with the approval of the Chief School Administrator. Such amended procedures shall be marked with the date of approval and effect and shall be placed among the collected policies and procedures of the Hopi Day School.

ARTICLE IV. PERSONNEL

Section IV.1 NATURE OF EMPLOYMENT

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

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

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

Specific duty assignments (i.e., grade level, subject matter area, etc.) shall be made based upon the needs of the School as those needs are determined by the Chief School Administrator in consultation with appropriate supervisors. Should the needs of the School change, assignments may also change at the direction and discretion of the Chief School Administrator, to meet the School's needs. This provision applies to all positions including, but not limited to, teachers and/or teacher assistants. An Organizational Chart is approved each year by the Governing Board as it seeks to provide for the needs of Hopi Day School.

Section IV.2 EMPLOYEE RELATIONS

The School believes that the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area. 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 School alleviating the need for outside interference.

Section IV.3 NON-DISCRIMINATION/HOPI/INDIAN PREFERENCE

The School is committed to a policy of non-discrimination relative to race, sex, age, religion, disability and national and/or ethnic backgrounds with the exception of the preference given to Indians under the Civil Rights Acts of 1964, and subsequent modifications. Hopi is sovereign and disclaims federal jurisdiction in personnel matters including, but not limited to, the EEOC and matters related thereto. 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 School to provide for Indian employment whenever possible, consistent with the operation of a high quality educational program. Accordingly, the Governing Board will undertake active recruitment efforts to locate qualified Indian applicants for all vacancies. Similarly, active efforts will be undertaken to notify Indian employees of opportunities for promotion and training. However, notwithstanding the foregoing, the School shall be free to select the best qualified individual for any given position.

The School complies with employment requirements of the Hopi government and disclaims state or federal jurisdiction in such and related matters.

Section IV.4 IMMIGRATION LAW COMPLIANCE

The School is committed to employing only individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I9 with the School within the past three years, or if their previous I9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Chief School Administrator. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

Section IV.5 EMPLOYEE MEDICAL EXAMINATIONS

The School may require an employee to undergo a medical examination at any time that the School questions the employee's ability to perform his or her assigned duties, or questions whether the employee may be a threat to the health or safety of the employee or others.

Section IV.6 ANTI-NEPOTISM

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into daytoday working relationships.

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

If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred or resign. If that decision is not made within 30 calendar days, management will decide who will be reassigned, transferred, or terminated.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

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.

For the purposes of this policy, relatives are defined as immediate family members which include; spouses, parent/guardians, 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 Governing Board member. (For example, common law relationships, foster care guardianships, etc.)

Section IV.7 CONFLICTS OF INTEREST

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

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 School's hiring policy (see Section 4.06 - Anti-Nepotism).

No person employed by HOPI DAY SCHOOL may be directly supervised by an immediate relative (see Section 4.06 – Anti-Nepotism). This policy will apply for summer or part-time work as well as for full-time employment.

A dependent of a Governing Board member (a person for whom more than half of whose support is obtained from a Governing Board member) cannot be hired by the School except upon consent of the Governing Board. Neither a Governing Board member or their spouse or person, who lives with a Governing Board member, as explained in Section 4.06, may be hired or retained by the School.

School business dealings with outside firms should not result in personal financial gains for any employee or his or her relatives (see Section 4.06 - Anti-Nepotism). An employee who has, or whose relative has a substantial personal interest in any decision of the School, shall make known the interest in the official records of the School, and shall refrain from participating in or influencing the School's position on any matter as an employee in such a decision. Personal gain may result not only in cases where an employee or relative has a significant ownership of a firm with which the School does business but also when an employee or relative receives any kick-back, bribe, substantial gift, or special consideration as a result of any transaction or dealings involving the School. All transactions that can be interpreted to involve personal financial gain shall require specific Governing Board approval.

Additionally, no employee of HOPI DAY SCHOOL shall accept gifts from any persons, group, or entity doing, or desiring to do, business with the School. The acceptance of any business related gratuity is specifically prohibited, except for widely distributed, advertising items of nominal value.

Staff/Governing Board Conflict of Interest Waiver Form

I, _____, do hereby indicate:

That I am presently an employee/Governing Board Member of the HOPI DAY SCHOOL;

That I (or my relative(s));

_____) have a substantial interest in the employment, contract, sale, purchase, or service to or decision by the HOPI DAY SCHOOL Governing Board as described below.

That I shall refrain from participating in any manner in my capacity as a Governing Board Member or an employee of HOPI DAY SCHOOL in such employment contract, sale, purchase, service to, or decision by the Governing Board unless specifically permitted to do so by law.

Date

Signature

Section IV.8 FILLING VACANCIES

Determination: Prior to filling any vacancy, the Administrative Assistant of Finance shall certify, in writing, to the Chief School Administrator that funds are available for the vacancy. The Governing Board, in consultation with the Chief School Administrator, shall determine whether or not any vacancy should be filled and the timeline for filling said vacancy.

Reassignment: The Chief School Administrator 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 this Manual.

Consultants/Trainers: The Chief School Administrator shall, with the approval of the Governing Board, have authority to hire consultants and/or trainers in accordance with the procurement policy. Consultants or trainers shall receive no benefits. Consultants or trainers shall be evaluated and selected by the Chief School Administrator without regard to other provisions of this chapter; however, this procedure will not be used to circumvent regular hiring practices.

Section IV.9 PRE-SELECTION PROCEDURE

When a vacancy occurs, or a new position is authorized by the Governing Board, the Chief School Administrator shall take the following steps:

1. Obtain or develop a Position Description which has been approved by the Governing Board for use in the advertising and hiring procedure for that position.
2. Establish opening and closing dates for submission of resumes/applications and a timeline for the hiring procedure (i.e., interviews, reports, etc.).
3. Identify and consider in-house employees qualified for promotional opportunity in the event of any job openings.
4. Identify any qualified, former employees whose employment with the School 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.
5. Post vacancy notices in School 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.
6. Advertise job vacancies outside and within the community, in Hopi Tribal employment offices, other areas in the community designated for such public notices, 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.
7. 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 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.
8. Interview applicants and make recommendations to the Governing Board relative to hiring.
9. Make contract offer(s) to selected applicant(s) when directed by the School Governing Board.
10. Orient new employees on the Manual, inform new employees of school procedures and benefits, etc.
11. Perform fingerprinting and background checks as set forth below:
 1. All personnel employed by the School shall be fingerprinted as a condition of employment. For personnel who are required to be fingerprinted as a condition of receiving a teaching certificate or other license, the School may satisfy the fingerprinting requirement by accepting the certificate or license. Employment with the School is contingent upon the results of the fingerprint check or maintenance of the certificate or license which satisfies the fingerprinting requirement.

2. Prospective employees 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 criminal offenses in this 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) A dangerous crime against children as defined in A.R.S. § 13705
 - r) Child abuse
 - s) Sexual conduct with a minor
 - t) Molestation of a child
 - u) Voluntary manslaughter
 - v) Aggravated assault
 - w) Assault
 - x) Exploitation of minors, involving drug offenses

y) Battery

3. Before offering employment to a candidate, make documented, good faith efforts to contact previous employers to obtain information which may be relevant to a person's fitness for employment. See Appendix IV-A, Background Check Form for Applicants.
 4. Fingerprinting is not required for volunteers who will be providing services to students in the presence of and under the direct supervision of a teacher.
 5. The School may refuse to hire or may review or terminate any person who has been convicted of or admitted committing any of the crimes listed above or a similar offense in another jurisdiction.
 6. This section does not require students who are also employed by the School to be fingerprinted.
-
12. Ensure that all new employees obtain a Standard FirstAid certificate within the employee's initial thirty (30) days of employment. Each employee shall apply for recertification every third year or prior to expiration date of certificate.
 13. Ensure that new employees obtain a CPR certificate within the employee's initial 30 days of employment. Each employee shall apply for recertification annually.
 14. Ensure that a performance evaluation is completed by the employee's immediate supervisor within the employee's ninety (90) day probationary period.

Section IV.10 APPLICATIONS FOR EMPLOYMENT

Any individual desiring to be considered for a job vacancy must submit a timely application and/or resume to the Administrative Assistant of Personnel. Unsolicited applications will not be accepted. Applications will be discarded at the end of a twelve (12) month period following the selection and appointment of an applicant or from the date the position was advertised if it is not filled.

Section IV.11 INTERVIEW COMMITTEE

An Interview Committee shall be appointed for all professional position vacancies and other position vacancies when specifically instructed to do so by the Governing Board. The Interview Committee shall be appointed by the Chief School Administrator and shall be composed of no fewer than three (3) and not more than five (5) employees or Governing Board members. The Chief School Administrator shall attempt to appoint committee members possessing knowledge,

experience and familiarity with the position under consideration. Unless a conflict of interest requires otherwise, the committee shall include: The Chief School Administrator or designee, the immediate supervisor of the position under consideration, the departmental supervisor of the position under consideration, and an employee of said department. It is not mandatory to have the precise committee members listed above; however, the above listing sets forth the general intent regarding the composition of an Interview Committee.

Section IV.12 CHIEF SCHOOL ADMINISTRATOR'S RECOMMENDATION

Upon receiving and reviewing the Interview Committee's recommendation, the Chief School Administrator may schedule additional interviews or request additional information. Upon completion of his/her review, the Chief School Administrator shall submit his/her recommendation to the Governing Board.

Section IV.13 ALTERNATIVE TO INTERVIEW COMMITTEE

In cases where an Interview Committee is not required by these policies or the Governing Board, the Chief School Administrator, in consultation with the relevant departmental supervisor, will review applications, identify the most qualified applicants, interview applicants and where possible, consult with the appropriate relevant supervisor regarding applicants. The Chief School Administrator may schedule additional interviews or request additional information prior to submitting his/her recommendation to the Governing Board.

Section IV.14 FINAL APPROVAL

Chief School Administrator Interviews.

The Governing Board shall interview applicants for the Chief School Administrator position.

Final Decision:

All final employment decisions shall be made by the Governing Board. Documentation of the interview process for all positions shall be maintained for five (5) years.

Notification of Selection:

The Chief School Administrator, or designee, shall notify the selected applicant and will negotiate any outstanding terms and conditions of employment and the reporting date with the selected applicant.

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

Section IV.15 EMERGENCY APPOINTMENTS

Emergency Certification. When an emergency occurs requiring the immediate services of a person in a particular position, the Chief School Administrator may certify such position for restricted advertising and hiring as determined by the Chief School Administrator.

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

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

Final Decision. The Chief School Administrator shall submit his/her recommendation on hiring to the Governing Board with the reasons therefor. The Governing Board shall make the final hiring decision.

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 will be terminated unless the employee has been duly appointed to that position after all employment procedures have been fulfilled.

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

Pay. Where a current employee receives an emergency appointment under this section, rather than reassignment, the employee's pay will be adjusted to that of the new position. New emergency appointments are not eligible for holiday pay, sick leave, annual leave, personal leave, or health and life insurance. Emergency appointments are entitled to worker's compensation and overtime, if applicable.

Section IV.16 SUBSTITUTE OR INTERMITTENT PROFESSIONAL EMPLOYEES/HIRING

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 School. Such contracts shall only be offered to qualified persons and shall provide for employment intermittently during the ensuing year as needed by the School. With Governing Board 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. Short-term or intermittent professional employees, excepting 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 School such intermittent contract positions as may become available during the ensuing school year.
2. All such applicants who are deemed qualified by the Chief School Administrator, or designee, to act as substitute teacher or in other intermittent professional functions, together with their applications and the recommendation of the Chief School Administrator or designee, shall be submitted to the Governing Board. The Chief School Administrator, or designee, may, prior to submitting its recommendation, interview applicants.
3. Those persons thereafter approved by the Governing Board as intermittent contract professionals shall be offered an annual contract to serve on an intermittent basis.
4. The Chief School Administrator, 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 Chief School Administrator 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 Governing Board at their next regular meeting and the cause, if any, may be reported to the Governing Board 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 Chief School Administrator, or designee, may hire a person qualified to perform the duties of that position without regard to the requirements herein contained.
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 Chief School Administrator.

Section IV.17 PREREQUISITES TO BEGINNING WORK AND ACCRUING SALARY

Applicants for any long-term position, which shall be defined as employment for a term in excess of sixty (60) calendar days, shall be hired by the Governing Board. No person shall begin

the duties of employment unless and until hired by the Governing Board. No person who has been hired by the Governing Board 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 employee has been checked through the Business Office, has completed all applicable federal and state tax declarations and has executed all applicable salary payment and deduction agreements.
2. The Personnel Office 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. Proof of all required certification shall be presented by the employee to the School at or before this time.
3. The Housing Officer and employee have completed a housing rental agreement, if necessary, for the employee.
4. The employee has been given the opportunity to read the Policy Manual and has signed the declaration to that effect.
5. 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.
6. The Chief School Administrator has completed his/her duties set forth herein or has documented in writing timely steps toward completion and the date for completion.

APPENDIX IV-A BACKGROUND CHECK FORM FOR APPLICANTS

Applicant's Name: _____ Position Applied for: _____

Date of Background Check: _____

Name of Person Contacted: _____ Telephone: _____

Name of School/Business (if applicable): _____

Address: _____

Relationship to applicant:

Former employer – position: _____

Former supervisor – position: _____

Personal reference

Method of contact: Telephone Letter Facsimile

QUESTIONS FOR FORMER EMPLOYERS / SUPERVISORS:

Dates of employment: _____

Position Held: _____

Final rate of pay: _____

Was the person reliable? yes no; If no, explain: _____

Was the person satisfactory? yes no; If no, explain: _____

Any concern about the person being late to work without authorization? yes no;
If yes, explain: _____

Any 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? _____

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: _____

Section IV.18 EMPLOYMENT CATEGORIES

It is the intent of the School to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Exempt Employees

are those executive, professional and administrative employees who are exempt from coverage of the School's overtime provisions. The School's exempt employees include, but are not limited to:

1. Chief School Administrator
2. Teacher Supervisor
3. Certified Counselors
4. Certified Teachers
5. Facility Manager

Non-exempt

are those employees who are not exempt from coverage under the School's overtime provisions.

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

Year-long

employees are those who are not in a temporary or probationary status and who are regularly scheduled to work a fulltime schedule on a yearlong basis. Generally, they are eligible for the School benefit package, subject to the terms, conditions, and limitations of each benefit program.

School-year (10 month)

employees are those who are not in a temporary or probationary status and who are regularly scheduled to work a fulltime schedule during school year. Generally, they are eligible for the School benefit package, subject to the terms, conditions, and limitations of each benefit program.

Probationary

employees are those whose performance is being evaluated to determine whether further employment in a specific position or with School is appropriate. There are two classifications of probationary employees: 1) newly hired, and 2) promoted and/or transferred. Newly hired probationary employees are those employees who were not employed by the School immediately before their hire for the subject position or whose contract was terminated or non-renewed before their hire by the School for the subject position. Promoted/transferred employees are employees who were employed by the School at the time they were promoted or transferred to the subject position.

A probationary employee is considered an Employee-at-Will and may be terminated at any time by the Governing Board 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 Governing Board is final.

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 90 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 Governing Board 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 Governing Board is final.

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 School 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 "eligible employees" as defined herein. Prior to any non-employee providing services to the School, pursuant to a stipend or other arrangement, said person must complete the background check as set forth in Policy § 4.09.

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.

Student Teachers

. Persons student teaching at the School under a recognized student teacher program are not employees of the School. Student teachers do not have the rights of employees under these policies, nor shall they be compensated for their student teaching activities. However, student teachers must 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 School.

School employees who student teach at the School, but were employed by the School prior to their student teaching, will be paid at the rate and in the manner that they were paid prior to student teaching, while they are student teaching.

Section IV.19 PROBATIONARY PERIOD

- A. Newly hired employees and newly promoted and/or transferred employees who are holding a new position are probationary employees and shall be subject to a probationary period of ninety (90) calendar days. 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. The School uses this period to evaluate employee capabilities, work habits, and overall performance.
 - 1. Progress reports at one-month intervals may be conducted by the immediate supervisor.
 - 2. A Probationary period may be extended for one additional thirty (30) day period when recommended by the supervisor.
 - 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 Chief School Administrator.
- B. Employee benefits shall begin accruing starting after 90 days of probationary period. No personal 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 annual, personal and/or sick leave.
- C. For newly transferred and/or promoted employees who are subject to a probationary period, these employees will continue to accrue their annual leave and sick leave.
- D. A newly hired probationary employee is considered an employee-at-will and may be terminated at any time by the Governing Board 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 Governing Board. An employee-at-will is not entitled to grieve his/her termination through either the grievance procedures or appeal procedures.

- E. When an employee has been promoted, but fails to successfully complete the probationary period, the employees shall be returned to their former position or an equivalent position. If such position is not available the employee may be terminated.
- F. When a supervisor fails to conduct a 90-day probationary period evaluation and takes no action, the Chief School Administrator shall convert the employee to regular status and to notify the appropriate supervisor of the neglect of duty.

Section IV.20 EMPLOYMENT REFERENCE CHECKS

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

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

Section IV.21 PERSONNEL DATA CHANGES/UPDATES

It is the responsibility of each employee to promptly notify the School of any changes in personnel data. All staff members need to update records in August. 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 should be accurate and current at all times.

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

Section IV.22 ACCESS TO PERSONNEL FILES

The School maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, employment contract, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the School and access to the information they contain is restricted and confidential in accordance with federal and other applicable law. Wherever the

law allows, the confidentiality of the information shall be maintained. Unless the law directs otherwise, only supervisory management personnel or members of the Governing Board who have legitimate reason to review information in a file shall be allowed to do so. To the extent allowable by law, personnel files will not be considered public records.

An employee who wishes to review his/her own file, should contact the Chief School Administrator. With reasonable advance notice, an employee may review his/her own personnel file in the School's administrative office and in the presence of the Chief School Administrator. No documents may be altered, added to, or removed from the file during such review.

Section IV.23 NON-DISCLOSURE

The protection of confidential information is vital to the interests and the success of School. Such confidential information includes, but is not limited to, the following examples:

- Employee Compensation data
- Employee Medical file
- Students Records
- Pending projects and proposals

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

Section IV.24 EMPLOYMENT APPLICATIONS

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

Section IV.25 PERFORMANCE EVALUATION

Policy:

Performance evaluation is the continuing process of measuring employee's contribution to Hopi Day School. The performance evaluation process: (1) provides the employee with the supervisor's assessment of areas of strengths and those needing improvement in the performance of assigned duties; (2) allows the employee and supervisor to plan professional development activities; and (3) provides the supervisor with a formal process for feedback to and from employees. Performance evaluation will be the supporting data used for individual personnel decisions such as promotions, demotions, incentive awards and other recognition. It will also be used to plan group training, organizational restructuring and work force expansion. Increases in compensation are not automatic and will be based in part on performance.

Evaluation:

Each employee will be evaluated. Teachers will be observed/evaluated formally at least once per school year. If problems are observed, additional observations may be required. A first year teacher will be observed two times per school year. The supervisor/Chief School Administrator will use an evaluation checklist to document all formal observations.

Teacher Assistants will be formally evaluated at least once per school year by their immediate supervisor and others as may be appropriate.

Evaluation of Non-Teaching and Administrative Personnel: The evaluation of non-teaching and Administrative Personnel shall be accomplished once a year by their immediate supervisor. The supervisor shall regularly observe the performance of all employees under his/her supervision. Once every year, the supervisor shall complete a written evaluation of each employee under his/her supervision on a standard form to be provided to the Chief School Administrator. In the event where problem areas are observed during the observation then additional observations will be required. An accurate and completed copy of the evaluation, dated and signed by the supervisor, shall be delivered to the employee in a private conference within three days of the evaluation date. The evaluation shall be signed and dated by the employee acknowledging only receipt at the time of the conference.

Performance Standards:

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

Deficiencies:

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

Administration:

The Chief School Administrator will provide supervisors with performance evaluation forms for each employee in their areas of responsibility. Copies of the performance evaluation will be filed in each employee's official personnel file.

Chief School Administrator:

The Governing Board is responsible for conducting annual evaluations for the Chief School Administrator. The evaluation shall be based upon criteria taken from the job description. All evaluations will be discussed with the Chief School Administrator in an executive session of a duly called meeting. The Chief School Administrator will be given a copy of the written evaluation.

Employee Comments:

Every performance evaluation form shall include space for comment by the employee. If the employee does not agree with the evaluation, a statement of non-concurrence can be included in the evaluation.

Section IV.26 POSITION DESCRIPTIONS

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.

Preparation of Position Descriptions shall be the responsibility of the Administrative Assistant of Personnel, who shall consult with department heads and the Chief School Administrator in developing said descriptions. All Position Descriptions shall be approved by the Governing Board prior to use.

Section IV.27 CONTRACT RENEWAL/NON-RENEWAL

Renewal or nonrenewal of employee's employment with the School will be decided during the last quarter of an employee's current contract year; or if the employee's contract expires without a decision or action, the employee's employment with the school will be deemed to have been non-renewed and employee's employment with the School will terminate with the termination date of employee's current contract. A nonrenewal of an employment contract is not "adverse action."

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

Upon written request and the execution of a complete waiver and release of all claims against the School, the School will provide general reasons for a non-renewal. The reasons stated for non-renewal shall not be a basis for any claim, action or cause for liability against the School.

Probationary Employees: If the employee has not completed his/her probationary period under the old contract, then the probationary period will be continued into the new contract term if a new contract is offered. 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 ninety (90) calendar days or greater if the period is extended.

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

APPENDIX IV-B

CONSENT AND WAIVER TO CONDUCT BACKGROUND CHECKS

I, _____, DOB _____, SSN _____, residing at _____
[Printed Name of Potential Employee]

_____ have applied for employment with the HOPI DAY SCHOOL (hereinafter School). As indicated by my signature below I understand that the School will conduct a background check of me through any or all of the following:

1. Bureau of Indian 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; and
5. Any private entity retained by the School to conduct such background checks.

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

As evidenced by my signature below I consent to any or all 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 School's request. I further agree and direct that a copy of this request shall have the same force and effect as an original.

This consent is limited to requests for background information from HOPI DAY SCHOOL and its authorized agents from _____ to _____.

[Month , Day, Year]

[Month, Day, Year]

Signature

Date

**APPENDIX IV-C 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 DAY SCHOOL, School Governing Board (hereinafter "Governing Board") offers you the attached

employment contract for the year _____. The date of this offer is _____.
[Month, Day, Year]

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

If you wish to accept this contract you must do so in writing (by completing the form below or otherwise) and delivering your written acceptance to the HOPI DAY SCHOOL Chief School Administrator on or before

_____.
[Month, Day and Year]

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

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

Section IV.28 REGULAR HOURS OF WORK

The office will be staffed from 7:30 a.m. to 4:00 p.m. based on flexible scheduling by the office staff. Office has a 30 minute lunch break. Academic staff's regular hours of work are from 7:30-3:30 p.m. Monday through Friday and may be altered depending on the needs of the school. The facility management staff work assigned staggered shifts. Kitchen staff regular hours of work are from 6:00 a.m. to 2:30 p.m.

At times, circumstances will require schedules for employees to vary throughout the School. Also, different terms and conditions apply to exempt and non-exempt employees as described in the Fair Labor Standards Act ("FLSA"). This is particularly important relative to overtime eligibility. Supervisors will advise employees of their individual work schedules and any variations in such schedules. As stated, staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day of the week. Staff, however, may not work in excess of a straight twelve (12) hour shift. The Chief School Administrator is authorized to declare administrative leaves when the situation dictates.

Section IV.29 DRESS

Employees are expected to be neat in appearance and dress in a manner consistent with an educational environment which serves the public. The impression made on students, visitors and co-workers must be of foremost consideration—T-shirts, shorts or jeans with holes are examples of unacceptable dress.

Section IV.30 ABSENCES

If an employee is unable to report for duty, that employee must notify the immediate supervisor at least one hour prior to the beginning of work. Teachers are required to provide lesson plans for the day. Failure to do so may result in disciplinary action.

Section IV.31 ABSENCE WITHOUT LEAVE/LATENESS

An employee shall be deemed "absent without leave" when absent from work during scheduled duty time without prior notification to the School. This shall include absence due to lateness or due to leaving early or any other absence that is not specifically excused. Absence will not be excused unless the reason for absence conforms to policy on sick or vacation leave, or other specific policy on excused absences as adopted by the Governing Board.

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.

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

All unauthorized and/or unreported absences will be considered Absence Without Leave (AWOL), and a deduction of pay will be made. Such absences will be grounds for disciplinary action. Absence Without Leave for three consecutive days within a calendar month will be deemed a resignation from employment.

Section IV.32 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with School and such employment does not constitute a conflict of interest. Employees should consider the impact that outside employment may have on their health and physical endurance. An employee should provide a letter notifying the Chief School Administrator that they are employed in another location. All employees will be judged by the same performance standards and will be subject to School scheduling demands, regardless of any existing outside work requirements.

If School determines that an employee's outside work interferes with the employee's performance or the ability of the employee to meet the requirements of School as they are stated or modified from time to time, the employee may be required to terminate the outside employment if he or she wishes to remain employed by School.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on School.

Section IV.33 HEALTH STANDARDS

Good health of all persons associated with HOPI DAY SCHOOL is important; therefore, the School will comply with all health standards and directives issued by or through the Indian Health Service and the Environmental Health Office of the Hopi Tribe.

Section IV.34 CHAIN OF COMMAND

All employees will follow the chain of command in accordance with the approved Organizational Chart of HOPI DAY SCHOOL.

Section IV.35 TRAINING

Each employee is encouraged to develop skills through on-duty and off-duty training. When funds are available, training will be provided by the School. Any school-year employee who receives training at School expense during the summer is expected to work for the School the following year. Any employee who chooses not to work at the School during the year following

summer training shall reimburse the School for the cost of the training. Training paid by the School during the School year is exempt from this ruling.

In-Service Training.

Workshops for school employees will be held as needed. Each department supervisor will be responsible for assessment of training and will direct requests in writing to the Chief School Administrator or designee for any training. An employee who attends off-site training may be required to provide In-Service-Training to the staff.

Off-Site Training.

All training which requires outofarea travel and overnight stay will be subject to approval by the Chief School Administrator. Training shall be approved on the basis of the best interest of the school and generally equitably provided to the staff.

Section IV.36 NEW EMPLOYEE ORIENTATION

The Administrative Assistant of Personnel, under the direction of the Chief School Administrator, is responsible for giving to each new employee basic information concerning hours of work, wages, benefits, etc., along with the essential forms on or before the first day of work. Specific job expectations such as prescribed procedures for completing assignments, where to obtain supplies and other vital information will be given by the immediate supervisor or Administrative Assistant.

Section IV.37 ADMINISTRATION

The Administrative Assistant of Personnel will ensure that authorized employee development programs are properly administered. The Administrative Assistant shall maintain records of all training conducted and ensure that a current record is maintained in each employee's personnel file.

Section IV.38 TIMEKEEPING

Accurately recording time worked is the responsibility of every employee. Federal laws require the School 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. Each employee must sign in personally on the time clock. Employees using another's number will result in disciplinary action.

Employees must accurately record the time they begin and end their work. They must also record the beginning and ending time of any split shift or departure from work for personal reasons.

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 cards shall be kept at the work site.

It is the employee's responsibility to sign his or her time sheet and to certify the accuracy of all time recorded. Time sheets should 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.) The supervisor will review and sign the timecard before submitting it for payroll processing. In addition, if corrections or modifications are made to the timecard, both the employee and the supervisor must verify the accuracy of the changes by initialing the timecard.

Section IV.39 PAYDAYS

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

In the event that a regularly scheduled payday falls on a regular day off or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

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

If an employee has direct deposit to their account, the payroll clerk requires a 10-day advance notice to stop the direct deposit. No Cash Advances may be made.

Section IV.40 PAY DEDUCTIONS AND SETOFFS

The School offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to make bank deposits, 401k plans and other programs that accept payroll deductions.

Pay setoffs are pay deductions taken by the School usually to help pay off a debt or obligation to School (i.e., meals, rent, etc.)

If you have questions concerning why deductions were made from your paycheck or how they were calculated, your supervisor can assist in having your questions answered.

Section IV.41 TELEPHONE POLICY

Except in an emergency, all telephones are restricted to official business calls. During school hours, phones are for school use only. Personal phone calls may be made during break times. These calls are to be limited to 2-3 minutes and are to occur only occasionally and not on a daily basis. In cases of long distance calls, a personal phone card must be used. Personal cell phone usage during work hours will result in disciplinary action.

Section IV.42 SAFETY

To provide a safe and healthy work environment for students, employees and visitors, the School has established a workplace safety program. This program is a top priority for the School. The Chief School Administrator and/or Facility Manager has the responsibility for implementing, administering, monitoring, and evaluating the safety program; however, its success depends on the alertness and personal commitment of all. Managers at all levels have the responsibility of ensuring a safe workplace.

The School provides 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.

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.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the work place are encouraged to raise them with their supervisor or with another supervisor or the Chief School Administrator and/or Facility Manager.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report in writing (or may use a Work Order) any unsafe condition to the Chief School Administrator and/or Facility Manager. 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.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately (within twenty-four (24) hours of the injury) notify the immediate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

Section IV.43 REST AND MEAL PERIODS

All full-time employees are allowed one meal period of a minimum of 20 minutes and up to 60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

School employees may be allowed to purchase and consume meals provided by the School.

Section IV.44 OVERTIME

Hopi Day School is informed that due to recent federal court decisions, it appears that the Fair Labor Standards Act ("FLSA") does not control Hopi Day School or like entities. Therefore, Hopi Day School disclaims any applicability of the FLSA and asserts its sovereign immunity

from application of the FLSA to Hopi Day School. Notwithstanding the foregoing, Hopi Day School adopts the procedures and policies set forth in the FLSA relative to overtime. By disclaiming the applicability of the FLSA, Hopi Day School affirmatively states that it will not respond and is not required to respond to any federal claims or the jurisdiction of any federal court; however, it will respond in Hopi court to its decision to include similar overtime provisions via its own policies. Hopi Day School intends by this action to implement a more informal policy designed to insure equity and fairness to its employees and the best interest of Hopi Day School students, staff and community. This more flexible system will be directed by the Chief School Administrator 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 school in a manner that is fiscally responsible and at the same time fair to staff. The following requirements will be implemented consistent with this general policy statement.

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

- A. When operating requirements or other needs of the School cannot be met during regular working hours, nonexempt employees may be scheduled to work overtime hours and will qualify for overtime as provided in this section. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will 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. Exempt employees (including but not limited to supervisors and other positions listed at Section 4.18 herein) will not be paid overtime nor will they be given compensatory time except in extreme or special circumstances where such payment or credit is authorized by the Chief School Administrator or Governing Board prior to doing the work for which overtime or compensatory time is requested or granted.
- B. Overtime compensation is paid to all nonexempt employees similar to federal laws at the following rate(s): One and one-half times the employee's base straight-time rate for all hours actually WORKED over 40 hours in a work week. Exempt employees are not eligible for overtime regardless of the hours worked, absent the special authorization required.
- C. Overtime pay is based on actual hours worked. Time off for sick leave, annual leave, holidays, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.
- D. 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 hours per day may be assigned only by the Chief School Administrator. Overtime in excess of two hours must be approved in advance by the Chief School Administrator.

- E. Working overtime without appropriate prior authorization will be grounds for disciplinary action. In emergency circumstances, the Facility/Transportation Manager may authorize overtime to resolve the emergency.
- F. Compensation Option – Overtime may be compensated by compensatory time off if there is a prior, voluntary (free of coercion or pressure, express overtime implied) agreement to that affect.
 - 1. Prior to working overtime the employee must agree to the type of compensation preferred either pay at time and one-half, or compensatory time off at time and one-half. An employer cannot require an employee to accept compensatory time in lieu of overtime pay; however an employer may give the overtime to another employee who has agreed to accept compensatory time. An employee cannot demand compensatory time in lieu of payment for overtime worked; it is at the discretion of the employer provided the agreement requirement is met.
 - 2. Compensatory time off must be taken within a reasonable period, which will be determined by the immediate supervisor, but not more than 30 days after it is earned. However, in no case may an employee accrue more than 40 hours of compensatory time off.

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.

Reporting of Overtime and Compensatory Time: The Administrative Assistant of Personnel is responsible for analysis and control of all overtime and compensatory time and for the submission of such reports as may be required.

Section IV.45 EMERGENCY CLOSURE/EVACUATION

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 will be asked to broadcast notification of the closing.

Section IV.46 USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using equipment, employees are expected to exercise care, and follow all operating instructions, safety standards, and guidelines. All employees must provide a copy of a valid driver's license annually to utilize the school vehicles.

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.

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.

Use of school equipment and vehicles shall be for official school use only. School equipment and vehicles shall only be used for the specific purpose for which it was checked out. No other use is permitted. School equipment and vehicles may not be loaned or used for personal use under any conditions. Use of school equipment and/or vehicles in violation of this policy shall be a ground for discipline up to and including termination. Further, 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.

No temporary employee may use a school vehicle without the written permission of the Chief School Administrator.

Section IV.47 BUSINESS TRAVEL EXPENSES

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

All business travel must be approved in writing and in advance by the Chief School Administrator or the Administrative Assistant of Personnel.

Employees with approved travel plans should make all travel arrangements through the Administration.

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 will be reimbursed by the School unless a flat rate is accepted. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will 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; costs of public transportation for other ground travel.
3. Taxi fares.

4. Mileage costs for use of personal cars will be provided only under the following circumstances: (1) when less expensive transportation is not available; and (2) school provided transportation is not available. Mileage cost for use of personal cars will be reimbursed at the existing U.S. government published rate. All employees must obtain prior written approval from the Chief School Administrator for use of a personal car. Employees with the same destination for school related travel should ride together whether in a school provided or personal car. The School will not pay multiple mileage requests for the same trip absent special circumstances and prior written approval by the Chief School Administrator of said multiple payments.
5. Cost of standard accommodations in midpriced hotels, motels, or similar lodgings if overnight travel is pre-authorized by the Chief School Administrator.
6. The cost of meals will be reimbursed only under the following circumstances:
7. The employee is on travel status away from his/her work station overnight;
8. Receipts are submitted for reasonably priced meals; and
9. If receipts are not submitted, reimbursement will not be provided.
10. Charges for telephone calls, faxes, and similar services required for business purposes.

Any employee who is involved in an accident while traveling on business must promptly report the incident to the Chief School Administrator or Facility Manager.

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

No spouse, dependents children or other unauthorized persons shall accompany those persons utilizing a HOPI DAY SCHOOL vehicle while on official business.

An employee may be required to take a Defensive Driving course.

Per diem may be made to employees to cover reasonable anticipated expenses, after travel has been approved. Employees should submit an approved, travel authorization to the Administrative Assistant of Personnel when travel advances are needed.

When travel is completed, employees should submit completed travel expense reports with original receipts attached within five (5) days.

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

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

An employee shall be required to reimburse the school for airfare, train, or non-refundable, registration fees, or motel reservations if the individual cancels a travel request.

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

All travel expenses shall be in compliance with the Federal Travel Regulations as set forth annually in the CFRs.

Exigencies occurring during School-sponsored travel and/or activities requiring a further expenditure of School funds shall be the responsibility of the traveler or travelers involved in the exigency. If the situation requires, School funds may be immediately expended, upon approval of the Chief School Administrator, as the exigencies may require, subject to reimbursement as may be determined appropriate by the school Governing Board on a case by case basis.

Section IV.48 CREDIT CARDS

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

1. The school credit card shall remain in the physical possession of the Administrator until checked out by an authorized user. The school credit card will only be checked out immediately prior to its use and shall be returned to the Administrative Assistant of Finance the same day the user returns from a school authorized trip or otherwise has no further need of the card, whichever occurs first. If the user returns after business hours, the school credit card must be returned before 8:30 a.m. the next business day.
2. Prior to checking out the school credit card, the user must have signed a form on file acknowledging the users understanding of the school credit card policy, agreeing to any penalties that may be imposed by its misuse and agreeing to pay back any unauthorized excessive or unacceptable charges on the card. Immediate and authorized deductions from paychecks, stipends, per diems, etc. to recover said amounts, is solely at the School's discretion.
3. The school credit card may only be used by authorized school employees and Governing Board members for the following items:

- a. Hotel/Motel rooms not otherwise reserved and/or paid for while on official authorized School business. As with travel in general, the rooms charged should be as economical as possible and within the allowable GSA rate. The traveler will be charged for any higher rates incurred due to upgrades.
 - b. Meals not otherwise provided for. Charging meals against the school credit card should again be the exception rather than the rule. Most travel should be pre-arranged and cash advances used to avoid use of the credit card. Again, only reasonable priced meals for School employees or Governing Board members may be charged on the school credit card. Excessive charges or charges for persons other than school employees or Governing Board members will be rejected by the School and assessed against the user, and subject the user to disciplinary action.
 - c. The school credit card may never be used to pay charges covered by cash advances. This is a form of credit card abuse and will not be tolerated by the School. Any such duplicate charges for items which should have been covered by cash advances, will result in those charges being assessed against the user and shall be grounds for disciplinary action up to and including termination.
 - d. Gasoline purchases for school vehicles only. The school credit card may be used to purchase gasoline for School vehicles only when on travel for the School and authorized by the School. When using a private vehicle for School travel, the school credit card may not be used for the purchase of gasoline, repairs or other mechanical necessities.
 - e. The school credit card may not be used for telephone calls, purchase of personal items, gifts or any other thing except as set forth above. The school credit card may not be used for the purchase of any School goods except by the Administrative Assistant of Finance and the Chief School Administrator, and only when other forms of payment are not acceptable.
 - f. A general rule of use is that the school credit card may only be used when no other form of payment is possible.
4. This policy applies to all employees and Governing Board members. To reiterate, misuse of the school credit card and/or violation of this policy will result in disciplinary action against employees and recommendations for disciplinary action against Governing Board members and possible reporting of ethics violations.

All users must acknowledge the limited use of the school credit card, the policies regarding use of the school credit card, and agree they will reimburse the School for any misuse and/or violation of these policies and further authorize the School to deduct any amounts to be reimbursed pursuant to this policy, for any amounts, the School may owe the user, whether it be payroll, stipends or any source.

