

Student Handbook 2024-25



Baca/Dlo'ay azhi Community School

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Prewitt, NM 87045

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Baca/Dlo'ay azhi Community School Vision

Baca/Dlo'ay azhi Community School recognizes that the global communities of the 21st century must care, respect, and share the resources of Mother Earth. Our vision is to create a family school so the community of learners can

- understand computers, as well as the technology of today and tomorrow;
- work cooperatively with global communities;
- communicate effectively with other cultures and share the democratic principles of life, independence, and generosity.
- acquire life skills and attitudes that lead to better quality lives;
- prepare themselves for the jobs of the future; and
- solve problems in flexible, adaptable ways through a variety of talents.

Baca/Dlo'ay azhi Community School Vision Mission

The mission of Baca/Dlo'ay azhi Community School is to teach valuable, necessary skills.

Baca/Dlo'ay azhi Community School Vision Philosophy

The philosophy of Baca/Dlo'ay azhi Community School is to empower students through the principles of Nitsáhákees, Nahat'á, liná, and doo Siihasin to become analytical, critical thinkers and the leaders of tomorrow.

Message on School Boards

The school boards and Navajo District schools strive to ensure that every student graduates fully prepared for college or a career. Each school board acts to effectively support students, families, and community in accordance with the policies outlined in the [25 CFR](#) and [62 IAM](#).

Message on Wellness

Baca/Dlo'ay azhi Community School encourages students and their families to practice the traditional concept of Hózhó to address their physical, mental, and spiritual wellbeing. We encourage students and their families to eat healthy, exercise, and maintain their mental health so that students can reach their full academic potentials. Baca/Dlo'ay azhi Community School provides students with nutritious food and structured physical activities to the greatest extent possible.

Message on Child Abuse and Neglect

Baca/Dlo'ay azhi Community School reports all suspected cases of child abuse and neglect in accordance with the BIE's [Suspected Child Abuse/Neglect Reporting Protocols](#).

Faculty and Staff

Name	Position
Faculty	
Robert McDonald	Principal
Bernice Etsitty	Business Technician
Nora Louis	Registrar
Crucita Livingston	Secretary
Jimmy Thomas	Counselor
Loretta Johnson	Counselor Assistant
Geraldine John	Kindergarten
Samantha Ulibarri	Kindergarten
Tiffany Gamboa	1 st Grade
Jolynn Salazar	1 st Grade
Pricilla Martinez	2 nd Grade
Paula Ladd	2 nd Grade
Jolene Garcia-Jarmillo	3 rd Grade
Colene Maupin	3 rd Grade
Patricia Sanders	4 th Grade
Karlee Patricio	4 th Grade
Janice Simpson	5 th Grade
Tommy Jarmillo	6 th Grade
Shelly Thornton	SPED
Kim Fogle	SPED

Lonnie Gingrich	PE Teacher
Tommy Begay	Culture & Language
Joseph Hernandez	FACE Teacher
Support Staff	
Priscilla Garcia	Ed. Tech
Loretta Garcia	Ed. Tech
Nichole Cody	Ed. Tech
Lenora Francisco	Ed. Tech
Herbert Thompson	Ed. Tech
MaryAnn Puroll	Ed. Tech
Damon Brown	Ed. Tech
Rechanda Duncan	Ed. Tech
Charmaine Simpson	Ed. Tech
Marcy Benally	Ed. Tech (Special Education)
Alexis Gibson	Ed. Tech
Michelle James	Ed. Tech
Robert Largo	Bus Driver
Emerson Chavez	Bus Driver
Archie Cleveland	Bus Driver
Travis Tom	Bus Driver
Jeremiah Johnson	Security
Bruce Bennett	Maintenance
Michaelina Francisco	Custodian
Michelle Chavez	Custodian

Calvin Toledo	Cook
Susie Martin	Kitchen Helper

School Board Members

George Werito Jr.	Chair
MacGarrett	Vice-Chair
Lucita Nolan	Reporter
Beatrice Woodward	Member
Henry King	Member

Baca/Dlo'ay azhi Community School Food Services

Meal Cost

The USDA reimburses schools only for meals they provide to students. Parents/guardians, staff, and visitors must pay for their meals.

Cafeteria Rules

Following are Baca/Dlo'ay azhi Community School cafeteria rules:

- Students will follow all school rules.
- Students will always model good behavior.
- Tea, sodas, sports drinks, or energy drinks are prohibited. Only bottled water, milk, and juice that the School serves from the cafeteria line are allowed.
- All electronic devices must be out of sight.
- Remove all headgear before entering.
- Students must enter from the designated entrance.
- Cutting into the food line is prohibited.
- Horseplay (for example, shoving, running, shouting, fighting, throwing food) is prohibited.
- Students will clean their eating areas after use.
- Students will remove all trash (for example, gum, paper) from their trays and dispose of it in designated trash cans.
- Students who want second helpings must wait until everyone has been served once and must use the same trays. At times, there may not be enough food available for seconds.
- Sponsors of after-school clubs, classes, tutoring, or sports must supervise their students during dinner (if applicable).

Baca/Dlo'ay azhi Community School Transportation Services

Riding the School Bus

Riding the school bus is a privilege for students who model good behavior.

Baca/Dlo'ay azhi Community School provides daily bus service for day students. The bus stops at designated locations only. Students must follow all school bus rules and procedures to ensure the safety of all riders. Unacceptable behavior and violation of the bus rules may result in restrictions or suspension of bus privileges. If bus privileges are suspended for more than five days, students can appeal the suspension in accordance with the appeal process (see Right to Appeal).

Bus Change Requests

A student must have a temporary bus pass to ride a different bus from the one assigned. To receive a temporary bus pass, a parent/guardian must provide written notice or call Baca/Dlo'ay azhi Community school front office at least 1 hour before dismissal on the same day.

If a family moves, it is your responsibility to notify the front office so transportation can be updated.

Transportation Cancellation Due to Inclement Weather

In the event of a school delay or cancellation, *a message will be posted on the Schoology App and Class Dojo.*

Bus Rules

To retain bus riding privileges, students will observe the following rules:

- Be on time.
- Have respect for others and for the driver.
- Remain in your seat.
- For safety, keep the aisle and exits clear.
- Be courteous. Never use foul language or obscene gestures.
- Keep all body parts inside the bus.
- Use of tobacco, alcohol, and drugs is prohibited.
- No food or drinks on the bus.
- Do not damage any part of the bus; you and your parents/guardians are responsible for repairs.
- For your own safety, do not distract the driver.
- Listen to the bus driver.

Baca/Dlo'ay azhi Community School Library Services

The library welcomes all faculty, staff, and students who wish to read, learn, and/or study.

Checkouts

Staff and students may check out library books at the discretion of Baca/Dlo'ay azhi Community School.

Overdue Books

The library prevents staff and students with overdue items from borrowing additional books until they return or renew the books. At the end of the school year, the library treats all overdue books as lost or missing.

Requests for Books

The library welcomes and makes all attempts to fill book requests from staff and students.

Hall Passes

During class hours, all students must have a pass from a staff member. The librarian does not distribute hall passes.

Library Rules

Students must observe the following rules when using the library:

- Bring all materials you need before you enter.
- Do not bring food or drinks.
- Do not leave the library during class hours without permission from the librarian or the librarian's designee.
- Keep voices down.
- No running or horseplay.
- Keep the premises clean.
- Return books to designated areas for proper reshelving.
- Do not remove reference materials, magazines, or newspapers.

Baca/Dlo'ay azhi Community School Health Services

The Baca/Dlo'ay azhi Community School nurse or the nurse's assistant, if available, collaborates with staff members, parents/guardians, and students to promote a safe and healthy environment.

Student Illness Procedures

Students are to remain home if they are ill. If a student becomes ill and cannot remain in class, the teacher sends the student to the school nurse or front office. The school nurse or administrator contacts the student's parent/guardian to pick up the student at the school.

Dispensing Medication (prescription and over-the-counter)

The nurse administers medications in accordance with the BIE's Medication Administration Policy (See BIE Medication Administration Policy).

Medical Emergency

In the event of a medical emergency, Baca/Dlo'ay azhi Community School transports the student immediately to the local health facility/hospital. Baca/Dlo'ay azhi Community School notifies the parent/guardian as soon as possible, and staff remains with the student until the parent/guardian arrives.

Baca/Dlo'ay azhi Community School Behavior Interventions

Positive Behavioral Interventions and Supports (PBIS)

Baca/Dlo'ay azhi Community School holds quarterly celebrations to reward students who have demonstrated academic success, good behavior, and regular attendance.

Baca/Dlo'ay azhi Community School Continuity of Learning and Covid-19 Response Plan

Baca/Dlo'ay azhi Community School opened the school year in "in-person" learning mode.

Baca/Dlo'ay azhi Community School works with families on a case-by-case basis, as COVID-19 has placed many schools, including ours, in unpredictable circumstances. Technology and connectivity are available for families, as well as learning materials and supplies. Communication between families and schools is very important. The School follows the guidance of the CDC, Navajo Nation, and state education departments.

Following is a guide titled *Steps for Determining Close Contact and Quarantine in K-12 Schools* from the Centers for Disease Control:

Steps for Determining Close Contact and Quarantine in K-12 Schools



Students in **INDOOR CLASSROOMS** and **STRUCTURED OUTDOOR SETTINGS**

If yes to **all of the below**, the student is a close contact, **regardless of proper mask use**. If no to any, move to the next column.

LESS THAN 3 FEET

Was the student within 3 feet of another student diagnosed with COVID-19?

Has the student been in the presence of a student with confirmed or suspected COVID-19 for a cumulative total of 15 minutes or more over a 24-hour period?

If the answers to the questions above are both yes, the student is a close contact, regardless of proper mask use.

If yes to **all of the below**, the student is a close contact. If no to any, then the student is not a close contact.

WITHIN 3-6 FEET

Was the student within 3 to 6 feet of another student diagnosed with COVID-19?

Has the student been in the presence of a student with confirmed or suspected COVID-19 for a cumulative total of 15 minutes or more over a 24-hour period?

Were either of the two students wearing **masks inconsistently, incorrectly, or not at all**?
Use **masks** to slow the spread of COVID-19.



Students in **NON-CLASSROOM SETTINGS** and adults in **ALL SCHOOL SETTINGS**

If yes to **all of the below**, the person is a close contact, **regardless of proper mask use**. If no to any, the person is not a close contact.

LESS THAN 6 FEET

Was the student or adult within 6 feet of someone diagnosed with COVID-19?

Has the person been in the presence of a person with confirmed or suspected COVID-19 for a cumulative total of 15 minutes or more over a 24-hour period?

If the answers to the questions above are both yes, the person is a close contact, regardless of proper mask use.



Does the close contact need to quarantine?

If they are **NOT FULLY VACCINATED**

The close contact needs to **quarantine**.

The close contact should monitor for symptoms and **get tested** immediately and again 5-7 days after the exposure. The close contact should **wear a mask** if they must be around others.

A school or public health official will determine the length of the quarantine. CDC recommends a total of 14 days from the date of the exposure.

Regardless of vaccination status, if a close contact develops **symptoms**, they should **isolate** and **get tested** immediately.

If they are **FULLY VACCINATED**

The close contact does not need to **quarantine**.

The close contact should monitor for **symptoms**, **get tested** 5-7 days after the exposure, and **wear a mask** indoors in public for 14 days or until they receive a negative test result.

Regardless of vaccination status, if a close contact develops **symptoms**, they should **isolate** and **get tested** immediately.

