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#### **4.01 STUDENT GOALS AND OBJECTIVES**

The Board will provide the educational and support services necessary for student learning options and experiences that allow for maximum physical, mental, social, emotional, cultural, spiritual and professional growth and development.

#### **4.02 EQUAL EDUCATIONAL OPPORTUNITIES**

Every student will have equal educational opportunities and access to all school activities, opportunities and support services in a non-judgmental environment regardless of personal relationships, sexual or gender orientation, race, color, gender, physical appearance, spirituality, religion, national origin, or disability.

**Little Wound School works to create a safe, supportive, and nondiscriminatory learning environment for all Little Wound School students, including Two Spirit and LGBTQ+ students. Little Wound School students and staff will respect the right of every student to self-identify as he/she/they. Little Wound School Administration will develop a bathroom facilities use plan for any Two Spirit and/or LGBTQ+ student that ensures bathroom facility access based on gender when requested by the student or their parent/guardian.**

#### **4.03 COMPULSORY SCHOOL ATTENDANCE**

- A. Oglala Sioux Tribe Compulsory Attendance Laws.** The School shall adhere to Oglala Sioux tribe (“OST”) compulsory school attendance law, which requires every child not exceeding the age of 18 years to be enrolled in a school system, unless otherwise prescribed by law. Under the OST laws, a child must be enrolled in a school system, not necessarily Little Wound School, if such child has been dropped or expelled.
- B. School Responsibilities to Comply with Oglala Sioux Tribe Compulsory Attendance Laws.** Under OST laws, the School has responsibilities it must undertake in order to comply with this law. The School is responsible for informing people in control of children the requirements of the attendance laws. Oglala Sioux Tribe Law and Order Code, Chapter 26, Education Code, as amended by Ordinance No. 23-15, Sections 500.09-02, 600.10, and 900.40. The School is also required to report truancy to OST authorities responsible for enforcing compulsory attendance law. All School employees are required to cooperate in the enforcement of the OST compulsory attendance laws.
- C. The LWS Plan to Improve School Attendance.**  
The School is committed to providing support for its students and families served by the School that will foster school attendance. The School will annually update its School Attendance Plan. Current actions under the School Attendance Plan include:
1. The Little Wound School Wellness Task Force and the OST Department of Public Safety (“OSTDPS”) will work together through a Memorandum of Understanding to improve attendance.

Under the MOU between LWS and the OSTDPS, LWS, LWS Project AWARE, and the OSTDPS will collaborate as members of the Wellness Task Force, to work together to improve student school attendance and to provide resources to students, including specifically students in crisis, through the Project AWARE 24/7 Emergency On-call and the OSTDPS Dispatch system.

1. Little Wound School has designated staff leadership and LWS Wellness Task Force to establish written agreements with community partners to improve student attendance and truancy response. Project AWARE organizes Trauma-Informed School Model activities, trainings, and support services for students, staff, and parents of LWS. The Little Wound School Wellness Task Force works to improve and increase access to mental health services for students and families. The school-based program works to change policy, systems, and the school environment to promote mental and emotional well-being.
  
3. The above goals will be accomplished by undertaking the following activities:
  1. Attend monthly Task Force meetings to the best of partner's ability.
  2. Presentations of information on services provided by Project AWARE.
  3. Presentations of information on services provided by Oglala Sioux Tribe Department of Public Safety.
  4. Participation in trainings offered by partners, when available.
  5. Discuss areas needed for improvement in service provision.
  6. Collaborate and understand the Lakota Healing Informed/Trauma Informed School model to become better relatives to students.
  7. Refer students and families for counseling services, respecting confidentiality and student privacy.
  8. Share advertising for Wellness Task Force partners' cultural and educational opportunities for youth, staff, and families.
  9. Refer parents to parenting support groups.
  10. Refer students to counselors.
  11. LWS will adhere to this policy.

#### **D. LWS ATTENDANCE POLICIES.**

In accordance with the State of South Dakota school accreditation standards and the Oglala Sioux Tribe compulsory school attendance laws, Little Wound School has adopted and adheres to the following policies and procedures:

1. A one day absence is equal to the number of periods that attendance is taken per day. Each school will identify the number of class periods annually.
  
2. In the event of a nationally declared emergency or pandemic, the School Board reserves the right to temporarily suspend or modify School attendance policies.

3. If any child has been expelled or is no longer enrolled at Little Wound School, then the Little Wound School has no obligation to readmit the child, even if the child has been ordered back to school pursuant to a court order.

4. The School will comply with the Individuals with Disabilities Education Act in all attendance issues that involve a student with disabilities. (ref. IDEA)

#### **5. Absent Excused**

Upon receipt of a signed written request or phone, email, or text notification from the parents/guardian, the respective Principal or designee may grant the student an excused absence from school or class for:

1. Illness of the student or member of the immediate family requiring the student's care; if a student will be absent due to illness for three days or more, a healthcare provider's statement will be required.
2. Death of a member of the immediate family.
3. Healthcare provider or dental appointment that cannot be met during non-school time (requires a provider's statement verifying student being seen on the date of absence).
4. Emergency road conditions that would endanger the safety of students transported to school;
5. Other justifiable reasons authorized and approved by the respective Principal or their designee.