Section IV.49 ATTENDANCE AND PUNCTUALITY

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

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

Section IV.50 CONTROL AND RETURN OF PROPERTY

Employees are responsible for all School 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 must return all School property immediately upon request or upon termination of employment. The Administrative Assistant of Finance will determine the value of the unreturned or damaged property.

Any and all information generated by, stored on, or contained in any School computer is or becomes the property of the School and may not be damaged, removed or copied and removed from the School.

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

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

School staff and community members may not use School equipment for personal use. No School property/equipment may be taken off campus unless authorized by the Chief School Administrator. An equipment use form must be signed in advance.

Section IV.51 KEYS POLICY

Keys to classrooms and other school buildings will be issued at the beginning of the School year and must be returned at the end of the School year, or upon the termination of employment with the School. Each employee shall be held strictly accountable for the key(s) issued to him/her. Should any key(s) be lost or misplaced, it will be immediately reported to the Facility Manager.

A \$50.00 charge will be assessed for each key to cover the cost of replacement of the key and changing of the lock(s). Should a Grand Key (i.e. master key) be lost or misplaced, the person assigned the key shall be held responsible for the cost of replacing all of the locks that could be opened by the key in the amount of \$250.00.

Section IV.52 SECURITY INSPECTIONS

The School wishes to maintain a work environment that is free of controlled substances, alcohol, firearms, explosives, or other improper materials. To this end, the School prohibits the possession, transfer, sale, or use of such materials on its premises. This includes staff quarters. The School requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the School. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the School at any time, either with or without prior notice. Vehicles on campus may be inspected in the event that there is suspicion of security violations.

Section IV.53 MONTHLY REPORTS

Each department head shall submit written reports to the Chief School Administrator on a monthly basis on his/her department or program's progress during the last month. Since Governing Board meetings are scheduled for the second Tuesday of the month, all reports shall be due by close of business on the Thursday before the Governing Board meeting. All reports must be on time so that the Chief School Administrator may finalize the School's report deadline for submission to the Governing Board. Any report submitted late or not submitted will be reflected in the department head's personnel file.

Section IV.54 GENERAL STAFF MEETING

A general staff meeting shall be held every month.

Section IV.55 SUPERVISOR AND DEPARTMENT MEETING

Each department will have at least one meeting a month.

Section IV.56 FAMILY/PERSONAL MATTERS/GOSSIP

While on duty, employees are expected to be professional and courteous with all other employees and students. Employees shall not gossip or carry malicious rumors about students, staff, or community members. Employees shall not interject family or personal matters into relationships with fellow employees. Employees shall leave family problems at home. Violation of this section could subject the Employee to discipline up to termination.

Section IV.57 POLITICAL ACTIVITIES

The School respects each person's right to participate in political activities and encourages its employees to participate in the political process. However, School employees shall not take an active part or engage in any political campaign activity while on official duty. The foregoing prohibition shall include the wearing of campaign buttons or other political campaign items while on official duty. Further:

1. An employee shall not neglect his/her assigned duties and responsibilities because of permitted political activity.
2. An employee may participate in any campaign and election so long as such participation does not interfere with his/her School duties and responsibilities.
3. An employee shall not use the property, supplies and equipment of the School in performing political activities.
4. With the approval of the Governing Board, 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 School.
5. An employee shall not appear to represent the School without prior written authority of the Governing Board.
6. An employee shall not participate in controversial issues outside the School campus in a manner that may reasonably be interpreted to be representative of the School or its position or in a manner that hinders the operation of the School.

Section IV.58 STIPENDS

Employees and those assisting as part-time Employees, who have a written request and approval by the Chief School Administrator and the Governing Board to sponsor school activities such as: Club or sports may be paid a stipend set out in an addendum contract for each activity sponsored. Amount of the stipend will be determined by the Chief School Administrator and approved by the Governing Board.

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

- A. Stipends may be paid to any staff who performs additional activities outside his/her regular tour of duty, which provide services to students or otherwise support the school's academic or social programs. Stipends may not be paid for these activities or services if they are carried out during the regular working hours
- B. 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.
 2. In a lump sum paid the pay period following the completion of the activity.
 3. 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 School's regular pay periods.
- C. Stipends must be established and approved by the Chief School Administrator in advance of the activity. All those who are to receive a stipend must sign a contract.

A non-employee may receive a stipend for certain services provided to the School. Any such stipend or arrangement is subject to all school policies, including but not limited to the policy on stipends. Prior to any non-employee engaging in work pursuant to a stipend or other arrangement, said person must complete and pass a background clearance pursuant to Policy § 4.09.

Based upon the needs of the School, the Chief School Administrator may initiate a stipend to satisfy immediate needs subject to the approval by the Governing Board at the next regularly scheduled Governing Board meeting.

Section IV.59 PERSONAL PROPERTY

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

APPENDIX IV-C SCHOOL CREDIT CARD ACKNOWLEDGEMENT AND AUTHORIZATION FORM

I, _____, as evidenced by my signature below, have read the Hopi Day School's 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 School 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 School to deduct any charges assessed against me relative to the use of the school credit card from any payments the School may owe me for payroll, payment of stipends, per diems, and from any other source whatsoever.

User

Date

Section IV.60 EMPLOYEE BENEFITS

Eligible employees at School 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 law. Benefits eligibility is dependent upon a variety of factors, including employee classification. Employees are given 20 days of undesignated leave at the beginning of each school that may be taken with the approval of their Supervisors. If employees do not complete a contract year, the use of undesignated leave days will be prorated and affect their final paycheck.

Section IV.61 UNDESIGNATED LEAVE

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, including illnesses, is unable to perform the duties assigned.

Definitions and Limitations

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 voting leave. All of these different types of leave and any other type of leave not expressly treated under HOPI DAY SCHOOL policy have been combined under this category of undesignated leave. **EMPLOYEES MUST EXERCISE GOOD JUDGMENT IN THE USE OF UNDESIGNATED LEAVE IN ORDER THAT THEY ENSURE THEY RETAIN SUFFICIENT UNDESIGNATED LEAVE FOR SICK LEAVE AND OTHER NEEDS THAT MAY ARISE.**

Accrual of Undesignated Leave

Each 10-month Employee shall receive nine (10) days of undesignated leave at the beginning of the school year and an additional nine (10) days of undesignated leave at the beginning of the second half of the school year for a total of twenty (20) days per Employee's 10-month employment contract. Each 12-month Employee shall receive sixteen (16) days of undesignated

leave at the beginning of the school year and an additional sixteen (16) days of undesignated leave at the beginning of the second half of the school year for a total of thirty-two (32) days per the year term of their employment contract. Employee may not use undesignated leave until it accrues (i.e. 10-month Employees may only use ten (10) days of undesignated leave in the first half of the school year and 12-month Employees may only use sixteen (16) days of undesignated leave in the first half of the school year).

Carryover and Payout of Undesignated Leave

Employees will be allowed to carry over five (5) days of undesignated leave per year, up to a cap of twenty-eight (28) for 10-month Employees and thirty-eight (38) days for 12-month Employees. After Employees have accrued undesignated leave up to the above-described caps, no further undesignated leave will 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. Upon termination or expiration of employment, an Employee who has worked at the school for at least one year, will 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 upon termination or expiration of employment shall be at the rate one-half of the Employee's regular rate of pay.

Physician's Statement/Absences of More than Three (3) Days

Employees who use undesignated leave for sick leave in excess of three (3) consecutive days shall on or before the third consecutive day of sick 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 will begin and be completed. Employee shall provide a doctor's release to return to work following a term of sick leave of five consecutive days or more. Additionally, HOPI DAY SCHOOL may require a second opinion by a physician of HOPI DAY SCHOOL's choosing to determine whether a return to duty is appropriate.

Use of Undesignated Leave

Except in the case of an unanticipated or unexpected circumstance beyond the Employee's control, HOPI DAY SCHOOL 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 program or operation of HOPI DAY SCHOOL. The application for leave policy shall apply to undesignated leave.

Except in the case of an unanticipated or unexpected circumstance beyond the Employee's control, the Employee must submit a request for undesignated leave three (3) days prior to the beginning of such leave which request shall include, but not be limited to:

- The purpose for which undesignated leave is being taken;

- The expected date of return for the undesignated leave;
- Where the Employee may be contacted during the leave.

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. Undesignated leave cannot be taken the three days immediately before or after any other holiday, break, or school related travel or training.

Leave must be taken in at least one-half day increments.

Eligibility

All regular, full-time Employees shall be eligible to use undesignated leave. Part-time, temporary and short-term Employees are not eligible for undesignated leave. Employees suspended from duty and Employees on leave without pay status are not eligible to earn undesignated leave. Probationary employees are not allowed to take any type of leave or travel on behalf of the school for the first sixty (60) working days of their employment.

Penalty for Misuse

Any Employee who willfully violates or misuses the undesignated leave policy or misrepresents any statement or condition will be subject to discipline, up to and including termination.

Section IV.62 HOLIDAYS

The School 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	3 rd Monday in January
3.	President's Day	3 rd Monday in February
4.	Memorial Day	Last Monday in May
5.	Independence Day	July 4
6.	Pueblo Revolt Day	August
7.	Labor Day	1 st Monday in September
8.	Veterans' Day	November 11
9.	Thanksgiving Day	4 th Thursday in November
10.	Christmas Day	December 25

According to applicable restrictions, the School will grant paid holiday time off to all eligible employees. Holiday pay will 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:

Yearlong (12 month) regular fulltime employees
 Schoolyear (10 month) regular fulltime employees

Newly-hired probationary employees are eligible for holiday pay during their probationary period. (Schoolyear employees are eligible only for those holidays that occur during the School year.)

If a recognized holiday falls during an eligible employee's paid absence (e.g., annual leave, sick leave); holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If a recognized holiday falls during an eligible employee's regular day off, holiday pay will not be calculated for pay.

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

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

Section IV.63 WORKERS' COMPENSATION INSURANCE

School provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. Employees who sustain a work-related injury or illness should inform the Administrative Assistant of Personnel immediately. No matter how minor an onthejob injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Administrative Assistant of Personnel shall maintain a written log of the time, date, place and nature of all such reported injuries.

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

Section IV.64 ADMINISTRATIVE REASSIGNMENT WITH PAY

Certain employee infractions or alleged infractions may require an investigation or review by the School or an outside agency (e.g., law enforcement authorities, social services authorities, etc.). The Chief School Administrator may place an employee who is the subject of such an investigation or review on administrative reassignment while the School or outside agency conducts an investigation or review. The School or outside agency shall file its report with the Governing Board.

The Chief School Administrator may reassign any employee on administrative reassignment from the performance of his or her regular duties. The employee remains subject to the School and School 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 neither constitute disciplinary action or other adverse formal action nor entitle an employee to file a grievance with the School

Section IV.65 BENEFITS CONTINUATION (COBRA)

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

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

The School provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the School health insurance plan. The notice contains important information about the employee's rights and obligations.

Section IV.66 FAMILY AND MEDICAL LEAVE

If the School has 50 or more employees it will adopt and follow the Family and Medical Leave Act and all interim and final regulations interpreting the FMLA issued by the U.S. Department of Labor. If the School has less than 50 employees it is not subject to and shall not follow the FMLA and all FMLA-related policies herein shall be void. At the time of the adoption of these policies the School does not have 50 employees; therefore, the FMLA and FMLA-related policies herein do not apply and/or are void. Accordingly, all portions of this policy that pertain to the FMLA shall be interpreted in a manner consistent with the FMLA and its regulations. Subject to qualifications noted above (50 or more employees) and the conditions set forth herein, any eligible employee of the School may take up to twelve (12) weeks of leave (FMLA leave) during any one fiscal year (July 1 to June 30), without pay, subject to the following.

If applicable, eligible employees may be granted leave for the period of disability, up to a maximum of twelve (12) workweeks of leave during any twelve (12) month period for any of the following reasons:

1. The birth and care of a son or daughter of the employee
2. The adoptive or foster care placement of a son or daughter with the employee

3. The care for a serious health condition of a spouse, son, daughter, or parent/guardian of the employee
4. A serious health condition that makes the employee unable to perform his or her job functions

Employees must be employed by the School for at least twelve (12) months and work for at least 1,250 hours during the previous twelve (12) months to be eligible for leave under this policy. Employees should ask the Administrative Assistant of Personnel for further assistance in determining his or her eligibility status.

For purposes of this policy, employees affected by pregnancy, childbirth, or related medical conditions shall be treated the same for receipt of medical leave benefits as all other employees entitled to this benefit.

As soon as eligible employees become aware of a need for a medical leave of absence, they should request a leave from their supervisor. If leave is foreseeable based on an expected birth or placement of a child, the employee is required to submit 30 days' notice prior to the first day of leave. Otherwise, the employee is required to submit such notice as soon as possible. A leave for planned medical treatment should be scheduled so as not to unduly disrupt the activities of the School.

A physician's statement must be provided verifying a serious health condition and its beginning and expected ending dates. Employees returning from medical leave associated with a serious health condition of the employee must provide a physician's verification of their fitness to return to work. A physician's statement may be required to verify an employee's need to care for the son, daughter, spouse, or parent/guardian and an estimate of the amount of time the employee is needed for that care.

The Chief School Administrator may require an employee to substitute any accrued paid leave available to the employee for any part of the 12week period.

1. For a leave associated with pregnancy, childbirth, or related conditions, the Chief School Administrator may require employees to use any accrued paid annual leave or personal leave available to the employee.
2. For a leave associated with other medical conditions, the Chief School Administrator may require employees to use any accrued paid annual leave, personal, or medical or sick leave available to the employee.

Federal law provides rules governing instructional employees (teachers) which apply to family and medical leave taken near the end an academic term. Such employees should see the Administrative Assistant of Personnel for further guidance on these rules prior to requesting leave.

Subject to the terms, conditions, and limitations of the applicable plans, School will continue to provide health insurance benefits for the full period of the approved medical leave.

Employees who sustain workrelated injuries are eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities.

Benefit accruals, such as annual leave, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

If an employee fails to report to work promptly at the end of the medical leave, the School will assume that the employee has abandoned his/her job.

Section IV.67 LEAVE WITHOUT PAY

There is no right to leave without pay; it is not automatically granted. The School must have a reliable work force to ensure the School's orderly operation. Taking leave without pay without approval is grounds for disciplinary action, up to and including termination. The School may provide leaves of absence without pay to eligible employees who wish to take time off from work for special, unique or extraordinary situations. Leave shall not be taken under this section for any of the conditions described under Section 4.67 Family and Medical Leave if the FMLA applies to the School. Employees in the following employment classification(s) are eligible to request leave of absence without pay as described in this policy:

Year-long regular full-time employees (12 months)
School-year regular full-time employees (10 months)

Eligible employees should request a leave from their supervisor and the Chief School Administrator. The request must be in advance of the time requested. Leave without pay may be granted for a period of up to 15 calendar days every one year.

Approval for leave without pay will 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, its students and staff. The supervisor may deny the request for leave if it is in the School's best interest, operational efficiency and other reasonable reasons.

Subject to the terms, conditions, and limitations of the applicable plans, the School may continue to provide health insurance benefits for the full period of the approved leave without pay.

Benefit accruals, such as annual leave, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

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

Section IV.68 EDUCATIONAL/VOCATIONAL LEAVE

The School 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 Hopi Day School. Employees in the following employment classifications are eligible to request educational leave as described in this policy:

Year-long regular full-time employees (12 months)
School-year regular full-time employees (10 months)

Eligible employees who have completed one year of service may request educational leave for a period of up to 120 days per year. Requests will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence and relativity and value of the proposed course of study to the employee's school duties.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits may be provided by the School until the end of the month in which the approved educational leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from educational leave, benefits will again be provided by the School according to the applicable plans and the School's best interest.

Benefit accruals, such as undesignated leave or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When an educational leave ends, every reasonable effort will 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 School cannot guarantee reinstatement in all cases.

If an employee fails to report to work at the end of the approved leave period, the School will assume that the employee has abandoned the position.

Section IV.69 MILITARY LEAVE

A military leave of absence will 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.

The leave will be paid if it occurs during the scheduled work time of the employee.

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

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing

reasonable travel time. Employees on longer military leave must apply for reemployment in accordance with federal and all other applicable laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of annual leave accrual and job seniority rights.

Section IV.70 TUITION REIMBURSEMENT

The Governing Board considers tuition reimbursement to attain a single undergraduate degree as a positive investment in the future of the school. In order for the investment to provide benefits to the school, staff members utilizing the tuition reimbursement policy must commit to an additional three years of service to the school for every tuition reimbursement. If the employee receiving the reimbursement fails to honor this commitment, they shall repay the school all amounts that the school has provided in tuition reimbursement. Further, the employee agrees that any such amounts may be deducted from their final or remaining pay.

Section IV.71 HIGHER LEARNING TUITION FEES

Teachers and Para-professional instructors are eligible for up to \$500.00 to \$2,000.00 per year, depending on availability of funds, to be reimbursed for tuition and fees for job related course work. The employee must make the formal request for this benefit to the Chief School Administrator upon receipt of a final grade or official transcript. Courses considered for this benefit must be part of an official degree program related to the employee's job at the school. Coursework must be preapproved, prior to beginning class, to ensure it qualifies for reimbursement under this policy. Coursework which is not preapproved may not be eligible for reimbursement.

Section IV.72 STANDARDS OF CONDUCT/MANAGEMENT/SUPERVISORY STANDARDS

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 School. Therefore, 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 this Manual and will be cause for discipline. 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 Chief School Administrator and School Governing Board.
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 Hopi Day School 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 school campus 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 school 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 and shall enforce the terms thereof equally and fairly with regard to all supervised employees.
19. Generally, employees of the Hopi Day School 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 school business on or off campus.

Section IV.73 STANDARDS OF CONDUCT FOR ALL EMPLOYEES

All employees shall be subject to discipline for the commission of any one or more of the following offenses in accordance to the disciplinary actions described in other sections.

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 conduct, demeanor and speech exhibiting the respect and professionalism appropriate to all persons of an educational institution.
3. Failure, without just cause, to obey or comply with any directive or adopted and published policy of the Governing Board.
4. The unexcused absence from one's duties or duty station for one hour or less twice in one week or four times within the school year.
5. Idleness, sleeping or unauthorized participation in non-job related activities during duty hours.
6. Any act or failure to act which will foreseeably endanger or cause physical or emotional damage or educational or moral harm to any student of the School at any time while said student is enrolled as a student. Hopi Day School disallows corporal punishment, which is defined as "intentionally striking the child or other forms of child abuse noted herein."
7. Any act or failure to act which will foreseeably endanger or cause physical harm to employees or students of the School.
8. 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, will or is likely to cause harm, loss or damage to the School, or any employee or student thereof.
9. Any violation of the Drug Free Workplace Policy (see Section 4.75). This shall include the abuse of any substance, including, but not limited to, alcohol.
10. The unauthorized use or the illegal operation of any vehicle owned, leased or in the possession of the Governing Board or the United States government, or permitting of such unauthorized use or illegal operation by another.
11. No employee shall use equipment of the School without proper authorization.
12. The alteration without proper authority, or falsification of any official student or School record, reinstatement, certificates, grades, ratings, or reports with regard to any test, certificate or appointment.

13. Theft of property belonging to or in the care and/or custody of the School or any other employee or student of the School.
14. 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 will 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.
15. No employee shall either solicit or accept any reward, favor, gift or any other form of gratuity for the anticipation of, or in return for, any performance or non-performance of any duty from a vendor, contractor, firm, or individual or any other source having or proposing to have or do business with the School, its programs or operations.
16. No employee shall conduct or participate in any unauthorized political activity during working hours or when using School property or facilities.
17. No employee shall presume to speak for, or on behalf of, the School, the Governing Board 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 School, its policies or operations.
18. 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 School in any capacity.
19. 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 School, without the specific authorization of the Chief School Administrator.
20. Failure of a supervisor to comply with Section 4.73 of this Manual.
21. No employee shall engage in any activity of misconduct, abuse, or harassment of a sexual nature towards any other employee or student of the Hopi Day School.
22. 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.
23. Arrest or conviction by any recognized police agency or judicial body for abusing or being under the influence of substances, including alcohol.

24. 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 School or affiliated with the School or any business transactions of the School.
25. No employee of the personnel office, examiner, or other, will obstruct another from examination, eligibility certification or appointment under these policies, nor to furnish special or unpublished information for the purpose of affecting the rights or prospects with respect to employment.
26. 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, United States or State of Arizona laws or regulations.
27. No employee shall engage in vending, soliciting or collecting contributions on the campus at any time, without prior written authorization of the Chief School Administrator.
28. Employees will at all times be responsible with money or property of the School and carelessness or negligence with the same shall be a violation of these policies.

Section IV.74 DRUG-FREE WORKPLACE

HOPI DAY SCHOOL workplace shall and must be drug-free in order to comply with federal laws, to ensure the safety and productivity of staff and to ensure the safety and learning environment of our students. Therefore, 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.

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

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

Drugs: Alcoholic beverages, controlled substances as defined in the Controlled Substances Act, Schedules I through V, 21 U.S.C. § 812, the laws of the State of Arizona, and the laws of the 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.

- B. **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.

- C. **Employee:** Every employee of Hopi Day School
- D. **Workplace:** The grounds and buildings of HOPI DAY SCHOOL, all equipment and vehicles belonging to or under the authority of HOPI DAY SCHOOL, all roadways and parking lots within the exterior boundaries of the land granted to HOPI DAY SCHOOL and any location where the employee is performing School duties or functions.

Section IV.75 CONTROLLED SUBSTANCE AND ALCOHOL POLICY

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 school property. Any employee in violation of this policy shall be subject to removal from school 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.

Any employee who has apparently consumed alcoholic beverages or controlled substances prior to a school activity or on school property will not be allowed to be on school property or to participate in school activities. Controlled substances and alcohol testing shall be required whenever a supervisor has probable cause to believe that an employee's job performance or an employee's behavior at a school function has been impaired by the use of alcohol or a controlled substance. Probable cause shall be based on observations by school 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.

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.

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.

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

Section IV.76 NOTICE TO EMPLOYEES

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

YOU ARE HEREBY NOTIFIED:

1. THAT the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance; the possession or use of an alcoholic beverage; and/or the use of an otherwise lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom, is strictly prohibited in the workplace.
2. THAT any violation of this prohibition may subject the employee to disciplinary action.
3. THAT, as a condition of your employment, you are required to:
 - A. Abide by the terms and requirements of the notice provided and by the conditions of the *Drug Free Workplace Policy* while in the workplace.
 - B. Notify the Office of the Chief School Administrator in writing within five (5) calendar days of your conviction by any court of competent jurisdiction of drug abuse involving a controlled substance occurring in the workplace.
 - C. 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 IV.77 UNIFORM CONDITIONS OF EMPLOYMENT

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

1. Abide by the terms and requirements of this Manual and of the Notice to Employees provided in Section 4.77
2. Notify the Chief School Administrator, or designee, in writing within five (5) calendar days of his or her conviction by any court of competent jurisdiction of drug abuse involving a controlled substance occurring in the workplace.
3. 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 IV.78 PROCEDURE UPON RECEIVING NOTICE OF DRUG ABUSE CONVICTION

If disciplinary action has not, upon receiving the notice of a drug abuse conviction involving a controlled substance, been instituted or completed by the School, the Chief School Administrator shall provide the immediate supervisor of the convicted employee with a copy of said notice.

1. The immediate supervisor of the employee so convicted shall immediately institute disciplinary action against the employee alleging violations of appropriate provisions of this Manual.
2. 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 appropriate provisions of the Manual.
3. The Chief School Administrator 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 abuse assistance or rehabilitation program which has been approved by a governmental agency for such purposes.

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

Section IV.79 DRUG AWARENESS PROGRAM

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

1. The format and course content for the program shall be developed and maintained in consultation with the Chief School Administrator or his or her designee and such consulting experts as may be appropriate.
2. The format and course content shall be reviewed biannually by the Chief School Administrator or his or her designee. Approval of the format and course content and any modifications thereof shall be subject to the approval of the Chief School Administrator.
3. The course content for such program shall, at a minimum, include consideration of the following topics:
 - a. The danger of drug abuse in the workplace.
 - b. The School's policy of maintaining a drug-free workplace.
 - c. Any available drug counseling, rehabilitation and employee assistance programs.
 - d. The disciplinary penalties that may be imposed upon employees for drug abuse in the workplace.

Section IV.80 SMOKING/CHEWING TOBACCO/CONTROLLED SUBSTANCES

In keeping with the School's intent to provide a safe healthy work environment, smoking, chewing tobacco, and possession and/or use of controlled substances are prohibited throughout the campus. 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. This policy applies equally to all Governing Board members, employees, and visitors.

Section IV.81 PROHIBITION AGAINST TOBACCO, ALCOHOL AND/OR CONTROLLED SUBSTANCE RELATED CLOTHING MATERIAL AND/OR ITEMS

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

This prohibition extends to wearing or displaying any clothing, jewelry, footwear, hats, posters, etc. that promote or are associated with the "drug culture" i.e., items that refer to satanic or demonic cults, items that refer to gang membership, and "heavy metal" or similar items that refer to or promote unhealthy messages for young people such as suicide, sadism, drug use, violence, disrespect for authority, vulgarity, obscenity, and/or sexual harassment.

Section IV.82 CHILD ABUSE DETECTION, REPORTING, PREVENTION

A. Statement of General Policy

It is the policy of HOPI DAY SCHOOL 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 DAY SCHOOL staff in contact with students to be aware of the criteria for identifying a student's mood, conduct, physical condition and educational performance as they may suggest the presence of abusive influences and experiences and to report the same to the appropriate authority. Classroom teachers, school counselors, and all staff whose duties require regular contact with students shall receive training in the recognition of the symptoms of abuse, recommended methodologies of interacting and counseling with students who are suspected to be the victim of abuse and the record keeping and reporting procedures promulgated in support of this policy. This policy is enacted pursuant to the Indian Child Protection and Family Violence Prevention Act, Pub. L. 101-630, 1990.

HOPI DAY SCHOOL adopts and staff shall follow the SCAN protocols set forth in Bureau of Indian Education Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol (SCAN Protocol), Revised 2009, and any amendments thereto. The SCAN Protocol can be accessed by Googling "BIE SCAN Report." Every time a SCAN event occurs, the individuals should reference the BIE website to ensure use of up to date forms.

Reporting Requirements

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

Failure to Report

Mandated Reporters who, while engaged in a professional capacity or activity on Federal land or in federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, as defined in Public Law 101-630 and Public Law 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.

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

In instances where it has been determined that a HOPI DAY SCHOOL employee has failed to report child abuse as required, HOPI DAY SCHOOL will take disciplinary action against the employee to include termination of employment. HOPI DAY SCHOOL will also take action against employees who fail to report child abuse in a timely manner. Timely is defined as within the timeframes established in the SCAN Protocol.

Types of Abuse

Child abuse can take many forms; however, there are four major types of abuse that must be reported: physical abuse, sexual abuse, emotional abuse, and neglect. When completing a SCAN Report it is crucial that the individual completing the report indicates the specific type of abuse for which they have knowledge or suspicion. For reporting purposes, any knowledge of or suspicion of sexual abuse, physical abuse, emotional abuse, or physical and/or emotional neglect, must be documented and if the abuse meets the definitions outlined in Public Law 101-630 and/or Public Law 101-647, the abuse must be reported to the proper law enforcement and child protection authorities. Please refer to the SCAN Protocol for definitions and explanations of the four types of abuse.

Reportable Incidents

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

1. SCAN - Where it is clear that abuse or suspected abuse has occurred ***to a student by anyone*** and the circumstances meet the definition of child abuse and/or the circumstance poses an immediate danger or short-term threat to a child, the incident will be considered a SCAN which includes but is not limited to:
 - Any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, sexually explicit conduct, or prostitution;
 - Evidence of physical injury such as severe skin bruising and/or bleeding after being struck, thrown, or treated inappropriately;
 - Evidence of burns, fracture of any bone, subdural hematoma (head injuries), soft tissue swelling, and/or such conditions that are not justifiably explained or may not be the product of an accidental occurrence;
 - Confirmed or suspected malnutrition or failure to thrive;
 - Confirmed or suspected fighting, threatening, or inflicting bodily harm on a student;
 - Any situation that is comparable in nature to the examples and situations identified above.
2. Also, allegations that are not clear that they meet the definition of “abuse” and/or the circumstance poses a near- or long-term threat to a child, which may include physical contact, are also considered SCAN reports. They include but are not limited to:
 - Corporal punishment, defined as punishment administered by an adult to the body of a child ranging in severity from a slap to a spanking;
 - Incidents of grabbing or pushing a child, grabbing a child by their clothing, assaulting a child, or pulling a child’s hair in such a way that is harmful and/or intentional. Only those incidents exercised to ensure a child’s safety are considered safety measures therefore are not reportable offenses.
 - Lack of parent/guardian supervision/care:

- Child appears to be treated in a neglectful way such as clothing inappropriate; lack of needed medical and/or dental care;
 - School-age child (K–6th grade) left without adequate supervision for extended periods during day or night such as periods exceeding 2 hours or overnight (time of day and reason child is left alone must be taken into consideration).
 - Pre-school child left without any supervision. (Children under the age of 8 left without any supervision.)
3. Employee Incident Report – Activities that occur that do not meet the definitions of “abuse” where no physical contact occurred and which involve employees are considered an “Incident.” This includes but is not limited to:
- HOPI DAY SCHOOL employee engaged in discourteous conduct involving a student, such as using inappropriate language, making inappropriate comments of a non-sexual manner, calling names, insulting or humiliating a child, shouting, cursing, etc.
 - As stated in 62 BIA Manual 9.12 . . . “Corporal punishment of all kinds, and solitary confinement, or anything which smacks of imprisonment calculated to bring shame and humiliation upon students, is prohibited and may be made the basis for charges with a view to possible dismissal.”
4. Other. Incidents that do not meet the definition of child abuse but are criminal in nature should be reported directly to local law enforcement. If BIE employees are involved in such incidents they shall also be reported to the BIE Program Specialist (SCAN) in writing via an interoffice memorandum, and who will coordinate appropriately with Employee/Labor Relations Section. Examples of criminal incidents include, but are not limited to:
- Confirmed or suspected drinking with, transferring, or selling intoxicants to students on or off BIE/government premises;
 - Confirmed or suspected transferring or selling marijuana, narcotics, or dangerous drugs to students on or off BIE/government premises;
 - Confirmed or suspected transferring or selling prohibited items such as cigarettes to students on or off BIE/ government premises;
 - Any situation that is comparable in nature to the examples and situations identified above.
5. When an allegation of sexual abuse has been raised against another student, it will be filed immediately as a formal SCAN report. All other abuse cases will be handled in accordance with the procedures already in place at the school.

B. Reporting Format – SCAN Report

1. The Suspected Child Abuse/Neglect Report, *Revised in 2009* and as may be amended, is used for documenting incidents of suspected child abuse within the HOPI DAY SCHOOL. The report will be referred to as the “SCAN Report” (*Appendix D of the SCAN Protocol*) along with supporting documents; electronic forms are available at the BIE website. A report of suspected abuse is the equivalent of a request to an investigation by local law enforcement and/or child protection authorities. The actual investigation is the lawful assessment by an authorized individual to determine if a harmful condition exists involving a minor and what emergency action should be undertaken for the safety of the child. The HOPI DAY SCHOOL’s role is to ensure the suspected child abuse is reported in a manner that is clear and as accurately as possible so an investigation is initiated by proper authorities.
2. When a SCAN Report is filed, it is critical that the report be completed accurately and all appropriate notifications made accordingly. Of equal importance is the action taken after the SCAN Report has been completed. Depending on the seriousness, some action must be taken almost simultaneously to completing the SCAN Report.
3. A SCAN Report will be completed when a Mandated Reporter, while engaged in a professional capacity or activity, learns of facts that give reason to suspect that a child has suffered an incident of child abuse. The Mandated Reporter does not have to prove the suspected child abuse has occurred but they must describe the behavior or physical signs that led them to suspect a child has been abused. Persons who make a report of child abuse based upon their reasonable belief and in good faith are immune from civil and criminal liability.
4. The Mandated Reporter will contact their immediate supervisor and work with their supervisor to complete the report. If the alleged offender is the Mandated Reporter’s immediate supervisor or if the Mandated Reporter has concerns about reporting directly to their immediate supervisor, they may submit the SCAN Report directly to the BIE Program Specialist (SCAN) Office. The report must be completed within the Mandated Reporter’s regularly scheduled workday and the SCAN Report must be submitted to the BIE Program Specialist (SCAN) Office within the established timeframes. This includes those reports that are non-staff related. The timeframes for reporting are identified in Chapter 6 of the SCAN Protocol and specific instructions on how to complete the SCAN Report.

C. Reporting Format – Employee Incident Report

The Employee Incident Report form (*Appendix E of the SCAN Protocol*) will be used to document non-physical incidents involving employee(s). The Chief School Administrator will intervene immediately to establish the validity of the report and resolve the issue(s) at the lowest level and as expeditiously as possible. A copy of the initial report with follow-up information must still be submitted to the Program Specialist (SCAN).

D. Confidentiality

1. All cases of child abuse allegations shall be treated within the guidelines of Federal laws protecting children, employees, and all parties involved. Confidentiality must be a priority throughout the process. The Mandated Reporter may remain anonymous, but in order to document that a Mandated Reporter did not fail to report child abuse in accordance with Federal law, and so that law enforcement and child protective services can contact the Mandated Reporter, if they need additional information, a SCAN Report must be completed. The SCAN Report has a section regarding protecting the confidentiality of individuals involved. On that section, the Mandatory Reporter must indicate whether they want their identity protected, and initial their intent on the SCAN Report. If the Mandated Reporter indicates that they want their identity protected, a cover sheet indicating a protected source must be used to cover page 1 of the SCAN & Employee Incident Report (*Appendix F of the SCAN Protocol*). The identity of all reported victims must always be protected and must not be disclosed to anyone who does not have a need to know. Individuals who have a need to know are limited to direct line supervisors of the individuals involved, HOPI DAY SCHOOL legal counsel, the Program Specialist (SCAN), Law Enforcement representatives, and Child Protection Services personnel.
2. Distribution, copying, or unauthorized use of the information contained in the SCAN Report or official SCAN Report file is strictly prohibited. The identity of the person making a child abuse report, as part of their official duties, will not be disclosed to individuals who do not have a need to know without written consent of the individual. However, an investigative agency (law enforcement or social services) may provide information, records and the name of the informant without written consent to a court of competent jurisdiction or an employee of a tribe, state or the Federal Government who needs to know the information in the performance of his/her duties.

E. Bad Faith Reporting

A HOPI DAY SCHOOL employee who knowingly files a false report will be addressed accordingly by HOPI DAY SCHOOL. Where a conflict-of-interest arises between employees, the Chief School Administrator will intervene and take all proper action(s) to resolve. There is no immunity from civil or criminal liability for Bad Faith Reporting and associated action.

F. Protection of Involved Child

An initial assessment must be completed by the Chief School Administrator, and/or appropriate personnel at the time of the incident. The assessment will address whether there is a need for protection of the child and what action is required to ensure the protection and well-being of the child. Depending on the seriousness and the instruction received from local law enforcement or child protection services, action may include, but not be limited to medical attention, counseling services, removal or protective placement, contacting relatives, etc. All arrangements to protect the child shall be made immediately in conjunction with law enforcement and child protection services.

1. Mandatory Segregation

- A. An employee who has had a SCAN report filed against them will immediately be removed from contact with or control over all children by re-assignment to another position; if that is not possible, the individual will be placed on administrative leave until clearance is established. If the employee is placed on administrative leave, they will be advised that they must be available at any time for contact by local law enforcement, child protections services and/or the respective Chief School Administrator.
 - B. For Employee Incident Reports, segregation is based on circumstances which are to be reviewed on an individual basis by the Chief School Administrator. A meeting between the Chief School Administrator and Human Resources may be convened immediately to determine the need for segregation with removal temporary pending an inquiry. Such cases should be handled administratively first by the Chief School Administrator with Human Resources, as needed. Written notification(s) should be issued immediately with copies forwarded to the Program Specialist (SCAN).
 - C. A non-employee with a HOPI DAY SCHOOL agreement or contract such as a contractor or consultant, against whom an allegation of child abuse has been raised, will be immediately segregated from the child involved. The individual will also be immediately removed from contact with or control over all children indefinitely until the incident is resolved. The individual will be advised that they must be available for contact by local law enforcement, child protection services and/or the Chief School Administrator as part of the post report process.
 - D. A non-employee not directly associated with HOPI DAY SCHOOL such as a volunteer, relative, vendor, visitor, against whom an allegation of child abuse has been raised, will be immediately segregated from the child involved. The individual will also be immediately removed from contact with or control over all children and denied any unescorted privileges to HOPI DAY SCHOOL facilities indefinitely until the incident is resolved. These precautions need not be taken if the individual has no contact with children for whom HOPI DAY SCHOOL is responsible or if the allegations of abuse occurred on non-Federal property during a non-Federally sponsored activity.
- E. Notification to Alleged Offender
- 1. An employee against whom an allegation of child abuse has been raised, must be notified in writing of the allegation and the resulting actions to occur. This notification [SCAN (*Appendix G of the SCAN Protocol*) or Employee Incident (*Appendix L of the SCAN Protocol*)] will include the date of the SCAN Report, the type of abuse alleged, a brief summary of the allegation, the resulting actions. The role of the Administrative Investigative Team (AIT) will only be included in SCAN case notifications. The resulting actions refer to the mandatory segregation, the expected duration of administrative leave, the possibility that the SCAN Report may

result in action that may impact their employment status and/or their suitability to work with children. The employee will sign a receipt page to document that they were informed of the closure of the SCAN Report. A copy of the notification to the alleged offender will be provided to the BIE Program Specialist (SCAN) for filing.

2. Non-employees with HOPI DAY SCHOOL agreements or contracts such as contractors or consultants, against whom allegations of child abuse have been raised, must be notified in writing of the allegation and the resulting actions to be taken. The notification of the allegation will include the date of the SCAN Report, the type of abuse alleged, a brief summary of the allegation, and the role of the AIT. The resulting actions refer to the mandatory segregation, expected duration of denial of contact or control over children if the allegations are substantiated, the possibility that the SCAN Report may result in action that may impact their volunteer/employment status and/or their suitability to work with children. Non-employees not directly associated with HOPI DAY SCHOOL (e.g., volunteers, relatives, vendors, visitors, etc.) against whom allegations of child abuse have been raised, will not be issued any notices in writing unless deemed necessary by the Chief School Administrator.