If they have had COVID-19 **WITHIN THE PAST 90 DAYS, COMPLETED ISOLATION, and RECOVERED**

The close contact does not need to **quarantine**.

The close contact should monitor for **symptoms**, **wear a mask** indoors in public for 14 days, and speak with a healthcare professional about testing recommendations.

Close contacts who had a prior infection in the past 90 days and who develop new **symptoms** should **isolate** immediately and consult a healthcare professional for testing recommendations.



U.S. Department of Health and Human Services
Centers for Disease Control and Prevention

Academic Calendar - Baca/Dlo'ay azhi Community School 2024 -2025

JULY 2024						
Su	M	T	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST 2024						
Su	M	T	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER 2024						
Su	M	T	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER 2024						
Su	M	T	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER 2024						
Su	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER 2024						
Su	M	T	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JANUARY 2025						
Su	M	T	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY 2025						
Su	M	T	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

MARCH 2025						
Su	M	T	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

APRIL 2025						
Su	M	T	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY 2025						
Su	M	T	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE 2025						
Su	M	T	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Quarters			
6-Aug	-	9-Oct	Quarter one
10-Oct	-	20-Dec	Quarter two
6-Jan	-	12-Mar	Quarter three
13-Mar	-	21-May	Quarter four

No School	
2-Sep	Labor Day
4-Oct	Professional Development Day
14-Oct	Indigenous People Day
11-Nov	Veterans Day
27-Nov - 29-Nov	Thanksgiving Break
23-Dec - 3-Jan	Winter Break
20-Jan	Martin Luther King Jr. Day
17-Feb	President's Day
28-Feb	Professional Development Day
17-Mar - 21-Mar	Spring Break
18-Apr	Good Friday
28-Apr	Navajo Sovereignty Day

Early release day		
Every Wednesday		
additional early release	Parent/Teacher conferences	
30-Aug	17-Jan	16-Oct - 17-Oct
11-Oct	14-Feb	15-Jan - 16-Jan
8-Nov	14-Mar	26-Mar - 27-Mar
26-Nov	17-Apr	
20-Dec	25-Apr	

Bureau of Indian Education (BIE)

Vision

Uniting to promote healthy communities through lifelong learning.

Mission

The mission of the BIE is to provide students at BIE-funded schools with a culturally relevant, high-quality education that prepares students with the knowledge, skills, and behaviors needed to flourish in the opportunities of tomorrow, become healthy and successful individuals, and lead their communities and sovereign nations to a thriving future that preserves their unique cultural identities.

Program Goals

Following are the goals of the BIE:

- All students meet or exceed academic proficiency levels in reading and/or English Language Arts (ELA), science, and mathematics.
- All schools provide a safe and secure environment by decreasing incidents of violence and substance abuse by a minimum of 2% annually.
- Student attendance meets or exceeds the United States rural attendance rate.
- All schools enhance the professionalism of staff to improve education programs for student success through:
 - requirements for staff to have appropriate certification;
 - comprehensive systemic and ongoing professional development;
 - recruitment and retention of highly qualified educators; and
 - development of leadership using best practices.
- Achieve a high school graduation rate of 95% or higher.
- Each school provides curriculum and instruction in tribal languages and/or cultures, as approved by the local school boards.

BIE Navajo District Description

BIE Navajo operates under one Associate Deputy Director. The five Education Resource Centers (Crownpoint, Shiprock, Window Rock, Chinle, and Tuba City) provide support for the 66 BIE-operated and grant schools in the Navajo Nation within the states of Arizona, New Mexico, and Utah. These schools provide primary, as well as secondary, education. Nineteen of the BIE schools in the Navajo District have residential programs.

Pillars of the Navajo Plan

Following are the pillars of the Navajo Plan:

Pillar I: Continuous Improvement Using Data

Use data from standards-based assessments and benchmarks to improve effective instruction, student learning, and achievement.

Pillar II: Leadership and Decision Making for Change

Build leadership's capacity to implement innovative changes to foster student achievement.

Pillar III: Curriculum and Instruction

Develop a strong curriculum using College and Career Readiness Standards, and build teacher capacity to deliver effective instruction resulting in increased student achievement.

Pillar IV: School, Parent, and Community

Implement innovative strategies developed through the collaborative efforts of the school, parents/guardians, and community to support each child's educational experience.

Goals of the Navajo Plan

Goal 1: High Quality, Early Childhood Education

All students enter kindergarten academically, socially, and emotionally prepared to succeed in school.

Goal 2: Wellness, Behavioral Health, and Safety

All students develop the knowledge, skills, and behaviors necessary for physical, mental, and emotional wellbeing in a positive, safe, and culturally relevant learning environment.

Goal 3: K-12 Instruction and High Academic Standards

All students develop the knowledge, skills, and behaviors necessary to progress successfully through school and are prepared for postsecondary education and/or career opportunities.

Goal 4: Postsecondary and Career Readiness

All students graduate from high school ready to think globally and succeed in postsecondary study and careers.

Goal 5: Self-Determination

All students develop the knowledge, skills, and behaviors they need to lead their sovereign nations to thriving futures through self-determination.

Goal 6: Performance Management

All students benefit from an education system that is effective, efficient, transparent, and accountable.

District Priorities

The Navajo District has identified five priorities for all Navajo District BIE-funded and operated schools, as follow:

- College and Career Readiness Standards
- Professional Learning Communities
- Navajo Language and Culture
- Increased Stakeholder Engagement
- Fiscal Efficacy

Performance Standards for Quality Schools

[Cognia](#) is a non-profit, non-partisan accreditation organization that conducts rigorous, on-site external reviews of PreK-12 schools and school systems to ensure that all learners realize their full potentials. Cognia provides tools and resources to schools and school systems to support ongoing comprehensive analyses to drive continuous improvement now and into the future.

Academic Information

BIE College and Career Readiness Standards

The BIE has adopted the College and Career Readiness Standards (CCRS) for English Language Arts (ELA), mathematics, Next Generation Science Standards, and English Language Proficiency Development. [Navajo only]; The BIE-BOS Navajo schools, the Dine' Language/Culture and Government/History standards are also part of the curriculum.

Following reference the BIE's academic standards:

- BIE College and Career Ready Standards in Math, K-12 (Alternate aligned to CCRS)
- BIE College and Career Ready Standards in English Language Arts, K-12 (Alternate aligned to CCRS)
- Next Generation Science Standards/BIE College and Career Ready Standards (Alternate aligned to CCRS)
- English Language Proficiency Development Standards

The White House Initiative on American Indian and Alaska Native Education leads the President's [Executive Order 13592](#), signed December 2, 2011, Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities: [Executive Order on the White House Initiative on Advancing Educational Equity](#).

K-8 Programs

The BIE schools include instruction in the following content areas: English Language Arts (ELA), writing, math, science, and social studies. The schools also provide special education, as well as gifted and talented services. Schools may offer the following extracurricular activities/programs:

- FACE*
- Summer Enrichment
- 21st Century Program**
- Science Fair
- After-School Tutoring
- Spelling Bee
- STEM***
- Athletic/PE Programs
- Math/Literacy/Science Nights
- Music
- Art
- Computers
- Navajo Language/Culture
- Student Clubs
- Response to Intervention (RTI)

*In 1990, the Bureau of Indian Education (BIE) initiated the Family and Child Education (FACE) program, an integrated model for an American Indian early childhood education/parent/guardian involvement program. The FACE program primarily serves families with children prenatal to five years of age by providing early childhood, parenting and adult education services.

**The 21st Century Program supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. The program helps students meet state and local student standards in core academic subjects, such as reading and math; offers students a broad array of enrichment activities that can complement their regular academic programs; and offers literacy and other educational services to the families of participating children.

***STEM is an acronym that stands for science, technology, engineering, and mathematics.

BIE Unified Assessments

Baca/Dlo'ay azhi Community use several assessments to measure the progress and achievement of all K-12 students. All schools use two basic types of assessments: formative and summative. Formative assessments help teachers identify where students need to improve. Summative assessments help teachers measure what a student knows or can do.

	Formative Assessment	Summative Assessment
When	Throughout the course	At the end of an instructional period
Why	Provides teachers feedback from students to guide their instruction	Provides evidence of a student's knowledge, skill, or proficiency
Example	Taking polls, exit tickets, student self-assessments, informal interview with student	Midterm exam, final paper, research project, presentation

Schools administer the BIE's unified assessments to all third to eleventh grade students to measure proficiency in English Language Arts (ELA) and mathematics.

High schools also administer the following optional assessments: SAT, Preliminary SAT (PSAT), ACT, and Armed Services Vocational Aptitude Battery (ASVAB).

Grade Level Promotion

As stated in 25 C.F.R. § 36.31, a student advances to the next grade level based on measurable mastery of instructional objectives for the current grade. A student repeats his or her grade level if he or she fails to participate in at least 160 instructional days per academic term or 80 days per semester.

A student may only advance and have participated in fewer than the specified number of instructional days if he or she has excused absences and/or has participated in an approved alternative instructional method or program. If a student has a compelling reason or extenuating circumstances that sufficiently explain absences, then a school committee may review a promotion decision. The school committee reviews promotion decisions on a case-by-case basis.

Maintenance and Control of Student Records in Bureau Schools

Definitions

educational institution

Any institution operated under the jurisdiction of the BIE, either directly or by contract, including, but not limited to, schools or dormitories from which Indian students attend public schools.

eligible student

A student who is 18 years of age or is attending an institution of postsecondary education. When a student becomes eligible, the permission required of and the rights given to the parents/guardians of the student shall thereafter only be required of and given to the student.

parent

A natural parent, an adoptive parent, the legal guardian, or a legal custodian of a student. (Where the natural parents are unavailable, a required written parent consent may be obtained from the person who has assumed custody of the student.) For purposes of the [Education of All Handicapped Children Act](#), the term parent also includes a surrogate as referred to in 20 U.S.C. 1415(b)(1)(B).

student records

Records, files, documents, and other materials that contain information directly related to a student and which are maintained by an educational institution or by a person acting for that institution. The term does **not** include records:

- Of any educational personnel which are in the sole possession of the maker, and which are not accessible or revealed to any other person except a substitute.
- Made and maintained in the normal course of business which relate exclusively to persons who are employed in an educational institution but do not attend that institution.

directory information

Records on a student who is 18 years of age or older or is attending an institution of postsecondary education, which are

- made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity;
- made, maintained, or used only in connection with the provision of treatment to the student; or
- not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

Annual Notification of Rights

This manual serves as the school's annual notification of rights, as it relates to student records. The school maintains the following education records directly related to students:

- Attendance
- Grades

- Test scores,
- Referrals
- Incident reports

Access to Records

Parents/guardians and eligible students have the right to access their own or their child's records (for example, attendance, grades, test scores, referrals, incident reports, etc.).

Parents/guardians and eligible students also have the right to

- obtain a list of the types of student records the school maintains;
- inspect and review the content of those records;
- obtain copies of those records;

Note: If there is an associated cost, it may not exceed the actual cost to the school in making the copies.

- obtain a response from the school regarding reasonable requests for explanations and interpretations of those records; and
- inspect and review only the portion of such material or document that relates to the student or to be informed of the specific information contained in such part of such materials.

Limitations on Access

The school is not required to make available to students: (a) financial records of the parents/guardians of the student or any information contained in those records; (b) confidential letters and statements of recommendations, which were placed in any student's record prior to January 1, 1975, and which are not used for purposes other than those for which they were specifically intended; (c) records exempt from the definition of student records.