F. Continuous Tracking of SCAN Reports through Closure

The BIE Program Specialist (SCAN) is responsible for tracking SCAN Reports through closure. Upon initial receipt of a SCAN Report, the BIE Program Specialist (SCAN) will log the SCAN Report into a tracking database and monitor it as needed. On a weekly basis the status of SCAN Reports will be reviewed. Any SCAN Reports that do not meet the action timelines outlined in Chapter 6 of the SCAN Protocol will be reported to the appropriate resource.

G. Closing a SCAN Report and Notification to Alleged Offender

A closure notification [SCAN (*Appendix H of the SCAN Protocol*) & Employee Incident (*Appendix M of the SCAN Protocol*)] will be issued by the Chief School Administrator to the employee against whom an allegation of child abuse was raised. The notification will be issued in person so the Chief School Administrator can review the contents of the notification with the employee. The employee will sign a receipt page to document that they were informed of the closure of the SCAN Report. The signature receipt along with a copy of the notification will be included in the official SCAN Report file with a copy forwarded to the BIE Program Specialist (SCAN). This final action closes the SCAN Report. If administrative or proactive action is proposed or corrective action is required that affects the employee, it is the responsibility of the Chief School Administrator to ensure these action(s) are carried out.

H. Administrative Inquiry Team

1. Goal of Administrative Inquiry Teams (AIT). The goal of the AIT is to assist management in ensuring the school continues to function efficiently and effectively without further impact on the involved child or any other children.

Purpose of Administrative Inquiry Team. The purpose of an AIT is to review the merits of the SCAN Report, review the information for completeness and provide recommendations to management when a HOPI DAY SCHOOL employee is involved. The AIT *will not* conduct investigation of any incident. Investigation is the responsibility of law enforcement authorities and/or child protection services.

2. Composition of Administrative Inquiry Team. The AIT will be comprised of at least three professional state licensed individuals (when possible) who have been appointed by the Chief School Administrator. It is at the discretion of the Chief School Administrator to determine who will serve on their AIT. The Chief School Administrator, will determine when to convene the AIT. These meetings may be best convened after-school unless warranted immediately. The Chief School Administrator must ensure that the team members are properly trained and available so they can initiate an immediate inquiry following the completion of a SCAN Report as described in Chapter 5 of the SCAN Protocol.
3. The Administrative Inquiry Team will:
 - Strictly adhere to confidentiality when addressing specific cases.
 - Independently confirm the appropriate type of abuse indicated on the SCAN Report when a HOPI DAY SCHOOL employee is involved.
 - Confirm the SCAN Report form is fully completed.
 - Ensure all the proper notifications are made within stated timeframes.
 - Gather additional information to ensure the SCAN Report is complete. Additional information may include but is not limited to collection of names of witnesses, collection and/or clarification of written statements from the alleged offender, and/or victim, etc. The team members will not investigate the allegations but ensure all the required information is provided on the SCAN & Employee Incident Report forms.

I. Preliminary Inquiry

1. A preliminary inquiry will be conducted as follows:
 - A. Immediately after the Chief School Administrator becomes aware of an incident that requires the completion of a SCAN Report involving a HOPI DAY SCHOOL employee, they must notify the members of the AIT that a SCAN Report has been initiated.
 - B. As many team members that are available will convene and at the completion of the SCAN Report the team member(s) will review the merits of the incident. The Chief School Administrator must ensure that a contingency plan is devised to ensure coverage when AIT members are out of the office or on leave.
 - C. Gather information utilizing the same tools as other team members. Further, all notes & other forms of documentation that is gathered during an inquiry will be submitted to the Chief School Administrator immediately after an inquiry is completed.
 - D. At the conclusion of the preliminary inquiry, the AIT will make recommendations to the

Chief School Administrator relating to the specific SCAN Report. The recommendations must address returning the individual to their position and proactive measures to prevent a similar incident from occurring in the future. It is recommended a minimum of three working days for the AIT to complete their inquiry; however, *24 hours* is preferred.

2. Administrative Inquiry Team for Non-BIE Employees

Although administrative inquiries will be conducted for contractors and consultants, administrative inquiries will not be conducted on non-employees not directly associated with BIE such as volunteers, relatives, vendors, or visitors. In these cases, the Chief School Administrator will document these reports and take appropriate action to ensure the child involved is safe and the individual is denied access to children for which BIE is responsible.

3. Recommendations from Administrative Inquiry Team (AIT)

The AIT will document their recommendations on a standardized memorandum format to the Chief School Administrator (*Appendix I of the SCAN Protocol*). The memorandum will confirm the type of alleged abuse and document other findings. The memorandum will also include the AIT's proposed proactive and/or corrective measures to prevent a similar incident from occurring in the future. Copies of the memorandum will be forwarded to the Chief School Administrator and BIE Program Specialist (SCAN) within three working days from the day the inquiry was initiated.

J. Reporting Procedures

1. SCAN Reports involving a HOPI DAY SCHOOL Employee

A. When a SCAN case is identified, all precise & pertinent information regarding the case will be obtained by the employee who made the initial contact with the child, and who has the information first-hand -- this employee is therefore deemed the designated mandatory reporter. The employee, working with the Chief School Administrator will ensure that pages 1 through 4 of the SCAN Report are completed thoroughly as soon as possible but no later than 24 hours after the disclosure of the incident, and with as much information as possible.

B. The Chief School Administrator will convene the AIT to:

1. Notify Local Law Enforcement and CPS ***within one hour*** of the mandatory reporter completing pages 1 through 4 of the SCAN form. The AIT must ensure page 5 (Tracking of Notifications) of the SCAN Report is thoroughly completed and it clearly indicates specific contact information for law enforcement -- the name of the person contacted, their title, telephone number, and the dates these occurred. If a Law Enforcement report number is available, it should also be included on page 5.

2. Notification must be initiated verbally and followed-up in writing by faxing pages 1 through 5 of the SCAN Report utilizing the designated SCAN FAX Cover Sheet (*Appendix J of the SCAN Protocol*). It must be confirmed that the fax number is correct and the intended recipient is available to receive the facsimile transmission.
- C. Notify Child Protective Services *within one hour* of the mandatory reporter completing pages 1 through 4 of the SCAN Report. The AIT must ensure page 5 (Tracking Notification) of the SCAN Report is thoroughly completed and clearly indicates the specific Child Protective agency contacted -- the name of the person contacted, their title, telephone number, and the dates these occurred.
- i. Notification must be initiated verbally and followed-up in writing by faxing pages 1 through 4 of the SCAN Report utilizing the designated SCAN FAX Cover Sheet (*Appendix J of the SCAN Protocol*). It must be confirmed that the fax number is correct and the intended recipient is available to receive the facsimile transmission.
- D. Notify the Program Specialist (SCAN) immediately & submit a copy of the SCAN Report to the Program Specialist (SCAN) office for review and the appropriate logging/tracking and follow-up action as necessary.
- K. Actions after a SCAN Report
1. Pending the outcome of the report, the Chief School Administrator will ensure the employee is re-assigned with no contact with children as a first option, and Administrative Reassignment with pay off campus as an alternative, until clearance is established.
 2. If law enforcement indicates that prosecution is likely or imminent, the employee will remain in re-assignment, or remain on Administrative Reassignment until official charges are filed or disciplinary/termination action is initiated and completed. Upon receipt of a notice that the individual has been indicated or otherwise officially charged with an offense in which imprisonment may be imposed, appropriate disciplinary or termination action will be initiated.
 3. If law enforcement notifies HOPI DAY SCHOOL that the allegations are unsubstantiated, the Chief School Administrator will return the employee to duty or take such other action as may be appropriate under the circumstances. Administrative action may still be required for employee misconduct. Additionally, the employee's conduct although it may not have risen to the level of a violation of law may still have impact on the individual's suitability.
 4. The Chief School Administrator will issue a Notification of Closure to Alleged Offender (*Appendix H of the SCAN Protocol*) to the employee against whom an

allegation of child abuse was raised after law enforcement notification. The notification will be issued in person so the contents of the notification can be reviewed with the employee. The employee will sign a receipt page to document that they were informed of the closure of the SCAN Report. The signature receipt along with a copy of the notification will be included in the official SCAN Report file with a copy forwarded to the BIE Program Specialist (SCAN). This final action closes the SCAN Report. If administrative or proactive action is proposed or corrective action is required that affects the employee, it is the responsibility of the Chief School Administrator to ensure these action(s) are carried out.

5. If follow-up with Law Enforcement is necessary, the Chief School Administrator will issue a written letter referencing the original SCAN Report that was filed. The Follow-up Letter to Law Enforcement Services (Appendix K of the SCAN Protocol) requests a status of the report. If no investigation has been initiated or a report is not yet completed, the Chief School Administrator will document the current status of the investigation in the official file. The Chief School Administrator will issue follow-up letters on a weekly basis until it is resolved with copies forwarded to the Program Specialist (SCAN).
 6. When the SCAN Report is closed and the SCAN Closure Notification form is completed, the Chief School Administrator will forward the official SCAN file to the BIE SCAN Office (Program Specialist) which serves as the official repository for SCAN files. The official file should include but is not limited to:
 - a. SCAN report (pages 1-5);
 - b. Request for Review Memorandum to Law Enforcement Services (if utilized);
 - c. Notification to Alleged Offender;
 - d. Follow-up Letter to Law Enforcement (if utilized);
 - e. SCAN Closure Notification;
 - f. Any direction received from local law enforcement and/or child protective services as a result of the submission of the SCAN Report;
 - g. Copies of fax transmittals and receipts;
 - h. Information obtained or developed by the AIT; and
 - i. Victim/Witness/Alleged Offender's statements, etc.
 7. If a temporary file, also known as suspense file exists at the school, the Chief School Administrator will ensure it is destroyed after the SCAN case is closed; such files should not be maintained after case closure. The file will be forwarded to the BIE Program Specialist (SCAN) for review and final disposition.
- L. Employee Incident Reports
1. When an incident is identified, all precise & pertinent information regarding the case will be obtained by the employee who made the initial contact with the child and who has the information first-hand – the employee is therefore deemed the designated mandatory reporter. The employee, working with the Chief School Administrator will ensure that the Employee Incident Report Form (*Appendix E of*

the SCAN Protocol) is completed thoroughly.

2. The Chief School Administrator will notify the BIE Program Specialist (SCAN) immediately & submit a copy of the SCAN Report for review, the appropriate logging/tracking and follow-up take action as necessary.
3. The Chief School Administrator will issue Notification to Alleged Offender (*Appendix L of the SCAN Protocol*) to an employee against whom an Incident was raised; the written notification addresses the allegation and the resulting actions to occur. It further includes the date of the Employee Incident Report, the type of incident alleged, a brief summary of the allegation, the resulting actions and the role of the Chief School Administrator.
4. The resulting actions refer to the mandatory segregation, expected duration of administrative leave, if warranted, the possibility that the Employee Incident Report may result in action that may impact their employment status and/or their suitability to work with children. The employee will sign a receipt page to document that they were informed of the notification of the Employee Incident Report. A copy of this notification will be provided to the BIE Program Specialist (SCAN) for filing.
5. If the Chief School Administrator determines the allegations are unsubstantiated, the employee will be returned to duty or other appropriate action shall be taken. Administrative action may be required for employee misconduct, if warranted. Additionally, the employee's conduct although it may not have risen to the level of a violation of law may still have impact on the individual's suitability.
6. The Chief School Administrator will issue a Notification of Closure to Alleged Offender (*Appendix M of the SCAN Protocol*) to the employee against whom an Employee Incident allegation was raised after the appropriate intervention. The notification will be issued in person so the contents of the notification can be reviewed with the employee. The employee will sign a receipt page to document that they were informed of the closure of the Employee Incident Report. The signature receipt along with a copy of the notification will be included in the official Employee Incident Report file and forwarded to the BIE Program Specialist (SCAN). This final action closes the Employee Incident Report. If administrative or proactive action is proposed or corrective action is required that affects the employee, it is the responsibility of the Chief School Administrator to ensure these action(s) are carried out.
7. When the Employee Incident Report is closed and the closure notification completed, the Chief School Administrator will forward the official file to the BIE SCAN Office which serves as the official repository for Incident files. The official file should include but is not limited to:
 - a. Employee Incident Report Form

- b. Notification to Alleged Offender
 - c. Closure Notification
 - d. Copies of fax transmittals and receipts
 - e. Victim/Witness/Alleged Offender's statements, etc.
8. If a temporary file, also known as suspense file, exists at the school, the Chief School Administrator will ensure it is destroyed after the Employee Incident is closed; such files should not be maintained after case closure. The file will be forwarded to the BIE Program Specialist (SCAN) for review and final disposition.

M. Non-HOPI DAY SCHOOL Employee Incident Reports

1. The Chief School Administrator will establish an official file for the Incident Report. The Chief School Administrator will take appropriate action for all students, volunteers, or others that were alleged to have been involved in an Incident. All documentation must be made a permanent part of the official file. The Incident Report will remain open until resolution is made and documented.
2. A copy of the recommendations will be forwarded to the BIE Program Specialist (SCAN). The BIE Program Specialist (SCAN) will review the information and take appropriate action as necessary.

N. Training

1. Introduction. Training will be conducted on a regularly scheduled basis to ensure child protection procedures are implemented properly and all HOPI DAY SCHOOL employees understand their responsibilities as Mandated Reporters.
2. Awareness Training. Every HOPI DAY SCHOOL employee will receive Notification of Responsibilities Form (*Appendix C of the SCAN Protocol*) advising them of the requirements of their positions to include child abuse or suspected child abuse reporting, Mandated Reporting responsibilities, the penalties for non-reporting, etc. HOPI DAY SCHOOL employees will receive this information upon a tentative offer of employment and annually thereafter.
3. Mandated Reporters. All HOPI DAY SCHOOL employees are Mandated Reporters and must attend a re-orientation on the requirements of this designation upon hiring and annually thereafter, preferably at the beginning of each school year. Attendance is mandatory and will be documented through employee signature of attendance rosters & through certificates that will be issued to attendees. The documentation of attendance will be maintained by the Chief School Administrator. If an employee refuses to attend such training, the appropriate corrective action will be taken.
4. Supervisory Positions. All HOPI DAY SCHOOL supervisors must attend trainings pertaining to Mandated Reporters requirements and responsibilities of supervisors to include the proper completion of SCAN Reports and the follow-up procedures upon

hire and annually thereafter, prior to each school year. Supervisors will then be qualified to administer trainings to their employees on Mandated Reporters requirements. Attendance is mandatory and will be documented through certificates that will be issued to attendees. Training and documentation will be maintained by the Chief School Administrator. If an employee refuses to attend such training, the appropriate corrective action will be taken.

5. Administrative Inquiry Team. All individuals designated as Administrative Team members must attend annual AIT Training to receive information on the proper completion of SCAN Reports, follow-up and the development of proactive and corrective action recommendations. The AIT will then be responsible for providing ongoing training to the school Governing Board and Parent Action Committee (PAC) on an as-needed basis. Team members are prohibited from participating in AIT activities until they have successfully completed the training. The documentation of attendance will be maintained by the Chief School Administrator.

Section IV.83 SOCIAL MEDIA POLICY

Definition

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin Governing Board or a chat room, whether or not associated or affiliated with the School as well as any other form of electronic communication including the use of cell phones, Smartphones, computers, laptops, eTablets, and all types of similar or future devices.

Application

These guidelines apply to all School employees to include clerical, maintenance and educational staff, such as: teachers, student teachers, teacher aids, coaching staff, tutors, library personnel, volunteers, Governing 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.

General policy

Any of your participation in, communicating, communication pursuant to or interaction with any social media or social networking that adversely affects: your job performance; the performance of fellow School staff; any other persons, companies, groups, or families associated with the School; the students; the School, or otherwise disrupts the operation of the School or adversely affects the School's reputation in the Hopi Day, shall be grounds for disciplinary action up to and including termination. 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 School shall likewise not be tolerated and may, in addition to being violations of other School policy related to harassment or discrimination, independently subject you to disciplinary action up to and including termination.

The lines between public and private, personal and professional are blurred in the digital world. Even when you have a disclaimer or use a different user name, you will always be considered to be a School employee and will be held responsible as such under this policy.

- Do not denigrate or insult others including students, staff, administration, Governing Board members, government, parent/guardians, governmental officials, other such persons or other Schools.
- Do not use ethnic slurs, innuendos, obscenities, violent terminology or any other inappropriate content.
- Do not post inappropriate photos or other communication that may violate the Family Educational Right to Privacy Act (FERPA), other School policies, Hopi Day norms, decency norms, or contain material related to drugs or alcohol, or sexually or otherwise inappropriate materials.
- In your communications, represent the School, students and parent/guardians you serve in the best light.
- Respect the privacy and feelings of others. Under no circumstances should offensive comments be made about students, staff, including administrators, Governing Board, or the School in general.
- In addition to this policy, any such negative comments as noted above may also constitute cyber-bullying or other forms of discrimination or harassment under School policies and be grounds for disciplinary action under those policies.
- Refrain from commenting on or forwarding unsupported information and rumors.
- Do not post photos or movies of fellow employees, School activities, or students without the permission of the employees and parent/guardians of students.

Staff-Student Relations

Employees are prohibited from establishing personal relationships with students that are unprofessional and thereby inappropriate. Examples of unprofessional relationships include, but are not limited to:

- employees fraternizing or communicating with students as if employees and students were peers such as writing personal letters or e-mails;
- “texting” students;
- calling students on cell phones or allowing students to make personal calls to them unrelated to homework or class work;
- sending inappropriate pictures to students;
- discussing or revealing to students personal matters about their private lives or inviting students to do the same (other than professional counseling by a school counselor); and
- engaging in sexualized dialogue, whether in person, by phone, via the Internet, or in writing.
- Employees shall not allow a “friend” relationship under Facebook with a student or any other such similar one-on-one electronic or digital relationship.
- Employees who post information on Facebook, MySpace or similar web sites that include inappropriate personal information such as, but not limited to:
 - provocative photographs,
 - sexually explicit messages,

- use of alcohol,
- drugs or anything students are prohibited from doing,
- or which would be inappropriate for an employee of the school,

must understand that if students, parent/guardians or employees obtain access to such information and if found to: disrupt School operations or programs; damage the School's reputation in the Hopi Day; cause a reasonable reaction that has a negative impact on the School's operation, their case will be investigated by School officials, and if warranted will be disciplined up to and including termination, depending upon the severity of the offense. Additionally, certified personnel, depending upon the severity of the offense, may have their case forwarded to the appropriate state department for review and possible further sanctions. The Chief School Administrator or designees reserve the right to periodically conduct Internet searches to determine if employees have posted inappropriate materials online. If inappropriate use of computers and web sites is discovered, the Chief School Administrator or designees will download the offensive material and promptly take appropriate disciplinary action, up to and including termination of employment.

Specific Social Media/Social Networking Policies

1. 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 School or education, your use of any social media or social networking from workplace computers at any time is disallowed by this policy.

2. Social Networking on Personal Devices

(Examples: cell phones, pda's, tablets, pc's)

Unless otherwise expressly allowed, there will be no communication through social media or social networking activity from personal devices during work time. When employees are on work breaks and lunch, activity is allowed only from devices which *do not use* this organization's network. During these times, it is especially important to adhere to the remainder of this policy for an understanding of potential consequences of posting information about our School, its programs, clubs, students, parent/guardians, faculty, school Governing Board and volunteers and to further ensure such use is strictly limited and does not go beyond lunch time or break time.

3. Under no circumstance should offensive comments be made about students or colleagues (including administrators) nor the School in general. Do not comment on or forward unsupported information and rumors. Negative comments about people could also amount to cyber-bullying and could be deemed a disciplinary offense. Your posts and comments should help build and support the School Hopi Day. Always think through any negative consequences before you share school related matters. There is no "un-send" button on our devices.

4. The Media

If a member of the media or non-traditional online media (can include bloggers) contacts a staff member, volunteer, or other agent of the School about the business of the School (e.g. programs, services, students, parent/guardians, clubs, policies, practices, or additional business information of any kind), the individual must contact the Chief School Administrator and immediate supervisor for direction prior to any response.

5. Use of School Name or Logo

You may not promote or sell any product or service online or off which would represent the School or bear the School motto, mascot or logo without specific written permission of the Chief School Administrator and Governing Board of the School.

The main purposes of this policy are to protect our students, staff, families, Governing Board members and Hopi Day while ensuring the orderly operation of the School. This policy will be enforced to accomplish these purposes.

Section IV.84 STAFF USE OF PORTABLE ELECTRONIC DEVICES IN SCHOOL

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

1. PED's shall not be turned on or used in any way in classrooms, during instructional time, when employee is or should be supervising students or when their use is otherwise prohibited by school 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.) The exception is when the device is used for instructional purposes.
2. PED's are allowed to be taken and used on school trips except that they may not be used during any instructional activity, student supervision or at other times when school policies prohibit their use.
3. Use of cameras or the camera features on a cell phone or other PED's in a restroom or a locker room or for any use constituting an invasion of any person's reasonable expectation of privacy is strictly prohibited.
4. PED's shall not be used during work hours, while supervising students, while driving for school 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.
5. The basic purpose to be served by this policy is that employees refrain from all use of PED's 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.

6. Any use of a PED must be strictly limited to lunch period when not supervising children. Further, any such calls or use must terminate at or before the termination of any such lunch time. Use of PED's during periods of student supervision responsibilities is strictly prohibited and will result in immediate and severe disciplinary action.
7. CD/Radio players only may be used for school educational purposes, subject to prior approval of the Chief School Administrator.
8. The use of PED's can compromise the health, safety and welfare of our students and staff. Further, use of PED's during work time is unprofessional conduct and diminishes the efficiency and value of employee services to the school. Therefore, this policy shall be strictly applied.
9. HOPI DAY SCHOOL is NOT responsible for any lost, stolen or damaged PEDs or any other personal property an employee may bring to HOPI DAY SCHOOL or HOPI DAY SCHOOL activities. The owner/employee assumes all risks for PEDs or other personal property brought to HOPI DAY SCHOOL or HOPI DAY SCHOOL activities. HOPI DAY SCHOOL will not provide compensation for any item or PED which has been confiscated, lost, stolen or damaged.

Section IV.85 ANTI-HARASSMENT

Definition of Terms:

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

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

"Sexual harassment" is harassment 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.

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

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

Under federal Title IX regulations, "sexual harassment" is defined as "verbal or physical contact of a sexual nature, imposed on the basis of sex, by an employee or student, which is unwelcome, hostile or intimidating." Letter to McCoy from OCR Region V, April 27, 1993, citing 34 CFR 106.31 (b)(1) through (4) and (7).

Examples of sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, and other unwelcome 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.

"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.

"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 HOPI DAY SCHOOL related activities for the victim;
- (4) infringes on the rights of the victim at work, school or HOPI DAY SCHOOL related activities; or
- (5) materially and substantially disrupts the work or education process or the orderly operation of HOPI DAY SCHOOL.

"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. Cyber-bullying shall also include

- (1) the creation of a web page or blog in which the creator assumes the identity of another person or

(2) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (1) to (5), inclusive, of the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (1) to (5), inclusive, of the definition of bullying. Cyber-bullying will not be tolerated. Examples of cyber-bullying are harassing, dissing, flaming, 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 will not be tolerated and will be grounds for disciplinary action, including termination of employment or expulsion.

Bullying shall be prohibited:

(1) on HOPI DAY SCHOOL grounds, property immediately adjacent to HOPI DAY SCHOOL grounds, at a HOPI DAY SCHOOL sponsored or HOPI DAY SCHOOL related activity, function or program whether on or off HOPI DAY SCHOOL grounds, or at a school bus stop, on a school bus or other vehicle owned, leased or used by HOPI DAY SCHOOL, or through the use of technology or an electronic device owned, leased or used by HOPI DAY SCHOOL and

(2) at a location, activity, function or program that is not owned, leased or used by HOPI DAY SCHOOL, if the bullying creates a hostile environment at work, school or HOPI DAY SCHOOL for the victim, infringes on the rights of the victim at HOPI DAY SCHOOL or materially and substantially disrupts the education process or the orderly operation of HOPI DAY SCHOOL.

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

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

“Employee”, for the purpose of this policy, includes any individual who receives compensation from HOPI DAY SCHOOL for service provided at HOPI DAY SCHOOL or at HOPI DAY SCHOOL-sponsored activities. It also includes contracted service providers and their employees and volunteers who work, provide services or participate in activities at HOPI DAY SCHOOL or in HOPI DAY SCHOOL related activities, or on HOPI DAY SCHOOL student or other transportation vehicles.

“Social Media” is any form of online publication or presence that allows interactive communication including, but not limited to, social networks, blogs, internet websites, internet forums, and wikis. Examples of social media include, but are not limited to, Facebook, Twitter, You Tube, Google + and Flickr.

“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 HOPI DAY SCHOOL in a negative light, or causes or could cause a loss in reputation or negatively impact the confidence of the Hopi Day in HOPI DAY SCHOOL, 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/guardian 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.

Standards:

- A. HOPI DAY SCHOOL is committed to maintaining a work and educational environment free from all forms of discrimination and harassing conduct. HOPI DAY SCHOOL expects and requires all Governing Board Members, employees, students, parent/guardians, vendors, guests and other members of HOPI DAY SCHOOL and educational Hopi Day (hereinafter referred to collectively as the HOPI DAY SCHOOL), to conduct themselves in an appropriate manner with concern and respect for all other members of HOPI DAY SCHOOL. 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 will not be tolerated. Any student or employee of HOPI DAY SCHOOL who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any HOPI DAY SCHOOL educational program or activity may and is encouraged to file a complaint pursuant to this policy. Any questions regarding this policy should be directed to the Chief School Administrator or, if the Chief School Administrator is involved in the matter, the President of the Governing Board. This policy is in effect in all academic programs, the workplace and in other work/academic related settings such as HOPI DAY SCHOOL-related trips, activities and events.
- B. It is the policy of HOPI DAY SCHOOL 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 HOPI DAY SCHOOL, as identified in the first paragraph, to discriminate or harass another through conduct or communication as defined in this policy. Any allegation of discrimination or harassment will be investigated and, if a violation of this policy is substantiated, disciplinary action will be taken.

- C. Each person in the HOPI DAY SCHOOL is responsible for promoting understanding and acceptance of, and assuring compliance with, applicable Hopi and federal laws, and HOPI DAY SCHOOL policy and procedures governing discrimination and harassment.
- D. It is the responsibility of every employee, student and parent/guardian to recognize acts of discrimination and harassment and take every reasonable action necessary to ensure that the applicable policies and procedures of HOPI DAY SCHOOL are implemented.
- E. It is a violation of this policy for any administrator, teacher, Governing Board member or other employee, student, or any other person in the HOPI DAY SCHOOL to engage in or condone discrimination or harassment at HOPI DAY SCHOOL or any HOPI DAY SCHOOL related activity or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of harassment.
- F. This policy is not designed or intended to limit HOPI DAY SCHOOL's authority to take disciplinary or remedial action when such harassment occurs outside HOPI DAY SCHOOL but has a nexus to school, or is disruptive to or materially and substantially interferes with an employee's work, personal life, a student's school work, or participation in HOPI DAY SCHOOL related opportunities or activities.

Reports of cyber-bullying or inappropriate social media by electronic or other means, occurring in or out of HOPI DAY SCHOOL will be reviewed and, when a nexus to HOPI DAY SCHOOL, work or school exists, they will result in discipline up to expulsion and termination of employment to students and staff respectively. Parent/guardians of students alleged to have engaged in cyber harassment will be invited to attend a meeting at which the activity, words or images subject to the complaint will be reviewed. A student disciplined for cyber-bullying will not be re-admitted to the regular school program until his or her parent/guardian(s) attend such meeting.

- G. Any employee or student who believes that he or she has been subjected to harassment has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any or all information received.
- H. Knowingly providing false reports of harassment or manipulation of investigative processes will be subject to disciplinary action.
- I. 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 HOPI DAY SCHOOL setting or at any HOPI DAY SCHOOL-sponsored or related event will be subject to disciplinary action.

Procedures for Reporting and for Conducting an Investigation:

In responding to and resolving complaints, the HOPI DAY SCHOOL will be guided by six goals:

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

Students may report incidents they believe involve discrimination or harassment to any employee.

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

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

Each school shall document any prohibited incident that is reported and confirmed, as well as the resulting consequences, including discipline and referrals.

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

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

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

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

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

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

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

Unresolved investigations will be reported as such.

Disciplinary Action:

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

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

Retaliation:

Retaliation is forbidden against any person who has alleged discrimination or harassment, testified or participated in an investigation of a claim of discrimination or harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. If it occurs, it can be considered independent grounds for dismissal of staff personnel and/or

removal from the educational setting for a student. Any allegation of reprisal will be subject to the same kind of investigation and disciplinary actions as are described above.

Reporting:

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

APPENDIX IV-D

DRUG-FREE WORKPLACE

NOTICE TO EMPLOYEES

HOPI DAY SCHOOL

YOU ARE HEREBY NOTIFIED that it is a violation of Section 4.75 (Drug Free Workplace Policies) of the School's policies and procedures for any employee to violate the law or School's policies in the manufacture, distribution, dispensing, possession or use, on or in the workplace, of alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 C.F.R. §§ 1300.11 through 1300.15, and amendments thereto.

The term "workplace" includes any place where work is performed, including a School building or other School premises; any School-owned vehicle or any other School-approved vehicle used to transport students to and from the School or School activities; and off-School property during any School-sponsored or School-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the School. In addition, the workplace shall include all property owned, leased or used by the School for any educational purpose.

YOU ARE FURTHER NOTIFIED that it is a condition of your employment that you will comply with Section 4.75 of the School's policies and procedures, and will notify your supervisor of your conviction under any criminal drug statute for a violation occurring in the workplace, not later than five (5) days after such conviction; that you will abide by the terms and requirements of this notice and those in the Drug Free Workplace 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 School's drug-free workplace policies and procedures in any manner is subject to discipline, which may include, but is not limited to, dismissal and/or referral for prosecution.

I have been provided with two (2) copies of this Notice to Employees for my review and signature. I understand that a signed copy will be placed in my personnel file.

Signature of Employee

Date

Section IV.86 DISCIPLINARY ACTION

- A. School policy towards disciplining employees is generally reflected in the recommendations in the Table of Penalties (Section 4.89(F)). If an employee engages in an act of misconduct, which is not addressed in the Table of Penalties, the supervisor shall select an appropriate penalty in consultation with their immediate supervisor, department director, and/or the Chief School Administrator.
- B. Notwithstanding the recommendations in the Table of Penalties, the specific type and degree of disciplinary action to be taken in a particular situation shall be determined by the facts and circumstances of each situation. Previously documented disciplinary action(s), the degree of the conduct involved and other mitigating and 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.
- 4. Non-renewal of a contract of an employee employed by HOPI DAY SCHOOL.
- 5. Expectation Agreements, Professional Development Plans and Personal Improvement Plans.

6. Counseling memoranda may be used to inform employees of the above-described matters. Counseling memos are not discipline or disciplinary action. Counseling memos 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.
7. Reassignment With Pay. An employee may be temporarily reassigned with pay by the Chief School Administrator or Governing Board to allow the School to complete an investigation while maintaining the status quo; to protect the health, safety and welfare of the students, staff, employees and all other parties; other considerations relating to the rights of the parties or others; and, as may otherwise be in the best interest of HDS and the orderly operation of HDS. While on such temporary reassignment, the employee remains subject to the directives of the employee's supervisor, the Chief School Administrator and Governing Board and such other conditions as may be established to accomplish the above-stated purpose. An employee's failure to follow directives, participate in any investigation and/or otherwise comply with reassignment conditions and School policies while on a reassignment with pay shall be deemed insubordination and shall be grounds for separate disciplinary action, up to and including termination.

D. Types of Disciplinary Action

When disciplinary action is to be taken the following steps are recommended:

1. Warning (Verbal/Written): When a warning (Verbal/Written) is issued, it should be done in private and a copy of the letter covering the details of the warning sent to the Personnel Office. Where appropriate, a reasonable period of time for improvement or corrections will be allowed before taking further action. A witness shall be present only when necessary. Written warning will, upon the employee's written request, be removed from an employee's personnel file after a 12month good conduct period.
2. Suspension: Suspension consists of a period of time during which an employee will not work and shall not receive compensation. The maximum suspension period shall be thirty working days.
3. Termination: Involuntary Termination is covered in Section 4.92 of this Manual.
4. Demotion

NOTE: This is a recommended procedure for disciplinary action. The facts and circumstances of a specific situation may preclude progressive discipline in favor of a more severe initial disciplinary action.

E. Guidelines and Procedures for Disciplinary Actions

5. **Initiation of Disciplinary Action.** Disciplinary action may be initiated by an employee's supervisor, department head or by the Chief School Administrator. The employee shall be notified in writing of the disciplinary action and the basis therefore. The employee's Department Supervisor shall, in general, commence disciplinary action against the employee within ten (10) days, or such time as may be reasonable after being made aware of the offense(s); however, disciplinary action is not required to be taken during this timeframe and may be delayed for additional investigation or other considerations, procedures or actions to ensure thoroughness and fairness to all. The person who initiates it shall sign the notification, and copies shall be supplied to the appropriate department head, the Chief School Administrator, and the Administrative Assistant of Personnel for placement in the employee's personnel file.
6. **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 with or without pay, or discharge requires the approval of the Chief School Administrator.
7. **Notification 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, if any, prior discussions and/or formal or informal disciplinary actions regarding similar related or other matters/violations. Prior discussions or actions are not required and disciplinary action may be imposed without them;
 - d) The disciplinary action to be taken including dates and duration where applicable;
 - e) The improvement or correction expected, if applicable; the consequences of the employee's failure to make required improvements or correction or if such conduct or actions continue; and
 - f) The appropriate appeal procedure.

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 above 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 mail to employee's last address of record with HDS. It shall be employee's responsibility to ensure that HDS 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 should refer to the applicable policy, 4.91, 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 must, and as part of their contract with the school, has agreed to exhaust this and all other possible remedies provided by the school prior to taking any action outside these policies. Employee's failure to exhaust Employee's remedies provided under this contract shall be a breach of their contract and grounds for disciplinary action, up to and including termination of employment. Further action, including action outside the school is contractually barred if Employee fails to exhaust the remedies available under these policies.

F. TABLE OF DISCIPLINARY PENALTIES

Guidelines	First Offense	Second Offense	Third Offense

The knowing failure or refusal, without just cause to obey or carry out orders, instructions, assignments or duties within the time designated by one in a position of authority for the performance of said orders	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days (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	1 day Suspension (without pay)	5 days (without pay) to Termination
Failure without just cause, to obey or Comply with any directive of the School, or any adopted and published policy of the School	Letter of Reprimand to 30 days Suspension (without pay)	1 day Suspension (without pay) to Termination	5 days (without pay) to Termination
The unauthorized absence from one's duties of one hour or less more than twice in one week or four times in one year.	Verbal warning to Letter of Reprimand	Letter of Reprimand to 1 day Suspension (without pay)	1 day Suspension (without pay) to Termination
The unauthorized absence from one's duties of more than one hour.	Verbal warning to 1 day Suspension (without pay)	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination
Idleness, sleeping or unauthorized participation on nonjobrelated activities during duty hours.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	3 days Suspension (without pay) to Termination
Any purposeful act or failure to act, which will foreseeably endanger or cause physical or emotional damage or educational or moral harm to any student at any time while said student is enrolled at the School	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Any purposeful act or failure to act, which will foreseeably endanger or cause physical harm to another employee of the School	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
The failure to disclose or report, to a position of relevant authority, any conduct, occurrence, information or condition, which if not so disclosed or reported, will or is likely to cause harm, loss or damage to the School or any student or employee thereof.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Any violation of the Drug Free Policy.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	10 days Suspension (without pay) to Termination
The use without proper authorization or the illegal operation of any vehicle owned, leased or in the possession of the School or the intentional permitting of such unauthorized use of illegal operation.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Guidelines	First Offense	Second Offense	Third Offense

The intentional use without proper authorization of School or United States Government property.	Verbal Warning to 3 days Suspension (without pay)	Letter of Reprimand to 10 days Suspension (without pay)	5 days Suspension (without pay) to Termination
The alteration or destruction, without proper authorization, of any official school record.	Verbal Warning to 10 days Suspension (without pay)	Letter of Reprimand to Termination	5 days Suspension (without pay) to Termination
Theft of property or records belonging to the School, the United States Government, or any employee of or student enrolled in the School	1 day Suspension (without pay) to Termination	15 days (without pay)	Termination
Disclosure of confidential information vital to the interest of School.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Abuse of the Business Travel Expense Policy, which includes but is not limited to falsifying expense reports. (Note: Expenses provided in a falsified report will not be reimbursed.)	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Improper, careless, negligent destructive, or unsafe use or operation of equipment.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Abuse or neglect of a student by an employee	3 days Suspension (without pay) to Termination	Termination	
Failure to report all known incidents	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 Legal action		

Section IV.87 STAFF GRIEVANCES

A. Purpose

The purpose of the grievance procedure is to provide a uniform and equitable method of resolving alleged complaints as quickly as possible and at the lowest possible level of supervision. This procedure is intended to ensure that any eligible employee will be heard and that corrective action taken will be without reprisal or discrimination against the employee submitting the grievance.

B. Definition

A grievance is a complaint by an employee concerning the department work rules, unsafe or unhealthy working conditions and alleged improper treatment that directly affects work performance or his/her employment contract and which cannot be satisfactorily resolved between the employee and his immediate supervisor. The grievance procedure does not apply to disciplinary actions or disciplinary appeals.

C. Scope

All departments shall conform to this procedure. Actions for which another appeal procedure exists do not fall under the grievance procedure. Examples: dismissal, suspension, demotion and alleged discrimination.

D. Eligibility and Employee Rights

1. All regular, fulltime and parttime employees are eligible.
2. Employees have the right to seek the involvement of legal counsel, but only at their own expense. The School also is entitled to representation by legal counsel.

E. Time Limits and Procedures

1. **Informal Level.** Before filing a formal written grievance, the grievant must attempt to resolve the matter by one or more informal conferences with the immediate supervisor. The first of these informal conferences must be initiated by the employee within ten (10) days after the employee knew, or should have known, of the act or omission giving rise to the grievance.
2. **Formal Level**

Level I. In the event the grievant is not satisfied with the decision at the informal level, within fifteen (15) days after the employee knew, or should have known, of the act or omission giving rise to the grievance, the grievant must present the grievance in writing to the immediate supervisor.

The grievance shall be 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.

The immediate supervisor shall communicate a decision to the employee in writing within five (5) days after receiving the grievance.

Within the above time limits either party may request a personal conference to attempt to resolve the matter.

Level II. In the event the grievant is not satisfied with the decision at Level I, the decision may be appealed to the Chief School Administrator within five (5) 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 Chief School Administrator shall communicate a decision within (5) days after receiving the appeal. Either the grievant or the Chief School Administrator may request a personal conference within the above time limits.

Level III. If the grievant is not satisfied with the decision at Level II, the grievant may within five (5) days, submit an appeal in writing to the Chief School Administrator for consideration by the Governing Board. The Governing Board may determine not to conduct a review, or to conduct a review at a designated or undesignated future date.

F. General Provisions

Section 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) 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.

Section 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 Governing Board or the Chief School Administrator.

STAFF GRIEVANCES

LEVEL I

GRIEVANCE FORM A

FORMAL GRIEVANCE PRESENTATION

**To be completed by grievant after an informal conference and
no later than fifteen (15) 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) 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 Chief School Administrator, with reasons detailing non acceptance at Level I and any relief sought (Level II).

DATE OF RESPONSE _____ (SIGNATURE OF GRIEVANT)

STAFF GRIEVANCES

LEVEL II

GRIEVANCE FORM C

REFERRAL TO CHIEF SCHOOL ADMINISTRATOR

**To be completed by grievant
within five (5) 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 Chief School Administrator.

DATE OF REFERRAL _____

(SIGNATURE OF GRIEVANT)

STAFF GRIEVANCES

LEVEL II

GRIEVANCE FORM D

DECISION OF CHIEF SCHOOL ADMINISTRATOR

**To be completed by the Chief School Administrator
within five (5) days.**

GRIEVANT _____

DATE OF FORMAL GRIEVANCE PRESENTATION _____

DATE APPEAL RECEIVED BY CHIEF SCHOOL ADMINISTRATOR _____

DATE HEARING HELD BY Chief School Administrator (OPTIONAL) _____

DECISION OF CHIEF SCHOOL ADMINISTRATOR
AND REASONS THEREFOR:

DATE OF DECISION _____

(SIGNATURE OF CHIEF
SCHOOL ADMINISTRATOR)

GRIEVANT'S RESPONSE (To be completed by the grievant within five (5) days after the decision):

_____ I accept the above decision of the Chief School Administrator.

_____ I hereby appeal to the Governing Board for a review of this grievance (Level III).

DATE OF RESPONSE _____

(SIGNATURE OF GRIEVANT)

STAFF GRIEVANCES

LEVEL III (Final Action)

GRIEVANCE FORM E

REVIEW BY GOVERNING BOARD

GRIEVANT _____

DATE OF FORMAL GRIEVANCE RECEIPT _____

_____ The attached grievance is hereby appealed to the Governing Board for a review.

DETAIL REASONS FOR NONACCEPTANCE OF GRIEVANCE
DECISION AT LEVEL II AND ANY RELIEF SOUGHT:

DATE APPEAL RECEIVED BY GOVERNING BOARD _____

GOVERNING BOARD RESPONSE (TO BE COMPLETED WITHIN FIFTEEN (15) DAYS OF
REVIEW):

Chief School Administrator

Section IV.88 APPEALS PROCEDURE

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 School. This procedure is intended to ensure that any eligible employee will be treated fairly and within the policies and procedures of this Manual and any other applicable federal laws.

Application

This procedure shall be used for actions regarding reprimands/warnings, suspension, demotion.

Eligibility

All regular, fulltime and parttime employees are eligible. Temporary and probationary employees are not entitled to appeal procedure.

Procedure

1. Appeals must be filed with the employee's immediate supervisor as set forth below, or if the appeal is by the Chief School Administrator, with the Board President. The appeal must 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. Appeals not containing the above shall be dismissed and employee will be deemed to have waived employee's right to appeal.
2. Any employee desiring to file an appeal must do so within five (5) working days after being notified that they have been warned/reprimanded, suspended or demoted. Appeals not filed within the designated time frames shall not be considered. Employee, for the purposes of this section shall be deemed to have been "notified" of the disciplinary action at the time the notice of disciplinary action is delivered to employee or three (3) days after the notice of disciplinary action has been mailed to employee's last address of record with HDS.
3. The immediate supervisor may within five (5) working days of receiving the appeal elect to resolve the appeal in writing or refer it to the Chief School Administrator with recommendations. The immediate supervisor shall provide employee notice of supervisor's action.

4. If the immediate supervisor takes no action within five (5) working days of receiving the appeal, the employee may, within five (5) working days thereafter, appeal the decision to the Chief School Administrator.
5. If the immediate supervisor issues a written decision on the appeal, the employee may, in writing, within five (5) working days of the date of notice of the written decision, appeal the decision to the Chief School Administrator. Employee's request for further appeal shall be in writing, state the basis for the appeal and be delivered to the Chief School Administrator's office within the above five (5) day period. Employee may come on to campus, notwithstanding employee's letter of reassignment, to deliver this and any other further appeal unless expressly directed otherwise.
6. If the employee appeals the immediate supervisor's decision or the immediate supervisor refers the appeal to the Chief School Administrator, the Chief School Administrator shall hold a hearing within ten (10) working days after employee's appeal to the Chief School Administrator and render a decision that either supports or dismisses the appeal within ten (10) days of the hearing. Written notice of the time and place of the hearing shall be mailed to the employee five (5) days before the hearing. The Chief School Administrator may allow the appellant or other parties the opportunity to address the appeal. The parties may be represented by counsel and/or cross exam witnesses. The Chief School Administrator, upon rendering a decision, shall provide notice of the decision to the employee. If the subject of an appeal is a warning/reprimand not initially imposed by the Chief School Administrator, the Chief School Administrator's decision is final. There is no further appeal. If the subject of the appeal is other than a reprimand/warning or if the Chief School Administrator initiates the reprimand/warning, then appellant may proceed to the next appeal level.
7. If the appeal is still not satisfactorily resolved by the Chief School Administrator in writing, the employee may, in writing, request the Governing Board to add the appeal to the next regular Governing Board meeting. This request must be made by the employee within five (5) working days of notice of the Chief School Administrator's decision. This request shall be made through the Chief School Administrator by delivery of the request to the Chief School Administrator's office within the time set forth above.
8. Upon receiving a timely appeal, the Governing Board shall, within a reasonable time, schedule a hearing before the Governing Board or a hearing officer. The Governing Board shall have the sole discretion to determine who will hear the appeal. If the appeal is to be heard by a

hearing officer, the Governing Board shall have the sole discretion to select said hearing officer. At the conclusion of the hearing before the Governing Board or upon receiving the hearing officer's results, the Governing Board may, by vote at an open public meeting, affirm, modify or dismiss the appeal. The Governing Board's decision shall be provided to the employee, immediate supervisor and Chief School Administrator in writing within a reasonable time.

9. HDS shall provide written notice to the employee and Chief School Administrator of the hearing date, time and place within ten (10) business days of the regular Governing Board meeting at which the appeal was submitted or as soon thereafter as is reasonably possible. HDS shall attempt to schedule the hearing within fifteen (15) business days of the regular Governing Board meeting at which the appeal was submitted; however, may extend that time based on the facts and circumstances of the case and the availability of necessary parties. At any such hearing the parties may be represented by legal counsel, submit evidence in the form of exhibits or testimony and cross examine witnesses. The procedure shall be informal and as determined by the Board or hearing officer.
10. All decisions by the Governing Board shall be final.
11. If the appealing employee does not submit a written request to move the appeal forward within the specified time period, it will be assumed the employee does not wish to continue employee's appeal and the appeal will be dismissed. Employee is responsible for identifying all issues and allegations relevant to the appeal in employee's initial written appeal. No additional defenses, allegations or requested remedies may be addressed that were not included in the initial appeal. Employee must state the specific remedy requested in employee's appeal.
12. An employee must, and as part of their contract with the school, has agreed to exhaust this and all other possible remedies provided by the school 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 school is contractually barred if Employee fails to exhaust the remedies available under these policies.

Section IV.89 TERMINATION OF EMPLOYMENT

A. Voluntary Termination (Resignation)

1. Employees are required to honor the contract for the employment period. According to the contract signed, a penalty may be imposed for early termination.
2. Employees shall give at least forty-five (45) 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 HDS Governing Board retains the sole discretion whether or not to grant the request to be allowed to resign. The Board shall make its decision whether or not to grant the request to resign based upon the best interest of HDS regardless of employee's timely notice.
3. Earned compensatory time and accrued leave may be requested on a day-to-day basis during the final thirty (30) days of employment.
4. An employee who has submitted a letter of resignation may not withdraw the resignation after it has been accepted by the Governing Board. The resignation shall become effective as of the date specified in the letter of resignation, unless otherwise mutually agreed between the Governing Board and the employee. However, the Governing Board may at any time dismiss an employee as otherwise provided in this Manual.
5. The following procedures shall be followed in the case of resignation from employment.
 - a) The employee shall provide a written notice of their intent to resign to the Chief School Administrator.
 - b) The Chief School Administrator shall place the resignation on the agenda for Governing Board review at the next scheduled Governing Board meeting.
 - c) The employee shall be notified of when his/her resignation letter will be considered by the Governing Board.
 - d) It is solely within the discretion of the Governing Board to accept or reject the letter of resignation and if accepted to establish the effective date of any accepted resignation
 - e) The immediate supervisor shall account for all school property issued to the employee before the effective date of the resignation.
 - f) The Chief School Administrator shall conduct an exit interview with the resigning employee before the effective date of resignation.

- g) If the employee has outstanding debts or owes property to the School, the immediate supervisor shall take all necessary steps to initiate repayment on the part of the employee and to receive receipt of the property from the employee, before the final paycheck is released. The immediate supervisor shall notify the Chief School Administrator in writing that he/she has accounted for all school property issued to the employee, has taken steps to initiate repayment/receipt of property and that the final pay check can be released by the School.
- h) After the employee provides a letter of intent and request for resignation, said employee shall not participate in school travel, training or other activities funded in whole or in part by HDS.

B. Involuntary Termination (Dismissal Other Than Layoff/Reduction-in-Force)

- 1. Probationary employees are employees-at-will and may be terminated at any time, with or without cause. Probationary employees have no right to appeal their dismissal.
- 2. Non-probationary employees may be terminated for cause. Examples of infractions which may result in disciplinary action, including involuntary dismissal, are included in the Table of Penalties. However, it is not possible to list all the forms of behavior which are considered unacceptable in the work place and the Board may in its discretion dismiss any employee for unsatisfactory performance, unprofessional conduct, insubordination, violation of policies or laws, or such other conduct that constitutes cause to dismiss. While the Board may choose to take a lesser disciplinary action such as a warning or suspension for a first offense, the Board may in its discretion dismiss an employee for a first offense if appropriate depending on the facts and circumstances of the situation
- 3. Involuntary Dismissal Procedures (other than Layoff/Reduction-in-Force)
 - a) Dismissal of an employee may be recommended by the Chief School Administrator or by the supervisor. The Chief School Administrator in consultation with the supervisor will draft a notice of intent to terminate letter setting forth the reasons for the recommendation for termination and citing the specific policy violations violated by the employee. A copy of this notice of intent to terminate letter will be hand delivered or mailed by certified mail to the employee.
 - b) The notice of intent to terminate letter will be provided to the Governing Board at a Governing Board meeting with a recommendation to the Governing Board by the Chief School Administrator as to whether reasonable cause exists to terminate the employee.

- c) If the Governing Board after reviewing the notice of intent to terminate letter and after receiving the recommendation from the Chief School Administrator, believes that adequate cause exists to terminate the employee, the employee will be sent by personal delivery or through certified mail a letter from the Governing Board terminating the employee and setting forth the reasons for the termination and citing policies violated by the employee. The termination will become effective five (5) working days after the letter is sent unless the employee appeals the termination decision to the Governing Board within the five (5) working days.
- d) If the employee appeals the termination to the Governing Board, the employee will continue as an employee of the School pending the outcome of the termination appeal.
- e) Once the Governing Board receives the termination appeal, the Governing Board will hold a meeting to hear the employee's appeal. The Governing Board, at its discretion, may designate a hearing officer to hear the appeal.
- f) The hearing on the dismissal appeal may, at the option of the employee, be done in executive session. If the employee does not opt to have the hearing in executive session, the hearing will be at an open public meeting.
- g) At this hearing the Chief School Administrator or designee shall present the termination against the employee and will present to the Governing Board witnesses and other exhibits pertaining to the termination letter. The Chief School Administrator or designee may be represented by counsel.
- h) The employee shall thereafter present his/her witnesses and documentation with regard to the termination letter. The employee may be represented by counsel.
- i) All testimony shall be taken under oath, the proceeding shall be tape recorded, and both sides shall have a right to cross-exam the other side's witnesses. Formal Rules of Evidence shall not apply and the Governing Board will allow in any evidence that is relevant and non-repetitive.
- j) Either side may be represented by counsel at the party's own expense.
- k) After both sides have presented their case, both sides will be allowed a brief closing argument.
- l) After both sides have presented closing argument, the Governing Board shall deliberate and decide to: 1) uphold the termination; 2) reject the termination; 3) impose a lesser disciplinary action.

- m) The decision of the Governing Board shall be final and effective immediately.
- n) Pending action by the Governing Board, an employee may be placed upon administrative leave with pay and with full benefits if, in the opinion of the Chief School Administrator, it is appropriate and in the best interest of the School.

C. Layoff/Reduction-in-Force

This provision relates to any involuntary employment termination for nondisciplinary reasons initiated by the organization 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 Governing Board, render such action prudent and in the best interest of the School. The Chief School Administrator shall notify the Governing Board when funding or workload circumstances require a layoff/reduction-in-force, and shall submit a layoff/reductioninforce plan to the Governing Board.

In developing such plan, the Chief School Administrator shall give preference in retention to positions essential to the administration and operation of the School. In considering the Chief School Administrator's plan, the Governing Board shall also give preference in retention to such positions.

The Chief School Administrator and the Governing Board shall also consider the following factors in making layoff/reduction-in-force decisions, whether during the academic year or at the time for contract renewal decisions:

1. The best interest of the school and the educational mission of the School.
2. Importance to the School of position held
3. Quality of service to the School
4. Recommendations of supervisors
5. Length of service to and employment with the School

The Governing Board shall give all affected employees prior written notice of any anticipated layoff or reduction in force.

D. Reinstatement

Any employee affected by a reduction in force will be reinstated pursuant to the Personnel Policies and Procedures of School (i.e. Selection Procedures) and qualifications for the position. Such reinstatement may occur only within the contract year in which the layoff or reduction in force occurred.

E. Disability

Upon written verification of a medical doctor that an employee is unable to perform the duties and responsibilities in the employee's job description and all leave has been used, said employee may be terminated.

Extended benefits may be available to the employee under the health and hospitalization policy then in force, the Family Medical Leave Act, and/or applicable Workmen's Compensation provisions.

Salary and benefits will terminate automatically on the day all leave benefits have been expended.

ARTICLE V. STUDENTS

Section V.1 STATEMENT OF FUNDAMENTAL POLICY

Hopi Day School believes that school and life, which benefits students and enhances their educational efforts, is a product of rights and responsibilities which all must follow in order that students study and learn in harmony. Student rights and responsibilities are set forth in this Manual. The Manual explains what each student is entitled to expect, as well as responsibilities each student must accept and possible consequences for failing to act within these policies and procedures.

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

Section V.2 STUDENT POLICY GOALS

The Chief School Administrator will establish an environment to promote student achievement and opportunities for learning by doing the following:

- Individualize the academic program to providing learning opportunities for each student.
- Protect and advocate for the rights of students.
- Promote the self-image of each student by helping him/her feel respected, worthy and confident by promoting positive learning opportunities.
- Provide an academic environment for students to experience personal achievement and experiences for developing good citizenship.
- Deal with students on matters of discipline in a fair and just manner.
- Promote regular student attendance and academic progress commensurate with student abilities.

Hopi Day School will establish an environment conducive to learning for each student by meeting the following goals:

- Promote a sense of self-worth.
- Respect the worth and dignity of all students.
- Promote creativity and achievement in the academics.
- Promote acceptance of civic rights, privileges and responsibilities of citizenship.
- Promote personal growth as a responsible member of his/her family and to recognize the family as the basic social unit.
- Promote values of good physical and mental health habits.
- Learn to appreciate the wise use of leisure time.
- Promote development of a positive attitude toward the learning process.
- Develop skills and abilities to communicate ideas and feelings.
- Acquire habits of analytical thinking and problem solving.
- Achieve basic skills in the academic areas.
- Develop skills necessary to utilize all available educational sources.
- Understand the American economic system and its relationship to a productive life.
- Promote career education opportunities for students.

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

Section V.3 EQUAL EDUCATIONAL OPPORTUNITIES

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.

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 Governing Board.

Section V.4 ENROLLMENT

Any student who is a resident of the Hopi Day School District and who meets the age requirements established by the Governing Board and Ordinance #36, may be admitted to Hopi Day School, unless, in compliance with applicable law, the student has a documented history of behavior that could jeopardize the health, safety, and welfare of HDS students or staff or the orderly operations of HDS; such students may be denied enrollment.

Grade placements shall be the responsibility of the Chief School Administrator, and be based on general achievement, consideration being given to the mental, physical, emotional, and social maturity of the child. Students transferring into Hopi Day School will be placed at the same grade level as in the school from which they transferred. (Example: If a school recommends retention, HDS will honor recommendation). In addition, children transferring, as well as continuing students, may be retained or promoted. The Chief School Administrator shall be guided by the recommendation of teachers and consult with the parent/ guardians of the student before the transfer or placement of a child is made.

Section V.5 ADMISSION, REQUIRED AGE

Admission of children for enrollment to Hopi Day School 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.
3. The Chief School Administrator shall have the authority to waive the age requirements of his/her 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 or First Grade shall be made in consultation with the affected parent/guardian and classroom teacher.

Section V.6 IMMUNIZATIONS REQUIRED

1. Immunization of students is required, and parent/guardian must provide documentary evidence of immunization for their children at time of enrollment for attendance at Hopi Day School. Parent/guardian are responsible for, and to ensure, their children's childhood immunizations are current. Immunizations shall comply with State or Indian Health Service requirements in order to safeguard students from health related infectious and communicable diseases.
2. A student shall not be allowed to attend school without submitting documentary proof to the school administrator unless the student is exempted from immunization.
3. Notwithstanding subsections 1 and 2 of this section, a student may be admitted to, or allowed to attend school if the student has received at least one dose of each of the required immunizations prescribed and has established a schedule for the completion of required immunizations. The parent/guardian of a student shall present to the school administrator documentary proof of the immunizations received and a schedule prepared by the student's physician or a health agency for completion of additional required immunizations.
4. The Chief School Administrator shall review the school immunization record for each student admitted or allowed to continue attendance pursuant to subsection 3 of this section at least twice each school year until the student receives all of the required immunizations and shall suspend a student as prescribed in subsection 2 of his/her section who fails to comply with the immunization schedule. Immunizations received by a student shall be entered in the student's school immunization record.
5. Unless proof of an exemption from immunization is provided, a student who is admitted or allowed to continue to attend and who fails to comply with the immunization schedule within the time intervals specified by the schedule shall be suspended from school attendance until documentary proof of the administration of another dose of each appropriate immunizing agent is provided to the school administrator.
6. The school and its employees are immune from civil liability for decisions concerning the admission, readmission and suspension of a student that is based on a good faith implementation of the requirements of his/her section.

Section V.7 IMMUNIZATION RECORDS

Each student's immunizations shall be kept on record on a formal immunization form or in the student's portfolio. Each immunization record shall contain at least the following information:

1. The student's name and birth date.
2. The date of the student's admission to the school.
3. The type of immunizing agents administered to the student.
4. The date each dose of immunizing agent is administered to the student.
5. The established schedule for completion of immunizations if the student is admitted to or allowed to continue to attend school.
6. If an exemption from immunization as provided in section 5.09 is submitted to the school administrator, the date of the exemption is submitted and the reason for the exemption.
7. The school shall transfer an immunization record with the mandatory permanent student record and provide at no charge, on request, a copy of the immunization record to the parent/guardian of the student.

The school shall complete and file a report with the appropriate health agency if so required by regulation or statute

Section V.8 IMMUNIZATIONS REQUIRED

These immunizations are a requirement before a child is 5 years old or before they can enroll in HDS.

1. DTP/DT – all five immunizations must be completed before a child can enter HDS.
2. OPV/IPV POLIO – all four immunizations must be completed before a child enters HDS.
3. MMR – immunizations one and two must be completed before a child enters HDS.
4. Hib B – third and fourth immunizations must be completed before a child enters HDS.
5. Hep B – 3 immunizations must be completed before the child enters HDS.
6. Hep A – the third immunization must be completed before the child enters HDS.
7. TB Skin Test must be completed.

The above may include other immunizations pending any change in requirements by the State Department of Health or the Indian Health Service.

Section V.9 EXEMPTIONS, NONATTENDANCE DURING OUTBREAKS

Documentary proof is not required for a student to be admitted to school if one of the following occurs:

1. The parent/guardian of the student submits a signed statement to the Chief School Administrator stating that the parent/guardian has received information about immunizations provided by a health agency, understands the risks and benefits of immunizations and the potential risks of non-immunization and that due to personal beliefs, the parent/guardian does not consent to the immunization of the student.
2. The school administrator receives written certification which is signed by the parent/guardian and by a physician, which states that one or more of the required immunizations may be detrimental to the student's health and which indicates the specific nature and probable duration of the medical condition or circumstance which precludes immunization.
3. Students who lack documentary proof of immunization shall not attend school during outbreak periods of communicable immunization-preventable diseases as determined by the Indian Health Services or other health agency.

Section V.10 PARENT/GUARDIAN CHOICE OF SCHOOLS (Open Enrollment Policy)

Pursuant to Hopi Tribal Council Resolution H-100-2002, the following policy and procedures serve to implement the Open Enrollment Policy for all BIA-funded schools on the Hopi Reservation.

Section V.11 SCHOOL ADMISSIONS

Notwithstanding school attendance boundaries established pursuant to P.L. 95-561, as amended, Hopi Tribal Council Resolution H-100-2002 allows parents/guardians on the Hopi Reservation to enroll their children in the BIA-funded school of their choice provided that (1) the affected out-of-boundary school has the space capacity to accept those children, (2) the travel distance from the school to the pick-up point for the out-of-boundary student is within the guidelines promulgated herein, and (3) certain other qualifying factors delineated below are met. Attendance Boundary Waivers shall not be required.

Each local Governing Board shall have the discretion to delegate authority to the respective local school administrator to approve, or disapprove, out-of-boundary enrollment requests on a case-by-case basis. Each local Governing Board, or designee, shall exercise due diligence to ensure the equitable and consistent application of this policy.

In general, students with disabilities will be accepted on the same basis as all other out-of-boundary students except that transportation, within the established guidelines, shall be provided if the student's IEP specifies that transportation is necessary for the fulfillment of the approved program.

Recognizing that changing schools is disruptive to the student's academic progress, a request for a second transfer during the school year will be denied unless the administrators of the affected schools agree that such action would be in the best interest of the student.

Decisions made by the local school administrator pertaining to out-of-boundary enrollment requests may be appealed to the respective Governing Board. The local Governing Board shall have the final authority in making a determination.

Upon proper notification of an out-of-boundary transfer, the in-boundary school shall forward the student's cumulative folder, attendance records, and discipline files to the out-of-boundary school.

Section V.12 ADMISSIONS STANDARDS

A student who has been expelled by any school or who is not in compliance with a condition of a disciplinary action imposed by any other school or with a condition imposed by the juvenile court shall not be admitted. Acceptance for enrollment may be revoked upon discovery of the existence of any of these conditions.

As a condition of approval of an out-of-boundary transfer, the parent/guardian and the student must agree to abide by the rules, standards, and policies of the recipient school. Out-of-boundary enrollment is subject to revocation if the terms and conditions of all applicable rules, standards, and policies are not adhered to.

Section V.13 ENROLLMENT PRIORITY

Enrollment priority shall be given to those students residing within the attendance area of the respective school so long as that right is exercised prior to the first day of the Open Enrollment Period.

The Open Enrollment Period is defined as the period that begins two full weeks preceding the week of the first day of school and ends the day before the first day of the week preceding the ISEP count week.

Priority for enrollment at each BIA-funded school shall be as follows in the order of descending preference:

1. Eligible students residing within the established attendance boundary of the school. Enrollment applications for new in-boundary students must be received by the school prior to the Open Enrollment Period. Continuing in-boundary students must notify the school of their intent to continue enrollment prior to the Open Enrollment Period. The affected school shall determine the method by which such intent is declared.
2. Eligible out-of-boundary students who were enrolled at the school the previous year and any eligible siblings (if all other qualifying conditions are met). Continuing out-of-boundary students must notify the school of their intent to continue enrollment prior to the Open Enrollment Period. The affected school shall determine the method by which such intent is declared.
3. All other eligible out-of-boundary students (if all qualifying conditions are met). Enrollment applications for new out-of-boundary students may be submitted at any time and shall be date-stamped upon receipt by the school. For the purposes of his/her policy, a former out-of-boundary student who subsequently attended another school shall be considered a new out-of-boundary student.

Selections for out-of-boundary enrollment will be made during the Open Enrollment Period on a first-come-first-served basis so long as space capacity and transportation limits are not exceeded. If the number of applications for out-of-boundary enrollment exceeds the number of spaces available after applying the first-come-first-served selection procedure, an equitable process (e.g., lottery or drawing) will be used to make the selection(s).

Out-of-boundary transfers must be completed during the Open Enrollment Period unless the administrators of the affected schools agree that such action would be in the best interest of the student.

Section V.14 CONTINUING ENROLLMENT CRITERIA

The Governing Board with the assistance of the Chief School Administrator shall have the discretion of establishing continuing enrollment criteria applicable to all students that may include, but are not limited to, the following:

1. Policies and procedures regarding class assignments and homework.
2. Policies and procedures regarding student conduct.

3. Policies and expectations regarding attendance and tardiness.

Section V.15 TRANSPORTATION

A school may provide transportation to and from the school for any out-of-boundary student enrolled at the school so long as the travel distance from the school to the pick-up point does not exceed twenty miles. The Governing Board shall have the authority to establish bus routes that are in the best interest of the school. In establishing such routes, factors such as safety concerns, bus capacity, number of students affected, school schedules, bus schedules, cost effectiveness, travel distance, travel time, and road conditions may be considered. Accordingly, the Governing Board may establish limits for bus routes that are less than twenty miles from the school to pick-up points.

Authority is delegated to the Chief School Administrator to (1) approve, or disapprove, out-of-boundary enrollment requests, (2) establish daily bus routes, and (3) establish specific classroom enrollment limits as provided by the Hopi Day School Open Enrollment Policy with the stipulation that the Governing Board be kept apprised of the out-of-boundary enrollment status.

Decisions made by the Chief School Administrator pertaining to transportation and bus routes may be appealed to the Governing Board. The Governing Board shall have the final authority in making a determination.

Section V.16 ENROLLMENT SPACE CAPACITY

The general standards for determining the number of students assigned to a particular classroom are based on the BIA Education Space Guidelines and 25 CFR § 36.11. Accordingly, the following guidelines shall serve to inform decisions regarding enrollment levels:

Grade Level	Student-Teacher Ratio
K	20:1
1-3	22:1
4-12	25:1

Notwithstanding the above guidelines, the Governing Board shall have the authority to establish specific classroom enrollment limits based on a consideration of teaching philosophies; teaching methodologies; education program needs; classroom size, shape, and configuration; special classroom features; special needs for students with disabilities; the findings of current educational research; and other relevant factors.

The Governing Board may delegate authority to the Chief School Administrator to establish specific classroom enrollment limits. The Governing Board, or designee, shall exercise due diligence to ensure the equitable and consistent application of the policy.

Decisions made by the Chief School Administrator pertaining to specific classroom enrollment limits may be appealed to the Governing Board. The Governing Board shall have the final authority in making a determination.

Authority delegated to the Chief School Administrator on May 13, 2003 to (1) approve, or disapprove, out of boundary enrollment requests, (2) establish daily bus routes, and (3) establish specific classroom enrollment limits as provided by the Hopi Day School Open Enrollment Policy with the stipulation that the Governing Board be kept apprised of out-of-boundary enrollment status.

Section V.17 STUDENT WITHDRAWAL FROM SCHOOL

A withdrawal form shall be presented to the parent/guardian of a student who withdraws from school. The withdrawal form shall include space for the reason of withdrawal and the signature of an official or the school from which the student has withdrawn. Reasons for withdrawal may include:

1. Parent/guardian of students moving from Hopi Day School attendance area or to an area served by another school within the Hopi reservation.
2. Long-term suspension or expulsion by the Governing Board.
3. Parent/guardian choice of enrollment.

Upon withdrawal, the student shall return all books, and other school property to the administrative secretary.

Section V.18 SCHOOL ATTENDANCE RECORDS

The school shall maintain accurate school attendance records. The school secretary shall be responsible for collecting daily attendance and maintaining an attendance records file for each school year.

1. Teachers are required to formally record student attendance on a daily basis. Teachers are responsible to account for all students assigned to their classes during official school hours. The secretary shall report any discrepancies to the CHIEF SCHOOL ADMINISTRATOR.
2. The school secretary shall maintain a daily school attendance roster prepared from attendance slips sent to the office.
3. Student absences shall be reported to the office for official recording.

Section V.19 COMPULSORY ATTENDANCE

Compulsory attendance shall be in compliance with Ordinance 36 or such applicable laws. The law charges parents/guardians, with responsibility for the student's consistent school attendance. A person is excused from the duty prescribed above if it is shown to the satisfaction of the Chief School Administrator that:

1. The child is formally instructed at home by a person qualified and/or certified by the Arizona Department of Education.
2. The child is attending a regularly organized private or parochial school.
3. The child is in such physical and mental condition that attendance is inexpedient and impracticable.
4. The child has a medical/health condition verified by a physician's certification.
5. The child's parent/guardian has presented reasons for non-attendance that are satisfactory to the Governing Board and the CHIEF SCHOOL ADMINISTRATOR.
6. The child was suspended or expelled from school.
7. The Chief School Administrator may make a reporting of non-attendance of a child or violation of the compulsory attendance law by a parent/guardian to the appropriate authorities.

Section V.20 STUDENT ABSENCES AND EXCUSES

The Chief School Administrator is authorized to excuse students from school for reasons that include illness, family emergencies, bereavement, and observance of major religious holidays or ceremonies of the family's faith.

Parent/guardian are expected to inform the school by telephone or in writing when a student is absent. When a student returns to school following any absence, a note of explanation from the parent/guardian **is required** to obtain an admission slip prior to the student's first class. Parents/guardians are expected to cooperate on the matter of school attendance and in regard to the following:

1. The scheduling of medical and dental appointments in the afternoon or after school hours, except in cases of emergency.
2. The scheduling of family vacations during regularly held school vacation periods.
3. Absence due to medical reasons that require hospitalization or being home bound, in these cases the parent/guardian shall provide the school with a physician's formal statement.

Absence notification: The school shall make a reasonable effort to notify parents or guardians when a student is absent from school without parent/guardian permission. Hopi Day School employees are not liable for failure to notify as provided in this policy.

On or before the enrollment of a student the parent/guardian shall fill out the signature form to authorize themselves and other responsible persons to release or check out a student from school. The school also **requires** that at least one telephone number be available for the school to contact the parent/guardian when deemed necessary. The parent/guardian having custody of a student shall promptly notify the school of any change in his/her telephone number.

New Federal laws and State guidelines mandate that a school's average daily attendance for all students meet or exceed 90%. In order to meet his/her requirement, it is necessary that an attendance standard be established and enforced. Accordingly, a student must not be absent more than **18 days** during the entire school year to be eligible for promotion to the next higher grade level. All absences are counted regardless of the reasons: no distinction is made regarding excused versus un-excused. If a student is absent more than **18 days**, the student will be recommended for retention at the same grade level unless there is a strong justification for the promotion. A determination meeting will be held to determine the right to promote. The student may be required to complete additional or make-up assignments, participate in an extended day program, and/or attend summer school before a promotion is approved.

Students are required by Hopi law to attend school. It is important that students attend school every day. It is difficult to teach students and it is difficult for students to learn unless the student attends school regularly. If a student is sick, has a death in the family, must attend a religious ceremony or has another legitimate excuse that keeps the student from attending school, the student must do the following: Immediately upon returning from an absence, the student must ask the student's teacher for any missed assignments and make up work. The student must then promptly complete and turn in any missed work or assignments so they are not behind. Excessive student absenteeism may result in: (a) parent/guardian notification; (b) retention; and (c) referral to tribal Child Protection Services. After nine (9) days of absences in a school year, a warning letter will be sent to the parent/guardian regarding their student's absences. Students who are absent eighteen (18) days, are required to have a parent/guardian conference with the Chief School Administrator.

Section V.21 TRUANCY

Unauthorized absence from school is considered truancy and applies to absence from any class/activity while the student under the responsibility of the school. In truancy cases, the School will attempt to notify the student's parent/guardian. After the notification or attempted notification of the student's parent/guardian, the School will request assistance in locating the student from law enforcement agencies. Students who have been truant are subject to disciplinary action as set forth herein or as determined by the administration.

Section V.22 STUDENT RELEASE

No student will be released from classes, from any school building, the school grounds, or from a school-sponsored function during school hours except to a parent/guardian, or to a

person authorized to do so by the student's parent/guardian. The following student release requirements shall apply:

1. At the time of school admission, the Chief School Administrator or a designee must complete the student's permanent record form, which will identify the student's legal name, address, and telephone number of the student's lawful custodian(s).
2. Before releasing a student during the school day, the Chief School Administrator or a designee shall be responsible for verifying the identity of any lawful custodian or authorized person-seeking release of the student.
3. If a legal parent/guardian, as indicated on the student's permanent record, is not recognized by sight, the Chief School Administrator or designee shall require identification to his/her satisfaction before such release. If there is a doubt, he/she may refuse to grant the release.
4. In the case of a written or verbal authorization by a legal parent/guardian of record, the Chief School Administrator shall verify to his/her satisfaction the message as being from the legal parent/guardian of record. If there is doubt, he/she may refuse to grant the release.
5. If an unauthorized person refuses to honor the decision of the Chief School Administrator, the administrator shall contact the local law enforcement agency.
6. If, a change in the record of the student's parent/guardian becomes apparent and is verified by the Chief School Administrator, such change shall immediately be entered on the student's permanent record.
7. A school release form must be signed by the parent/guardian before release will be granted.
8. A police officer, or court official, or Child Protection Services official must present a bona fide court decree when requesting the release of a student, during school hours, in such cases parent/guardian shall be notified immediately.
9. Upon written request from parent/guardian, students will be excused for ceremonies and religious observances of the family's faith. The student will be required to make up class assignments and given the right to make up tests, and will not be penalized or deprived of any school privileges.

Section V.23 EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

1. Chronic Health Conditions:
 - a. Parents/guardians are responsible for providing the school with medical certification, signed by a licensed physician or health caretaker that their child has a chronic health condition. Such certification should include diagnosis, physical limitations and treatment.
 - b. The school secretary is responsible for noting whether a student's frequent absences are due to chronic illness, disease, or other significant health reasons.
 - c. Students with a chronic health condition shall be provided flexibility in physical education activity requirements to the extent that their health or physical condition permits. Staff members shall not penalize students with chronic health conditions.

- d. If the student is classified as a student with a chronic health condition and his/her absences amount to sixty (60) school days, another medical certification shall be submitted to the school.
 - e. An updated medical certification shall be obtained for each school year to verify the need for continuing instructional modifications.
 - f. The Chief School Administrator shall develop guidelines for meeting requirements of his/her policy.
2. Adjustment for Education Services:
- a. The school will provide appropriate education services to a student diagnosed by a licensed physician as having a chronic health condition that will affect regular school attendance.
 - b. Home study will be made available to ensure that such students with chronic health conditions are able to complete required assignments without losing credit due to their health condition. The student's teacher is responsible for providing course assignments to the student.
 - c. On a yearly basis, Hopi Day School will review instructional needs of any student with a chronic health condition.
 - d. The teacher, Teacher Supervisor and Chief School Administrator will plan for and determine the delivery of instructional services to the student for whom adjustment of education services has been made. The parent/guardian should be consulted in this process.
 - e. A 504 plan may be implemented, if necessary.

Section V.24 STUDENTS WITH DISABILITIES/SECTION 504 OF THE REHABILITATION ACT OF 1973

The School will provide facilities for students with disabilities pursuant to Section 504 of the Rehabilitation Act of 1973 and 29 U.S.C. § 794, et seq. Said facilities may only be utilized by students with disabilities as set forth in Section 504.

Section V.25 HEALTH POLICIES

General. Comprehensive health care remains the responsibility of the student's parent/guardian(s) / guardian(s). Students may be referred to the Clinic.

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

In the event of an illness or injury during the school day, the parent/guardian will be notified and arrangements made for the student to go home.

Harm or Threat to Self. If a staff member believes, or a student reports to a staff member that a student may be depressed or may do harm to himself/herself or has threatened to do harm to himself/herself, the Counselor or Chief School Administrator shall immediately contact the IHS

health psychiatrist in the counseling department of IHS and shall thereafter immediately contact the supervisor on duty and the Chief School Administrator. In such situations, the School will undertake immediate intervention and make immediate referral for assistance.

Dental. When a student complains of a toothache, parent/guardians will be notified and arrangements will be made for the student to go home. Dental clinics only allow the parent/guardians to authorize treatment for children.

Section V.26 PRESCRIPTION MEDICATION

This section provides guidelines for the administration of prescription medicines to students at school, or at school related activities, who are under the care of a licensed physician or health agency for health or medical reasons.