Procedures for Granting Access

Parent(s), legal guardian(s), or eligible student(s) should submit a written request to access their child(ren)'s record. The school grants access within forty-five (45) days after the parent(s), legal guardian(s), or eligible student made the request.

Right to Challenge

Parents/guardians of students, as well as eligible students who are attending or have attended the school, may challenge the content of the student's records to

- ensure that the records are not inaccurate, misleading, or otherwise violating the privacy or other rights of students;
- provide an opportunity for correcting or deleting any inaccurate, misleading, or otherwise inappropriate data in the record; and
- insert into such records a written comment by the parents/guardians or eligible students pertaining to the content of such records.

Informal Proceedings

The school may attempt to resolve differences with the parent/guardian of a student or the eligible student regarding the content of the student's records through informal meetings and discussions with the parent/guardian or eligible student.

Right to a Hearing

Upon the request of the educational institution, the parent/guardian, or eligible student, a hearing shall be conducted under the following procedures:

- The hearing shall be conducted and decided within a reasonable period following the request for the hearing.
- The hearing shall be informal, and a verbatim record of proceedings will not be required. Interpreters will be utilized when necessary.
- The hearing shall be conducted by an institutional official or other party who does not have a direct interest in the outcome of the hearing.
- The parents/guardians or eligible student shall be given a full and fair opportunity to present evidence relevant to the issues regarding challenging the content of the student's record.
- Within a reasonable period after the hearing ends, the hearing official shall make his or her recommendation in writing to the head of the educational institution. Within 20 days after receipt of the recommendation, the head of the institution shall issue their decision in writing to the parent/guardian or eligible student.

Right to Appeal

If any parent/guardian or eligible student is adversely affected by the decision of the head of the institution, that party shall have appeal rights as given in [25 C.F.R. Part 2](#). The adverse decision shall include a statement that the decision may be appealed pursuant to 25 C.F.R. Part 2, identify the official to whom it may be appealed, and indicate the appeal procedures. However, each official decision shall be issued within 30 days from receipt of the appeal.

Consent

Educational institutions shall not permit access to or the release of student records or personally identifiable information contained in them, other than directory information of students, without the written consent of the parent(s)/guardian(s) or of an eligible student, to any party other than the following:

- Local school officials, including teachers within the educational institution, who have been determined by the institution to have legitimate educational interests in the records.
- Officials of other schools or school systems at which a student is interested in enrolling. The student or parent/guardian must be notified of such release except in cases involving Bureau of Indian Education (BIE) schools. All BIE schools are components of one school system, whether operated under contract or otherwise.
- Persons having official involvement with a student's application for or grant of financial aid.
- Parents/guardians of a dependent student as defined in section 152 of the [Internal Revenue Code of 1954](#), as amended.

- Accreditation agencies, to carry out their accrediting functions.
- U.S. Office of Education officials and other governmental education officials when deemed necessary by the institution to carry out their official functions.
- An education testing center or similar institution as a part of its validation research which has been authorized by the school.
- In an emergency, any person to whom the information is necessary at the discretion of the school's administration to protect the student's health and safety, subject to [25 C.F.R. §43.17](#). The factors to be used in determining whether records may be released under this section include the following:
 - The seriousness of the threat to the health or safety of the student or other persons
 - The need for those records to meet the emergency
 - Whether the persons to whom the records are released are in a position to deal with the emergency
 - The extent to which time is of the essence in dealing with the emergency
- Indian groups, contractors, grantees, professional social service organizations and personnel performing professional services, when necessary to carry out an official function authorized by the Bureau of Indian Affairs.
- Pursuant to the order of a court of competent jurisdiction; however, the parent/guardian or eligible student must be notified of such order in advance of compliance therewith by the educational institution.

Content of Consent

The consent of a parent/guardian or eligible student requested under this part for the release of student records shall be in writing, signed and dated by the person giving the consent.

The consent shall include

- a specification of the records to be released;
- the reasons for release; and
- the names of the parties to whom the records will be released.

Copy to be provided to parents/guardians or eligible students

Where the consent of a parent/guardian or eligible student is required for the release of student records, a copy of the records to be released shall be provided on request to the

- student's parents/guardians or the eligible student; and
- student who is not an eligible student, if desired by the parents/guardians.

Directory Information

The Maintenance and Control of Student Records rules found in 25 C.F.R. Part 43, as well as the Privacy Act of 1974 ("Privacy Act"), 5 U.S.C. § 552(a), the Department of Interior's (DOI) implementing regulations at 43 C.F.R. Part 2, and DOI's System of Records Notice for BIE records permit the release of

directory information. The primary purpose of directory information is to allow BIE to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing the weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

Per 25 C.F.R. § 43.20 directory information may include the following:

- Student name
- Address
- Telephone listing
- Date and place of birth
- Major field of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- The most recent previous educational agency or institution attended by the student
- Tribe
- Agency
- Area
- Name of parent/guardian
- Sex
- Classification (grade)

The school may release student directory information without prior parent/guardian consent unless the parent/guardian informs the principal within 10 days of receipt of this manual that any or all of the student information may not be released.

Admission/Registration

All prospective students are subject to an administrative records review prior to admission, as applicable. Students who wish to enroll must have a parent/guardian present at the time of enrollment and must meet the following conditions and requirements:

- Each student must provide an up-to-date immunization record. All children shall be immunized in accordance with the regulations and requirements of the standards of the Indian Health Service or the state in which they attend school.
- Students who apply for admission must demonstrate membership in a federally recognized tribe.
- If a student cannot demonstrate membership, he or she must demonstrate that he or she is a direct descendent of an enrolled member of a federally recognized tribe and be at least one-fourth total degree Indian blood. The student must also provide a Certificate of Indian Blood (CIB)
- Each student must provide a birth certificate or other documentation establishing guardianship or parentage.
- To enter high school, incoming freshmen must provide proof of successful completion of eighth grade requirements.
- Prior to enrollment, students who have been under suspension or in disciplinary proceedings at another school are required to participate in documented counseling sessions. Sessions serve as opportunities to review the school's expectations and rules to address any concerns students may have.
- Students must participate in the sessions if they are or have been
 - currently under suspension;
 - currently involved in disciplinary proceedings;
 - expelled for criminal offenses;
 - expelled for violent behavior; or
 - previously violated the school's substance abuse policy and is seeking re-enrollment.
- The school denies admission to adult students (18 years and older) with no possible chance of graduating by their 21st birthdays.
- To enroll, each student must have all current transcripts (grades, credits, and attendance) and test data (state and EL).
- Students who reside outside the attendance boundaries of a school must have out-of-boundary waivers approved by the school board.
- Transfer students must enroll within the first 10 days of the fall or spring semester. All transfers are subject to administrative approval.
- The school accepts transfer students only if there is space available within their proposed schedules/grades.
- Upon admission, students must inform the principal or registrar if they have any known medical issues, including food allergies. School officials disclose this information to the appropriate staff and make referrals to the school's Section 504 Coordinator.

- The school may deny students enrollment if they pose direct threats to the health, safety, or welfare of staff, faculty, students, or themselves. Students denied enrollment may appeal in accordance with the appeal process.

Attendance

Students can succeed only if they regularly attend school. They need continuity of instruction and frequent engagement with the material to grow and make academic progress. The school expects students to be at school, on time, every school day.

A school day is defined as normal class hours that begin the moment students step onto school property (for example, campus, school bus, government vehicle) and end the moment they would normally step off school property. Students and their families must ensure students arrive on time and miss school only when necessary. Academic progress and growth are largely dependent upon engagement and continuity of instruction.

The [Code of Federal Regulations at 25 CFR § 36.31](#) mandates: “A student who has not participated in a minimum of 80 instructional days per semester without a written excused absence shall not be promoted. A school board or a school committee may review a promotion decision and, if warranted due to compelling and/or extenuating circumstances, rescind in writing such action on a case-by-case basis.”

- Absences may impact student performance and final grades.
- The school automatically unenrolls students from the school register when they have missed 10 consecutive days.
 - Prior to removing students with disabilities from enrollment pursuant to the 10-day policy of consecutive absence, it is essential that prior written notice is provided to parents/guardians. [34 C.F.R. § 300.503](#). The prior written notice should detail the outreach efforts that were made as well as indicating that the student can be re-enrolled at any time. Re-enrollment procedures should be made available with the prior written notice.

The school considers re-enrollment on a on a case-by-case basis.

If a parent/guardian or student believes that a student’s attendance has been incorrectly documented, they can contact the school administrator within 10 days of the end of the quarter in which the attendance was incorrectly documented to discuss the issue.

Types of Absences (NASIS Attendance Codes)

Unexcused Absences

Unexcused with permission absences (AU)

An unexcused absence with permission occurs when the student is absent with the permission/knowledge of his or her parent/guardian, and the reason does not justify an “Excused absence (AE).” Unexcused absences with permission include, but are not limited to: family vacation, babysitting, helping at home, missing the bus, trip to town, no one home. Teachers should allow students to make up work missed due to unexcused absences with permission for full credit.

Truancy (A)

A student is truant when he or she is absent without permission or knowledge of the parent/guardian. If a student does not submit an excuse note from a parent/guardian within three days of his or her return to school, the teacher marks the student truant.

The student is responsible for making up the assignments he or she missed. The individual teacher determines how much credit to give the student for the work he or she makes up. However, regardless of the credit the teacher gives the student, the student should make up missed assignments to help ensure mastery of the subject matter.

Class Cutting (AC)

A student cuts class if he or she is present at school but misses one or more classes during the school day without a valid excuse. The teacher may determine how much credit he or she gives the student, but regardless of the credit, the student should make every effort to make up the assignments he or she missed to help ensure mastery of the subject matter.

Excused Absences

Excused Absences (AE)

An excused absence is an absence for which the student provides *written documentation* within three days following his or her return to school. Written documentation should indicate the reason for the absence, as follows: illness, medical/dental appointment, death of a close family member (parent/guardian, sibling, grandparent, aunts/uncle, or as otherwise determined by the school), religious ceremony, court appointment or compliance with a court order.

The school requires a medical doctor's statement for any absences over three days due to illness. Teachers must allow students to make up work they miss for full credit due to excused absences.

School Activity (SA)

The school codes classes students miss because of school activities (field trips, extracurricular activities, testing, etc.) as SA. These missed classes do not count toward the total absences. SAs are excused, and students may make up any work missed. When possible, students should check with their teachers and get the makeup work prior to the absence.

Other Types of Attendance Markings

In-School Suspension (ISS)

The school expects students to report to school at the normal hours without participating in their normal classes or school schedules. Instead, must independently complete classwork and may not interact with peers.

Students should pick up their classwork on the day prior to their ISS assignments. ISS students should complete and submit make up work for each of their classes. The school does not treat ISS as an absence but instead denotes it as ISS.

Out-of-School Suspension (TA)

The school marks students who serve out of school suspension as TA. TA students may not make up missed work.

Homebound (HB)

The school marks Homebound students as HB and may put students who are out of school for extended periods on HB status. HB status may be appropriate for circumstances such as hospitalization, doctor-verified disability, pregnancy, participation in ceremony, death of a close family member (parent/guardian, sibling, grandparent, aunt/uncle, or as otherwise determined by the school), or court ordered confinement, or in situations where the student poses a direct threat to health, safety, or welfare of the school, staff, or students. HB status requires the approval of the principal or designee.

The school has an obligation to provide students on HB status with academic services. HB students should complete and submit make-up work for their classes. The school makes reasonable efforts to provide students with information about missed classwork.

The terms of the HB Agreement defined in writing. The school may revoke the HB Agreement for any student who does not abide by or fulfill its requirements. The school maintains documentation of services it provides to HB students.

Attendance Procedures and Policies

Any student who arrives after the start of the school day must sign in at the front/security office to receive a pass to class. The school counts attendance from the first day through the last day of the academic year.

Each student who misses a day of school will report directly to the attendance clerk/front office upon his or her return to school before reporting to class: (1) to turn in a parent/guardian note that explains the reason for the absence and (2) to receive a pass to class. No teacher may admit a previously absent student to class without a pass from the attendance clerk/front office. If a student who has been absent the previous school day arrives at class without such a pass, the teacher must send him or her directly to the attendance clerk.

The school asks parents/guardians to contact the attendance clerk/front office by telephone on the day of an absence to provide an excuse for their child's absence. However, the student is still expected to provide written documentation when he or she returns to school from the absence.

If a student returns to school without a note or phone call from the parent/guardian explaining the reason(s) for the student's absence, the school codes him or her as truant. The attendance clerk/front office attempts to contact the student's parent/guardian for an explanation. *If the school cannot make contact, the student and his or her family have only three school days following the absence to provide a written explanation for the absence.*

The school requires an Attendance Contract and a parent/guardian conference with an administrator for five or more unexcused absences, or upon the student's fifth instance of truancy.

Tardiness

Students are tardy if they are more than 10 minutes late for the first class of the day or exceed the time allotted for transition between classes. Students are subject to discipline (See Discipline Ladder).

Class Cuts/Ditching

The school prohibits class cutting. Students who cut classes are subject to discipline (See Discipline Ladder).

Early Checkout

Parents/guardians may check student out of school. In addition, a person older than 25 years of age may check out a student if the parent/guardian has authorized the person on the checkout form. Students, even if they are 18 years of age or older, may not check themselves out of school.

The administration recommends checkout during class time in emergencies only. The school nurse/administrator approves early checkout for sick students, without the approval of a doctor or a doctor's note. The school codes any resulting absence as an excused absence (AE). The school handles absences due to early checkout like any other absence.

Attendance Incentives

The administration offers incentives to individual students and groups of students for attending school regularly.

Attendance Contract

A student will have a conference with an administrator and at least one parent/guardian if he or she accumulates five or more unexcused absences or after he or she is truant for the fifth time. During the conference, the parent/guardian, student, and administrator agree upon and sign an Attendance Contract, an agreement that ensures the student does not fall further behind in classes. The counselor or designee schedules this conference.

As a part of the Attendance Contract, the student may be subject to one or more of the following:

- Assigned peer or adult mentor
- Required after school homework help
- Suspension from athletics/school activities
- Revocation of non-emergency early checkout
- Parent/guardian escort of child to school
- Required residential program enrollment

School-Wide Rules and Procedures

Expectations

Students will learn and always follow all school rules and procedures while on campus or school property (including school vehicles/buses) and during school-sponsored activities, regardless of location.

- Students will follow directions of school staff.
- Students will clean up after themselves.
- Students will report any safety hazards (for example, faulty electrical outlets or appliances, unsafe equipment, broken windows, exposed wires, unsafe playground equipment, etc.) to a staff member.
- In case of a school-wide emergency (for example, electrical outage, bomb threats, gas leaks, lock-down), the staff and students will follow the Crisis Management Guide and the instructions of the school staff.

- Students will follow the schools drug policy while on school grounds, campus, school buildings, surrounding grounds, dormitories, school vehicles, and at school sponsored activities.

Students may never have alcohol, drugs, cigarettes, chewing tobacco, rolling tobacco, or any other federally controlled substances in their possession. They also may not have any related paraphernalia, including, but not limited to, rolling papers and pipes of any kind. The school deals with violation of this policy in accordance with the disciplinary process.

- Students will report all unauthorized persons/stranger(s) on campus to school personnel.
- Students will report any person on campus suspected of behaving unsafely and/or carrying alcohol, drugs, drug paraphernalia, and/or weapons to school personnel.
- Students will not endanger themselves or anyone else while on school property or while participating in any school-sponsored activity.
- The following bell system is in effect: A bell rings three minutes before the beginning of class. A second tardy bell signifies the beginning of the class period, and students should be in their assigned classrooms ready to learn when this bell rings. (High School only).
- The school prohibits any sexually explicit material on campus, at school events, on school electronic devices, or at school-sponsored activities.
- The school prohibits skateboards, hover board, and Heelys Shoes due to safety concerns.
- Students will return all school property in good condition. School property includes any equipment, supplies, textbooks, and equipment (including athletic equipment) that the school issues to students.

If a student returns school property in poor condition, the school bills the student and/or parent/guardian for its replacement. The school may withhold diplomas and certificates of completion until a student clears any pending financial obligations with the school. The school is not responsible for loss or damage to personal property students bring onto the school campus.

Closed Campus

Each school places a very high priority on the safety and security of students and staff. Therefore, the administration requires all visitors (individuals not currently enrolled at or employed by each school) to sign in at the front office upon arrival to receive an official visitor's pass. Visitors may not go beyond the front office without an escort or proper clearance. Students and staff are expected to inform the office of the presence of any unregistered visitor on campus.

Only currently enrolled students, approved guests, faculty, and staff may attend school sponsored closed events (such as the prom or other dances.) The school allows visitors at such events if they have prior approval in accordance with the rules and guidelines included with the Visitor Guest Registration Form. The school has unapproved visitors escorted from the premises, either by school personnel or by local law enforcement.

Students will remain on campus, as designated by the school administrator, for the entire school day. Students may leave campus only with an official Off-Campus Pass or if they have been officially checked

out of school. To receive an Off-Campus Pass, students must have the approval of the administration and prior written parent/guardian permission on file in the Security Office . Students with Off-Campus Passes must carry the passes with them when they leave campus and be prepared to present it to any school employee upon request. The school may revoke off-campus privileges for students who do not abide by this policy. Students who violate this policy are subject to the disciplinary process (See Discipline Ladder).

Dress Code

Students will follow the school's dress code from the time they arrive on school property (including the school bus) until they depart.

- Logos or graphics on clothing and accessories (backpacks, purses, bags, belts, shoes, wristbands, shoelaces, coats, head gear, gloves) must not contain foul language, skulls, sexual innuendo, references to sex, drugs, alcohol, violence, and/or death.
- Bottoms/lower body clothing (pants, shorts, and skirts) must fit at the waistline and may not be more than three inches above the knee.
- Tank/muscle tops and tube/halter tops are not allowed.
- Clothing must cover cleavage, bellies, shoulders, and backsides; undergarments should not be visible.
- Students can wear leggings/jeggings under tunics, skirts, or dresses, but not alone.
- Students should wear proper footwear.
- Gang-related attire, accessories, insignia, and colors are prohibited.
- Chains, spikes, brads, adornment, or any other accessories that may be used as a weapon or damage school property are not allowed.
- Face painting, masks, and excessive makeup that hide one's face are not allowed.
- The use of non-prescription decorative contact lenses (for example, cat eyes, vampire eyes) that causes distraction to the educational process are prohibited. Head gear (hat, hoodie, beanie, and visor) is not to be worn in any building on campus during school hours.
- Personal headphones/ear buds are to be kept out of sight while in any building on campus.

The school asks students who violate the dress code to correct the violation without delay. If a student refuses to conform to the dress code, the school may confiscate the offending object or article of clothing, and/or the student may be subject to disciplinary action as deemed appropriate by the administrator.

If a student repeatedly violates the dress code, the school may instruct the student to return home to change and return with a parent/guardian for an administrative conference. Students who do not comply with the dress code may be subject to discipline (See Discipline Ladder). The school's administration is the final authority in determining appropriate school attire and appearance. The school's dress code is subject to change at any time.

Gang Activity

In response to a desire to keep our schools free from threats or harmful influence of any groups or gangs, the Board has adopted a gang behavior policy that is in accordance with State statutes and Tribal Criminal Code.

The policy states that students who participate or assist in criminal street gang behavior will be subject to the disciplinary policies of the school. Students who violate this policy are subject to referral to Tribal Law Enforcement for follow-up.

Criminal street gang membership is defined as an individual to whom at least two of the following seven criteria apply.

- Self-proclamation
- Witness testimony or official statement
- Written or electronic correspondence
- Paraphernalia or photographs
- Tattoos
- Clothing or colors and bandannas
- Any other indication of street gang membership

Prohibited Items

In the interest of the education, health and safety of all students, the following items may not be brought to school:

- All personal toys and games are to be left at home as they disrupt the classroom learning environment.
- Drugs, drug paraphernalia, alcoholic beverages, narcotics, cigarettes, cigarette lighters,
- E-cigarettes, vapors, matches and look-alikes.
- Explosive devices, firecrackers, fireballs, cherry bombs, sparklers, incense, etc.
- Weapons, guns, knives, cake cutters, screw drivers, razors and/or other dangerous items.
- Toys which are realistic look-alikes for guns and knives.
- Skateboards, roller blades, etc. are not allowed.
- Energy drinks.

Prohibited items brought to school will be confiscated. Illegal or dangerous items will not be returned. Local law enforcement will be contacted and disciplinary action will result. Inappropriate electronic device or cell phone usage during school hours is not allowed. Consequences of inappropriately usage of electronic devices at school during school hours is confiscation of the device until picked up by a parent/guardian.

The school and its staff are not responsible for the loss or damage of confiscated items. Backpacks for the high school must be mesh or transparent.

School Activities and Trips

The administration reserves the right to limit field trip participation to students with favorable behavior records (no write-ups for major infractions), provided a student's disability is not the cause of any such behavioral records.

- Athletic participation requires passing grades in all classes, as determined by bi-monthly/weekly grade checks per Interscholastic guidelines.
- All field trips require written parent/guardian permission. The school notifies parents/guardians about culturally sensitive field trips/projects. If a student does not receive parent/guardian permission, the school may assign the student another activity
- All day and overnight field trips require a BIE Navajo District Field Trip Request Form which is subject to approval from the BIE-Associate Deputy Director.
- Because of testing and school holidays, the school restricts student travel during the months of December, April, and May.
- **Student Activity Waivers (High School only):** Coaches and sponsors of school-related activities will obtain signed waivers for students who miss classes because of their participation in sports or school-related activities. The school marks such students as present.

Computer/Internet Usage Policy

The primary purpose of the Internet is for educational pursuits. The school recognizes that students have a constitutional right to freedom of speech. However, that right is not unlimited, and the school encourages students to be thoughtful about their words and actions.

Inappropriate use includes, but is not limited to, the following activities:

- Sending or displaying offensive/pornographic/threatening/subversive images and messages;
- Accessing, viewing, or transmitting material related to drugs, alcohol, gangs, sexual activity, or hate groups;
- Tampering with or damaging school computer equipment and/or system;
- Violating copyright laws;
- Allowing others access to username and password;
- Using another user's username and password. Trespassing in another user's account, folders, and/or files;
- Intentionally wasting limited resources, such as forwarding chain letters; streaming internet radio or video; downloading music, video, or software;
- Using a proxy server to bypass system network filters and controls;
- Using the school's BIE Internet system for commercial activities or making personal purchases;
- Participating in chat rooms or other live communication;

- Cyberbullying and/or harassment which may include mean text messages or emails, rumors sent by email or posted on social networking sites, sexual content or innuendos, and embarrassing pictures, videos, websites, or fake profiles.

Violations of the Computer/Internet Usage Policy may result in loss of access, confiscation of equipment, and/or further disciplinary or legal action, and:

- Any cost/expense incurred by the user becomes the liability of the user.
- The school bills the user for loss/damage to the computer system and/or equipment as a result of inappropriate use.