1. Students who bring prescription medication to school shall be permitted to do so, only by written permission of parent/guardian, physician, or a health agency. The written permission shall be kept on file by the school nurse, Chief School Administrator or his/her designee and shall be kept confidential.
2. Parent/guardian shall cooperate fully with the school administration to properly administer medication and attend to the students health needs.
3. A student under a physician's care, who needs access to prescription medication while in school, shall leave them in the original container with the Chief School Administrator, or his/her designee. Permission and written directions from a physician concerning their use shall be left with the Chief School Administrator, or his/her designee.
4. Students who are in possession of medically approved and prescribed medication, but have not followed written directions as prescribed, are subject to disciplinary action.
5. Students who distribute such medically prescribed medication, for other than the intended medical purposes to others, will be considered as distributing drugs for non-medical purposes.
6. In the absence of a school nurse, teachers or office staff may administer student medication only by permission of the CHIEF SCHOOL ADMINISTRATOR.
7. Parent/guardians shall be responsible to bring the medicine to school and retrieve it at the end of the school year. Students shall not be allowed to transport the medicine.

Section V.27 ALLERGY/ASTHMA POLICY

Students with asthma and/or allergies may be authorized by the Chief School Administrator or designee, in consultation with medical personnel and parent/guardians to possess and self-administer emergency medication during the school day, school-sponsored events, or while on a school bus. Students in grades kindergarten through second grade will have access to inhalers and epi-pens in their classroom, monitored by their classroom teacher. The students with asthma and allergies in grades third through sixth grade shall be authorized, in consultation with medical personnel and parent/guardians to possess and self-administer medication such as inhalers if the following conditions have been met:

- Documentation of a doctor formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours and during school sponsored activities.
- The student must have the prior written approval of his/her primary healthcare provider. The written notice from the student's primary care provider must specify the name and purpose of the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.
- A written and signed authorization from the parent/guardian for self-administration of medication, acknowledging that the school or its employees are not liable for injury that results from student self-administering the medication.
- Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.

Authorization granted to a student to possess and self-administer medication shall be valid for the current school year only and must be renewed annually.

A students' authorization to possess and self-administer medication may be limited or revoked by the Chief School Administrator in the event a student violates the conditions of the plan.

If provided by the parent/guardian, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, and in accordance with documentation provided by the student's doctor, backup medication must be kept at a student's school in a predetermined location or locations to which the student has access in the event of an asthma, severe allergy, or anaphylaxis emergency.

Section V.28 HEAD LICE INFESTATION (PEDICULOSIS) (ADOPTED 09/12/06):

Rationale: Head lice are tiny insects that live on the human scalp where they feed and breed. While only four to five percent of the student population is infested at any one time, there is the potential for the infestation to spread to an entire classroom or the entire school. Therefore, it is imperative that efforts be made to effectively control head lice infestation by responding appropriately as soon as the existence of lice or nits (eggs) is discovered on a student.

Policy: The following guidelines shall serve for the implementation and enforcement of a head lice policy for Hopi Day School:

1. Periodic inspections will be conducted at the school to screen students for the existence of head lice and/or nits.
2. Teachers or staff members who suspect that a child has head lice and/or nits are to report their concerns to the teacher supervisor or the Chief School Administrator and a thorough inspection will be conducted.
3. All inspections for head lice and/or nits shall be conducted in a sensitive manner and in a private setting to ensure the child's privacy, self-esteem, and dignity are protected.

4. When a student has been found to be infested with head lice or to have nits, parent/guardians will be contacted immediately and the child will be sent home to receive proper treatment.
5. A student infested with head lice or nits will not be permitted to ride school buses, attend school, or participate in school functions.
6. Parent/guardians shall be encouraged to respond with the proper head lice/nits treatment immediately to ensure the child is returned to school without delay.
7. Upon returning, the parent/guardian must accompany the student for re-admittance to school. The student must be examined by appropriate school staff and found to be free of both head lice and nits.
8. Parent/guardians shall be informed of the Hopi Day School head lice policy at the beginning of the school year and shall be provided educational materials throughout the school year whenever a case of head lice is encountered in the school setting.
9. Parent/guardians shall be encouraged to inspect their children on a frequent basis for the existence of head lice and/or nits.
10. If the same child becomes infested with head lice and/or nits a second time within a six-week period, the school shall contact the Hopi Child Protection Service and the Office of the Public Health Nurse to request their involvement in assisting the parent/guardian with effective treatment of the infestation.
11. If the same child becomes infested on a recurring basis during the school year, the problem will be reported as child neglect to the Hopi Child Protection Service for appropriate legal action.

Section V.29 ACQUIRED IMMUNODEFICIENCY SYNDROME

Hopi Day School shall insure the safety and well-being of students and school personnel by administering guidelines of the policy statement for Acquired Immunodeficiency Syndrome (AIDS) Policy for Students Enrolled in Bureau of Indian Affairs Funded Schools.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary of Indian Affairs.

Section V.30 GROOMING/PERSONAL HYGIENE

1. Acceptable personal hygiene (shower, brush teeth, etc.) is the student's responsibility.
2. Section 5.28 describes the school's policy re head lice or nits.
3. Self-mutilation (tattoos, excessive body piercing, rub-scratching into skin with erasers, fingernails or others), or assisting, encouraging or performing such acts on or by other students, is prohibited and will subject the student to discipline.
4. It is each student's responsibility to inform the teacher or Chief School Administrator of illness/injury.

Section V.31 STUDENT DRESS CODE

The Governing Board recognizes the right of students and their parent/guardian to make decisions regarding their appearance, except when their choice affects the classroom environment and educational programs of the school, or the health and safety of others.

The Governing Board authorizes the Chief School Administrator to enforce the following school policies regarding student dress or grooming practices:

1. Students are to dress modestly and in relation to seasonal changes.
2. Hats/caps or any headgear are prohibited inside the building. They may be worn outside appropriately. Special circumstances may be considered.
3. The following is prohibited:
 - a. Clothing that presents a hazard to the health or safety of the student and to other students in the school.
 - b. Clothing that materially interferes with schoolwork, creates disorder or disrupts classroom instruction.
 - c. Clothing that prevents or interferes with the student's opportunity to achieve his/her educational objectives.
 - d. Clothing that has obscene language, satanic symbols, gang references, pictures and images of an indecent nature.
 - e. Excessive amounts of jewelry or on body parts that could cause injury are discouraged and the Chief School Administrator is given authority to determine what is acceptable.
4. Parent/guardians are expected to cooperate and assist school officials in the promotion of healthy dress and grooming for the student.

Section V.32 SAFETY

1. Due to health, safety, and welfare factors; roller skates, roller blades, and skate boards are prohibited on campus.
2. For safety reasons, covered shoes (meaning all parts of the foot are to be covered) should be worn at all times. Sandals, high heels and/or skate shoes are not to be worn. Students not wearing safe shoes will not be allowed to engage in P.E. or recess. Parent/guardians will be notified that students need to have appropriate footwear.

Section V.33 GRADING

Students shall receive grades based upon a four (4) point scale as follows:

4 = Exceeds Standards (90% or higher)

3 = Meets Standards (75%-89%)

2 = Working Towards Standards (60%-74%)

1 = Not Meeting Standards (59% and below)

An “I” may be given to indicate incomplete work. The make-up work must be completed within two (2) weeks or the “I” converts to a “1”.

Section V.34 REPORT CARDS

Report cards are issued every nine (9) weeks throughout the school year. Parent/guardian/teacher conferences are scheduled to coincide with the first, second, and third nine-week periods and parent/guardians will receive their child’s report card at these conferences. The report cards will be mailed to parent/guardians at the end of the school year.

Section V.35 PROMOTION OR RETENTION

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 Chief School Administrator and the parent/guardian. The Chief School Administrator will make the final decision to promote or retain a student. Students will be promoted based on successful completion of the measurable mastery of instructional objectives set for their grade level as measured by criterion-referenced tests that evaluate student skills as stated in 25 CFR § 36.31.

- At the end of the first grading period, teachers will discuss with parents/guardians the area(s) the child is experiencing problems and provide the parents/guardians with strategies to use at home. In addition, the teacher will document strategies to be implemented with the student. The teacher shall turn in a copy to the office to be filed.
- At the end of the 2nd grading period students who are still achieving below expectations will meet with the teacher, parent/guardian, Teacher Supervisor, and Chief School Administrator. Additional actions will be discussed to assist the student. This will be considered the second notice. The teacher shall turn in documentation of the meeting to the office to be filed.
- By the end of the 3rd grading period, each student who is not achieving at expected levels and their parent/guardian will receive written notification of possible retention. No student shall be retained if prior actions have not involved the parent/guardian or documented justifiable reasons for the lack of parent/guardian involvement.

In case of a student enrolled in special education, the decision to promote or retain will be on a case-by-case basis, consistent with the individualized education plan and in accordance with applicable regulations.

A student who has not participated, either directly, or through approved alternative instructional methods or programs, in a minimum of 160 instructional days per academic term (80 instructional days per semester) without a written excused absence shall not be promoted.

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 Chief School Administrator and the parent/guardian. Efforts will be made to ensure the appropriate grade placement for each individual student. The parties shall attempt to reach a consensual decision on promotion or retention; however, the Chief School Administrator shall make the decision to promote or retain the student. The School board may review this decision on a case-by-case basis and rescind the decision if warranted due to compelling or extenuating circumstances.

Section V.36 SELECTION OF VALEDICTORIAN AND SALUTATORIAN

The selection of a sixth grade valedictorian and salutarian shall be made as follows:

1. A student's grade point average (GPA), over the academic year, shall be the determinative factor in the selection of a valedictorian and salutarian. The student(s) with the highest GPAs will be the selected valedictorian and salutarian, respectively, if they meet the other conditions set forth herein and if they have no disqualifying behavior or history.
2. To be eligible for consideration for valedictorian and salutarian, a student must have no significant disciplinary history and must have met minimum attendance requirements.
3. The valedictorian and salutarian shall be selected by the Sixth Grade Teacher and Chief School Administrator based upon the above factors. The decision of the Chief School Administrator is final.

Section V.37 STUDENT RIGHTS AND RESPONSIBILITIES

This section sets forth guidelines for the administration of student rights and responsibilities. All students are entitled to equal treatment, equal access to the educational program services, due process, free expression and association. In addition to the rights established for students are certain responsibilities that include respect for the rights of others, obedience to properly constituted school authority and compliance with the rules and policies of the school. Students who violate the rights of others or who violate rules and policies of the Governing Board are subject to disciplinary measures. The following guidelines are not construed to be inclusive, nor shall it in any way diminish the legal authority of school officials and the Governing Board to deal with disruptive students.

A. RIGHTS:

Students at Hopi Day School have and shall be accorded the following rights:

1. The right to a free and appropriate public education.

2. The right of freedom of speech and expression so long as the speech and expression does not unreasonably disrupt the educational process or endanger the health and safety of the student and others.
3. The right to a meaningful curriculum and instructional program.
4. The right to a safe school environment, safe buildings, and sanitary facilities.
5. The right to consultation with teachers, counselors, administrators, and the Governing Board, without fear of reprisal.
6. The right to free elections of their peers in student government and the right to seek and hold office in accordance with the provisions of the student government by-laws.
7. The right to understand Governing Board and Administrative decisions and policies.
8. Legal guardians or authorized representatives have the right to see and access, cumulative folders or transcripts of their children who are under the age of 18 years. School authorities may determine the time and manner of presentation of his/her information.
9. The right to be graded fairly based on academic performance.
10. The right not be subjected to unreasonable or excessive punishment.
11. The right to be involved in school activities, provided they meet the reasonable qualifications of sponsoring organizations and school policies.
12. The right to due process and legal representation thereof.
13. The right to freely express their spirituality and culture in a manner that does not infringe on the rights of others.
14. The right to be free from unreasonable search and seizure of their person and property, to a reasonable degree of privacy
15. The right to freedom from discrimination.

B. RESPONSIBILITIES:

Students at Hopi Day School have the responsibility:

1. To respect the rights of all persons and to fully comply with all of Hopi Day School's policies, procedures, and rules.
2. To take maximum advantage of the educational opportunities available and seek to achieve a meaningful education.
3. To attend all classes each day.
4. To comply with reasonable instructions of school officials, personnel, and adults supervising school related business and activities.
5. To protect school property and provide restitution for any intentional damage.
6. To complete all course assignments to the best of their ability and to complete make-up work after an absence.
7. To help maintain the cleanliness and safety of the school buildings and property.
8. To present themselves in class at the prescribed time and with the necessary materials.
9. To express opinions and ideas respectfully so as not to slander or offend others, and to understand that others should be allowed to express their ideas.
10. To not discriminate against others.

11. Students are expected to behave and conduct themselves in an appropriate manner on campus and in public. Inappropriate behavior, such as cursing, throwing hand gestures, and indecent or excessive displays of affection are prohibited. School staff is expected to counsel students who are not adhering to these rules.

Section V.38 INTERROGATIONS AND SEARCHES

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

School employees may conduct searches when they have reason to suspect 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. GUIDELINES:
 - a. 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 School, staff, or students' health, safety, welfare and mission, or violates a law or a school rule is on school property. This search of school property may be made without the student being present.
 - b. 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.
 - c. Items which are used to disrupt or interfere with the educational process may be temporarily removed from a student's possession.
 - d. A student's person may be searched by School 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 School rule.
 - e. The School may and will search student backpacks 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 School maintains ownership of student storage areas (i.e. desks, cubbies, storage compartments, etc.). The School may and will search student storage areas 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 storage compartments may be made without notice. The students should therefore adjust his/her expectations of privacy with respect to storage compartments accordingly. The personal storage compartments or luggage items of students are subject to search if there is reasonable cause to believe that storage compartments or luggage contain illegal items, items that interfere with school purposes, or evidence of violation of a school rule.
 - f. Motor vehicles parked on school property may be searched by the Chief School Administrator or designee 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.

2. STUDENT INTERROGATION-ARREST:

Police interviews of students at School places HDS and HDS staff in difficult, compromising positions in which the staff often have a conflict of interest. Therefore, HDS respectfully requests that all police interrogations of HDS students occur off campus, absent emergency or extremely compelling circumstances requiring otherwise.

While the student is within the care of custody of the School, it is the responsibility of the School to make an effort to act on behalf of the parent/guardians with respect to interrogation by law enforcement officials. A parent/guardian may and a school staff person will be present during these interrogations, except when interviews are conducted by a child protective service worker.

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

Section V.39 USE, POSSESSION OF FIREARMS, EXPLOSIVES

Firearms/Weapons:

This policy is to insure the safety and protection of students, staff, visitors and the community, therefore, students are expressly prohibited from bringing to, being in possession of, and using firearms, dangerous objects and explosives on school property. The Chief School Administrator is responsible for implementing this policy and given authorization to make decisions and invoke such administrative decisions in the name of safety and protection, as well as to report such incidents to the local law enforcement officials.

Students are expressly prohibited from bringing onto school property:

1. Firearms such as, but not limited to knives, rifles, shotguns, pistols, military weapons, illegal instruments, and homemade weapons.
2. Knives of any length or dimension whether manufactured or homemade, or sharp objects that could conceivably be used in the same manner as a knife.
3. Objects that are blunt or sharp in nature, or having a sharp cutting edge that could be dangerous or conceivably used as an instrument for bodily harm.
4. Munitions or explosives, manufactured or formulated by an unauthorized individual.

5. Chemical products that may cause harm, or be formulated into an explosive whether in liquid, granulated, or solid form.
6. No student shall make a threat or threaten any person with harm by use of a firearm, knife, explosive, chemicals, or a dangerous object.
7. A student in violation of this section is subject to disciplinary action, automatic suspension from school for five school days, up to a maximum of one year, or expulsion from school. The Governing Board reserves the right to make decisions regarding expulsion of students who violate this policy.
8. A student, who has been suspended, may return to school only by permission of the Chief School Administrator, and the parent/guardian must meet with the Chief School Administrator prior to the granting of permission to discuss the terms and conditions of re-admission.
9. A student, who has been suspended for violation of this policy, may return to school only by permission of the Chief School Administrator, and the parent/guardian must meet with the Chief School Administrator to discuss terms and conditions of readmission.

Section V.40 STUDENT DISCIPLINE

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

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

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

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

The School may discipline students for off-campus or afterschool conduct if there is sufficient nexus between the conduct and the School.

The Chief School Administrator shall review the student’s conduct leading up to and during the relevant incident and other information that may be relevant to the determination of whether there is a nexus between the incident and the School. In many cases, this involves a

determination of whether the incident has had, or in the future is likely to have, an adverse impact on the School. In making this determination, the Chief School Administrator may consider, among other things, the following factors:

1. Did the incident occur while the student was at or near school grounds?
2. Did the incident occur while the student was at a school-sponsored or school-approved activity or event?
3. Were other students or school staff members involved in the incident?
4. How many students and/or staff know about the incident?
5. Was there any media coverage of the incident?
6. Has the school been contacted by parents or community members in relation to the incident?
7. Has the incident impacted the school environment?

The following infractions are considered unacceptable and a cause for disciplinary action. The following infractions are broad in scope and call for the administration and/or Board to exercise discretion (within the law and policies) based upon the facts and circumstances of individual cases in terms of what appears best for the students and School. 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.

A. Infractions Against Public Order

1. Public nuisance
 - a) Explosives
 - b) Making bomb threats
 - c) Setting off false fire alarms
2. Loitering/trespassing
3. Disorderly conduct
 - a) Disturbing a school meeting, activity or school event
 - b) Vulgar or obscene language, gestures or ethnic slurs
 - c) Arson or attempted arson
 - d) Fighting
 - e) threatening violence or attempting violence
 - f) Possession and/or use of a weapon or dangerous instrumentality

B. 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
8. Violation of Board or School rules

C. Destruction of School Property

1. Vandalism
2. Theft/graffiti/larceny

D. 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
9. Hazing

E. Substance and Alcohol Abuse – The School is a Drug-Free Zone

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

- F. Being Under the Influence of a Controlled Substance as Defined Above
- G. Use or Possession of Tobacco Products of All Descriptions
- H. Sexual or Physical Abuse of Students
- I. Date Rape or Statutory Rape
- J. Sexual Harassment or Sexual Intimidation

Section V.41 PERMISSIBLE PENALTIES

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

1. Verbal warning
2. Written warning/notification to parents
3. In-school suspension (length contingent on infraction)
4. Out-of-school short-term suspension (not to exceed ten (10) days)
5. Long-term suspension (greater than ten (10) days)
6. Expulsion
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.

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

Section 5.42 IMPOSITION OF DISCIPLINE

Any staff person with responsibility to supervise students may impose the discipline described in Category 1 of Policy 5.41. Supervisors may impose discipline described in Category 2 of Policy 5.41. Only the Chief School Administrator or Chief School Administrator's designee

may impose Categories 3 and 4 discipline. Only the Board, upon recommendation of the Chief School Administrator, may impose Categories 5 and 6 discipline. Chief School Administrator Reports of lesser disciplinary action imposed by other staff persons will be forwarded to the Chief School Administrator or designee.

Section 5.43 GENERAL DUE PROCESS RIGHTS

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

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

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

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

B. Long-Term Suspension/Expulsion

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

student's behalf. The School through the staff member or designee shall have the right to cross-examine the student's witnesses.

7. The hearing will be confidential. All students' names and/or student witnesses that may testify at such a hearing shall be kept confidential. It is the intent of the School to maintain and protect the privacy of its students and student testimony will not be made public. Likewise, student's names and any public documents shall be referred to by a number or an alias so as to protect the confidentiality of the student.
8. After reviewing all the evidence and testimony, the Hearing Officer shall make its recommendation to impose discipline in writing and provide findings of fact and reasons for its recommendation.
9. The Hearing Officer's written recommendation must be submitted to the Chief School Administrator within five (5) school days of the conclusion of the hearing. The Chief School Administrator shall review the written recommendation and may do the following: (a) affirm the Hearing Officer's recommendation and refer to the Board; (b) reject the Hearing Officer's recommendation; (c) modify the Hearing Officer's recommendation and impose a lesser discipline on the student pursuant to the procedures for said lesser discipline. The Chief School Administrator must make his/her determination within three (3) school days of receiving the Hearing Officer's decision.
10. If the Chief School Administrator affirms the Hearing Officer's recommendation for long-term suspension/expulsion, then the Chief School Administrator's recommendation and the written recommendation of the Hearing Officer shall be delivered to the Board for consideration at its next scheduled meeting and mailed to the student and his/her parents and/or legal guardians. The mailing to the student and his/her parents/legal guardians shall include a statement setting forth the student's right to appeal this decision. This notice shall be mailed to the student and parents/legal guardians' address of record at the School and within three (3) school days of the Hearing Officer's submission of the decision to the Chief School Administrator.
11. If the student chooses to appeal the recommendation for long-term suspension/expulsion, the student may appeal the recommendation to the Board. Said appeal must be in writing and delivered to the Board at the School office within five (5) days of the mailing of the Hearing Officer's recommendation on the long-term suspension or expulsion. The letter shall describe in detail the reasons for the objections to the Hearing Officer's recommendation.
12. Once the Board has received the recommendation and/or request for an appeal, the Board shall review the recommendation based upon the record presented and written documents presented at the hearing.
13. After reviewing the record, the Board has a right to do the following:

- a) The Board can affirm the recommendation and order the long-term suspension or expulsion.
- a) The Board can reject the recommendation.
- b) The Board can modify the recommendation and impose a lesser discipline on the student.

14. The decision of the Board is final.

Expungement

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

Appendix A – 25 CFR § 42 *et seq.*

§ 42.1 - What general principles apply to this part?

(a) This part applies to every Bureau-funded school. The regulations in this part govern student rights and due process procedures in disciplinary proceedings in all Bureau-funded schools. To comply with this part, each school must:

(1) Respect the constitutional, statutory, civil and human rights of individual students; and

(2) Respect the role of Tribal judicial systems where appropriate.

(b) All student rights, due process procedures, and educational practices should, where appropriate or possible, afford students consideration of and rights equal to the student's traditional Native customs and practices.

§ 42.2 - What rights do individual students have?

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

(a) The right to an education that may take into consideration Native American or Alaska Native values;

(b) The right to an education that incorporates applicable Federal and Tribal constitutional and statutory protections for individuals; and

(c) The right to due process in instances of disciplinary actions.

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

(a) In addressing alleged violations of school policies, each school must consider, to the extent appropriate, the reintegration of the student into the school community.

(b) The school may address a student violation using alternative dispute resolution (ADR) processes or the formal disciplinary process.

(1) When appropriate, the school should first attempt to use the ADR processes described in § 42.4 that may allow resolution of the alleged violation without recourse to punitive action.

(2) Where ADR processes do not resolve matters or cannot be used, the school must address the alleged violation through a formal disciplinary proceeding under § 42.7 consistent with the due process rights described in § 42.7.

§ 42.4 - What are alternative dispute resolution processes?

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

(a) ADR processes may:

(1) Include peer adjudication, mediation, and conciliation; and

(2) Involve appropriate customs and practices of the Indian Tribes or Alaska Native Villages to the extent that these practices are readily identifiable.

(b) For further information on ADR processes and how to use them, contact the Office of Collaborative Action and Dispute Resolution by:

(1) Sending an e-mail to: cadr@ios.doi.gov; or

(2) Writing to: Office of Collaborative Action and Dispute Resolution, Department of the Interior, 1849 C Street NW., MS 5258, Washington, DC 20240.

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

(a) The school may address an alleged violation through the ADR processes described in § 42.4, unless one of the conditions in paragraph (b) of this section applies.

(b) The school must not use ADR processes in any of the following circumstances:

(1) Where the Act requires immediate expulsion (“zero tolerance” laws);

(2) For a special education disciplinary proceeding where use of ADR would not be compatible with the Individuals with Disabilities Education Act (Pub. L. 105-17); or

(3) When all parties do not agree to using alternative dispute resolution processes.

(c) If ADR processes do not resolve matters or cannot be used, the school must address alleged violations through the formal disciplinary proceeding described in § 42.8.

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

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

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

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

The school must give the student written notice of charges within a reasonable time before the hearing required by paragraph (b) of this section. Notice of the charges includes:

- (1) A copy of the school policy allegedly violated;
- (2) The facts related to the alleged violation;
- (3) Information about any statements that the school has received relating to the charge and instructions on how to obtain copies of those statements; and
- (4) Information regarding those parts of the student's record that the school will consider in rendering a disciplinary decision.

The school must hold a fair and impartial hearing before imposing disciplinary action, except under the following circumstances:

- (1) If the Act requires immediate removal (such as, if the student brought a firearm to school) or if there is some other statutory basis for removal;
- (2) In an emergency situation that seriously and immediately endangers the health or safety of the student or others; or
- (3) If the student (or the student's parent or guardian if the student is less than 18 years old) chooses to waive entitlement to a hearing.

In an emergency situation under paragraph (b)(2) of this section, the school:

- (1) May temporarily remove the student;
- (2) Must immediately document for the record the facts giving rise to the emergency; and
- (3) Must afford the student a hearing that follows due process, as set forth in this part, within ten days.

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

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

- (a) The right to have present at the hearing the student's parents or guardians (or their designee);
- (b) The right to be represented by counsel (legal counsel will not be paid for by the Bureau-funded school or the Secretary);

- (c) The right to produce, and have produced, witnesses on the student's behalf and to confront and examine all witnesses;
- (d) The right to the record of the disciplinary action, including written findings of fact and conclusions;
- (e) The right to administrative review and appeal under school policy;
- (f) The right not to be compelled to testify against himself or herself; and
- (g) The right to have an allegation of misconduct and related information expunged from the student's school record if the student is found not guilty of the charges.

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

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

(a) The victim's rights may include a right to:

- (1) Participate in disciplinary proceedings either in writing or in person;
- (2) Provide a statement concerning the impact of the incident on the victim; and
- (3) Have the outcome explained to the victim and to his or her parents or guardian by a school official, consistent with confidentiality.

(b) For the purposes of this part, the victim is the actual victim, not his or her parents or guardians.

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

Each school must:

- (a) Develop a student handbook that includes local school policies, definitions of suspension, expulsion, zero tolerance, and other appropriate terms, and a copy of the regulations in this part;
- (b) Provide all school staff a current and updated copy of student rights and responsibilities before the first day of each school year;
- (c) Provide all students and their parents or guardians a current and updated copy of student rights and responsibilities every school year upon enrollment; and

(d) Require students, school staff, and to the extent possible, parents and guardians, to confirm in writing that they have received a copy and understand the student rights and responsibilities.

§ 42.11 - Information collection.

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

Section V.42 GENERAL DUE PROCESS RIGHTS

Student Discipline That Does Not Involve Suspension and/or Expulsion:

1. 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 Chief School Administrator and/or his/her designee to discuss the student's position on the discipline and the circumstances surrounding the discipline.
2. After the student has had an informal opportunity to discuss the matter with the Chief School Administrator and/or his/her designee, the discipline will be imposed. The decision of the Chief School Administrator and/or his/her designee is final.
3. The discipline shall be recorded in the student's file.
4. 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 Chief School Administrator. In such urgent situations, the student will, shortly after the imposition of the penalty, be given an opportunity for an informal review with the Chief School Administrator and an opportunity to be heard.

Discipline Which Involves Short-Term Suspension of 10 Days or Less:

1. If the intended discipline to be imposed against a student involves a short-term suspension of ten (10) days or less, the student shall receive written notice of the intended discipline before imposition unless Policy 5.44(E) is invoked. A student may, within three (3) school days of the written notice appeal the intended discipline to the Chief School Administrator. If no appeal request is received in the Chief School Administrator's office during that time period, the intended discipline will be imposed at the School's discretion and at a time established by the School. If an appeal is made within the required time, the Chief School Administrator or Chief School Administrator's designee will hold an informal meeting with the student within five (5) school days of the notice of appeal. The date, time and place of the meeting shall be at the discretion of the Chief School Administrator or Chief School Administrator's designee. At this informal meeting, students shall be allowed to present his/her position on the matter and the Chief School Administrator will review the student's record and any and all pertinent information, including, but not limited to, statements or positions of all known parties pertaining to the reasons surrounding the discipline. The student has the right to have present at the hearing the student's parents or guardians, or designee, and to be represented by lay or legal counsel of the student's choice. Private attorney fees are to be borne by the student. The student shall also have the right to produce and have produced witnesses on the student's behalf and to confront and examine all witnesses. The Chief School Administrator or Chief School Administrator's designee shall within three (3) school days of the informal meeting issue his/her written findings and conclusions on the matter. The Chief School Administrator may: (a) modify or dismiss the proposed disciplinary action or (b) impose the proposed disciplinary action. The decision of the Chief School Administrator shall be final.

Long-Term Suspension:

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 herein):

1. At least three (3) days prior to the time set for a formal hearing on the suspension, the School shall provide said student and/or his parents and/or legal guardians written notice of intent to impose long-term suspension. Notice shall be deemed given at the time the School deposits such notice in the U.S. mail to the parties' address of record on file at the School or, in the alternative and at the School's sole discretion, by actual delivery to the parties or to the parties' last known address. Said written notice shall consist of notice of the charges, including reference to the regulation allegedly violated, the facts alleged to constitute the violation, and copies of any and all pertinent documents or exhibits that the School intends to use at the suspension hearing.
2. Within five (5) days of mailing or delivering the notice of intent to impose long-term suspension, there shall be a hearing in front of the Chief School Administrator or his/her designee. The staff member, or his/her designee, recommending the long-term suspension shall represent the School in presenting the School's case against the student. The student has a right to be represented by his/her parents or legal guardians or, at the student's and student's parent's or guardian's sole expense, to be represented by legal counsel or a legal advocate. The School may also be assisted by legal counsel. At the student's or student's parent's or legal guardian's request, and at the sole discretion of the School, said hearing may be delayed. The student, at the School's discretion and without a hearing, may be removed from the School during any such delay.
3. The hearing shall be tape recorded and a copy of the tape shall be retained for three (3) years following the close of that current school year.
4. The School, through the staff member or designee recommending said discipline, shall present all testimony and evidence, including witnesses and documentary evidence against the student. The student and/or his/her representative shall have a right to cross-examine each witness introduced by the School staff member.
5. After the School has presented its case, the student through his/her parent and/or legal guardian and/or his/her legal representative shall have a right to present witnesses and testimony and documentary evidence on the

student's behalf. The School through the staff member or designee shall have the right to cross-examine the student's witnesses.

6. The hearing will be confidential. All students' names and/or student witnesses that may testify at such a hearing shall be kept confidential. It is the intent of the School to maintain and protect the privacy of its students and student testimony will not be made public. Likewise, student's names and any public documents shall be referred to by a number or an alias so as to protect the confidentiality of the student.
7. If, after reviewing all the evidence and testimony, the Chief School Administrator's decision is to impose a long-term suspension, the Chief School Administrator shall make his/her decision in writing and provide findings of facts and reasons for his/her decision. The decision of the Chief School Administrator is final.

Expulsion:

When the expulsion of a student from school is recommended, the following procedure shall be followed:

1. At least three (3) days prior to the time set for a formal hearing on the expulsion, the School shall provide said student and/or his parents and/or legal guardians written notice of intent to impose expulsion. Notice shall be deemed given at the time the School deposits such notice in the U.S. mail to the parties' address of record on file at the School or, in the alternative and at the School's sole discretion, by actual delivery to the parties or to the parties' last known address. Said written notice shall consist of notice of the charges, including reference to the regulation allegedly violated, the facts alleged to constitute the violation, and copies of any and all pertinent documents or exhibits that the School intends to use at the expulsion hearing.
2. Within five (5) days of mailing or delivering the notice of intent to impose expulsion, there shall be a hearing conducted by a Hearing Officer. The Hearing Officer shall be selected and retained at SMDS' sole discretion. The staff member, or his/her designee, recommending the expulsion shall represent the School in presenting the School's case against the student. The student has a right to be represented by his/her parents or legal guardians or, at the student's and student's parent's or guardian's sole expense, to be represented by legal counsel or a legal advocate. The School may also be assisted by legal counsel. At the student's or student's

parent's or legal guardian's request, and at the sole discretion of the School, said hearing may be delayed. The student, at the School's discretion and without a hearing, may be removed from the School during any such delay.

3. The hearing shall be tape recorded and a copy of the tape shall be retained for three (3) years following the close of that current school year.
4. The School, through the staff member or designee recommending said expulsion, shall present all testimony and evidence, including witnesses and documentary evidence against the student. The student and/or his/her representative shall have a right to cross-examine each witness introduced by the School staff member.
5. After the School has presented its case, the student through his/her parent and/or legal guardian and/or his/her legal representative shall have a right to present witnesses and testimony and documentary evidence on the student's behalf. The School through the staff member or designee shall have the right to cross-examine the student's witnesses.
6. The hearing will be confidential. All students' names and/or student witnesses that may testify at such a hearing shall be kept confidential. It is the intent of the School to maintain and protect the privacy of its students and student testimony will not be made public. Likewise, student's names and any public documents shall be referred to by a number or an alias so as to protect the confidentiality of the student.
7. If after reviewing all the evidence and testimony the Hearing Officer's decision is to recommend expulsion, the Hearing Officer shall make its decision in writing and provide findings of fact and reasons for its decision.
1. The Hearing Officer's decision in writing must be submitted to the Chief School Administrator within five (5) school days of the conclusion of the hearing. The Chief School Administrator shall review the written decision and may do the following: (a) affirm the Hearing Officer's decision and refer to the Board; (b) reject the Hearing Officer's decision; (c) modify the Hearing Officer's decision and impose a lesser discipline on the student pursuant to the procedures for said lesser discipline. The Chief School Administrator must make his/her determination within three (3) school days of receiving the Hearing Officer's decision.
2. If the Chief School Administrator affirms the Hearing Officer's recommendation for expulsion, then the Chief School Administrator's recommendation and the written decision of the Hearing Officer shall be

delivered to the Board for consideration at its next scheduled meeting and mailed to the student and his/her parents and/or legal guardians. The mailing to the student and his/her parents/legal guardians shall include a statement setting forth the student's right to appeal this decision. This notice shall be mailed to the student and parents/legal guardians' address of record at the School and within three (3) school days of the Hearing Officer's submission of the decision to the Chief School Administrator.

3. If the student chooses to appeal the recommendation for expulsion, the student may appeal the recommendation to the Board. Said appeal must be in writing and delivered to the Board at the School office within five (5) days of the mailing of the Hearing Officer's recommendation on the long-term suspension or expulsion. The letter shall describe in detail the reasons for the objections to the Hearing Officer's recommendation.
4. Once the Board has received the recommendation and/or request for an appeal, the Board has a right to do the following:
 - a) Review the recommendation based upon the record presented and written documents presented at the hearing.
 - b) To hold a new hearing on the matter.
 - c) If after reviewing the record, or after holding a new hearing, the Board has a right to do the following:
 - i. The Board can affirm the Hearing Officer's recommendation and order the expulsion.
 - ii. The Board can reject the Hearing Officer's recommendation.
 - iii. The Board can modify the Hearing Officer's recommendation and impose a lesser discipline on the student.
5. The decision of the Board is final.

A. Emergency Suspension

In a situation where urgent circumstances require the immediate removal from campus of a student, the School 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 Chief School Administrator or his/her designee. 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.

The student suspended in an emergency situation shall be readmitted to the School 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. 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.

At the time of the emergency removal, the student must be immediately informed orally by the School 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; and
4. The facts which justify the emergency removal.

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 Chief School Administrator within 24 hours of the incident.

B. Expungement

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

Section V.43 STUDENT DISCIPLINARY PROCEEDING

Any teacher, administrator, Governing Board member, employee, parent/guardian, or other person may report a violation of student disciplinary rules to the Chief School Administrator.

The Chief School Administrator will then conduct an investigation of the reported violation(s) and will institute appropriate due process proceedings.

Section V.44 USE OF PHYSICAL FORCE

School employees may use reasonable and appropriate physical force with a student only to the extent reasonably necessary and appropriate to maintain discipline or prevent physical harm. Appropriate physical force may be used in self-defense, in the defense of other students, or school personnel, and to prevent the commission of theft or damage to school property or the property of person's lawfully on the premises of the school. Physical force shall not be used in response to verbal provocation.

Section V.45 CORPORAL PUNISHMENT

Corporal punishment is not authorized at Hopi Day School.

Section V.46 DETENTION OF STUDENTS

Reasonable detention of students during recess or noon is permitted, however teachers may not detain students after school to make up work, or for disciplinary reasons.

Section V.47 GRIEVANCES AND APPEALS

The purpose of this section is to allow students and/or their parent/guardian the right to due process and a fair hearing.

DEFINITIONS:

1. GRIEVANCE: The formal expression of a complaint for cause of distress felt to afford a reason for grievance i.e., inequitable treatment, or the imposition of unfair punishment rendered that directly and specifically affects the student.
2. GRIEVANT: A grievant may be a student and/or their parent/guardian who submits a grievance for resolution.

APPEALS PROCESS:

The following guidelines shall be used to give fair hearing to a grievance and for a decision to resolve the problem.

1. INFORMAL PROCEDURES:
 - a. In the informal procedure, the Chief School Administrator will meet with all parties associated with the grievance to come to an agreed upon resolution.

- b. If agreement cannot take place in the informal procedure, then the grievant may file a formal appeal to his/her grievance.

2. FORMAL APPEAL PROCEDURE:

- a. The grievant must file a written grievance with the CHIEF SCHOOL ADMINISTRATOR.
- b. The Chief School Administrator, upon receiving the grievance, will conduct an investigation.
- c. The Chief School Administrator after investigating for facts, must respond in writing no later than three days after receiving the grievance.
- d. If the grievant is not satisfied with the Chief School Administrator's decision, he/she may then request to be placed on the next regular Governing Board meeting agenda to advance the appeal to the Governing Board for a hearing date.
- e. The Governing Board, upon receiving the appeal will set a date and time to give formal hearing on the grievance and render a final decision.

Section V.48 DISCIPLINE OF SPECIAL EDUCATION STUDENTS

All disciplinary action relative to special education students must be taken pursuant to 20 U.S.C. § 1415 and 34 C.F.R. §§ 300.530 through 300.536, including references therein and amendments thereto. Copies of the above laws and regulations shall be kept by the Special Education Teacher and Teacher Supervisor and provided to the staff as needed. It shall be the duty of the Special Education Director of the School to review said laws and regulations in January of each year and to supplement and amend as necessary to maintain their current status.

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 schooldays and/or a series of removals that constitute a pattern and cumulate to more than ten (10) schooldays 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 Special Education Teacher and Teacher Supervisor to ensure that the appropriate procedures take place in a timely manner.

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

Section V.49 REMOVAL FROM SCHOOL FACILITIES

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

1. Notify parent/guardian(s) and follow such notification with written notice as soon as practical.

2. If contact with parent/guardian(s) cannot be made, the student is not to be allowed to leave the School facilities unless an alternative, appropriate placement is available.
3. If law enforcement is involved, parent/guardian(s) will be notified.

Section V.50 SEXUAL HARASSMENT

HOPI DAY SCHOOL is committed to maintaining a learning environment that is free of harassment. The Governing Board prohibits the unlawful sexual harassment of any student by any employee, student or other person at school or at any school-related activity.

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 3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 6, the disciplinary action may include suspension and/or expulsion.

Students are informed that they should immediately report any incidents to either teacher, the Chief School Administrator or their designee if they feel they are being harassed. Any student, or parent/guardian 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 Chief School Administrator 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.

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

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

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

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.

2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the School.

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

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

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

Responsibility.

1. Any employee having knowledge of conduct by another employee, volunteer, student or individual in the School community which may constitute sexual harassment of students is required to immediately report such conduct to any of the individuals specified in this policy.

2. Employees are hereby placed on notice that if any employee engages in acts which the School 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.
3. All employees shall cooperate with any investigation of any alleged act of sexual discrimination/harassment conducted by the School or by an appropriate Hopi or federal agency. No employee of the School shall take any action to discourage a victim of harassment from reporting such an instance.

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 law and the School's policies, for the protection of all parties involved

Investigation and Action Procedure

1. After receiving a report or grievance, an individual, as designated by the Chief School Administrator, shall conduct an investigation and make written recommendation within fifteen (15) days to the Chief School Administrator. In determining whether alleged conduct constitutes sexual harassment, the Chief School Administrator will consider many items, including the facts of the allegation, case law, Hopi and federal laws, customs and regulations, the School's policy prohibiting sexual harassment and intimidation, any past behavior, any training the accused individual has received and other items as appropriate.
2. Upon receipt of a recommendation from the designee that probable cause exists to credit the allegations of sexual harassment or intimidation, the Chief School Administrator may take action based on the report/recommendation, or the Chief School Administrator may conduct his or her own investigation into the charges. The Chief School Administrator may appoint an outside investigator to conduct the investigation.
3. Such investigation must be completed within thirty (30) days of receipt.
4. Pending such an investigation, the Chief School Administrator 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.
5. Consistent with the requirements of applicable regulations, statutes or policies, the Chief School Administrator may take such action deemed necessary and appropriate after the completion of the investigation.

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

Sanctions. A substantiated charge against an employee of the School shall subject the employee to disciplinary action in accordance with any appropriate employee contract, up to and including discharge. A substantiated charge against a student shall subject that student to student disciplinary action, including suspension or expulsion, consistent with the School's student discipline policy.

Remediation. A plan will 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.

Name, office location, and phone number of person to contact for further information or assistance on how to use this policy:

Chief School Administrator
HOPI DAY SCHOOL
928-734-2467

Section V.51 STUDENT SOCIAL MEDIA/SOCIAL NETWORKING POLICY

Introduction

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

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

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, virtual reality sites (e.g., Second Life) and social networking sites (e.g., Facebook, MySpace, Twitter, LinkedIn, eHarmony). Electronic media also includes all forms of telecommunication such as landlines, cell phones, tables, laptops and Web-based applications, all now existing and arising in the future.

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

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

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

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

Section V.52 STUDENT USE OF PORTABLE ELECTRONIC DEVICES IN SCHOOL

Student possession and use of personal portable electronic devices (PED's) in school is prohibited. Portable Electronic Devices (PED's) are defined as including but not limited to: cellular telephones; MP3 and similar music players; radios; iPods; tape, video or other electronic recorders and players; game devices scanners; wireless e-mail devices; cameras; etc. Exceptions to this policy would include off campus trips with the following guidelines:

- If such PED's are used when prohibited by school personnel the device will be confiscated by school personnel. They may be obtained by the parent or guardian from the school administration.
- Students are required to turn PED's over to school personnel when requested. Students who refuse to do so may be removed from class or other school activity, have committed insubordination and resisting authority and may be subject to disciplinary action up to and including suspension from school.
- PED's are allowed to be taken and used on school trips except that they may not be used during any instructional activity or at other times when school personnel prohibit their use. Coaches and sponsors are encouraged to set guidelines for their use.
- Use of cameras or the camera features on a cell phone or other PED's in a restroom or a locker room or for any use constituting an invasion of any person's reasonable expectation of privacy is strictly prohibited.
- The use of any PED to engage in any act of cyber bullying or other act to cause harm, shame or embarrassment to another will result in the confiscation of the PED and further disciplinary action against those engaging in such acts or behavior.
- The Chief School Administrator may establish and school personnel may enforce additional guidelines appropriate to campus needs.
- Students violating this policy may be subject to disciplinary action up to and including suspension from school.
- HOPI DAY SCHOOL is NOT responsible for any lost, stolen or damaged PEDs or any other personal property a student or other person may bring to HOPI DAY SCHOOL or HOPI DAY SCHOOL activities. The owner/student assumes all risks for PEDs or other personal property brought to HOPI DAY SCHOOL or HOPI DAY SCHOOL activities. HOPI DAY SCHOOL will not provide compensation for any item or PED which has been confiscated, lost, stolen or damaged.

Section V.53 PROHIBITION OF HARASSMENT, INTIMIDATION AND BULLYING

Purpose

The Governing Board prohibits acts of harassment, intimidation or bullying. A safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, 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; and since students learn by example, Chief School Administrators, 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.

Definition of Harassment, Intimidation or Bullying

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

1. Is motivated by:
 - a. Any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or, any other distinguishing characteristic;
 - b. The desire to or which has the effect of exercising or imposing undue and inappropriate power, authority, influence and/or control over other(s).
2. And which:
 - a. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his/her property; or
 - b. Has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school or the students' health, safety and welfare.
 - c. Under the circumstances of bullying, the act is targeted and repeated.

Expected Behavior

The Governing Board expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and

welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

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

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

Discipline

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, several factors will be considered including, but not limited to, the developmental and maturity levels of the parties involved, the 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. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the case law, Federal and Hopi law and custom, regulations and policies, and school policies and procedures. 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.

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

1. 1st Offense
 - a. A written warning and parent/guardian notification.
 - b. Meeting with the school counselor or other designated staff to establish a behavior plan.
 - c. 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.
 - d. Other disciplinary action which is appropriate under the circumstances.

2. 2nd Offense

- a. Parent/guardian notification
- b. In School Suspension
- c. Behavior Contract
- d. Other disciplinary action which is appropriate under the circumstances.

3. 3rd Offense and Continuing Offenses

- a. Parent/guardian notification
- b. Suspension or Expulsion
- c. Other disciplinary action which is appropriate under the circumstances.

B. Requirement to Report Incidents of Harassment, Intimidation or Bullying

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

Investigations

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

Response to Allegations

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious

or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school level or by law enforcement officials.

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

In considering whether a response beyond the individual level is appropriate, the Chief School Administrator or the designee will consider several factors including, but not limited to, the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school) responses can include:

- school and community surveys
- mailings
- focus groups
- adoption of research-based bullying prevention program models
- training for certificated and non-certificated staff
- participation of parent/guardians and other community members and organizations
- small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student behavior and the consequences of such actions and to the involvement of law enforcement officers, including school resource officer

Prohibition Against Retaliation

The school prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Chief School Administrator or the Chief School Administrator's designee after consideration of the nature and circumstances of the act, in accordance with federal and tribal law and school policies and procedures.

False Accusations

Consequences and appropriate remedial action for a student found to have falsely accused another of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion.

Section V.54 INCIDENT REPORT PROCEDURES

A. Discipline Report Procedures

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

B. Incident Report Process (Written Notice of Alleged Violation)

1. Incident reports are to be filled out by the person(s) who witness and/or report the violation(s).
2. A staff member who witnesses the violation is to inform the student of his/her misconduct and let the student know what rule is being violated.
3. All of the information required by the incident report form is to be filled out.
4. All contact with or providing documents to student, parent/guardian 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. If the student refuses to sign, the incident report should be signed by someone witnessing the fact that the student received the report and immediately process it on to the Chief School Administrator.
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. If a student/parent/guardian wishes to contest the facts on an incident report, the student has three (3) days to appeal the incident report to the Chief School Administrator in writing.
7. It is the responsibility of the Chief School Administrator or designee to review and evaluate the incident report with the student and determine if the incident report will be changed or stand as written. If the incident report stands, it will be processed to the Chief School Administrator and student file. If the incident report is modified, the modified incident report will be processed to the Chief School Administrator and student file. The decision of the Chief School Administrator or designee is final.
8. A copy of the incident report will be distributed as follows:
 - a) Office/Chief School Administrator (a copy goes into the student file folder)
 - b) Teacher
 - c) Parent/guardian/student

9. Incident reports will be mailed out as soon as possible within the same week.
10. The mail copies of the incident reports will include:
 - a) Name of school official whom the parent/guardian may contact for information
 - b) The School's phone number
 - c) Explanation of the incident report (how to read it, and what it means)
11. Duplication of incident reports for the same violation is not permitted and will be screened by the Chief School Administrator before filing in student folder.
12. All appeals will be sent to the Chief School Administrator or for filing in the student folder and an explanation will be sent with the copy to the parent/guardian.
13. The Chief School Administrator or designee reserves the right to determine the validity of improperly filled out incident reports and will make that decision before filing in student folders.

Section V.55 STUDENT CONDUCT ON SCHOOL BUSES

The Governing Board requires students to conduct themselves on the bus, prior to boarding the bus and subsequent to leaving the bus, in a manner consistent with established standards for safety by the State or the Hopi Tribe, and such applicable regulations.

1. The school bus driver shall have authority and full responsibility, for supervising the conduct of students being transported to and from school on the school bus at all times, and for any travel. The bus driver is authorized to give instructions, maintain discipline, and to deport unruly students, as well as recommending to the Chief School Administrator the denial of the privilege of riding the school bus.
2. Students riding the school bus shall observe all school behavior expectations as delineated under student conduct and behavior.
3. The student has responsibility for maintaining positive personal behavior on the school bus and obeying instructions of the bus driver.
4. Students riding the bus to and from school are under the direct supervision of the bus driver, and any student disobeying this policy of the Governing Board, may be denied the privilege of riding the bus.
5. Students riding on special activity buses are under the supervision of the bus driver in cooperation with the sponsor(s). Students who do not conduct themselves properly while riding the school bus will be denied the privilege of riding on special activity buses.

6. The bus driver shall provide written notification to the parent/guardians for infractions of bus riding safety rules. Upon the third notification, the student will have an automatic 2 day suspension from the bus. Further infractions, may be cause for termination of bus riding privileges. Depending upon the severity of the behavior, the student may be subjected to school disciplinary actions.

Section V.56 PROTECTION & CARE OF SCHOOL PROPERTY

Each student is expected to take pride in the physical appearance of the school. Employees and students should be observant at all times to damage or destruction of school property. Any damage or defacing of school property should be reported to the Chief School Administrator or Facilities Manager at once.

1. No student shall damage or deface property belonging to the school. Students are subject to suspension for willful damage or destruction of school property.
2. When a student's conduct results in willful damage to school property, the school may initiate claims for damages, or prosecution in a court of law, for the purpose of having the student and his/her parent/guardian make full restitution to the school.
3. Any non-student child, person, or adult who knowingly and willfully damages school property will be subject to claims, civil action, or criminal prosecution in a court of law.

Section V.57 PERSONAL ITEMS

Students are solely responsible for any personal items they bring to the School. The School is not responsible for any lost, loaned, damaged or stolen items. 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. For health reasons, the loaning of personal clothing items to another is prohibited.

Section V.58 CAFETERIA

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

Section V.59 EXTRACURRICULAR ACTIVITIES

The School offers a variety of extracurricular activities. These may include: cross-country, basketball, softball, Student Council, cheerleading, etc. The sports usually include junior varsity and varsity teams. Students must be academically eligible and demonstrate appropriate conduct to participate in extracurricular activities and school-related/off-campus activities.

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 V.60 STUDENT GOVERNMENT & ORGANIZATIONS

1. The organization of a school Student Council is encouraged. Student government is expected to be “of the students, by the students, for the students,” representing the students in the school to communicate with the Chief School Administrator and the Governing Board.
2. The Student Council is expected to:
 - a. Represent the students of Hopi Day School within the school, local community, and the Hopi reservation and at other levels when appropriate.
 - b. Teach, educate and practice the basic principles of democracy and a democratic society with students.
 - c. Involve all students in participation of meetings, planning and decisions of the Student Council.
 - d. Communicate with students on activities of the Student Council.
 - e. Organize student activities for the benefit of students.
 - f. Have elected officers and elected representatives from each grade level.
3. Organization of a school Student Council shall be with the approval of the Governing Board; and by-laws of the Student Council shall meet with approval of the Governing Board.
4. The Student Council has no authority to represent or commit the Governing Board and the Hopi Day School to any financial obligation, contract, or agreement that is legally binding.
5. Members of the Student Council are to be elected in alignment with democratic principles of public elections. The rights and responsibilities of the council should be clearly set forth. The Student Council must have a faculty advisor.
6. The Student Council is authorized to conduct the raising of funds for its activities, solicit donations, or contributions, with concurrence of the Chief School Administrator, and so long as such activity is within the legal parameters of law.
7. Creation of school sponsored organizations must go before the Governing Board for approval, and such organizations shall comply with Governing Board policies.
8. The Governing Board must approve any activity of fundraising by non-sponsored organizations for the benefit of the school.
9. Any and all funds raised to benefit school activities must be accounted for in accordance with accepted accounting principles and practices, and may be subject to audit.

Section V.61 SPORTS AWARD ASSEMBLY

If funding is available, the School will sponsor one (1) sports award assembly in the spring of each school year. This award assembly will be held to honor and present awards to participants. Any other events will be the expense of the organization.

Section V.62 DRUG ABUSE EDUCATION

Hopi Day School may provide a Tobacco, Alcohol and Substance Abuse Prevention Education Program to educate students on related health risks.

1. Drug prevention education:
 - a. Tobacco, Alcohol and Substance Abuse prevention shall be included with the school curriculum.
 - b. Resources other than educational information may be utilized such as assemblies, speakers, printed materials, class discussions, and bulletin Governing Board materials.
2. Student counseling:
 - a. Counseling should emphasize prevention. When available as a school program, treatment should be provided to all students who are referred for such service.
 - b. If a student is in need of treatment services for substance abuse, the school may make a referral to a service provider in concurrence with and written permission of the parent/guardian.
 - c. Counseling may be done individually or in small groups.
 - d. When a student seeks out an employee other than a counselor to discuss his/her drug problems, the particular staff member shall advise the CHIEF SCHOOL ADMINISTRATOR.
 - e. Counseling sessions and records of student counseling shall be confidential and kept in a secured file cabinet; and such records may be accessed by parent/guardian of the student in counseling; and, such records may only be released by written permission of the parent/guardian or by court decree; and, written permission by parent/guardian must be granted to transfer such records to another school attended by the student.
3. Staff Training:
 - a. The Chief School Administrator shall arrange for staff development that will include information on drug abuse prevention. The training will be conducted by personnel trained in drug abuse prevention, and will include identification of commonly used drugs, and recognizing signs of being under the influence of drugs.
4. Parent/Guardian and Community Education:
 - a. At least once annually, the school may sponsor a program for the community on its drug abuse prevention programs. In addition to presentations by school staff members, the program may include representatives of law enforcement agencies and medical professionals.
 - b. The school may offer parent/guardian training in tobacco, alcohol and substance abuse.

- c. News releases and other means of communication may be used to educate parent/guardians and the community. Such communications shall be approved by the CHIEF SCHOOL ADMINISTRATOR.

5. Canine Search and Training Policy:

Due to factual evidence of an existing and growing problem with student drug possession, use and abuse and in an effort to keep Hopi Day School free of drugs and to protect students' health and safety, authorities may conduct sweeps using trained and reliable narcotics canines to sniff students' belongings, including backpacks, and school property, including lockers, desks, and storage areas, as permitted by law, to alert to the presence of illicit drugs, alcohol, weapons, other illegal controlled substances, or any material or matter detrimental to the health, safety or welfare of students. Such inspections by school authorities, law enforcement and/or other qualified personnel and trained dogs may be at any time with or without reason, or with or without notice.

Section V.63 CHILD NEGLECT AND ABUSE

This section is to ensure compliance with child protection laws. All personnel of Hopi Day School shall comply with the following:

1. Comply with key administrative and program elements of P.L. 101-630: the Indian Child Protection and Family Violence Prevention Act of 1990, P.L. 101-647: and the Crime Control Act of 1990, and other applicable laws that protect children.
2. Personnel who are aware of child neglect and/or abuse shall make an oral report, followed by a written report, to the appropriate law enforcement agency and child protection service agency.
3. All reported incidents of alleged child neglect and/or abuse shall be treated within the guidelines of Federal laws protecting children, employees and all parties involved. Confidentiality shall be a priority throughout the process.
4. The identity of any person making a report of child neglect or abuse shall not be disclosed to anyone other than those individuals directly involved in the child protection investigation or the court, without the consent of the individual.
5. Employees, making a report based upon their reasonable belief and made in good faith shall be immune from civil and criminal liability for making that report. Retaliation against an employee for reporting suspected incidents of child abuse is prohibited.

Section V.64 RESTRAINT

A. The Use of Reasonable Restraint

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

1. Examples of unreasonable force would include, but are not be limited to:
 - a. Use of physical force on a student while in a state of anger
 - b. Anger displayed through yelling or the use of uncivil language
 - c. Slapping or hitting a student for any reason
 - d. Kicking a student for any reason
 - e. Grabbing a student and throwing him/her up against a wall or onto the ground
 - f. Placing hands or arms on or around a student's neck
2. Reasonable restraint commonly takes the form of firmly holding a student to keep him/her from harming others. This might be done by wrapping the arms around the body or holding the arms of the student. Whenever possible, a staff member should first verbally direct the student to cease his/her actions.
3. Physical Restraints . *Physical restraint* is the application of physical force by one (1) or more individuals that prevents or significantly restricts a student's movement. Physical restraint should be a last resort emergency safety intervention measure used when a student is imminently dangerous to himself/herself or others. Instances where reasonable and appropriate restraint may be used include, but are not limited to:
 - a. Breaking up a fight;
 - b. Taking a weapon away from a student;
 - c. Briefly holding a student to calm and comfort the student;
 - d. Applying minimum contact necessary to physically escort a student from one area to another;
 - e. Momentarily holding a student in order to prevent an impulsive behavior that threatens the student's safety, the safety of others, or the destruction of property;
 - f. Personnel using restraint must take extreme care to provide for the safety and comfort of the student during the restraint;
 - g. The student must be released from the restraint as soon as the student regains self-control;

- h. If restraint is used, a written notice that includes the circumstances preceding the behavior, the behavior itself, the approximate length of time the student was restrained, the location of the restraint, and the persons who witnessed the student restrained should be sent to parents and administrators within a reasonable time;
 - i. A debriefing with staff, parents, and, if appropriate, the student should be conducted within forty-eight (48) hours to determine the need for a Functional Behavioral Assessment (FBA).
 - j. Each incident of restraint must be recorded in the student's file;
 - k. A student who has required crisis management by the school staff more than three (3) times in a semester must have an FBA and, if appropriate, a Behavior Intervention Plan (BIP) within a reasonable time following the third (3rd) incident. A BIP should be modified when the existing plan proves ineffective.
4. Mechanical Restraints. *Mechanical restraint* is the restriction of movement by devices such as straps, duct tape, cords, or garments. Not included in this definition are:
- a. Restraints used to provide support to a student's orthopedic and assistive technology needs in order to permit him/her to learn and participate in school activities as identified in an individualized education program (IEP);
 - b. Restraints identified by an IEP team as appropriate for a student to enhance his/her participation in learning activities;
 - c. Vehicle safety restraints used in accordance with federal regulations;
 - d. Restraints employed in school settings by law enforcement officers that are used in accord with their policies and appropriate professional standards.
5. Prohibited Uses of Physical and Mechanical Restraints
- a. Physical and mechanical restraints placing excess pressure on the chest or back or impeding the ability to breathe or communicate are prohibited.
 - b. Use of mechanical restraint by a staff member who has not been trained is prohibited, except when the case presents extreme danger to the student or to others and the restraint is not:
 - 1. Out of proportion to the danger, age, and physical condition of the student; and
 - 2. Used to prohibit reasonable access for the care of the student's bodily needs.
 - c. Restraints that provide support to a student's orthopedic needs shall not be used as a means of punishment for noncompliant behaviors.

d. No policy or practice shall limit the use of restraints to disabled students.

B. Training in Uses of Seclusion and Restraint. Personnel using seclusion and restraint must receive training in the use of these procedures.

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

SECTION 5.66 CONFIDENTIALITY OF STUDENT RECORDS

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

Confidentiality

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

If a parent/guardian of a student or an eligible student has reason to believe that a violation of FERPA has occurred, that person should immediately contact a school official. Any alleged violation will be immediately investigated by the School and corrective measures will be taken as necessary. The person also has the right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C., 20202-5920. Copies of

these policies and procedures will be available to a parent/guardian or eligible student at the office.

Definition

Dependent Student:

1. Any student who has not become eighteen (18) years of age.

Education Record:

2. All records which are directly related to the student and which are maintained by the School or an employee behalf of the School. Not included are:
 1. Records by instructional, supervisory and administrative personnel which are kept in the sole possession of these individuals and are not revealed to any other person except a temporary substitute for the maker of the record.
 2. Records of the law enforcement unit of the School.
 3. Records made and maintained in the regular course of business and relating to the employment of a student who is employed by the School and whose employment is unrelated to the individual's status as a student.
 4. Records of a student eighteen (18) years or older or who is attending a post-secondary institution when those records are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with treatment of the student and are disclosed only to individuals providing such treatment. This does not include remedial educational activities or activities that are part of the educational program of the School.
 5. Records containing information about an individual after (s)he is no longer a student at the School.

Eligible student.

A student who has reached eighteen (18) years of age or is attending a post-secondary school.

Parent/guardian.

A natural parent/guardian of a student, regardless of whether that parent/guardian has custodial rights to the child, unless the School has been provided with evidence of a court order, statute or other legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights; a guardian or an individual acting as a parent/guardian in the absence of a parent/guardian or guardian.

Personally Identifiable Information:

This includes, but is not limited to, the following:

1. *The student's name;*
2. The name of the student's parent/guardian 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.

Student.

Any individual who is or has been in attendance at the School and regarding whom the School maintains education records.

Rights of Parent/guardians or Eligible Students

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

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

Any hearing pursuant to this Section will be held within forty-five (45) days after the request has been made. Parent/guardians or eligible students will receive notice at least twenty (20) days prior to the hearing. Service of the notice shall be by personal delivery or certified mail, return receipt requested. The hearing will be conducted by a hearing officer who has no direct interest in the outcome of the hearing. Parent/guardians have the right to be represented by an attorney or other individuals at the parent/guardians' expense. The parent/guardians may present evidence and argument on all issues involved and have the right to cross-examine the witnesses.

The hearing officer may make evidentiary rulings. Formal rules of evidence, such as are required in a judicial proceeding, need not be followed. The hearing will be confidential. The hearing officer's decision will be based solely on the evidence and will be issued within twenty (20) days after the conclusion of the hearing. The School will take appropriate action based on the recommendation of the hearing officer.

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

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

B. Fees

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

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

C. Directory Information

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

The student's name.

The names of the student's parent/guardians.

The student's address.

The student's date of birth.

The student's grade level.

The student's extracurricular participation.

The student's achievement awards or 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 in HOPI DAY SCHOOL.

Other information that would not generally be considered harmful or an invasion of privacy if disclosed.

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

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

D. Access to Student Records by Persons Other Than Parent/Guardians or Eligible Students Only By Consent

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

Release of Records Where No Consent is Required

The Chief School Administrator or a person authorized in writing by the Chief School Administrator may release student education records without consent by the parent/guardian or eligible student under the following circumstances:

1. To School officials with a legitimate educational interest. A "legitimate educational interest" is a person's need to know in order to properly perform a necessary administrative task or to perform a necessary task directly related to the student's education or to perform a service or benefit for the student or the student's family.

2. To another school where student intends to enroll.
3. To organizations conducting studies to develop, validate or administer predictive tests, improve instruction and administer student aid programs as long as:
 - a) The study does not disclose personal identification of parent/guardians and student, and
 - b) Information is destroyed after conducting the study.
4. To applicable entities and local officials, pursuant to applicable law, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.
5. To accrediting organizations to carry out their accreditation functions.
6. To parent/guardians of a dependent student as defined by section 152 of the Internal Revenue Code.
7. Pursuant to a judicial order or subpoena provided that the School has made a reasonable effort to notify parent/guardians/eligible student so that they may seek protective order, unless disclosure is in compliance with:
8. A federal grand jury subpoena and the court has ordered that the information furnished in response to the subpoena not be disclosed, or
9. 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.
10. Health/Safety Emergency:
 - a) The School may disclose personally identifiable information to appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals. The School will determine the existence of such an emergency by considering the following criteria: Whether the person to whom the information is to be disclosed is qualified and able to deal with the emergency; whether the information is necessary for a prompt resolution of the emergency; whether the seriousness of the threat to health and safety of students or other individuals warrants the disclosure of the information.

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

Conditions Relative to Special Education Student Records Only

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

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

E. Records of Access Requests

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

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

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

The parent/guardian or eligible student.

An authorized School official with a legitimate educational interest.

A party who has the written consent of the parent/guardian or eligible student

A party seeking directory information.

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.

F. Destruction of Student Records

Records other than those containing basic identifying data, attendance data and academic data will not be destroyed. After five (5) years of being inactive, student records will be archived at the Office of Trust Records/Indian Affairs Records Management.

G. Notice to be Placed on Records Released

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

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

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

H. Standards for Creation of Student Records

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

I. Secure Maintenance of Records

1. All student records shall be maintained with appropriate administrative, physical or technical safeguards to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any student on whom such information is maintained.
2. All permanent student records shall be kept and maintained in a locked container under the direct and immediate supervision and control of the Chief School Administrator or designee.
3. Temporary student records and copies of permanent student records shall be kept and maintained by the Chief School Administrator or designee.
4. 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 set forth in Appendix D to this Section.
 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 metal file cabinets or a locked room.
 3. During non-working hours, access to the student records shall be secured and restricted by their storage in locked metal file cabinets or a securely locked room to which no keys are available but to authorized personnel.
 5. All student records which are electronically stored in a computer systems shall be maintained in a manner by which access shall be restricted by physical lockout of the computer or by access which is limited to a password known or available only to authorized personnel. All student records, so kept or maintained in a computer system, shall be recorded daily on a computer floppy disk, which shall be maintained with the same security required for physical records.
 6. All authorized personnel shall be, not less than annually, provided with a review of the security requirements contained herein by the Chief School Administrator or his or her designee.

J. Standards of Conduct for Authorized Employees

1. No employee may disclose the information contained in, or provide or permit access to, student records unless that disclosure or access is permitted by this Manual or is made to the parent/guardian of a dependent student or to an eligible student to whom the record pertains.

2. 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.
3. No employee may alter or destroy a student record unless:
 1. Alteration or destruction is properly undertaken in the course of the employee's regular duties or is specifically authorized by the Chief School Administrator.
 2. Alteration or destruction is required by order of a court of competent jurisdiction.

APPENDIX A – NOTICE TO PARENTS AND ELIGIBLE STUDENTS

Dear Parent/Eligible Student:

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

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

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

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

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

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

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

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

If you believe that the School is violating public school records policies and procedures, you should immediately contact a School official. The School will promptly investigate your complaint and take corrective action, if necessary. You also have the right to file a complaint with the Family Educational Rights and Privacy Act Office in Washington, DC.

If your child is receiving special education and services, the School will inform you when personally identifiable information is no longer needed by the School to provide services to your

child. This information will be retained by the School for a period of two (2) years after the date your child was last enrolled in the School.

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

APPENDIX B - NOTICE OF DIRECTORY INFORMATION

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

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

➤ Name	➤ Address
➤ Telephone listing	➤ Date and place of birth
➤ Major field of study	➤ Activities and sports
➤ Date(s) of attendance	➤ Awards received
➤ Tribal affiliation	➤ Area affiliation
➤ Agency affiliation	➤ Chapter affiliation
➤ Name of parent(s)	➤ Student's photograph
➤ Grade classification	➤ Other information that would not generally be considered harmful or an invasion of privacy if disclosed.

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

APPENDIX C - CONSENT TO RELEASE OF INFORMATION

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

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

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

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

Signature of parent/guardian of eligible student

Date of consent

APPENDIX D - POSTED AREA NOTICE

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

1. Personnel authorized to handle student records shall, at all times, take care to protect the integrity, security and confidentiality of student records.
2. No authorized personnel may disclose the contents of student records unless such disclosure is authorized by the *Student Records Policy and Procedure Manual*.
3. No authorized personnel may alter or destroy a student record unless:

- a. Alteration or destruction is required by an authorized administrative decision by the Principal.
 - b. Alteration or destruction is required by the order of a court of competent jurisdiction.
4. Any person may be subject to a criminal penalty imposed by law for the unauthorized disclosure of student records.

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

Section V.65 FIRE/EMERGENCY EVACUATION PLAN

Staff are responsible for developing a written building evacuation plan and informing staff and students of that plan. In case of fire, the fire evacuation plan exists to prevent confusion and accidents. The general procedures for evacuation from the building are as follows:

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

9. Bus evacuation drills will be conducted three (3) times per year and may occur off campus.

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

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

A fire drill report shall be filled out by the Facility Manager after each fire drill and turned in to the Chief School Administrator.

NOTE: Tampering with fire alarm and sprinkler system are federal offenses. Proper authorities will be notified.

ARTICLE VI. PARENT AND FAMILY ENGAGEMENT

Section VI.1 PARENT AND FAMILY ENGAGEMENT POLICY

NOTE: In support of strengthening student academic achievement, each school that receives Title I, Part A funds must 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 Elementary and Secondary Education Act (ESEA) (parent and family engagement).

PART I. GENERAL EXPECTATIONS

Hopi Day School ("School") agrees to implement the following statutory requirements:

- Consistent with section 1116 of the ESEA, the School will work to ensure that the parent and family engagement policy meets the requirements of section 1116 of the ESEA, and include, as a component, a school-parent compact consistent with section 1116(d) of the ESEA.
- The School will notify parents 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 will be made available to the local community and updated periodically to meet the changing needs of parents and the School.

- In carrying out the Title I, Part A, parent and family engagement requirements, to the extent practicable, the School will 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 ESEA 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.
- If the school-wide program plan for Title I, Part A, developed under section 1114(b) of the ESEA, is not satisfactory to the parents of participating children, the School will submit any parent comments with the plan when the School makes the plan available.
- The School will 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 is spent, and will ensure that not less than 90 percent of the 1 percent reserved goes directly to the School.
- Funds reserved by the School will be used to carry out activities and strategies consistent with this policy, including at least 1 of the following:
 - *Professional development*: Supporting schools and nonprofit organizations in providing professional development for the School 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.
 - *Home-based programs*: Supporting programs to reach parents and family members at home, in the community, and at School.
 - *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.
 - *Collaborating with community-based organizations*: Providing sub-grants so that the School can collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.
 - *Other activities*: Engaging in any other activities and strategies that the School determines are appropriate and consistent with this policy.
- The School will 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 School, 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.

- The School will provide other reasonable support for parental involvement activities under section 1116 of the ESEA as the parents may request.
- The School will be governed by the following statutory definition of parental involvement, and will 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 decision-making and on advisory committees to assist in the education of their child;*
- (D) the carrying out of other activities, such as those described in section 1116 of the ESEA*

PART II. DESCRIPTION OF HOW THE SCHOOL WILL IMPLEMENT REQUIRED PARENT AND FAMILY ENGAGEMENT POLICY COMPONENTS

1. The School will take the following actions to involve parents in the joint development of its school wide program plan under Section 1114(b) and school parent and family engagement policy under section 1116 of the ESEA:
Surveys
Advertise the planning dates and times for meeting attendance
2. The School will take the following actions to involve parents in the process of school review and improvement under section 1111 of the ESEA:
Surveys
Interview parents for input
Notify of progress through parent meeting
3. The School will take the following actions to conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of this parent and family engagement policy in improving the academic quality of its Title I, Part A schools. The evaluation will include identifying barriers to greater participation by parents in activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or

are of any racial or ethnic minority background). The evaluation will also include identifying the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers and strategies to support successful school and family interactions. The school district will use the findings of the evaluation about its parent and family engagement policy to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, its parent and family engagement policies.

Surveys

4. The School will hold an annual meeting to inform parents 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. The School will convene the meeting at a time convenient for parents and will offer a flexible number of additional meetings, such as in the morning or evening, so that as many parents as possible are able to attend. The School will invite all parents of children participating in Title I, Part A programs to this meeting, and will encourage them to attend, by:

Providing an information meeting at Open House

Sending flyers of date and time of meeting

5. The School will provide parents 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 State academic standards by:

Parent conferences

Newsletters

Open House Meeting

6. The School will at the request of parents, provide opportunities for regular meetings for parents to formulate suggestions and to participate, as appropriate, in decisions about the education of their children. The School will respond to any such suggestions as soon as practicably possible by:

7. Building Capacity for Involvement. To ensure effective involvement of parents and to support a partnership among the School, parents, and the community to improve student academic achievement, the School will:

- provide assistance to parents of children served by the School, as appropriate, in understanding such topics as the challenging State academic standards, State and local academic assessments, the requirements of building capacity for involvement under section 1116(e) of the ESEA, how to monitor their child's progress, and how to work with educators to improve student academic achievement by:

Trainings provided during Shindigs

Parent/Teacher Conferences

Parent Newsletters

Evening Trainings

- provide materials and training to help parents 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 involvement, by:

Trainings, DVD's, Library Nights

- educate its teachers, specialized instructional support personnel, principals, and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the Schools, by:

Trainings

- to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other Federal, State, and local programs, including public pre-school programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating the education of their children, by:

Providing information on the various subjects

- ensure that information related to the School and parent-programs, meetings, and other activities is sent to parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand by:

Providing interpreters, as needed

- Provide such other reasonable support for parental involvement activities under section 1116 of the ESEA as parents may request.

PART III. DISCRETIONARY PARENT AND FAMILY ENGAGEMENT POLICY COMPONENTS

- involving parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training;
- providing necessary literacy training for parents from Title I, Part A funds, if the School has exhausted all other reasonably available sources of funding for that training;
- paying reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

- training parents to enhance the involvement of other parents;
- 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 who are unable to attend conferences at school in order to maximize parental involvement and participation in their children's education;
- adopting and implementing model approaches to improving parental involvement;
- establishing a school parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs;
- developing appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities.

* * * * *

PART IV. ADOPTION

This Parent and Family Engagement Policy has been developed jointly with, 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 community.

This policy was adopted by **Hopi Day School** on **July 25, 2017** and will be in effect for the period of one year. The School will distribute this policy to all parents of participating Title I, Part A children on or before **September 1, 2017**.

(Signature of Authorized Official)

(Date)

Section VI.2 PARENT TEACHER ORGANIZATION

1. The Governing Board authorizes the establishment of a Parent Teacher Organization to encourage (a) parent involvement in programs and activities (b) provide for parent input, and (c) permit parent and teacher cooperation in planning activities.

2. The PTO shall establish by-laws for its operation and the by-laws shall be presented to the Governing Board for approval.
3. The Parent Teacher Organization has no legal authority to commit the Governing Board 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.
4. The PTO has no authority over the governance, administration and operations of the school.

Section VI.3 COMMUNITY/PUBLIC RELATIONS

Records Requests

All document and record requests shall be made to the School Secretary or his/her designee and must be in writing, using the School Request for Records Form attached hereto as Appendix B. School documents and records may only be provided pursuant to this procedure and upon completion of the School Request for Records Form. The School shall respond to all such requests, within ninety (90) days unless documented circumstances require otherwise, using the School Response to Request for Records Form attached hereto as Appendix C.

A requesting party may appeal the denial of a Records Request to the Chief School Administrator. An appeal must be in writing, stating the specific reasons why the record should be released and why the cited authority is inapplicable and must be filed and received in the Office of the Chief School Administrator within ten (10) business days of the denial. The Chief School Administrator shall issue his/her decision on the appeal ten (10) business days or less from receipt of the appeal. The decision of the Chief School Administrator is final. Providing school documents other than through this procedure and use of the attached forms is grounds for disciplinary action up to and including termination.

The Chief School Administrator or Designee shall resolve all conflicts regarding this policy.

Section VI.4 COMMUNITY AND PARENT/GUARDIAN INVOLVEMENT IN COMMUNITY SCHOOL

1. Local community involvement and control of Hopi Day School shall primarily be accomplished through the local elections of school Governing Board members.

The school Governing Board members shall be the legitimate voice of the local community as authorized and set forth in the Hopi Code.

2. Parent/guardian involvement shall be “encouraged” and welcomed primarily through the parent/guardian teacher organization. A copy of the organizational document for the school’s parent teacher organization is attached hereto. All parent/guardians are encouraged and invited to become members of the parent/guardian teacher organization and participate in the school through that organization. Other community members are invited to attend those meetings.
3. Additional procedures for involving parent/guardians in the local community and the school may be developed by the Governing Board.