All computer network usage is subject to BIE/federal filtering and monitoring. Therefore, be reminded *there is no expectation of privacy*.

Students must have a current signed Student Computer/Internet Usage Policy and Agreement on file before they can use the Internet on any of the school computers. The school's Wi-Fi network is limited to school-purchased devices.

Electronic Device Policy

Electronic devices include, but are not limited to, the following:

- Cell phone
- Digital camera
- Electronic game devices (for example, Gameboy, PSP)
- Handheld video camera
- Personal iPad/tablet
- Laser pointer (For safety reasons, the school prohibits laser lights on campus.)
- Personal music player/iPod/speakers
- Portable DVD player
- Personal laptop

Students will keep electronic devices and accessories turned off and out of sight during instructional hours, during fire drills, other organized school activities, and for the duration of the school day.

Students may use electronic devices in the classroom with teacher permission, only if the devices are part of an organized classroom activity. If a student violates these rules, the school may revoke his or her electronic device, turn it in to the front office/school, security, or designated school administrator. The school returns the device to the student or parent/guardian at a designated time, as determined by the school administrator.

A student may also face disciplinary action, as determined by the school administrator. The school is not responsible for loss or damage to students' personal-property brought onto the school campus.

Vehicle Policy (High School Only)

Students who drive vehicles to school must have a signed Use of Student Parking Lot Form on file at the front office, as well as (1) a copy of valid driver's license, (2) current registration, and (3) proof of

insurance. The school offers student parking as a privilege, not a right. The school may issue a student a parking pass upon submission of proper documentation.

- Only students with parking passes may park their vehicles in designated areas on school property.
- Student may not park their vehicles in the housing area or any other area of the campus.
- Students may not leave campus in their vehicles during lunch or before the conclusion of the school day without prior written permission from their parents/guardians and approval from the administration.
- The school may ask students open a locked motor vehicle or its compartments under the student's control by a school official in accordance with the *School Searches and Seizure Policy*.
- If a student violates the vehicle policy, the school may revoke the student's parking privileges. In addition, the student may face disciplinary action, notification of parents/guardians, and referral to law enforcement.

Fundraising and Student Council

The school does not allow individuals to sell items on campus to raise money for personal gain.

- By law ([25 CFR § 31.7](#)), any funds raised should benefit recognized student organizations and must be deposited in the School Activity Fund/bank.
- Fundraisers must submit an updated Plan of Operation to the Student Council each school year, prior to any fundraising activity. The Student Council and the principal or designee must approve the fundraising activity.
- Sponsors and organization/club officers are required to be familiar with the policies and procedures of both the Student Council and the School Activity Fund. Students must deposit all funds they collect via organizations or clubs into the school activity fund/bank immediately.

School Search and Seizure Policy

[The Fourth Amendment to the U.S. Constitution](#) protects students from unreasonable searches and seizures by school officials and teachers. However, school official may search students or their personal property, including personal electronics and vehicles on school property, as well as equipment assigned to students, such as lockers, desks, and technology devices, pursuant to the following procedures.

- If there is reasonable suspicion that students may be in possession of drugs, weapons, alcohol, and other materials (contraband) in violation of school policy or state/federal/tribal law, school authorities may search any student, student locker, or student automobile in accordance with the policy outlined herein, and may seize illegal, unauthorized, or contraband material discovered in the search. A student's failure to cooperate with searches as provided in this policy will be considered grounds for disciplinary action. School authorities may utilize canines and metal detectors to assist in searches.
- To meet the standard of reasonable suspicion, the school official must have specific and articulable facts or inferences, obtained from either personal observation or a reliable

informant, that leads them to conclude – based on their experience and in the totality of the circumstances – that the search will lead to a discovery of contraband or evidence of contraband.

- Examples of reasonable suspicion may include, but are not limited to, smelling marijuana or alcohol odors, observing students with drug paraphernalia or alcohol containers, observing behavior consistent with intoxication, or hearing from a credible source that a student possesses contraband on his or her person or elsewhere on school property.

Searches of Individuals

The school may search a student’s person and/or personal effects (for example, purse, book bag, etc.) whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized material.

The scope of any inspection conducted under this policy shall be reasonably related to the objectives of the inspection and shall not be unreasonable in light of the age and sex of the student and the nature of the infraction. If a pat down search of a student’s person is conducted, it will be conducted in private by a school official of the same sex, and with an adult witness present, when feasible, and will be no more intrusive than necessary to uncover the suspected illegal or unauthorized material.

Searches of School Property

The school exercises exclusive control over school property, and students should have no expectation of privacy regarding items placed in school property because such property is subject to search at any time by school officials. The students are responsible for whatever is contained in desks and lockers the school issues them. School authorities may conduct a general inspection of lockers for any reason at any time without notice, without student consent, and without a search warrant.

Automobile Searches (High School only)

Students may park in the school parking lot as a matter of privilege, not of right. The school retains authority to conduct routine patrols of the student parking lot and inspect the student’s automobile, if it is on school property and a school authority has reasonable suspicion to believe that it contains illegal or unauthorized materials. Such patrols may be conducted without notice, without student consent, and without a search warrant. Upon establishment of reasonable suspicion, school officials may require students to open a locked motor vehicle under the student’s control or its compartments. Failure to do so may result in revocation of the student’s parking pass, disciplinary action, notification of parents/guardians, and referral to law enforcement.

Seizure of Illegal Materials

Illegal or unauthorized material which has been found in a properly conducted search will be turned over to the proper law enforcement authorities for ultimate disposition.

Use of Drug and Alcohol Tests

When the school has reasonable suspicion that a student is under the influence of alcohol or drugs, the school may subject the student to testing to determine whether the student is under the influence of drugs or alcohol.

Law Enforcement

The school may contact law enforcement, if needed, for incidents of illegal activity.

Use of Dogs

The school administration is authorized to use trained canines (accompanied by a trainer) for sniffing out contraband on school-owned property and in automobiles that are parked on the school property. An indication by the dog that contraband is present on school property or in an automobile is reasonable cause for a further search of the student by the school officials.

Use of Metal Detectors

School policy and federal law prohibit weapons of any nature on school property or at school functions. The school defines a weapon to be anything designed or used for inflicting bodily harm or physical damage. The presence of weapons is inherently dangerous to all persons in the school setting. School officials are authorized to use metal detectors when there is reasonable cause to believe that an identified student is in possession of a weapon.

Infectious Disease Control Policy

Baca/Dlo'ay azhi Community, in collaboration with Indian Health Service, has developed the following guidelines to reduce the spread of communicable diseases in school. The school follows these guidelines in any communicable/infectious disease situation.

If a student is believed to have a communicable or infectious disease, the staff immediately notifies the principal or designee. The principal or designee in charge then:

- 1) takes the student to the nearest hospital (Indian Health Service or private) for an evaluation;
- 2) contacts the student's parent/guardian;
- 3) works with Indian Health Service (IHS) or other appropriate medical personnel to determine whether isolation or separation of the student is necessary;
- 4) if necessary, places the student in a designated isolation room in the dormitory, if the school has a residential program, or in a designated room with a staff and ensures the student is checked every 10 minutes;
- 5) controls transmission of the communicable disease via quarantine in the school building and dormitory, if the school has a residential program; and
- 6) if appropriate, notifies the parent/guardian in writing of
 - i. the disease to which the child was exposed, and whether this is one case or part of an outbreak;
 - ii. signs and symptoms of the disease that the parent/guardian should watch for in the child;
 - iii. how the disease is spread;
 - iv. the incubation period of the disease (when they might see symptoms appear);
 - v. how many days or weeks the disease can spread from person to person (period of communicability);

- vi. disease prevention measures recommended by a public health nurse or sanitarian; and
- vii. the control measures the school has implemented as well as the dormitory of the infected student if the school has a residential program.

Re-admittance

If a student has been taken out of school with a communicable or infectious disease, the student must provide a doctor's statement stating the student is medically cleared before he or she can return to school. In addition, the school may require a meeting with the student's parent/guardian.

Executive Order 13160

The school will comply with the requirements of Executive Order 13160. No individual, on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in, a federally conducted education or training program or activity. ([Executive Order 13160](#)).

Student Behavior Policies

Harassment/Intimidation/Threats/Bullying

The following behavior is not permitted and is subject to discipline (See Discipline Ladder). Furthermore, violation of these policies results in parent/guardian notification and may result in additional enforcement action, including contacting law enforcement.

Physical Abuse

Includes, but is not limited to, any physical contact the recipient does not invite, including hitting/kicking/pinching, spitting on someone, tripping/pushing, and taking or breaking someone's things.

Sexual Harassment

Includes, but is not limited to, any physical or verbal act of a sexual nature that the recipient does not want or invite. Sexual harassment can also include body gestures, innuendos, creating a sexually hostile environment through use of sexually explicit materials, such as calendars, magazines, or other graphic materials.

Verbal Abuse

Includes, but is not limited to, any derogatory speech directed at an individual or spoken in a public setting. Derogatory speech includes vulgarity, cursing, and sexual innuendo (for example, calling someone a 'b-word' or using the "f" word is considered harassment). Verbal abuse also includes teasing, name-calling, taunting and threatening to cause harm.

Nonverbal Abuse

Includes, but is not limited to, rallying other children not to be friends with someone, spreading rumors, and causing someone else to be subject to public ridicule.

Public Display of Affection (PDA)

The school prohibits anything beyond hand holding on school grounds and during school events. Students who violate this policy are subject to discipline (See Discipline Ladder).

Hazing

The school does not tolerate hazing activities, such as initiations, harassment, humiliation, and ridicule . Hazing includes any intentional or reckless act committed by a student, whether individually or with others, in person, or in writing, against another student with a substantial risk of potential physical injury, mental harm, or degradation.

Bullying

Bullying, including cyberbullying, is the repeated use by one or more students of a written, verbal, or electronic communication, or a physical act or gesture or any combination thereof, directed at a target.

Bullying results in the outcomes that

- cause physical or emotional harm to the target or damage to their property;
- place the target in reasonable fear of harm or damages their property;
- create a hostile environment at school for the target;
- infringe on the rights of the target at school; or
- materially and substantially disrupt the education process or the orderly operation of a school.

The school prohibits bullying on school property, property immediately adjacent to school grounds, at school-sponsored or school-related events whether on or off school property, at school bus stops, on school buses or other vehicles owned, leased or used by the school, or through the use of technology or an electronic device owned, leased, or used by the school.

The school also prohibits bullying at a location or activity that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the school, if the act or acts in question create a hostile environment at school for the target student, infringe on the rights of that student at school, or substantially disrupt the education process or the orderly operation of the school.

Students or parents/guardians of bullied students should immediately report their concerns to the school administrator.

Bullying Prevention and Intervention Procedures

Reporting Obligations

Reporting by Staff

If faculty, staff, independent contractor, or school volunteer learns of any instance of bullying/retaliation or suspect bullying/retaliation, they shall report the incident immediately. They may report any incident to the principal or designee, either orally or in writing.

The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

Reporting by Students, Parents/Guardians, and Others

The school strongly encourages any student, parent/guardian, or others who become aware of or have a reasonable belief that bullying or retaliation has occurred or may have occurred to other members of the school community to promptly report the incident(s) to the principal/designee.

Reporting to Local Law Enforcement

In the event of substantiated bullying or retaliation, the principal or designee notifies law enforcement in writing, if he or she suspects that criminal charges may be pursued against the aggressor.