Section 6.05 PUBLIC CONCERNS AND COMPLAINTS

1. The school policy is to be attentive to public concerns and complaints. The school will treat such concerns and complaints seriously but in an orderly fashion pursuant to the procedures set forth herein to ensure the least disruption to the work of the school and to the children’s education.
2. Public concerns and complaints should be resolved at the lowest possible level in the school’s organizational chart.
3. Parent/guardian concerns regarding their children’s academic performance or experience should first be presented to their child’s teacher. This meeting should first be arranged through the Chief School Administrator. If a mutually agreeable resolution of the concern or a plan for treating the concern is not attained within ten (10) business days from presentation of the concern then the parent/guardian may file a written complaint on the form attached hereto to the Chief School Administrator. The complaint must be writing and it must fully explain the complaint and all relevant details. The complaint should be filed as soon as possible after the impasse between the teacher and the parent/guardian. It shall be the responsibility of the teacher to provide the form to the parent/guardian and explain the procedure for using the form. Employees will be allowed to participate at each level of attempted resolution of the complaint.
 - i. The teacher shall attempt to resolve the complaint within ten (10) business days of receiving the complaint. If the complaint is resolved in a manner that is agreeable to the parent/guardian then the teacher shall set forth the resolution in writing and provide copies to the parent/guardian, forward a copy to the Chief School Administrator, and retain a copy for the teacher’s file.
 - ii. If the teacher is unable to resolve the concern within ten (10) business days, the teacher shall refer the complaint to the Chief School Administrator or the Chief School Administrator’s designee with a copy of the teacher’s written report attached thereto.

- iii. The Chief School Administrator or his/her designee will attempt to resolve the complaint within the next ten (10) business days. If the Chief School Administrator requires time in which to investigate the matter, the Chief School Administrator will so inform the parent/guardian and note the expected response time. The Chief School Administrator shall resolve the complaint in writing and provide copies of the Chief School Administrator's resolution to the parent/guardian and the staff at issue in the complaint.
 - iv. After receiving the Chief School Administrator's resolution of the matter, the parent/guardian may ask that the matter be placed on the school Governing Board agenda. The school Governing Board will decide at its next regular meeting if and how to review the complaint. The parent/guardian will be advised of the day of the meeting at which the school Governing Board will consider the complaint. Due process rights of employees will be observed.
4. If members of the public have concerns with the performance of staff members other than noted in paragraph 3 above, then they shall attempt to resolve their concerns with that staff member by first making an appointment through the staff's immediate supervisor. If a mutually agreeable resolution of the concern or plan for treating the concern is not attained within ten (10) business days, then the member of the public (hereinafter Complainant) may file a written complaint with the staff person's immediate supervisor or his/her designee. The complaint must be in writing on the attached form and fully explain the complaint and all relevant details. The complaint should be filed as soon as possible after the impasse between the staff person and the Complainant. The staff person shall be responsible for providing the form to the Complainant and informing the Complainant of the process. The staff person involved will be allowed to participate at each level of the attempted resolution of the complaint.
- i. The department supervisor shall attempt to resolve the complaint within ten (10) business days of receiving the complaint. If the complaint is resolved, the department supervisor shall set forth the resolution in writing and provide copies to the staff persons involved and the Complainant.
 - ii. If the department supervisor is unable to resolve the complaint with the ten (10) day, then the department supervisor shall refer the complaint to the Chief School Administrator or the Chief School Administrator's designee along with the department supervisor's written report.
 - iii. The Chief School Administrator will attempt to resolve the complaint within the next ten (10) business days. If the Chief School Administrator requires time in which to investigate the matter, the Chief School Administrator will so inform the Complainant and note the expected response time.

- iv. The Chief School Administrator shall resolve the complaint in writing and provide copies of the Chief School Administrator's resolution to the Complainant and staff persons at issue.
 - v. After receiving the Chief School Administrator's resolution, the Complainant may ask that the matter be placed on the next school Governing Board agenda. The school Governing Board will decide if and how to review the complaint. The Complainant will be advised of the date of the meeting at which the school Governing Board will consider the complaint. Due process rights of employees will be observed.
5. General concerns regarding the school shall be submitted first to the department supervisor in writing on the attached form. The department supervisor shall attempt to resolve the complaints within ten (10) business days of receiving the complaint.
- i. If the department supervisor is able to resolve the complaint, then the department supervisor shall set forth the resolution in writing and provide copies to the Complainant and to the Chief School Administrator. If the department supervisor is unable to resolve the complaint within the ten (10) business days, then the department supervisor shall refer the complaint to the Chief School Administrator or the Chief School Administrator's designee along with the department supervisor's written report. The Chief School Administrator will attempt to resolve the complaint in the next ten (10) business days. Should the Chief School Administrator require time to investigate the matter, the Chief School Administrator will so inform the Complainant and note the expected writer response time.
 - ii. The Chief School Administrator shall resolve the concern in writing and provide copies of the resolution to the Complainant and relevant staff members.
 - iii. Upon receiving the Chief School Administrator's resolution, the Complainant, if they so desire, may ask that the matter be placed on the next school Governing Board agenda. The school Governing Board will decide if and how to review the complaint. The Complainant will be advised of the date of the meeting at which the complaint will be considered. Due process rights of employees will be observed.
 - iv. The decision of the school Governing Board in all of the above matters is final.
6. Complaints made directly to the school Governing Board will be referred to the administration with the direction to follow the procedures set forth herein.

7. The Governing Board as a whole, or individual Governing Board members, shall refuse to hear or act on complaints that have not been processed through the procedures set forth herein.

Section 6.06 Communicating with and Informing the Public

All school personnel are responsible for good public relation; however, the Chief School Administrator is responsible for informing the public and communicating with the public on school matters. Questions relating to school matters should be referred to the Chief School Administrator for the official school response. Employees should not respond to information and communication requests unless specifically authorized to do so. Further, employees should not make representations concerning school matters unless they are specifically authorized to do so.

Section 6.07 Media Relations

All communication with the news media regarding school matters shall be done by the Chief School Administrator or the Chief School Administrator's designee. An employee, without specific authorization to communicate with news media on school matters, who does so anyway, may be subject to disciplinary action up to and including termination.

Section 6.08 Public Conduct on School Property

1. Parent/guardians and members of the public shall comply with all standards of behavior set forth in the Hopi Day School Policies and Procedures Manual while on school property or at school functions.
2. There shall be no use, possession, gifting or sale of alcohol, other controlled substances or tobacco on the Hopi Day School campus, vehicles, or at school activities.
3. The public shall not act in a manner intended to obstruct, disrupt, interfere with, or in any way negatively impact the work of the school or the attainment of the school's mission and philosophy.
4. Members of the public shall follow the lawful direction of school personnel while on campus. Unauthorized entry, use or occupation of school facilities' grounds, buildings, equipment and/or property is prohibited.
5. Members of the public may not enter or remain in the administration buildings, classrooms or residential facilities without appropriate authorization by school personnel authorized to grant such authorization.

Section 6.09 General School Community Relations

The school wishes to cultivate and facilitate positive relations with the community in order that the focus of the community and the school can remain on the children and their education. To that end, it is the school's desire that the local community and parent/guardians know and understand the school's mission and philosophy statement and all aspects of the school's operation. The school welcomes public comment and recommendations through the channels set forth herein. The school 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.

REQUEST FOR RECORDS

I, _____ (Proof of requesting party's identity required) hereby make
[Print Name of Requesting Party]

written demand for _____
[State with specificity, to include document type, date, etc., the precise
records requested.)

Hopi Day School (hereinafter "School") 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 School for producing the record(s) pursuant to their demand. The requesting party is prohibited from disclosing or providing a copy of the protected record to any other person.

Date

Signature of Requesting Party

Home Phone or Daytime Phone, where you
may be reached and mailing address

Appendix VI-B

RESPONSE TO REQUEST FOR RECORDS

Hopi Day School's (hereinafter "School") response to your request for records is as follows:

☐ Approved upon payment of cost of production. Cost of production is _____.

☐ The School 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 School'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) must be released, why the denial is unlawful and why the cited authority is inapplicable;
 - 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 School's final decision.

Appendix VI-C

PUBLIC CONCERN—COMPLAINT

Complainant: Name:

Address:

Telephone:

Name of Student(s) concerned or Person(s), if any, the Complainant is representing:

Statement of Complaint (provide specific details by clearly stating the complaint and all relevant dates, statements and witnesses):

Action Requested:

Dated:

Signature:

ARTICLE VII. CURRICULUM AND INSTRUCTION

Section VII.1 GENERAL STATEMENT

The Hopi Day School shall adopt curriculum for the general instruction of academic courses toward meeting academic standards and requirements for advancement of students through the grades. Instruction of courses is to focus on the acquisition of basic skills that lead students toward achieving high levels of academic performance. The curriculum is to be reviewed every

three to five years to insure it meets accredited or instructional requirements and is in alignment with adopted academic standards

Section VII.2 COURSES OF INSTRUCTION

The following courses will constitute the school core curriculum for the instruction of courses and include the following:

1. Language Arts/English
2. Mathematics
3. Social Studies
4. Science
5. Computer Technology
6. Health and Healthy Lifestyles
7. Physical Education
8. Arts and Music
9. Library Services
10. American, State and Tribal Democracy
11. Hopi Heritage Studies

Programs that support the academic, social and human growth of students may include:

1. Athletic programs
2. Career Education
3. Tobacco, Alcohol, Drug, and Gang Prevention Programs
4. Family Support and Education Programs
5. Youth Support Programs
6. Decision Making and Confidence Building Programs
7. Community Civic Service Programs
8. Individual Studies Programs

Section VII.3 CURRICULUM AND INSTRUCTION

The core curriculum will provide courses of instruction in the Language Arts, Mathematics, Social Studies, Science and Computer Literacy. The intent of instruction is to improve student achievement, provide learning opportunities for students and provide academic challenges for students to exercise their intellectual capacities. Courses of instruction will focus on building a foundation of basic academic skills that include reading, writing, thinking, analyzing, logic, inductive and deductive reasoning, relationships, measurement, speaking, comprehension, computer literacy, economics, self-discipline, personal development, skills building, to develop self-confidence and character. The Chief School Administrator as the instructional leader is responsible for providing leadership and direction in articulating a program for all school grades.

Section VII.4 TEXTBOOKS

The Chief School Administrator will collaborate with the professional teachers or form a Textbook Committee to periodically review, evaluate and select textbooks that will be used as a part of the core curriculum for courses of instruction. The following are to be considered in the selection of textbooks:

1. Textbooks will provide some degree of scope and sequence for instruction of the core curriculum and for acquisition of the basic skills.
2. Selection and use of textbooks will be uniform throughout the grades.
3. Review and evaluation of textbooks should be conducted every three years.
4. Selection and purchase of new textbooks should be done at least every five years.
5. Old textbooks shall be made surplus and authorization is given herein, for the school to donate or to dispose of used textbooks.

Section VII.5 LIBRARY BOOKS AND SERVICES

The library will maintain a collection of books in various topic areas, periodicals, newspapers, encyclopedias, American Indian history and culture, special collections, student newspapers, magazines, films, videos, computer software, and other resources that will support programs of the school.

The library will coordinate services that are in alignment with academic standards, the schools core curriculum and instructional program objectives for all grade levels by providing the following:

1. Books that are appropriate for all grade levels, books that expand the interests of students, and books that challenge students to explore the global world.
2. Library services that will challenge students and provide them with information to do research.
3. Book collections on various topics and special interests.
4. Special collections on American Indian History and Culture.
5. Books and services that support acquisition of basic academic skills.
6. Books and services that meet the special needs of students with disabilities.
7. Access to computer technology, media equipment, related materials and services.
8. Access to other libraries and services at the national, state and county levels.
9. Other resources that may be available to the school.
10. May provide after school hours services and programs to benefit students.
11. May allow the community access to school library services and programs and is authorized to charge a fee if deemed necessary.

The librarian will review and evaluate books, collections, services and resources to determine what needs to be maintained in the library. The school is authorized herein, to donate or dispose of books and materials that are no longer beneficial to maintain in the library.

Section VII.6 SUPPORT PROGRAMS

The Hopi Day School is authorized to apply for support program funding that may be available from national, state, county, tribal, and non-profit agencies, or may participate in programs or services that will benefit the school. Any support program funds that are received shall be spent for the purposes it was awarded, and is subject to compliance with applicable policies, rules and regulations for audit purposes.

Section VII.7 PREVENTION PROGRAMS

Hopi Day School may participate in, or provide prevention education programs that will benefit students. The school should include instruction on the harmful effects of alcohol, tobacco and controlled substances upon the human body and society. Benefits of healthy lifestyles should be promoted throughout the grades. Other program offerings or participation may include gang prevention activities, and decision-making activities.

Section VII.8 EDUCATION OF CHILDREN WITH DISABILITIES

Hopi Day School shall provide a free and appropriate education for children with disabilities. Efforts will be made to accommodate the special needs of these children to afford them the opportunity to participate in programs and general courses of instruction offered by the school. The Governing Board understands that not every child with a disability is able to be served at the school site, and herein authorizes the school to make a good faith effort to accommodate a parent/guardian request for home school services. Such services shall be done with approval of the CHIEF SCHOOL ADMINISTRATOR.

The school shall comply with applicable laws and requirements for the education of children with disabilities, and the Chief School Administrator will assure specialty services can be accessed to serve the special needs of students with disabilities.

Section VII.9 WAIVER OF PARTICIPATION

If the parent/guardians or legal guardian(s) of a student determines that the student's participation in a portion of the curriculum or in an activity would extend beyond the students physical ability, or right of conscience the parent/guardian or guardian or student may request a waiver. A written statement from an authority may be required.

Section VII.10 TECHNOLOGY AND COMPUTER LITERACY

Technology education will be incorporated into the curriculum and instructional programs to afford students in the grades to become computer literate. This will be accomplished through:

1. Planning by the administration, teachers, and staff for incorporating technology into the education programs of the school.
2. Establishing a computer lab, including the purchase of necessary technology, equipment and related services for technology education programs.

3. Library program services that include technology and the access to related services and programs.
4. Providing technology and programs in the classrooms.
5. Providing staff and student training in technology.
6. Access to resources that enhance and support the school's technology education programs.

Section VII.11 ELECTRONIC INFORMATION SYSTEM/INTERNET ACCEPTABLE USE POLICY

Hopi Day School (hereinafter "School") provides technology resources to its students and staff for educational and administrative purposes. The goal in providing these resources is to promote educational excellence in the School by facilitating resource sharing, innovation, and communication with the support and supervision of students, parent/guardians, teachers and support staff. The use of these technology resources is a privilege, not a right.

The School will make every effort to protect students and staff from any misuses or abuses of this service; however, personal responsibility is essential in the use of this system, and all users must be watchful to avoid inappropriate and illegal interaction with the information service. All users and, where applicable, all parent/guardians of users must familiarize themselves with the School's policies and rules regarding the usage of this resource and agree to adhere to said policies and rules prior to being granted the privilege of using this resource. Violations of the School's policies and rules concerning this resource may result in revocation of the user's privilege and may subject the user to disciplinary action.

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

A. Use is a Privilege

The use of the School's electronic information system is a privilege, not a right, and inappropriate use may result in a cancellation of those privileges and further disciplinary action. The cancellation of this privilege may be appealed through the regular student appeal procedures for disciplinary actions less than a suspension and the staff appeal process for reprimands. Any staff member may recommend that the Technology Coordinator deny, revoke or suspend a specific student account. Any supervisor may recommend that the Technology Coordinator deny, revoke or suspend a specific staff member's account. The Technology Coordinator shall, prior to denial, revocation or suspension of an account, inform the Chief School Administrator of the Technology Coordinator's intended action in writing and may only take such action upon the Chief School Administrator's approval.

B. Acceptable Use

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

1. Assigned computer/Internet accounts must only be used for educational research and personal growth.
2. Users are responsible for the proper use of their account and shall use only their own personal account number to access the electronic information service. Users shall not allow any other person to use their account, nor give their account number to any other person, on or off line.
3. Users shall not use the system to promote the use of drugs, alcohol or tobacco, nor deliberately promote unethical practices or practices which violate any law or School policy.
4. Copyrighted material may not be placed on the system without the express permission of the author who must be credited for the material. Copyrighted material may be downloaded for users' use only.
5. Users shall not read the other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to delete, copy, modify or forge other users' mail or files.
6. Messages should be kept as brief as possible.
7. Use of any other organization's networks or computing resources must also comply with the rules of that network.
8. Transmission of any material in violation of any federal, state or Hopi Tribal laws is prohibited. This includes, but is not limited to: copyrighted material, threatening or obscene material, or material protected by trade secret.
9. Use for commercial activities without proper authorization is not permitted.
10. Use for product advertisement or political lobbying is prohibited.
11. Messages of a private or personal nature involving students, staff or other individuals are not permitted.
12. Inappropriate use of electronic resources can also be a violation of local, Hopi Tribal, state and federal laws, and a user can be prosecuted for violating those laws.
13. Users granted access to the Internet through the School information system assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by School policy.
14. No user shall access, transmit or re-transmit material which promotes violence or advocates destruction of property including, but not limited to, access to information

concerning the manufacture of destructive devices such as explosives, fireworks, smoke bombs, incendiary devices or the like.

15. No user shall access, transmit or re-transmit any information containing pornographic or other sexually oriented material (pornographic means pictures or writings that are intended to stimulate erotic feelings by the description or portrayal of sexual activity or the nude human form).
16. No user shall access, transmit or re-transmit material which advocates or promotes violence or hatred against particular individuals or groups of individuals or advocates or promotes the superiority of one racial, ethnic or religious group over another.
17. No user shall use or possess bootleg software (bootleg software means any software which has been downloaded or is otherwise in the user's possession without the appropriate registration of the software including the payment of any fees owing to the owner of the software).
18. No user shall use encryption software from any access point within the School.
19. No user shall transmit confidential personal information from an access point within the School, unless the individual has given permission.
20. No person shall transmit e-mail through an anonymous e-mailer.
21. No user shall access the Internet from the School access point unless they are authorized.
22. No user shall commit or attempt to commit any wrongful act involving the use of the network which disrupts the operation of the network within the School or any network connected to the Internet including the use or attempted use or possession of computer viruses. Users should use all precautions to avoid viruses.
23. No user shall use the electronic communication system for harassment. Harassment is defined as the persistent annoyance or disruption of another user, or the interference of another user's work. Harassment includes, but is not limited to, the sending of unwanted mail.

C. Mandatory Internet Filters

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

The Technology Coordinator shall research available software and Internet services to determine the software and/or service that will best serve the School's and Users' needs, taking into consideration effectiveness in filtering such material and cost to the School. The Technology Coordinator shall summarize his/her research of the alternatives and make recommendations of which software and/or services should be purchased. The summary and recommendations should be submitted annually in writing to the Chief School Administrator prior to July 1. The standards and rules set forth in the School's Electronic Information System policy shall be considered in selecting this software and/or service.

The above described filters and filtering services cannot guarantee that a User will not encounter material that may be deemed offensive or harmful. A User, and where appropriate a User's parent/guardian, must be aware of this continuing possibility of encountering offensive or harmful material through the School's electronic information system. The continuing possibility of encountering offensive or harmful material via the electronic information system should be considered when applying for the privilege of using the electronic information system, when authorizing such use for one's child or ward, and when using the electronic information system.

D. No Warranties

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

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

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

E. Network Etiquette and Privacy

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

1. **BE POLITE.** Refrain from sending, or encouraging others to send, abusive messages.
2. **USE APPROPRIATE LANGUAGE.** Remember that you are a representative of our School on a non-private system. You may be alone with your computer, but what you say and do can be viewed worldwide. **SWEARING, USING VULGARITIES OR ANY OTHER INAPPROPRIATE LANGUAGE** will be subject to disciplinary action. Illegal activities of any kind are strictly prohibited.
3. **PRIVACY.** Do not reveal your home address or personal telephone number or the addresses or telephone numbers of students or colleagues.
4. **ELECTRONIC MAIL.** Electronic mail (e-mail) is not private. Messages relating to or in support of illegal activities must be reported to the Technology Coordinator and local legal authorities.

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

F. Web publishing policies.

1. General statement of policy. It is clear that there are significant risks, as well as significant advantages, involved with allowing students to be identified on the Internet. Therefore, students should not be easily identifiable from materials they might publish on the Internet. No directory information should be posted on the Web for students whose parent/guardians have returned the form asking that such information not be released (Appendix VII-A).
2. Rules for Web publishing.
 - a. Only a student's first name shall be used in any student published work.
 - b. Pictures that are a part of student publishing shall not include identifying information.
 - c. Under no circumstances may students' home address or phone number be included in any publication.
 - d. If replies to published student work are appropriate, the sponsoring teacher's address should be the e-mail address displayed, not the student's.
 - e. No student's name or picture will be published unless a parent/guardian has signed a release allowing publication.
3. Closed forum. The School's Web site is a closed forum.

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

G. Links to third party sites.

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

Appendix VII-A

PERMISSION AND RELEASE TO PUBLISH STUDENT'S FIRST NAME AND/OR PICTURE ON THE INTERNET

As the parent or guardian of _____, I understand the benefits and risks of publishing works on the Internet. In consideration of the benefits of allowing my student to publish his/her work, first name and/or picture on the School's Web page, I hereby give permission for the student's a.) first name and first name only to be published on the Web or b.) first name and photograph with no identifying information to be published on the Web.

a. _____

yes no initials

b.

yes no initials

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

Parent or Guardian (printed)

Date _____

Parent or Guardian (signature)

Section VII.12 STAFF DEVELOPMENT AND TRAINING

In order to provide the continued delivery of professional education services at Hopi Day School, administrators, teachers and support staff are encouraged to participate in staff development and training opportunities that are available. Dependent upon the availability of funds, the Chief School Administrator is authorized to permit staff to request:

1. To participate in seminars, workshops, conventions and college courses.
2. Payment for registration and necessary expenses of staff to participate in seminars, training, workshops and conventions.
3. Financial assistance for undergraduate college courses shall be done through formal agreement and shall not exceed four courses or twelve credit hours for each contract year. Exceptions can be made on a case by case basis with the recommendation of the Chief School Administrator to the Governing Board.
4. To participate in seminars, workshops, conventions and college courses must be for the purpose of improving the person's professional abilities.

5. To pay reasonable costs, if necessary, for the maintenance of credentials for bus drivers. The Chief School Administrator is given authorization and discretion for determining what costs may be covered.

Section VII.13 ACHIEVEMENT TESTS

Hopi Day School shall administer achievement tests to assess student competencies in the basic academic skills and to measure various levels of proficiency and/or growth achieved by students. Achievement test information is to be used to plan, assess, and evaluate the effectiveness of programs offered by the school, as well as for use in improving existing programs. Achievement tests are to be:

1. Administered by grade level annually as required.
2. Approved testing instruments that meet academic standards and accreditation.
3. Given in compliance with established rules for the conduct and administration of the tests.
4. Analyzed for results of the testing program scores and averages.
5. Held as confidential records when student names are attached to scores, and are protected by federal and state laws of confidentiality.
6. Reported annually to the Governing Board.
7. Only statistical averages, by grade level, with no student names attached, may be available, or released to the public, and such release of data and information shall be with approval of the CHIEF SCHOOL ADMINISTRATOR.

Section VII.14 FIELD TRIPS

Student field trips are encouraged and recognized as an effective learning device; however, field trips present additional concerns for the student and the School. 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 of the School. Field trips are a privilege and students must earn the right to attend based on criteria previously established by the classroom which may include behavior and academic effort. This should be approved by the Chief School Administrator. The following guidelines apply to field trips:

1. Authority and responsibility to approve off-campus trips for students is hereby delegated to the Chief School Administrator who shall ensure compliance with the guidelines delineated herein.
2. One-day class fieldtrips for the purpose of providing educational and/or cultural experiences for students are permitted and encouraged. **A properly completed field trip request packet for each proposed trip shall be submitted to the Chief School Administrator for approval no later than two weeks in advance of the planned trip. Overnight trips must be submitted no later than one month in advance.**
3. With the exception of the Fifth and Sixth grade year-end trip, overnight class trips are not permitted except as provided below. The Fifth grade class trip shall not exceed the

inclusions of one instructional day. The Sixth grade class trip shall not exceed the inclusion of two instructional days.

4. Mixed grade field trips need approval from the Chief School Administrator for a field trip should it exceed the limitations of the youngest age.
5. Overnight trips to facilitate participation in athletic events or other special events and activities are permissible to allow students to represent Hopi Day School.
6. Employees who accompany school-sponsored trips are deemed to be in duty status during the entire trip and shall discharge all related duties and responsibilities accordingly.
7. In consideration of the age and maturity of the students, the following one-way travel time/distance restrictions shall apply:

Grade-Level

The Greater of

• Kindergarten	1.5 hours or 150 miles
• First – Second	2.5 hours or 200 miles
• Third – Fourth	3.5 hours or 280 miles
• Fifth	4.5 hours or 330 miles
• Sixth	5.5 hours or 400 miles

8. Off-campus trips shall be under the direct supervision of a certified teacher employed by the school unless a specific exception has been approved by the Chief School Administrator
9. In general, all trips should return to Hopi Day School by 8:00 p.m. Exceptions must be approved in advance by the Chief School Administrator.
10. The bus driver accompanying a field trip shall devote full attention to driving responsibilities and shall not serve as a chaperone at any time while engaged in driving-related activities.
11. Upon notification, the Facilities Manager shall make the necessary arrangements for transportation and confirm the scheduling to ensure there is no conflict with daily bus runs during regular school days.
12. Field trip requests for sack lunches, if needed, must be submitted for approval two weeks in advance.
13. With the exception of off-campus trips to areas within the local community, every student must have written parent/guardian consent to participate in field trips.
14. All field trips must conform to the following standards:
 - a. Must provide educational and/or cultural experiences.
 - b. Must receive formal administrative approval in advance.
 - c. Must have written parent/guardian consent including medical consent.
 - d. Must have a formal field trip itinerary that includes phone numbers so chaperones may be contacted.
 - e. Must have a written chain of authority of personnel responsibilities.
 - f. Must include a written roster of employees, other adults, and students participating in the field trip.
 - g. Must have confirmed transportation.
 - h. Where applicable, overnight trips must have confirmed lodging that includes addresses and phone numbers where chaperones can be contacted.

- i. All field trips must have an appropriate number of chaperones (generally a ratio of 1 to 5).
 - j. Every volunteer/chaperone who accompanies an overnight trip must have received a criminal background clearance in accordance with all applicable laws, regulations, and policies. Day field trips require that each volunteer maintain a “line of sight”
 - k. The employee responsible for planning the trip must provide the administrative office and the facilities manager a copy of the field trip itinerary; chain of authority of personnel responsibilities; name, address and telephone number of motel(s); and telephone numbers of sites to be visited.
 - l. Parent/guardians must notify in writing 24 hours in advance by a legal parent/guardian or guardian if someone will be checking out a student during the field trip. Once a child is checked out by a parent/guardian, the child becomes the parent/guardian’s responsibility and shall not be able to participate in additional functions during the field trip.
14. The Chief School Administrator may impose additional requirements for off-campus trips as deemed necessary.

Section VII.15 DUTIES OF FIELD TRIP SPONSOR

- A. The Field Trip Sponsor must be identified in the packet and must be a certified professional. The Field Trip Sponsor has responsibility for and has 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 shall provide standards of conduct which govern the conduct and activities of the students participating in the field trip not otherwise provided in the student handbook and which are necessary and proper for the orderly, safe and enjoyable participation in the field trip.
- C. The Field Trip Sponsor 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 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 at all times during the field trip. The Field Trip Sponsor must be able to locate each student at any point in time.
- E. The Field Trip Sponsor 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 shall have a cell phone so he or she can contact the school and/or parent/guardians 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 is responsible for the use of the cell phone during field trips.

Section VII.16 DUTIES OF PROFESSIONAL AND PARAPROFESSIONAL STAFF AND CHAPERONES AND OTHER STAFF PERSONS PROVIDING SERVICES DURING A FIELD TRIP

All chaperones are responsible for the discipline and well-being of the students for which they are in charge. The chaperone must check against a student list to assure that all students are accounted for at all times. At no time, should a student be left unattended.

Section VII.17 SCHOOL BUS CHAPERONE

POLICY STATEMENT

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 Chief School Administrator.

Summary of Role

- The chaperone will 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.
- The chaperone will 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 VII.18 REQUIREMENTS FOR THE 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 Chief School Administrator by the Field Trip Sponsor or his or her designee. For this purpose, a significant departure from the itinerary shall be defined as any departure which

prevents the School 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 School and its students.
- E. All medical needs will be addressed and accommodated prior to the field trip.
- F. If there are deviations from the standardized field trip (such as early check-out), there must be a written request from the parent/guardian three days in advance.

Section VII.19 IN-SCHOOL PROVISIONS

Appropriate educational accommodations will be made for those students who are not participating in field trips.

ARTICLE VIII. FACILITIES MANAGEMENT

General Statement: The Hopi Day School, operating as a “Grant School” under P.L. 100-297, the Indian Controlled Schools Act, within Bureau of Indian Affairs owned/leased facilities and property will ensure compliance with all federal facilities management laws, policies, rules and regulations.

Hopi Day School will comply with the maintenance, operations, codes, and safety standards of the Bureau of Indian Affairs and other applicable regulations. School facilities and grounds are to be maintained and kept in good condition, appearance and repair.

Section VIII.1 FUNDING ALLOCATIONS

Hopi Day School may seek and receive funds for facilities management purposes that include construction, maintenance, quarters, furniture, equipment, vehicles and other necessary needs.

1. Hopi Day School is authorized to include, apply for, receive and budget for the facilities management needs of the school.
2. A facilities management budget shall be established and included in the schools fiscal budget.

3. Fiscal allocations for transportation shall be accounted for in accordance with the school financial management system.

Section VIII.2 REPORTS AND RECORDS

The Facilities Management supervisor shall maintain records and reports files as they relate to Hopi Day School facilities, property and grounds. Property and boundary records, building architectural drawings, construction, repair and maintenance records, as well as fiscal records shall be maintained for audit purposes. The Facilities Manager is responsible for making at least monthly reports to the Governing Board on the condition of school facilities, planning, property and grounds.

The Facilities Manager is responsible for the preparation of, and submittal of required reports to meet reporting timelines; and to ensure that a facilities management backlog record is submitted and maintained. Copies of reports are to be submitted to the Chief School Administrator and the Governing Board.

Section VIII.3 FIRE DRILLS, EMERGENCY EVACUATIONS

The Facilities Manager is responsible for ensuring that proper plans are in place for fire drills, emergency evacuations and other plans that may be required. Fire drill and emergency evacuation plans will be on file in the school administrative office.

Exercise of fire and emergency evacuation drills shall be conducted in accordance with all applicable rules and regulations to ensure that school personnel and students are prepared to act and respond to potential fire or emergency situations.

Section VIII.4 SECURITY

The Facilities Manager is responsible for addressing and planning for the security of school facilities, property and grounds. A formal plan for security should be drafted and maintained on file. Orientation and training on security, as needed, is to be provided to school personnel.

Section VIII.5 BUILDING/GROUNDS USE AGREEMENT

In order to serve the needs of the community, Hopi Day School is willing to open the building and grounds to organizations under the following guidelines:

1. The requesting party must have liability insurance for their organization and assume all liability for the activity.
2. This request must be made on behalf of another school or tribal entity...no personal fund raisers are allowed.
3. This request must be made in a timely manner, no less than 10 working days in advance, for scheduling of staff.
4. This request must be made in partnership with a Hopi Day School class, club, or Parent/Teacher Organization. If an HOPI DAY SCHOOL Organization is not available

to partner, the requesting Agency may hold concessions in the lobby consisting of per-packaged items that comply with Hopi Day School's Wellness Policy.

5. The requesting party must inform law enforcement of the intent of function and request for periodic patrol.
6. The requesting party must assign person (s) from their group to conduct continuous roving patrols.
7. After the function has been completed, ALL parties making this request must engage in cleaning areas utilized for the function including restrooms and parking areas.
8. All activities must be in accordance with and be in observance of the Hopi Day School Wellness Policy. A copy can be made available if there is any question as to the content thereof.

The requesting party must sign and submit a Building Use Agreement Form. 7

Section VIII.6 OCCUPATIONAL SAFETY AND HEALTH ACT

Hopi Day School will comply with all standards, rules and regulations, and provide a safe and healthful workplace, free from exposure to hazards likely to cause death or serious injury. The Governing Board may seek and receive any funds available for addressing these requirements.

The Facilities Manager is responsible for addressing issues and compliance with this section.

Section VIII.7 EMPLOYEE QUARTERS POLICIES AND PROCEDURES

Introduction:

Pursuant to P.L. 100-207. The Hopi Day School Governing Board of Education is responsible for managing and maintaining all employee quarters located within the Hopi Day School compound. It shall be the objective of the Governing Board to maintain those quarters and the adjacent grounds at an adequate, safe, and livable standard. The Governing Board recognizes the importance of employee needs with respect to housing and accepts the responsibility for providing quarters that are conducive to a private, comfortable, safe, and secure environment. The Governing Board believes that employee satisfaction with living conditions and standards is a necessary requirement if desired and expected levels of performance are to be attained on a sustained basis. To this end, the Governing Board has adopted this Employee Quarters Policy and Procedure Manual to serve as a guide to ensure the uniform and equitable treatment of all tenants.

It follows that tenants are also charged with certain responsibilities as pertains to maintaining the quarters and grounds. Those responsibilities are discussed in the following sections. It is the desire of the Governing Board that this document serves as a vehicle for establishing and maintaining a cooperative and beneficial relationship between the school and those individuals utilizing the employee quarters.

Quarters shall be provided to Hopi Day School 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. The needs of Hopi Day School must receive primary consideration. Accordingly, the Chief School Administrator reserves the right to assign quarters so as to serve the best interests of the school and shall issue eviction notices to satisfy the needs of the school.

The Hopi Day School Facility Manager is delegated the authority and responsibility to implement and enforce the policies and procedures of this quarters manual in consultation with the Chief School Administrator. The Governing Board shall remain the final authority with respect to the administration of the Hopi Day School employee quarters program.

The priority for quarters shall be applied by the Housing Committee and shall be established as follows: There shall be one quarters unit designated and reserved for the responsible employee in Facility Management so that the School shall have the benefit of immediate response to any facility problem. This reserved quarters unit shall be designated for use by an employee in Facility Management who also is responsible for and trained in firefighting and prevention. Of the quarters units remaining unoccupied, preference shall first be given to the Chief School Administrator, then to the Administrative Assistant for Finance, and then to the Teacher Supervisor. Of the quarters units thereafter remaining unoccupied, all employees shall be considered, based upon the following criteria:

A. The benefit to the School which would occur if the employee were to be awarded quarters.

B. The employment record and length of employment of the employee seeking quarters.

C. The prior record, if any, of the employee with regard to any prior award of quarters or the occupancy thereof.

D. 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.

No priority hereby established shall prejudice any rights to quarters previously awarded, but shall be applied only to future awards of quarters.

A copy of these policies shall be made available to every employee of the School, whether or not such employee that has been granted quarters, to the end that every employee knows and understands the terms and conditions under which quarters are presently granted or hereafter may be granted.

Each employee and every person residing in or visiting School quarters shall be informed of, by the employee residing in the quarters, and know the terms, conditions, rules, regulations and policies related to the quarters. 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.

The employee to whom the quarters are granted is responsible for the actions of any person on or about the quarters.

Section VIII.8 COMPOSITION AND SELECTION OF THE HOUSING COMMITTEE

The Housing Committee shall consist of five (5) members who shall serve from the first business day of October in each year until the last business day in September of the following year. Members of the Housing Committee may be appointed for successive terms of office. Members of the Housing Committee shall be appointed by the Chief School Administrator (CHIEF SCHOOL ADMINISTRATOR) with the approval of the pre-existing Housing Committee. No appointment shall be made of two or more members of the same immediate family.

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 the need may arise.

Section VIII.9 VACANCIES

The Chief School Administrator shall, within ten (10) days after the occurrence of a vacancy among the member of the Housing Committee, appoint a successor who shall then fill the unexpired term. Said successor must also be approved by the Housing Committee members.

Section VIII.10 FUNCTION AND AUTHORITY

- A. The Housing Committee shall have full authority and responsibility to award quarters to employees subject to School Governing Board action and consistent with the terms and conditions of the Manual.
- B. 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. A non-priority assignment of quarters must be utilized for a priority purpose or a qualified person with a greater need; or
 - 2. 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 School and the employee whose quarters privilege is subject to termination; or

3. Said termination is necessary for the health, safety, welfare, and/or quiet enjoyment of other residents of School quarters, students, staff or the School's best interest.
 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 Chief School Administrator and with Governing Board action.
 5. Absent emergency circumstances, upon termination of employment with HOPI DAY SCHOOL, the ex-employee will have thirty (30) calendar days to vacate his/her assigned quarters/ unit.
- C. The Housing Committee shall have authority to call before it, any employee who has been granted quarters, for the consideration of any problems involving the quarters, the application of the terms of the Manual or the operation of the quarters agreement under which the grant of the quarters were made. The Housing Committee shall also meet and consider such matters as are 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 make such recommendations as a majority deem appropriate, but shall take no other action that is specifically authorized without the prior written approval of the Chief School Administrator.
- D. The Housing Committee shall, after Facility Management has completed the annual inspection of all quarters, review all Inspection Report Forms and make such recommendations to the Chief School Administrator as shall appear proper and necessary as a result of such review.

Section VIII.11 QUORUM

A quorum of the Housing Committee shall consist of not less than three (3) members of the committee who are present. 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. In the event the number of members of the committee shall be increased, then a quorum shall consist of not less than one-half of all members of the Housing Committee.

Section VIII.12 CONFLICT OF INTEREST

A member of the Housing Committee shall be considered to have a conflict of interest with regard to any matter then coming before the committee for action or consideration only in the following instances:

- A. The applicant or person coming before the committee is a member of the immediate family of the member of the Housing Committee, as defined in Section 4.06.
- B. The applicant or person coming before the Housing Committee is directly and immediately supervised by or supervises the member of the Housing Committee.
- C. The matter then coming before the Housing Committee for action or consideration directly affects, either by way of benefit or detriment, the member of the Housing Committee either personally or professionally.
- D. As otherwise set forth in the School's specific Conflict of Interest policies.

Any member of the Housing Committee having such a conflict of interest shall immediately announce the conflict and shall withdraw from any further participation in the consideration or decision concerning the matter giving rise to the conflict of interest. With regard to the consideration of that matter, the presence of the member having the conflict shall not be considered in determining the presence of a quorum.

Section VIII.13 APPLICATION FOR QUARTERS

No quarters award shall be made shall be awarded by the Housing Committee except upon consideration and approval of a written application submitted to the Housing Committee on a form approved by the Chief School Administrator.

Section VIII.14 CONSIDERATION OF APPLICATIONS FOR QUARTERS

The Housing Committee shall consider written applications quarters as above provided and, in addition, may require the presence of the employee submitting the application before the Housing Committee. All decisions by the Housing Committee must be made by a majority vote at a meeting where a quorum has been attained.

Section VIII.15 DENIAL OF APPLICATION 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 or reasons for the denial and shall be kept and maintained, together with the application, by the Housing Committee for not less than one year following the decision. A copy of the written decision shall be provided to the applicant.

Section VIII.16 ADMINISTRATIVE REVIEW OR DENIAL OF APPLICATION

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 Chief School Administrator. 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 or her application or quarters. The original of the request shall be delivered to the Chairperson of the Housing Committee. The Housing Committee shall immediately deliver the original application for quarters and the written review to the Chief School Administrator. The decision of the Chief School Administrator shall be made in writing and shall be delivered to the employee. A copy of the decision of the Chief School Administrator, together with the original application and the decision of the Housing Committee, shall be returned to the records of the Housing Committee. The decision of the Chief School Administrator shall be final.

Section VIII.17 PRIORITIES FOR AWARDS OF QUARTERS

The priority for quarters shall be applied by the Housing Committee and shall be established as follows:

- A. There shall be one quarters unit designated and reserved for the responsible employee in Facility Management so that the School shall have the benefit of immediate response to any facility problem. The reserved quarters unit shall be designated for use by an employee in Facility Management who also is responsible for and trained in firefighting and prevention.
- B. Of the quarters units remaining unoccupied, preference shall first be given to the following executive officers:
 - 1. Chief School Administrator
 - 2. Administrative Assistant of Finance
 - 3. Teacher Supervisor

- C. Of the quarters units remaining unoccupied, preference shall then be given to professional teaching staff, as their need may be demonstrated. Conflicting requests between employees in the same classification shall be determined by consideration of the criteria set forth in policy 8.17.D below.
- D. Of the quarters units thereafter remaining unoccupied, the non-priority application of any employee shall be considered, based upon the following criteria:
 - 1. 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 School.
 - 2. The benefit to the School which would occur if the employee were to be awarded quarters.
 - 3. The employment record and length of employment of the employee seeking quarters.
 - 4. The prior record, if any, of the employee with regard to any prior award of quarters or the occupancy thereof.
 - 5. 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.
- E. Non-priority assignment of quarters may be terminated as follows:
 - 1. The Housing Committee determines that the non-priority assignment must be terminated in order to provide for the priority needs of the School; and
 - 2. The Housing Committee notifies the employee on or before the first day of July that the quarters assignment must be terminated in order to provide for the priority needs of the School.
- F. This policy shall be applied prospectively from the date of adoption.

- G. The supervisor, department head or the Chief School Administrator may, if they deem it to be appropriate and in the best interest of the School, appear before the Housing Committee to suggest to the Housing Committee such benefits or detriments as may occur if the employee were to be awarded such quarters as has been requested.

Section VIII.18 DETERMINATION OF PRIORITY NEEDS

- A. On or before the first working day of June in each year, the Chief School Administrator 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 June in each year, the Education Supervisor 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.
- C. 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 herein.
- D. In the event the Housing Committee determines that the priority needs for quarters requires that an award or awards of quarters be terminated in order to provide for priority needs, then the Housing Committee shall act in compliance with the requirements of these policies.
- E. On or after the first working day in October in each year, if any quarters remains available and unoccupied, the Housing Committee shall publish and distribute a list of all available quarters to all School staff.
- F. Short-term quarters may, if available, be rented to non-employees of the School in the event the services of the tenant are of benefit to the School or the quarters unit would otherwise be unoccupied and unproductive revenue for the School.

Section VIII.19 EXECUTION AND DELIVERY OF DOCUMENTS

Upon an award of quarters by the Housing Committee, the person to whom the award was made shall execute and deliver to the Business Office, with a copy to the Office of the Chief School Administrator, the following:

- A. An executed Housing Lease Agreement substantially in the form provided as **Appendix A** to this Section.
- B. An executed Payroll Deduction Agreement substantially in the form provided as **Appendix B** to this Section, or such other written payment agreement as may be approved by the Housing Committee and CHIEF SCHOOL ADMINISTRATOR.
- C.

Section VIII.20 INSPECTION AND REPAIR BY FACILITY MANAGEMENT

Prior to occupancy of the awarded quarters unit, Facility Management staff shall inspect the quarters and complete a Quarters Inspection Checklist Form substantially in the form provided as **Appendix C** to this Section. All deficiencies found in the quarters unit shall be remedied by Facility Management.

Section VIII.21 CONDITIONS OF AWARD AND TENANCY

All school quarters shall be used and occupied subject to the terms and conditions of this Section. 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 Agreements, or similar documents, previously executed shall also constitute grounds for the termination of the quarters assignment or rental rights set forth in those agreements.

- A. 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.
- B. The quarters assigned or rented shall be kept in a clean, sanitary, slightly and safe condition. All trash, garbage refuse and litter shall be promptly accumulated, properly contained and removed from the quarters and surrounding property.
- C. No livestock stock shall be kept on or in the assigned quarters and surrounding property. Household pets in a number and of a kind listed on the application for quarters may be kept if confined to the quarters and surrounding property. 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.)

- D. 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.
- E. The employee to whom the quarters is awarded shall be responsible for and shall notify Facility Management of all maintenance needs with regard to the quarters.
- F. 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 Chief School Administrator. No alterations, improvements or additions so made to the quarters shall be removed without the prior written permission of the CHIEF SCHOOL ADMINISTRATOR.
- G. 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.
- H. The hauling of water taken from any quarters shall not be permitted.
- I. 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.
- J. No illegal activity shall be conducted or maintained in or about the quarters assigned.
- K. No accidental or purposeful damage shall be caused to the quarters. Any such damage as shall occur shall be immediately reported to Facility Management and the person to whom the damaged quarters is assigned shall pay the reasonable cost of all necessary repairs performed by Facility Management as the result of such damage.
- L. No inoperable vehicles, trailers, machinery or other such unsightly materials shall be stored or placed on the premises.
- M. 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 School quarters, student, staff or other person, nor shall such persons act or permit or allow actions that are against the best interests of the School. (Actions and conduct of persons other than the employee, on or about employee's premises, are the responsibility of the employee.)

Section VIII.22 TERM OF ASSIGNMENT

Assignments of quarters shall commence on the effective date of the assignment and shall continue to and until the first day of the following July. Assignments are for no more than one (1) year at a time. Tenants are not entitled to continued assignments. Any tenancy after the expiration of the tenancy lease, without a new or renewal assignment, shall be considered month to month and may be terminated upon thirty (30) days written notice by either party.

Section VIII.23 COMPLAINTS AND REPORTED VIOLATIONS

All complaints concerning a violation of the terms of this Manual shall be made to the Chief School Administrator and Housing Committee in writing, dated and signed by the person making the complaint.

Section VIII.24 CONDUCT OF HEARING

A hearing shall be granted to all parties involved in any written complaint or report of an alleged violation of the terms of this Manual when the Housing Committee 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 Housing Committee. All hearings shall be conducted in the manner set forth below.

- A. 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.
- B. 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).
- C. The hearing shall be conducted in private 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.
- D. All parties shall testify after being placed under oath.
- E. A party or witness may present documentary evidence to the Housing Committee.

- F. 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 in private to consider the formal decision of the Housing Committee.
- G. 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 Business Office and the Office of the Chief School Administrator.

Section VIII.25 EXIGENT CIRCUMSTANCES

In exigent circumstance, action may be taken by the Chief School Administrator immediately, as the situation may require, with the hearings or procedures, required under these policies to be held as soon as reasonably possible thereafter.

Section VIII.26 ADMINISTRATIVE REVIEW OF HOUSING COMMITTEE DECISION

Any employee who is aggrieved 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 Chief School Administrator. Such request shall be made in writing and shall set forth the specific reasons why the employee believes the Housing Committee erred in its decision. The original of the request for administrative review shall be delivered to the Office of the Chief School Administrator, and a copy shall be delivered to the Housing Committee. The Housing Committee shall immediately deliver the original complaint and the written decision of the Housing Committee to the Chief School Administrator for his or her Review. The decision of the Chief School Administrator shall be made in writing and shall be delivered to the employee. A copy of the decision of the Chief School Administrator, together with the original complaint and the decision of the Housing Committee, shall be returned to the records of the Housing Committee. The decision of the Chief School Administrator shall be final.

Section VIII.27 EXPIRATION

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 School, 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 majority decision of the Housing Committee that causes exists and termination is found to be the appropriate remedy.
- D. The determination by the Housing Committee that the priority needs of the School 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. As previously stated lease agreements are limited to a maximum of one (1) year at a time and there is no right to continued assignment or award of quarters.

Section VIII.28 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 prior to the date upon which the quarters are to be vacated, the quarters shall be inspected by Facility Management 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 Facility Management.
- C. Upon the completion of the inspection, a Quarter's Inspection Form must be completed by the inspecting authority from Facility Management. 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 Facility Management representative.
- 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, slightly 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.
 5. That all keys to the quarters have been returned to the Administration office.
- E. The inspection Report form shall conclude that the quarters are unacceptable and that the employee to whom the quarters were awarded is not cleared from further responsibility for the quarters when it is found that:
1. Loss, damage or injury, apart from normal wear, has occurred by virtue of the expiring occupancy.
 2. That the quarters are not in a clean, slightly and sanitary condition.
 3. That all trash, refuse and litter have not been removed from the quarter and surrounding property.
 4. That all keys to the quarters have not been returned to the Administration office.
- F. 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 Business Office 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.
- G. 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 Chief School Administrator for further action and no sums due and otherwise owing to the employee shall 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.

- H. The Facility Manager 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 Chief School Administrator shall so indicated on the Quarters Inspection Form, a copy of which shall then be delivered to the Business Office.
- I. 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 HOPI DAY SCHOOL.

Section VIII.29 DUTIES OF FACILITY MANAGEMENT _

- A. A designated representative of Facility Management shall conduct an annual inspection of all quarters. An Inspection Report Form shall be completed as a part of each inspection on each Quarter. The original of the inspection report shall be retained among the records of Facility Management, and a copy shall be provided to the Housing Committee, the Chief School Administrator, and the occupant.
- B. A designated representative of Facility Management shall conduct an inspection of quarters awarded prior to occupancy and shall complete an Inspection Report Form as a part of such inspection. The intended occupant shall be given a copy of this report form when completed.
- C. A designated representative of Facility Management 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 occupant shall be given a copy of this report form when completed.
- D. Occupied quarters shall be entered by designated representatives of Facility Management only after reasonable notice of such intended entry shall have been provided to the occupant. 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 occupant 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 occupant. Such 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, et cetera). However, 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 occupant within three (3) working days after the emergency entry has occurred.

- E. The Business Office shall assure 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 Facilities Manager shall, on or before the first day of May in each year, provide the Housing Committee with an annual report of all income and expenditures of quarters rentals income and shall consult with the Housing Committee on any intended expenditure in excess of \$5,000.00 from said funds per project.
- F. The Facilities Manager shall assure that work orders for the repair or maintenance of quarters are promptly processed and to the extent funds are available, assure that appropriate work and maintenance is performed, consistent with those work orders.
- G. The Facilities Manager shall assure that the performance and conduct of all employees under his or her authority conforms to the policies and procedures contained in this Manual.
- H. The Facilities Manager shall assure that, to the extent within his or 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 this Manual.
- I. The Facilities Managers, in consultation with the Housing Committee and the Business Office, may promulgate implementing procedures in furtherance of this Policies and Procedures Manual.
 - 1. Such implementing procedures as are promulgated shall thereafter be delivered to the Chief School Administrator for his or her review. IF approved by the Chief School Administrator, such implementing procedures shall become immediately effective and shall be identified by the date of approval and effect.
 - 2. The original of such procedures shall be placed among the collected policies and procedures of the Community School and copies shall be distributed to all employees
 - 3. Such procedures as have been approved may be thereafter amended in whole or in part by action of the Facilities Manager with the approval of the Chief School Administrator. Such amended procedures shall be marked with the date of approval and effect and be placed among the collected policies and procedures of the School and copies shall be distributed to all employees.

Appendix VIII-A HOUSING LEASE AGREEMENT

It is mutually agreed that HOPI DAY SCHOOL, Lessor, will lease to _____, Tenant, the premises located at house number _____ 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 HOPI DAY SCHOOL Policy Section 8.07; 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 Housing Codes and Policies:

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:

- Comply with all obligations primarily imposed upon Tenants by applicable provisions of building and housing codes materially affecting health and safety.
- Keep the premises and such other areas as may be assigned to the Tenant for upkeep clean and safe.
- Make proper adjustments in thermostats and water valves to prevent frozen waterlines during the winter months.
- Dispose of all garbage, rubbish, and other waste in a sanitary and safe manner, ready for collection.
- Use all electrical, plumbing, sanitary, heating, and other facilities in a reasonable manner.
- 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.
- 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.
- 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.
- 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.
- **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 School (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:

- ***Monthly rent will be deducted from your paycheck on a biweekly basis.***
- 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.
- Certified employees (10-month contract) retaining housing during the summer months will have rent deducted from their last check.
- 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.
- "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 B.I.A. Facilities Management. Propane gas and electricity will be furnished by private vendors. Sewer services will be provided by the Village of Kykotsmovi. 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 School'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 School. The Tenant agrees to:

- Vehicles are to be driven at or below 15 mph on School grounds.
- Abandoned cars, other vehicles, and undesirable objects are not allowed to remain on the premises.
- Tenants shall have 14 calendar days after the receipt of written notice to remove abandoned cars, other vehicles, or undesirable objects.

- 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 one hundred dollars (\$100.00) will be required to cover each pet. Pet deposits are not refundable. Tenant agrees that:

- Any pet other than a dog, cat, or fish must receive permission from the Housing Committee.
- Specific breeds of dogs may be denied i.e. pit bulls, Rottweiler's.
- All pets must have rabies shots and must be tagged and collared.
- Animals that become a threat to students, staff, and visitors will be permanently removed from the premises.
- Owners will assume personal responsibility for damaged property (whether school or personal) and/ or injury to person(s) caused by the pet.
- Tenant will comply with Village/ Tribal regulations and the laws of the State of Arizona pertaining to animals.
- 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 School/Lessor policies. Cause shall be defined as:

- Violation of any rule, regulation, obligation or provision set forth herein.
- Violation of any School/Lessor housing policy.

- Destruction of the Lessor's housing in which the Tenant resides (destruction: damages intentionally or negligently caused by the Tenant).
- Subletting, leasing, or loaning apartment or premises to any other individual without the School's written approval.
- Using a housing unit for commercial business.
- Failure to follow the Lessor's rules on housing.
- Alterations and adding to or deleting from the housing unit without the Housing Committee's approval.
- 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.
- Discharging of firearms on the premises by the Tenant, the Tenant's family members, or guests.
- Abandonment, which shall be defined as: the Tenant abandons the leased unit.
- Priority consideration and procedures are set forth in School/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 School 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 School's/Lessor Housing Codes and Policies.

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 HOPI DAY SCHOOL

Housing Committee Member HOPI DAY SCHOOL

Housing Committee Member HOPI DAY SCHOOL

Chief School Administrator HOPI DAY SCHOOL

Tenant/Employee HOPI DAY SCHOOL

*** In signing this document, the Tenant expresses his/her understanding of both Housing Policies and the Housing Lease Agreement ***

**Appendix VIII-B
TENANT PAYROLL DEDUCTION**

Tenant Payroll Deduction

Tenant: _____ **Acct#** _____ **File#** _____
Unit# _____

	Month	
Rent		\$ -
Water		\$ -
Sewer		\$ -

Total due:	\$ -

Section VIII.30 TRANSPORTATION

The health, safety and welfare of all students and staff shall be the primary concern in all transportation matters. All transportation-related duties shall be performed with this in mind. Other general policies to be considered relative to the subject of transportation are protection of the School from liability, efficient service of the School's transportation needs, protection of School assets through proper maintenance and use and ensuring the staff is properly trained, licensed and certified to perform transportation functions.

Section VIII.31 DEFINITIONS

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.

Authority.

The Authority, either actual or implied, to conduct transportation.

Employee.

For purposes of this Manual only, an employee shall be defined as any person employed by the School under long-term or temporary contract of employment, as a consultant or independent contractor, or who is an officer or official of the HOPI DAY SCHOOL.

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 School to that student.

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.

Student.

Any person who is enrolled as a student in HOPI DAY SCHOOL.

Transportation.

The act of operating a vehicle on or away from the HOPI DAY SCHOOL campus under the actual or implied authority of the School while conducting the business of the School.

Section VIII.32 LICENSING AND CERTIFICATION

No vehicle operated under the authority of the School, whether a personal vehicle used for School business or a vehicle under the control of the School, shall be operated for purposes of transportation unless the operator thereof possesses all licenses and certification necessary to the operation of the vehicle in the manner and for the purposes intended by the authority granted.

- A. Any person whose primary duties of employment directly and substantially involve the transportation purposes of the School and whose required license or certification is revoked, suspended or expires without renewal, shall immediately notify his or her supervisor of such fact. The Supervisor shall notify the Chief School Administrator who shall initiate the appropriate action whether it be discipline, termination, counseling and generally notify the Board; however, not provide details pending application of these policies
- B. The Governing Board may terminate the employment of any person whose primary duties of employment directly and substantially involve the transportation purposes of the School and whose required license or certification is revoked, suspended or expires without renewal, pursuant to this Manual.
- C. In circumstances in which Hopi, federal or Arizona law require the operator of a vehicle to possess a current, valid CDL, no person may operate a vehicle without such license.
- D. Bus drivers are responsible for maintaining driver credentials, meeting physical and health condition requirements; according to current Hopi, federal and state laws.
- E. Bus drivers shall disclose to the Chief School Administrator any medical conditions that may affect performance of duty. Clearance from a doctor approved by the Arizona State Department of Transportation shall be required to return to work.

Section VIII.33 VEHICLE AND OPERATOR INSURANCE

- A. All vehicles owned or leased by the School shall be fully insured by the School for all transportation purposes.
- B. Any personal vehicle used for School business shall be fully insured by the owner thereof prior to its use for the transportation purposes of the School.

Section VIII.34 VEHICLE OPERATION AND USE

- A. No vehicle shall be used for the transportation purposes of the School 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 transportation manager 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 transportation purposes of the School,, the operator of the vehicle shall inspect the vehicle to assure 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. Deficiencies shall be noted and provided to the transportation manager:

C.

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.
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.
3. The continued proper operation of all safety equipment.

E. No vehicle shall be operated for the transportation purposes of the School in any unlawful manner and shall, at all times when engaged in the transportation purposes of the School, 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 the transportation purposes of the School, shall report that fact to the Chief School Administrator within two (2) working days after said charge, and again within two (2) working days after a plea or conviction.

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 Chief School Administrator may, based upon said information, determine that the employee no longer be permitted to engage in the transportation purposes of the School.
3. If, as a result of the determination of the Chief School Administrator, the employee is no longer able to fulfill a primary and necessary duty of his or her employment, that employment may be terminated pursuant to this Manual.

Section VIII.35 TRANSPORTATION INVOLVING STUDENTS

- A. The transportation of any student, which is the result of the planned operation of the School, shall be undertaken only upon the actual authority of the School 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 this 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. No student enrolled in this School will be transported, at any time or for any reason other than a reason constituting a real and immediate emergency, in any space or part of a vehicle which is not designed, constructed and equipped to carry a passenger in safety and in full compliance with law.
- D. The operator of a vehicle engaged in the transportation of a student or students is directly responsible for the safety of the student or students.
- E. The operator of a vehicle engaged in the transportation of a student or students is directly responsible for the discipline and control of the student or students 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 School's Policies and Procedures Manual.
- F. The operator of a vehicle engaged in the transportation of a minor student or students shall not permit any such student to disembark from the vehicle except to or into the custody and supervision of a responsible adult excepting only:
 1. When such student or students are directed to disembark at a school building when school or the services of that building are in session; or
 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.
- G. It is the parent/guardian'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.

A student shall adhere to their established bus, bus run and drop off point. There will 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.

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/guardian'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/guardian's responsibility to wait for its arrival. In climate weather and other conditions may make it impossible to arrive at the site at the scheduled time. If parent/guardians fail to pick-up their students at the site at the appropriate time, two (2) times within the school year, the student will be dropped from the activity.

It remains the parent/guardian's responsibility to insure that their student/child is picked-up at the time that the student disembarks from the bus. It is impossible for the School 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/guardian's responsibility to pick-up their child/student at that point, at that time.

Section VIII.36 TRANSPORTATION PROCEDURES FOR STUDENTS IN FOSTER CARE

Research indicates that children in foster care are at high-risk of dropping out of school and are unlikely to attend or graduate from college. Frequent mobility of students in foster care is a barrier to their academic success. The *Every Student Succeeds Act of 2015* (ESSA) requires that schools and child welfare agencies collaborate to develop and implement clear written procedures governing how transportation will be provided, arranged, and funded to maintain children in foster care in their school of origin during the time students are in foster care when it is in their best interest.

Under ESSA, transportation procedures for children in foster care must:

- Ensure that children in foster care needing transportation to the School will promptly receive transportation in a cost-effective manner and in accordance with the child welfare agency's authority to use child welfare funding for transportation to the School;
- Ensure that, **if** there are additional costs incurred in providing transportation to maintain children in foster care in the School, the School will provide transportation to the School **if**:
 - the local child welfare agency agrees to **reimburse** the School for the cost of such transportation;
 - the School **agrees** to pay for the cost of such transportation; **or**
 - the School and the local child welfare agency **agree** to share the cost of such transportation.

Hopi Day School Transportation Plan for Students Placed in Foster Care

1. When a student is placed in foster care or changes residence while in foster care, a local child welfare agency worker must notify the CSA. If the new residence is not in the School's attendance area designation, the foster care liaison must be notified and invited to participate in the Best Interest Determination (BID).
2. Upon receipt of the invitation to participate in the BID, the foster care liaison notifies the Facility/Transportation Manager
 - a. The foster care liaison should provide the student's name, new residence address, and whether the student has an IEP with specialized transportation.
 - b. The Facility/Transportation Manager identifies potential ways that the child could be transported (see list of options below) if the BID results in a decision to maintain enrollment at the School. This information is given to the foster care liaison to include in the BID.
3. The local welfare agency worker, foster care liaison, Chief School Administrator and Facility/Transportation Manager share their information and make a joint BID decision.
4. If the BID decision is that the student will remain in the School, the foster care liaison notifies the Facility/Transportation Manager, who then assists the local child welfare agency worker in arranging transportation to and from the School.

Options:

Multiple factors will be considered and addressed in the BID when determining transportation options for foster care students, including: safety for the student and other students being transported; student age; length of commute; and distance. Information from the Facility/Transportation Manager about these factors will be provided so that the BID will be comprehensive and will include consideration of cost-effective measures.

The following options will be considered to provide transportation to the School:

1. An existing bus route can be used.
2. An existing bus route can be modified slightly to accommodate the new address.
3. Specialized transportation offered to other students can be accessed, such as special education.
4. Existing specialized transportation can be modified slightly to accommodate the new address.
5. The School has additional options that could be accessed, such as using a GSA vehicle.
6. The local welfare agency worker also should explore options outside of those provided by the School, such as reimbursing the foster parents for transportation costs, or including transport in contracts with licensed child placing agencies or group homes.

Funding:

If the student has an IEP that includes provisions for specialized transportation, transportation must be provided by the School's special education department.

If the School can offer an existing means of transportation at no additional cost, the local welfare agency will not be charged.

If the School can provide transportation but will need to modify a route or create a new option, the Facility/Transportation Manager will calculate the cost that will be charged to the local welfare agency. This calculation is not required until the BID has been completed and the decision to maintain the current school enrollment is made. The local welfare agency should explore whether the student is eligible for funds to be used to cover the cost.

Section VIII.37 VEHICLE REPAIRS WHILE ENGAGED IN TRANSPORTATION

- A. Private vehicles being used by an employee while engaged in the transportation purposes of the School shall be repaired at the expense and under the authority and responsibility of the operator.
- B. An employee who is engaged in the transportation purposes of the School and who is operating a vehicle which belongs to or is being operated under the custody of the School shall first contact an authority of the School and notify them of the need for repairs or assistance. If the School is unable to reasonably provide the necessary assistance and/or repairs, the operator is hereby authorized to obligate the School for the reasonable cost of such repairs and/or assistance.
- C. In the event repairs or assistance are reasonably required while engaged in the transportation of a student or students, the operator is further authorized to obligate the School for the reasonable cost, and is required to provide for such student or students all such services and facilities as may be necessary for their welfare while such repairs or assistance is being rendered.

Section VIII.38 TRANSPORTATION EXPENSES

- A. An employee who is engaged in the transportation purposes of the School, under actual authority, and who is operating a private vehicle, shall be paid or reimbursed the expenses of providing that transportation at a standard rate per mile, which rate shall be determined by the Governing Board. It is considered and intended that payment of that rate per mile for transportation shall fully compensate the employee for the cost of operating, normal wear and tear and insurance for that vehicle while engaged in the transportation purposes of the School.
- B. The School shall pay the actual reasonable expenses of operation, maintenance and repair of all vehicles owned or leased by the School or any department thereof.

Section VIII.39 ACCIDENTS INVOLVING PROPERTY DAMAGE OR PERSONAL INJURY

- A. Any accident occurring during the operation of a vehicle being used to accomplish the transportation purposes of the School shall be reported, as soon as possible, to an authority of the School and to an appropriate law enforcement agency where required by law.
- B. In any accident occurring during the operation of a vehicle being used to accomplish the transportation purposes of the School 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 occurring during the operation of a vehicle being used to accomplish the transportation purposes of the School which involves damage to the property of the School, or which exposes such property to consequential damage or loss, attention shall then be given to the protection and/or repair of that property.
- D. In all accidents 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 School. A School Accident Investigation Report form shall also be completed by the operator of the School vehicle.
- E. In any such accident as described herein, Employees operating a vehicle or passengers in a vehicle engaged in transportation purposes for the School, may be required to submit to a drug and/or alcohol test as directed by the Chief School Administrator.

Section VIII.40 SPECIFIC IMPLEMENTING PROCEDURES

- A. Not later than thirty (30) days after the adoption of this Manual by the Governing Board, the Chief School Administrator shall designate a person to draft proposed specific procedures which detail the routine safety inspection for all vehicles owned or leased by the School. Said draft shall be submitted thirty (30) days after said assignment.
- B. Not later than thirty (30) days after the adoption of this Manual by the Governing Board, the Chief School Administrator shall designate two (2) persons to draft proposed specific procedures concerning the operation and safety of School buses. Said draft shall be submitted to the Chief School Administrator within thirty (30) days of the assignment.
- C. In addition to the above, any department or function may develop such specific transportation procedures, consistent with the provisions of this Manual, as may assist in the operation of the department or function as it relates to transportation.

Section VIII.41 APPROVAL OF SPECIFIC PROCEDURES

Such specific procedures as are developed shall be reviewed by the head of the department or function promulgating the procedures and, if approved, then submitted to the Chief School Administrator for his or her review. If approved by the Chief School Administrator, they shall be

submitted to the Governing Board, and if approved, 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 department promulgation then and a copy shall be placed among the collected policies and procedures of the School.

Section VIII.42 BUS DRIVER AND OPERATION POLICY

POLICY STATEMENT

The HOPI DAY SCHOOL Governing Board recognizes that the school bus driver is the first representative of the school that most students meet each day. Bus drivers 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 is important. The bus driver stands *in loco parent/guardians* while students are under his or her care and control-- that is, the bus driver acts as a reasonable and prudent parent/guardian 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.

The school bus driver must adhere to all Hopi, Federal and applicable Arizona laws and regulations and school Governing Board policy governing the transportation of students, including all applicable speed limit laws.

The School Bus Driver is responsible to the Transportation Manager.

SUMMARY OF ROLE

1. General safety: The bus driver will 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. Emergency/accident procedures: Be familiar with school bus emergency and accident procedures and train student leaders and helpers early in the school term on the emergency procedures.
3. Maintaining order: The driver of a school bus 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 below, and shall report any misconduct by students and any such action by him to the appropriate school authorities on the Bus Behavior Referral form attached hereto as Appendix B. The Driver shall turn the Bus Behavior Referral form into his/her Supervisor as soon as is reasonably possible. The Driver's Supervisor shall provide the Bus Behavior Referral Form to the Chief School Administrator the same day or, if after normal business hours, the day after the Supervisor receives the form from the Driver.

In the event of serious inappropriate behavior, the bus driver should 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 Chief School Administrator or his/her designate that the student has been returned to the school so that the parent/guardian can be contacted.

Only if the behavior is endangering the safety of the student or other students can a student ever be discharged at a place other than the school or home stop. It must be an extremely serious situation to do so and the driver must then immediately radio the school and/or go the nearest telephone and contact the Chief School Administrator to contact the parent/guardian. If the driver is unable to make contact at the school, he/she must make every effort to contact the parent/guardian directly and immediately.

4. Evacuation drills: The bus driver will practice bus evacuation drills at the beginning of the school term and at least twice more during the school year. The bus driver should also train student leaders and helpers to conduct a bus evacuation independently.
5. Backing up: The bus driver shall not back a school bus on school grounds unless under the supervision of a designated person. The driver will sound the horn at all times before backing a school bus.
6. Seating plans: The bus driver will 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.
7. Permission slips required: The bus driver will be provided with a written permission (signed and dated) from the parent/guardian before allowing a student to disembark at a stop other than their own home, or to transfer to another bus.
8. Unscheduled student passengers: 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 parent/guardians/guardians and the carrying of additional passengers will not result in the bus being overloaded.
9. Bus stops: The bus driver will report requests for new stops to the manager of transportation immediately. The bus driver should not alter a bus stop in any way or assign a new one without consulting with his/her supervisor.
10. Communications systems: The bus driver will ensure that communication systems (i.e. radios and/or cell phones) assigned to buses remain in the bus and are in working order.
11. Reports: The bus driver will complete all required reports and forms, and submit them on time to the supervisor or designate.
12. 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:

- ❖ all driving time
- ❖ all time inspecting, servicing or conditioning the bus
- ❖ 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
- ❖ all time spent in training required by the School (Does not include training required to maintain necessary license)
- ❖ lunchtime if less than 30 minutes
- ❖ rest periods of 20 minutes or less

13. 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.
14. School Bus Log Book: All bus drivers are required to keep a log book which must always be kept up to date. 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. The driver shall also log the total daily miles driven. 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. The log book shall always be available for inspection by the supervisor while the driver is on duty.
15. 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 will be followed in all cases. See Section (6) and (7) of Appendix A set forth as “Prohibited Conduct” relative to Drug and Alcohol use. Violation of the “Prohibited Conduct” provision(s) is grounds for disciplinary actions up to and including termination.
16. This policy and the regulations, directions and prohibited conduct set forth herein are in addition to and not in place of other policies.

Section VIII.43 VEHICLE USE POLICY

Governing Board members and employees of Hopi Day School engage in activities on behalf of the school, which require transportation to other locations. To accomplish this transport safely, the school is committed to protecting both the vehicles and especially the people involved in these trips. Because of the hazards such transportation activities represent, the following policy has been instituted to preserve from harm both persons and property and to provide fair and safe usage of the school’s vehicles.

Use of Vehicles by Governing Board Members and School Employees

School vehicles may be used by individual Governing Board members and school employees while engaged in the scope and course of school business. The school maintains a “no deviation” policy. Governing Board members and employees who use school vehicles for purposes outside this policy are considered to engage in unauthorized use of the vehicle and may have the privilege of using a school vehicle withdrawn or suspended as a result of such unauthorized use.

Passengers

Only individuals directly engaged in activities which are associated with official school business may ride as passengers in a school vehicle. With permission of the Chief School Administrator and Governing Board President or next available Governing Board office or Governing Board member, a spouse may ride (not drive) with a Governing Board member or employee to or from official School business in a School vehicle, as long as there is no additional cost to the School. The term spouse in this provision is limited to a legally married spouse and/or a spouse married pursuant to a traditional Hopi wedding.

Insurance

HOPi DAY SCHOOL has automobile insurance that covers employees driving or riding in a school vehicle. In the event of an accident where the school’s employee is at fault, s/he will be required to pay for his/her citations for moving violation. Governing Board members who wish to use a school vehicle must provide their own insurance and must show proof of such insurance prior to being able to use a school vehicle.

Reporting Accidents

Any type of accident must be immediately reported to the Chief School Administrator and applicable law enforcement agency.

Driving Record

Governing Board members and employees required to drive on school business must possess a valid Arizona Driver’s License and must comply with any restrictions. Additionally, Governing Board members and employees must have a good driving record. Governing Board members and 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 school vehicle in a reckless, negligent or careless manner, may be disqualified from operating a school vehicle. Each driver wishing to use a school vehicle must complete a “HOPi DAY SCHOOL Authorized Driver” form.

Use of Tobacco, Alcohol and/or Drugs in Vehicle

Governing Board members and employees shall not smoke in school vehicles nor drive a school vehicle while under the influence of any alcohol or drugs.

Seat Belts

All drivers and passengers of school vehicles must wear a seat belt.

Use of Cell Phones

Drivers of school 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.

Fuel

Prior to traveling outside the community, drivers of school vehicles will obtain a gas credit card from the school administration and will purchase fuel using this card. Drivers will not receive any mileage reimbursement when using a gas credit card.

AUTHORIZED DRIVER REQUEST

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 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

APPENDIX VIII-C

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 School 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 School 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 Chief School Administrator or the Chief School Administrator'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 Chief School Administrator or designee, and, further, for making recommendations to the Chief School Administrator 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 Chief School Administrator 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 School 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 School 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 School that employees who engage in the prohibited conduct described in this or other HOPI DAY SCHOOL Policies 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: School will communicate to all covered employees prior to conducting drug and alcohol testing and provide the reasons for conducting said test(s). School 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: School 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 School.

Treatment Information: Each covered employee who engages in prohibited conduct shall be evaluated by a substance abuse professional designated by the School 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 school's financial obligation is limited to the evaluation by a substance abuse professional, selected by the school to conduct such evaluations.

TESTING AND ANALYSIS

It is the intent of the School to comply with all alcohol and controlled substance testing procedures contained in 49 Code of Federal Regulations Parts 382, 291, 192, and 395. The School 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 School. 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 School'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 School 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, School must provide test results for school 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:

1. When there are one or more fatalities; or,
2. The covered driver was cited for a moving violation by a law enforcement officer, and

3. One or more drivers or passengers received immediate medical treatment away from the scene of the accident, or,
4. 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 employees 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.

ARTICLE IX. OTHER POLICIES

Section IX.1 REGISTERED SEX OFFENDER'S POLICY CODE; EXCLUSION OF SEX OFFENDERS FROM SCHOOL PROPERTY (Adopted May 6, 2014)

The HOPI DAY SCHOOL Governing Board (Governing Board) is committed to the safety of students and other persons on School property. In order to maintain a safe school environment, the Chief School Administrator and all school personnel shall enforce the provisions of this policy at all times.

Pursuant to Title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. § 16911 et. seq.), the Hopi Tribe has enacted provisions of the federal Sex Offender Registration and Notification Act (SORNA) pursuant to the Hopi Resolution H-044-2007, Hopi Sex Offender Registration Code (HSORC). Hopi law currently states, "A sex offender who has been convicted of a covered offense involving minors shall not be permitted within five hundred (500) feet of an elementary school, junior high school, high school, playground, or childcare facility." To further HOPI DAY SCHOOL's commitment to providing a safe environment for its students, HOPI DAY SCHOOL aims for awareness, prevention, enforcement and coordinated response.

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

All persons who are required to register under SORNA, are expressly forbidden to knowingly be present on any property owned or operated by HOPI DAY SCHOOL, including School buildings, athletic fields, playgrounds, parking lots, school buses, activity buses, or the property of any kind for any reason, including attendance at sporting events or other school related functions, whether before or after school hours. In addition, all such persons may not attend or be present at any student function or field trip on or off School property that is (1) School-sponsored or (2) otherwise under the official supervision or control of School personnel or sponsored by the School. This policy applies to all persons covered by SORNA or HSORC regardless of their relationship to or affiliation with a student in the School system.

HOPI DAY SCHOOL may check sex offender registry databases to determine whether visitors are registered sex offenders before allowing them onto HOPI DAY SCHOOL property or to any HOPI DAY SCHOOL event. See <http://hopi.nsopw.gov>.

HOPI DAY SCHOOL may periodically examine, print, and distribute information and pictures of sex offenders listed in the databases of the State of Arizona and Hopi Tribe or other applicable databases to all key personnel, including administration, front office staff, and security, to be vigilant for any of the listed persons.

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

HOPI DAY SCHOOL encourages periodic trainings and directives to staff regarding this policy and protocol.

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

1. Notify Chief School Administrator or designee.
2. Advise person of this policy and ask person to leave HOPI DAY SCHOOL property to provide the person an opportunity to leave HOPI DAY SCHOOL property peacefully. You may contact the Facility Manager or his/her designee for assistance.
3. If between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, contact Hopi Resource Enforcement Services (HRES) Office, Department of Sex Offender Registration & Tracking Office (SORT). (928-734-7340)
4. If outside of the hours of 8:00 a.m. and 5:00 p.m., contact BIA dispatch.

SORNA and the HSORC, and all amendments thereto are made a part of this policy by reference and shall be consulted when related issues arise.

Appendix X-A

PERMISSION AND RELEASE TO PUBLISH

STUDENT'S FIRST NAME AND/OR PICTURE

ON THE INTERNET

As the parent or guardian of _____, I understand the benefits and risks of publishing works on the Internet. In consideration of the benefits of allowing my student to publish his/her work, first name and/or picture on the School's Web page, I hereby give permission for the student's a.) first name and first name only to be published on the Web or b.) first name and photograph with no identifying information to be published on the Web.

a. _____

yes no initials

b. _____

yes no initials

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

Parent or Guardian (printed)

Date _____

Parent or Guardian (signature)