Investigation

The school principal or designee shall promptly investigate a report of bullying or retaliation, considering all circumstances at hand, including the nature of allegations, ages of the students involved, and whether any behaviors are related to an individual's disability, age, sex, race, color, gender, national origin, religion, pregnancy status, and/or sexual orientation.

The school follows the guidelines (see Discipline Ladder) for responding to a report of bullying or retaliation. The school adapts the guidelines as necessary to respond appropriately to the complaint. Upon receiving a complaint, the principal or designee notifies the parents/guardians of all parties (both the target and the aggressor) involved of any incident in a timely fashion, preferably on the same day of the report.

Even before a formal investigation, the principal or designee considers whether they will take immediate steps to support and/or protect the alleged target from further potential incidents. The school considers the rights and safety of the alleged target, alleged aggressor, and any bystanders.

If the principal or designee determines that a bullying or harassment incident placed the target in reasonable fear or harm, or adversely affected their educational environment, they initiate a formal investigation.

Discipline

Pursuant to 25 C.F.R. § 42.3, BIE schools must consider, to the extent appropriate, the reintegration of a student into the school community, after they engage in conduct that warrants disciplinary actions. The school may address misbehavior or a student violation using an alternative dispute resolution (ADR) process or the formal disciplinary hearing process.

When appropriate, a school should first attempt to use the ADR process, which is described in 25 C.F.R. § 42.4, that may allow for resolution of the alleged violation without recourse to punitive action. The ADR processes may include: peer adjudication, mediation, and conciliation and involve appropriate customs and practices of the Indian Tribe or Alaska Native Villages, to the extent there are applicable practices that are readily accessible and identifiable.

When ADR processes do not resolve issues or cannot be used, the school must address the alleged violation through a formal disciplinary hearing in accordance with the hearing requirements and student due process rights found in 25 C.F.R. § 42.7.

Discipline Responsibilities for Administrators

If the staff member cannot resolve the problem, they should consult with the administration. The administration then follows some or all these steps:

- Ensure that ADR processes have been used or are not applicable for the situation in accordance with 25 C.F.R. § 42.4.
- Provide additional intervention, as needed, to correct the problem or resolve conflicts.
- Ensure the safety of all students or bystanders.
- Determines any appropriate consequences for an offender (for example, lunch detention, restriction).
- Determines whether suspension is appropriate.
- Prepares the suspension letter, sets the hearing date, notifies the parent/guardian, reviews hearing rights with the student.

Progressive Discipline

Baca/Dlo'ay azhi Community uses a system of progressive discipline. Schools discipline students based on the severity of offenses, as well as on their frequency or repeated nature. The District classifies offenses as severe (Group I), major (Group II), and minor (Group III).

- 1) The school establishes behavior and counseling contracts for all severe (Group I) offenses.
- 2) The school may notify law enforcement of offenses.
- 3) The administrator makes the final decision.
- 4) The school may suspend a student from school for violations of the Student Handbook or other school rules and regulations.

Severe (Group I) Offenses

Severe (Group I) offenses are offenses that are serious in nature and, without exception, break Navajo Nation law, and/or state law, and/or federal law. Examples of severe (Group I) offenses include, but are not limited to, the following:

- Drug/alcohol use or possession
- Arson
- Physical assault
- Sale or distribution of a controlled substance
- Inciting a riot
- Possession of a weapon
- Fighting involving a weapon
- Bomb threat
- Gang activity

Consequences for Severe (Group I) Offenses

Following are the consequences for committing severe (Group I) offenses:

- **Short suspension:** Three or fewer days out of school with mandatory counseling
- **Long suspension:** Four to eight days out of school with mandatory counseling
- **Long-term suspension:** Nine or more days out of school with due process hearing
- **Expulsion:** Recommendation to the Governing Board for expulsion

Type of Offense	First Offense	Second Offense	Third Offense
Selling or distribution of drugs or alcohol	<p>Short or long suspension</p> <p>District notifies law enforcement.</p> <p>Mandatory parent/guardian-student conference; establish a behavioral and counseling contract.</p>	<p>Long or long-term suspension</p> <p>District notifies law enforcement.</p>	<p>Long-term suspension or expulsion</p>
Use or possession of drugs or alcohol	<p>Short or long suspension</p> <p>District notifies law enforcement.</p> <p>Mandatory parent/guardian-student conference; establish a behavioral and counseling contract</p>	<p>Long or long-term suspension</p> <p>District notifies law enforcement.</p>	<p>Long-term suspension or expulsion</p>
Fighting, inciting a riot/ fight, possession of a weapon, fighting with a weapon	<p>Short or long suspension</p> <p>District notifies law enforcement.</p> <p>Mandatory parent/guardian - student conference; establish a behavioral and counseling contract</p>	<p>Long or long-term suspension.</p> <p>District notifies law enforcement.</p>	<p>Long-term suspension or expulsion</p>
Gang-related activities (Including, but not limited to, recruitment, initiation, threatening or equivalent behavior)	<p>Short or long suspension</p> <p>District notifies law enforcement.</p> <p>Mandatory parent/guardian-student conference; establish a behavioral and counseling contract</p>	<p>Long or long-term suspension.</p> <p>District notifies law enforcement.</p>	<p>Long-term suspension or expulsion</p>
Arson, bomb threat, false fire, alarm, fireworks	<p>Short or long suspension</p> <p>District notifies law enforcement.</p> <p>Mandatory parent/guardian-student conference; establish a behavioral and counseling contract</p>	<p>Long or long-term suspension.</p> <p>District notifies law enforcement.</p>	<p>Long-term suspension or expulsion</p>

<p>Sexual misconduct, any inappropriate contact</p>	<p>Short or long suspension District notifies law enforcement. Mandatory parent/guardian-student conference; establish a behavioral and counseling contract</p>	<p>Long or long-term suspension. District notifies law enforcement.</p>	<p>Long-term suspension or expulsion</p>
<p>Physical assault</p>	<p>Short or long suspension District notifies law enforcement. Mandatory parent/guardian-student conference; establish a behavioral and counseling contract</p>	<p>Long or long-term suspension. District notifies law enforcement.</p>	<p>Long-term suspension or expulsion</p>
<p>Other serious or threatening behaviors that involve or cause harm to others, including severe bullying (e.g., encouraging someone to engage in self-harm, threatening someone, taking someone's property with threat of force, spreading rumors that are intended to damage someone else's reputation)</p>	<p>Short or long suspension District notifies law enforcement. Mandatory parent/guardian-student conference; establish a behavioral and counseling contract</p>	<p>Long or long-term suspension. District notifies law enforcement.</p>	<p>Long-term suspension or expulsion</p>

Major (Group II) Offenses

Major (Group II) offenses are offenses that may be serious in nature and may break tribal law, state law, and/or federal law.

Examples of major (Group II) offenses include, but are not limited to, the following:

- Theft
- Vandalism
- Misuse of computers
- Use or possession of tobacco products
- Drug or alcohol paraphernalia
- Disorderly conduct

Consequences for Major (Group II) Offenses

Following are the consequences¹ for committing major (Group II) offenses:

- **Short suspension:** Three or fewer days out of school with mandatory counseling
- **Long suspension:** Four to eight days out of school with mandatory counseling
- **Long-term suspension:** Nine or more days out of school with due process hearing
- **Expulsion:** Recommendation to the Governing Board for expulsion

Type of Offense	First Offense	Second Offense	Third Offense
Possession of drugs or alcohol paraphernalia	Short suspension Mandatory parent/guardian-student conference; establish a behavioral and counseling contract	Long suspension	Long-term suspension
Possession or use of tobacco products, including e-cigarettes	Short suspension Mandatory parent/guardian-student conference; establish a behavioral and counseling contract	Long suspension	Long-term suspension
Extortion	Short suspension	Long suspension	Long-term suspension

¹ For eligible students with a disability, school personnel must consider all student specific needs and IDEA disciplinary requirements as set forth in 34 C.F.R. 300.530, prior to changing a student's placement. Additionally, BIE schools must offer disciplinary protections to qualified students with disabilities, as per the Indian Affairs Manual- Part 30, Chapter 15- Section 504 of the Rehabilitation Act of 1973.

	Mandatory parent/guardian-student conference; establish a behavioral and counseling contract		
Intimidation, harassment, or bullying (including, but not limited to, name calling, repeated incidents of minor bullying, rallying other students to bully someone)	Short suspension Mandatory parent/guardian-student conference; establish a behavioral and counseling contract	Long suspension	Long-term suspension
Hazing	Short suspension Mandatory parent/guardian-student conference; establish a behavioral and counseling contract	Long suspension	Long-term suspension
Vandalism and/or theft	Short suspension Mandatory parent/guardian-student conference; establish a behavioral and counseling contract	Long suspension	Long-term suspension
Sexual harassment	Short suspension Mandatory parent/guardian-student conference; establish a behavioral and counseling contract	Long suspension	Long-term suspension
Verbal abuse of an individual	Short suspension Mandatory parent/guardian-student conference; establish a behavioral and counseling contract	Long suspension	Long-term suspension
Gang-related activity (Displaying gang affiliation, including showing colors, flashing signs, marking territory, displaying gang tattoos)	Short suspension Mandatory parent/guardian-student conference; establish a behavioral and counseling contract	Long suspension	Long-term suspension
Similar offenses	Short suspension	Long suspension	Long-term suspension

	Mandatory parent/guardian-student conference; establish a behavioral and counseling contract		
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Minor (Group III) Offenses

Major (Group III) offenses are offenses that may be disruptive in nature.

Examples of major (Group III) offenses include, but are not limited to, the following:

- Insubordination
- Dress code violation
- Truancy
- Skipping or cutting class
- Leaving class or campus without permission
- Profanity
- Public display of affection
- Violation of reasonable standard of right or wrong
- Failure to produce school identification badge
- General misconduct
- Failure to follow directions
- Failure to serve detention

Determination of minor offenses is the responsibility of the school administrator or the assigned personnel of student discipline.

Consequences for Minor (Group III) Offenses

Following are the consequences for committing minor (Group III) offenses:

- **Verbal warning with counseling referral**
- **Written reprimand with counseling referral**
- **In-school suspension (ISS):** One to four days with mandatory counseling
- **Short suspension:** Three or fewer days with mandatory counseling
- **Long suspension:** Four to eight days with mandatory counseling

Type of Offense	First Offense	Second Offense	Third Offense	Fourth Offense	Fifth Offense
Public display of affection	Verbal warning and counseling	Written reprimand District notifies parent/guardian by certified mail. Establish a behavioral and counseling short-term contract	ISS/IDS 1-4 days Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract.	Short suspension	Long suspension
Profanity	Verbal warning and counseling	Written reprimand District notifies parent/guardian by certified mail. Establish a behavioral and counseling short-term contract	ISS/IDS 1-4 days Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract.	Short suspension	Long suspension
Insubordination	Verbal or written reprimand	ISS/IDS 1-4 days District notifies parent/guardian by certified mail. Establish a behavioral and counseling short-term contract	Short suspension Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract	Long suspension	Long-term suspension
Dress Code Violation	Verbal or written reprimand	Verbal reprimand District notifies parent/guardian by certified mail. Establish a behavioral and counseling short-term contract	ISS/IDS 1-4 days Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract	Short suspension	Long suspension
Ditching classes	Verbal or written reprimand	ISS/IDS 1-4 days	ISS/IDS 1-4 days	Short suspension	Long suspension

		District notifies parent/guardian by certified mail. Establish a behavioral and counseling short-term contract	Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract		
Truancy	Verbal or written reprimand Parent/guardian is notified	ISS/IDS 1-4 days District notifies parent/guardian by certified mail. Establish a behavioral and counseling short-term contract	Short suspension Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract	Long suspension	Long-term suspension
Leaving class or campus without permission	Verbal or written warning Parent/guardian and/or law enforcement is notified	ISS/IDS 1-4 days District notifies parent/guardian by certified mail. Establish a behavioral and counseling short-term contract	Short suspension Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract	Long suspension	Long-term suspension
Failure to serve detention	ISS/IDS 1-4 days Parent/guardian is notified	Short suspension District notifies parent/guardian by certified mail Establish a behavioral and counseling long-term contract	Long suspension Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract	Long-term suspension	Expulsion
Tardiness	Verbal reprimand	Written reprimand	ISS/IDS 1-2 days Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract	Short suspension	

Violation of reasonable standards of right and wrong, bullying (including, but not limited to, name calling, excluding someone, deliberately disregarding someone else's feelings)	Verbal reprimand	Written reprimand District notifies parent/guardian by certified mail Establish a behavioral and counseling long-term contract	ISS/IDS 1-4 days Mandatory parent/guardian-student conference Establish a behavioral and counseling long-term contract	Short suspension	Long suspension
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Definitions of Disciplinary Terms

Zero Tolerance

Is defined as a philosophy that the School will not allow, permit, condone, support, withstand, or endure any behavior that is detrimental to the safety, security, and welfare of all students and staff. Thus, the School will do everything within its legal power to impose the strictest sanction.

Suspension

The school has defined suspension as exclusion from school privileges and transportation for a period.

Expulsion

An expulsion is defined as a permanent exclusion from the school privileges and services

Student Conference

A staff member meets one-on-one with the student to reduce or eliminate minor misbehavior.

Parent/Guardian Contact

A staff member contacts the student's parent/guardian via phone, email, mail, or in person for support and reinforcement of positive behavior.

In-School Suspension (ISS)

Prior to an in-school suspension, the school notifies each student and the student's parent/guardian of the offense(s) that led to the ISS, as well as the duration of the ISS. Students serving an ISS must report to school at the usual start time and are assigned to supervised rooms for the entire school day.

Before a student begins serving an ISS, he or she must inform his or her teachers of the ISS. The student will let his or her teachers know that he or she will collect classwork that he or she will miss because of the ISS.

On each day of an ISS, the student should arrive prepared for school and on time. (The student should bring all assigned classwork, incomplete assignments, and reading materials to the ISS). Failure to do so

may result in additional ISS. During ISS, students are not allowed to interact with their peers and must eat lunch in the ISS room.

Parent/Guardian Conference with Behavior Contract

The student, as well as his or her parent/guardian, meets with an administrator to write and agree upon a behavior contract. The behavior contract includes any of the previously mentioned interventions. The contract may also include any combination of the following interventions:

- Community service
- Peer or staff mentor with required contact
- Counseling
- Suspension from extracurricular activities (including sports, after school activities, field trips)
- After school homework
- Family member to attend classes with student
- All-day academic support

Formal Disciplinary Hearing (Procedural Due Process)

Information in the Student Handbook informs students of their rights and responsibilities, school rules and regulations governing behavior, and consequences for infractions. Every student, as well as parents/guardians, should know the school rules and regulations, as well as their due process rights and responsibilities. In addition, other requirements and rights apply for the disciplinary process, when it is applied to students with disabilities. These requirements will be described in subsequent sections of the handbook. Special Education due process rights are also described in the BIE's IDEA Procedural Safeguards notice and in the Indian Affairs Manual, Part 30, Chapter 15- Section 504 of the Rehabilitation Act of 1973.

This section applies to disciplinary suspensions of 10 days or more, denial of enrollment, expulsion, or suspension from the general bus service.

The school works with students involved in infractions as discussed earlier in the Handbook. However, in cases of severe and major infractions of school rules or repeated violations, the school may suspend students for more than 10 days or expel students. In cases where the suspension exceeds 10 days, or the school expels the student, the student is entitled to the due process hearing and rights that are outlined in this section.

The school must hold a fair and impartial hearing before imposing a suspension of more than 10 days or an expulsion, except under the following circumstances, which may be used for emergency disciplinary removals:

- 1) There is a legal basis or other significant need for an immediate school removal (such as, if a student brought a firearm to school) or if there is some 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 the entitlement to a disciplinary hearing.

In an emergency disciplinary removal situation, a school may temporarily remove a student, without first holding a disciplinary hearing. The school must immediately document the facts giving rise to the emergency disciplinary removal and afford the student a hearing that follows the due process requirements of 25 C.F.R. § 42.7, within 10 days.

Due Process Hearing

Due process must include written notice of the charge(s) and a fair and impartial hearing as required by 25 C.F.R. § 42.7. The Hearing will be held by the principal or the principal's designee. The principal may suspend or expel a student immediately when there is evidence that the student poses a serious and immediate danger to the health or safety of himself/herself or others. However, if a student is suspended or expelled prior to a hearing, a hearing must be held within 10 days. If a student is not expelled or suspended prior to a hearing, the hearing will be held at the most reasonable time and as close as possible to the alleged infraction. All hearings will be closed, unless otherwise requested by the student/parents/guardians. It is essential that each student be given an opportunity to present their defense against the charges made against them, and that the proceeding be fair and impartial.

Notification

Written notice for a disciplinary due process hearing must comply with the requirements set forth in 25 C.F.R. § 42.7 (a). Parents/guardians and students will be notified of charges, in writing, within a reasonable time frame prior to the hearing. The notice must include: a copy of the school policy that was violated, the facts as related to the allegation, information about any statements that the school has received about the charge and how to access the statements, and information about the part(s) of the student's record that will be considered when making the disciplinary decision.

Specific Student Hearing Rights and Procedures

The student has specific rights in a disciplinary hearing, which are found in 25 C.F.R. § 42.8. These rights include the right to:

- not to be compelled to testify against himself or herself;
- view documents and related records including written findings of fact and conclusions;
- request deferral (delay) of hearing: The request must be in writing. The request must clearly state reason for deferral. The request must be submitted to the principal two days prior to the hearing;
-
- representation by legal counsel (at student/parent's/guardian's expense);
- Presence of a student, parent/guardian or their designee;
- translator, if requested;

- appear on his/her own behalf;
- produce witnesses and evidence on his/her behalf and to confront and examine all witnesses;
- confront and cross examine an opposing witness or for the student's legal counsel to do so;
- the record of the disciplinary action, including written findings of fact and conclusions;
- 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; and
- administrative review and appeal rights under school policy.

The student may receive failing grades for failure to attend an alternative education program, if offered. Prior to or at the time of the hearing, a student can enter a plea of guilty, at which time the case is immediately referred to the principal for review and final decision.

Additionally, student victims have legal rights during student disciplinary hearings, as detailed in 25 C.F.R. § 42.9. These rights may include: the right to participate in a disciplinary hearing either in writing or in person, the right to provide a statement about the impact of the offense on the victim, and the right to have the outcome explained to the victim and to their parent or guardian by a school official, consistent with all student privacy laws and confidentiality requirements.

Appeal

A student will have the right to appeal the decision of suspension/expulsion to the Education Program Administrator (EPA) within 10 days from the date of receipt of the initial decision in accordance with school policy. The EPA decision is final. If a student wins their appeal, the student will be allowed to make up any missed assignments within 3 days of his/her completion of the suspension.

Grievance Procedures

Student/Parent/Guardian – Employee

Note: This section does not apply in the case of any physical or sexual abuse. Immediately report physical or sexual abuse, including verbal sexual harassment, to the principal and/or local law enforcement.

If differences between a parent/guardian/student and a school staff member are not settled informally, it is the right of the parent/guardian/student and/or the school staff member to go to the employee's supervisor, who acts as the mediator. Each side of the dispute has the right to present a written or verbal statement and answer to the grievance.

Student – Student

If a conflict arises between students, the students should report the conflict to a staff member for advice on how to resolve the conflict. If the students' differences are not settled informally, it is the right of the students to go to a teacher, counselor, or the principal. Each side of the dispute has the right to present a written or verbal statement and answer to the grievance.

Special Education Policy

Individuals with Disabilities Education Act (IDEA)

The school complies with the [Individuals with Disabilities Education Act \(“IDEA”\)](#) 20 U.S.C. §§ 1400 et seq., P.L. 108-446) and its implementing regulations (34 C.F.R. Part 300). Disciplinary actions taken against a student covered under IDEA will be done in accordance with BIE’s Notice of Procedural Safeguards, available at <http://www.bie.edu/cs/groups/xbie/documents/text/idc1-032083.pdf> and BIE Special Education Practices and Processes. <http://www.bie.edu/cs/groups/xbie/documents/text/idc-020377.pdf>.

These documents will be provided in accordance with 34 CFR § 300.504 and to any parent/guardian or student upon request. If there is a conflict between this Handbook and the Special Education Practices and Processes or Notice of Procedural Safeguards, the school will follow the Special Education Practices and Processes or Notice of Procedural Safeguards.

Section 504 of the Rehabilitation Act of 1973

The school will comply with the requirements of the [Rehabilitation Act of 1973, 29 U.S.C. §§ 794 \(Section 504\)](#) and the U.S. Department of Interior implementing regulations (43 C.F.R. 17.501-17.570 (Subpart E). Section 504 of the Rehabilitation Act of 1973, commonly called “Section 504,” is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activity.

Pursuant to Section 504, the school is responsible to identify, evaluate, and determine eligibility, as well as, providing accommodations and services to eligible students with disabilities. BIE has adopted requirements for Section 504 in the Indian Affairs Manual (IAM). To access this policy online: <https://www.bia.gov/policy-forms/manual> or contact the school Section 504 Coordinator.

504 and Discipline

Students with disabilities are not exempt from school discipline codes. However, the student’s disability is considered when determining the appropriate disciplinary response for a 504 student. Special considerations apply to the long-term suspension of students with disabilities under Section 504. If a behavior is not related to a student’s disability, then the disciplinary consequences are the same as for any other student without a disability. The vehicle for assessing the link between a behavior and a disability is a manifestation determination meeting, in accordance with the BIE’s Section 504 Chapter of the IAM, Chapter 15, Section H- Section 504 and Discipline.

Short-term removals (suspensions or expulsions for either 10 consecutive days or 10 days in aggregate) do not require more than normal due process. However cumulative short-term removals totaling more than 10 school days may be considered a “change in placement” and trigger certain procedural safeguards under Section 504, including an evaluation to determine if the conduct was caused by or related to the student’s disability. This evaluation should take place no longer than 10 school days after the decision to take disciplinary action is made. Prior to the meeting, the school shall:

- Give notice of the disciplinary decision and of the Section 504 procedural safeguards to the parent or guardian, no later than the date on which the decision to take disciplinary action is made;

- Notify the parent or guardian in writing, immediately, if possible, but no later than 10 days after a decision to conduct the evaluation;
- Notification should include identification of time, date, and participants who will be in attendance;
- Parents or guardian should participate in the meeting; however, if they refuse to attend, they should be given a copy of the final report.

The following steps must be followed during the evaluation meeting:

- The name of each participant who is present must be recorded.
- The student's Section 504 team must make the determination of whether the misconduct is related to the student's disability.
- Attendees must consider all relevant information in the student's file, including: the student's Section 504 Plan, any teacher observations, and any relevant information that is provided by the parents.
- A review of the incident at issue, including: the who, what, when, where, why, and how of the specific incident under review.
- The team must determine, after reviewing relevant information in the student's file and the incident review:
 1. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or,
 2. If the conduct in question was the direct result of the school's failure to implement the student's Section 504 Plan.

If the Section 504 team determines that the conduct was a manifestation of the student's disability or that the conduct in question was the direct result of the school's failure to implement the student's Section 504 Plan, then the school must take immediate steps to remedy those deficiencies.

If the Section 504 team determines that the behavior was a manifestation of the disability, then the school cannot carry out any discipline that would exclude the student on the basis of their disability. Instead, the IAM requires that the Section 504 team must conduct a functional behavior assessment (FBA) and create a behavior intervention plan (BIP) for the student. If the student already has a BIP, the team must review the plan, and modify it as necessary to address the behavior that is at issue.

If the Section 504 team determines that the behavior is not a manifestation of the student's disability, then the relevant disciplinary procedures may be applied to the student with the disability in the same manner and for the same duration that they would be applied to a student without a disability.

For offenses related to drugs and alcohol, schools may take the same disciplinary actions against students with and without disabilities, and such offenses are excepted from the Section 504 disciplinary procedures that are set forth in the IAM.

A school is not required to permit a student with a disability to participate in or benefit from services, programs, or activities when that student poses a direct threat to the health or safety of others. A direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. In

determining whether a student poses a direct threat to the health or safety of others, the student's Section 504 team must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury.

Section 504 Eligible students also have the right to an appropriate educational placement and any needed services, the right to notice, and the right to review relevant education records during the disciplinary process.

504 Rights and Procedural Safeguards

Education

As an eligible student with a disability, you have the right to:

- participate in and benefit from the school's educational programs without discrimination based on disability;
- receive needed accommodations under Section 504 of the rehabilitation act of 1973;
- participate in the school's nonacademic and extracurricular activities;
- receive services that are comparable to those provided to students without disabilities;
- receive accommodations and/or auxiliary aids and services to allow for participation in school activities;
- receive auxiliary aids and services without cost to allow for participation in school activities. This does not include educational aids unrelated to your child's disability for which fees are imposed on parents/guardians of all children; and
- receive special education services, if needed.

Educational Records

As a parent/guardian or student, you have the right to:

- examine all relevant records relating to decisions regarding the identification, evaluation, educational program, and placement of the student;
- obtain copies of educational records, at a reasonable cost, if the fee does not effectively deny access to the records (there is no charge for records if the cost prevents the student or parent/guardian from reviewing the records.);
- request amendment of the student's educational records, if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of the student. (if the school refuses this request, it must notify the student or parent/guardian within a reasonable time and advise the student or parent/guardian of the right to a hearing); and
- request explanations and interpretations of the student's education records.

If you believe that BIE has discriminated against you or your child based on disability, you may file a complaint of discrimination with the U.S. Department of the Interior's Office for Civil Rights, Diversity, and Inclusion ("OCR") to file a complaint in federal court. Generally, you may file an OCR complaint within 180 calendar days of the act that you believe was discriminatory.

Director, Office of Civil Rights
U.S. Department of the Interior
1849 C. Street, NW, MS# 4353
Washington, D.C. 20240

Telephone Numbers:

General Public: (202) 208-3235

Facsimile: (202) 208-6112

FedRelay: (800) 877-8339 TTY / ASCII

Following is the Section 504 compliance contact information at Baca/Dlo'ay azhi Community and Jimmy Thomas: (505) 972-2769

High School Athletics

(For grades K-8, refer to the local athletic handbook.)

Eligibility

Athletic eligibility is a student privilege for **only four seasons in each sport**. Students are eligible for **no more than eight semesters** after he or she enrolls in the ninth grade.

Fifth year students are not eligible to participate as athletes or as managers. Students who turn 19 years-old prior to September 1 are not eligible to participate. Students who turn 19 years old on or after September 1 are eligible to participate for that school year only.

Students, including incoming freshmen and transfer students, must have **physical examinations** on file and, when appropriate, medical clearances to participate. Forms are available from the registrar.

To participate in sports, each student must have a physical exam within the last year. The student must also have a **Concussion Test certificate** on file. Transfer students must complete relevant paperwork with the Athletic Director to apply for eligibility.

Grade Check

Student athletes and managers must pass all their classes to play, per state athletic association rules. The athletic director, coaches, and staff conduct weekly grade checks.

If a student is failing any class, the school places the student on the ineligible list for the following week. If the student is failing any class at the next grade check, the student is ineligible again for the following week. During ineligibility, the student may practice with the team, but they are not allowed to dress out, sit with the team, travel, or take part in scrimmages or athletic competitions.

Additional Ineligibility

Any unexcused absence makes the athlete or student manager ineligible to participate in practice or competition on the day of the absence. Any student who accumulates more than nine days of unexcused absences is ineligible to participate in practice or competition for the remainder of the semester.

The state athletic association rules prohibit student athletes from participating in non-school sports for their given sport during the season. Infractions may result in student ineligibility at the discretion of the coach, athletic director, and/or principal. Any student caught using/possessing drugs, alcohol, paraphernalia, or tobacco will be suspended from athletics for the remainder of that sports season.

Assigned Areas

Student athletes and managers will follow coaches' instructions and remain in assigned areas, such as the gym, sports fields, hotel rooms, etc., unless the coach indicates otherwise. Failure to follow this rule may result in immediate dismissal from the team, as well as additional forms of discipline.

Parent/Guardian Involvement Policy

The Navajo District strives to educate teachers, support staff, administrators, and school board members, with the assistance of parents/guardians, about the value of parent/guardian contribution and the necessity of reaching out to, communicating with, and working with parents/guardians as equal partners.

Specifically, the school strives to

- build ties between parents/guardians and the school;
- research, adopt and implement model approaches to improving parent/guardian involvement;
- develop appropriate roles for community-based organizations and local businesses in parent/guardian involvement activities and provide other reasonable support for involvement activities as parents/guardians may request.

The Navajo District believes that all parents/guardians and families want the best for their children. Educational research demonstrates that children do their best when parents/guardians play the following roles in their children's learning:

- Parent/guardians as teachers (helping children at home)
- Supporters (contributing their skills to the school)
- Advocates (helping children receive fair treatment)
- Decision makers (participating in joint problem solving with the school at every level)

Baca/Dlo'ay azhi Community recognizes that parents/guardians are full partners with educators, administrators, school board members, and support staff working towards the best possible learning experience for each child. The school encourages a strong program of two-way communication with parents/guardians to promote a strong, meaningful, and productive connection between itself and the community.

To institute and maintain active two-way communication with parents/guardians, our schools

- continue to involve parents/guardians in the joint development of the school's improvement plan. (If the school's improvement plan is not satisfactory to the parents/guardians of participating children, the school submits any parent/guardian comments with the improvement plan when the school resubmits it to the BIE);
- plan, implement, assess, and, as necessary, revise effective parent/guardian involvement activities to improve student academic achievement and the school's overall climate and performance;
- build the school's and the parents'/guardians' capacities for strong parent/guardian involvement through collaborative school planning, ongoing two-way parent/guardian school communication, and integration of parents/guardians into professional development and other school activities; and
- coordinate and integrate parent/guardian involvement strategies and activities, such as workshops which encourage and support parents/guardians to further the education of their children and assist them in avoiding pitfalls (for example, gangs, violence, drugs, teen pregnancy). With the parent/guardian involvement, conduct an annual evaluation of the content and effectiveness of the school's Parent/Guardian Involvement Policy.

The school publishes the findings of the annual evaluation and makes it available for parent/guardian review to design strategies for more effective involvement and, if necessary, to revise the school's existing Parent/Guardian Involvement Policy.

Student Handbook and Parent/Guardian Involvement Policy

The school distributes the Student Handbook and Parent/Guardian Involvement Policy to parents/guardians of all enrolled students. The school's administration develops a *School Plan for Parent/Guardian Involvement* that explains how the school implements and maintains the above bulleted items.

Parent Advisory Committee (PAC)

All schools have a Parent Advisory Committee (PAC) composed of parents/guardians and school personnel. The PAC convenes to develop the School Plan for Parent/Guardian Involvement. The school notifies parents/guardians of the policy and the subsequent plan via easily understandable written correspondence.

The school holds monthly PAC meetings on the **first Thursday of every month**, unless otherwise informed. The school encourages organized, ongoing, and timely parent/guardian involvement in the planning, review, and improvements of the school's Parent/Guardian Involvement Policy and the joint development of any other plans, policies, and procedures. Upon request, the school provides a language interpreter. The school also makes the PAC policy and the subsequent plan available to the local community. The school updates the PAC policy and subsequent plan periodically to meet the changing needs of parents and the school.

Parent/Guardian-School Compact

Both the school and the parents/guardians of children served by programs that the school improvement plan describes developed the Compact. The Parent/Guardian-School Compact outlines how parents/guardians, the school staff, and students share the responsibility to build and develop a partnership for student achievement.

Some of the main functions of the Compact are as follows:

- Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment, which enables the children to meet academic achievement standards of the Navajo Nation, the Bureau of Indian Education (BIE), and their designated state.
- Clarify parents'/guardians' responsibility for supporting their child's education through monitoring attendance and homework completion, and participation, as appropriate, in decisions relating to their child's education and positive use of extracurricular time.
- Emphasize the importance of two-way communication between instructional staff and parents/guardians on an ongoing basis through
 - Quarterly parent/guardian-teacher conferences;
 - Frequent communication to parents/guardians about their child's progress; and
 - Volunteer opportunities.

The Parent Advisory Committee reviews and updates the Parent/Guardian-School Compact annually.

Student Responsibilities

The school expects students to

- be in school every day and all day;
- provide supporting written documentation (e.g., an appointment slip) for any absences;
- follow the school's checkout policy as stated above;
- inform teacher(s) of impending absences;
- advocate for themselves and to stay informed about their academic progress; and
- know their obligations as set forth in this handbook and the resulting consequences for violating school policy.

Annual Meeting

As required by policy, the District requires all schools to hold annual parent meetings to do the following:

- Inform parents/guardians of the school's intended School-wide Program Plan.
- Explain the requirements of programs.
- Answer questions about parent/guardian rights.
- Present annual assessment data.
- Summarize the content of the school's improvement plan and planned parent/guardian involvement activities, to include the following:
 - Monthly Parent Advisory Committee meetings throughout the year, to which all parents/guardians are invited. The meetings promote two-way parent/guardian school communication and increased parent/guardian involvement in each student's education
 - Monthly or quarterly parent/guardian newsletter and principal's letter to parents
 - Three-week progress reports and semester report cards
 - Parent/guardian-teacher conferences and other meetings with teachers and staff as appropriate and/or as requested by parents/guardian to formulate suggestions and to participate in decision relating to the education of their children, with the school responding to any such suggestion as soon as practicably possible
 - Possible in-depth parent/guardian training throughout the school year
 - NASIS Parent Portal Access to Relevant Student Information
 - Understanding Your Child's Assessment Data
 - Cyberbullying
 - Health and Safety
 - Social Emotional Learning and Student Well-Being
 - Dine' Content Standards
 - College and Career Readiness Standards (English Language Arts and Mathematics)
 - Next Generation Science Standards

- School Improvement Model
- Outside Resource Support Programs
- Other topics as recommended

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Part 42 – Student Rights

§ 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.

(a) 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.

(b) 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.

(c) 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.

Definitions added:

Zero Tolerance - district policy that mandates predetermined consequences or punishments for specific offenses: Firearms, weapons other than firearms; alcohol and drugs, violence.

Suspension - Temporarily removing a student from his or her regular classroom (an in-school suspension) or from his or her regular school (an out-of-school suspension) generally for disciplinary purposes.

Expulsion - Removing a student from his or her regular school for an extended length of time or permanently for disciplinary purposes.