#### **6. Absent Exempt**

An Absent Exempt is an absence from daily attendance due to circumstances that result in the student being absent for a school-related function approved by the School. The absent exempt does not calculate in a student's attendance rate. The Principal or designee may grant an absent exempt for:

- School activity approved by the Principal or Superintendent;
- Attendance at a School-sponsored conference or athletic event
- A School counselor appointment approved by the teacher or Principal
- When a School official pulls a student from class, for example, for disciplinary or health reasons
- When a student is participating in activities in accordance with an IEP, 504, or other approved plan

#### **7. Absent Unexcused**

An Absent Unexcused is an absence from daily attendance that has not been excused and is not exempt.

**8. The Consequences for unexcused absences are listed below:**

A one-day absence is equal to the number of periods that attendance is taken per day. Each school will identify the number of class periods annually. OSTDPS may refer LWS students for counseling through Project AWARE and/or LWS Counseling programs. A 24/7 Emergency on-call system supports Little Wound School students, staff and families in crisis. It is available to receive referrals at 605-454-4187.

Ten (10) tardies shall be equal to one day of absence.

1. One (1) missed day Absent Unexcused
  - a. The school will send an electronic and voice message out to the parent/guardian using the parent/guardian contact information provided to the school.
2. Three (3) missed days Absent Unexcused
  - a. A staff member of the school or liaison will make an attempt to contact the parent/guardian. (face to face and letter)
  - b. Required Parent/Guardian meeting with the Dean and/or counselor to discuss student's attendance, review school policy on attendance and sign attendance agreement. If the meeting is missed, school will attempt to reschedule, and then proceed to the next step.
  - c. Administrator/Counselor may assign appropriate interventions including, but not limited to, a home visit by the school liaison or official.
3. Any student whose overall attendance falls below 70% and/or 5 days Absent Unexcused per quarter without an approved documented excuse or exemption will be dropped automatically.
  - a. A letter will be sent informing the parent/guardian of their student being dropped from the attendance rolls for excessive absenteeism.
  - b. Copies will be sent to the Tribal Prosecutor and any other appropriate agencies.
  - c. If a student's records or transcripts are not requested within seven (7) calendar days of the student being dropped from enrollment, LWS will send a notification to the OST Education Agency.
4. Consecutive Days Absent: Any student missing ten (10) consecutive days of school without good cause will be automatically dropped from the rolls of the school for the balance of the semester.
5. To improve student attendance support, after 3 days, Little Wound School staff will work with O.S.T.D.P.S. to conduct a welfare check on LWS students. After all administrative remedies are exhausted, LWS staff will complete and submit the Student Truancy Referral Form and submit it to the Office of the Attorney General: OST Attorney General's Office. PO Box 1995, Pine Ridge, SD 57770

605.867.5141 ext. 5108. With this referral form, LWS staff must answer the reason for referral, attach supporting documentation and explain the exhaustion of administrative remedies. Staff will report to OSTDPS to perform a welfare check on the student.

6. OSTDPS may refer LWS students for counseling through the LWS Wellness Task Force. A 24/7 Emergency on-call system supports Little Wound School students, staff and families in crisis. It is available to receive referrals at 605-454-4187.
9. Maintaining an accurate record of student attendance is vital to the implementation of this policy. Therefore, teachers who fail to consistently enter their attendance on a daily basis may be subject to discipline up to and including termination.
10. Reinstatement Policy: A student who has been dropped for absenteeism may be reinstated if the following criteria are met:
  1. Parents/guardians request and attend a conference with the Dean of Students within three days after receiving notification of their student being dropped from school.
  2. Parents/guardians must show reasonable cause for the student's absenteeism. Student may re-enroll with approval by the principal.
  3. At the time of the dismissal, the student must have passing grades in all subjects.
  4. A student who is reinstated must sign an attendance contract and it must be clearly understood that missing even one class period could result in the reinstated student being dropped.
  5. There are no appeals for dismissal resulting from breaking the terms of the attendance contract. Student will be eligible to re-enroll in the sole discretion of the Superintendent.
11. Tutoring: Students may receive tutoring in areas of study that may be having problems. This program is designed to improve student's study habits.
12. Intervention: Strategies to improve student attendance and behavior may be made available to students. (i.e., group counseling)
13. After School Program: The Little Wound High School's After School Programs designed to improve attendance, study skills and student behavior.



#### **4.04 ENTRANCE AGE**

In accordance with the applicable State of South Dakota school accreditation standards, the Oglala Sioux Tribal Education Code, BIE Standards, and School Policies, children five years of age on or before September 1st of the ensuing school term will be eligible to enroll in Transitional Kindergarten at the school, unless an opt-out plan has been approved, in which case a student who is eligible for Transitional Kindergarten may enroll directly in Kindergarten. Students may enroll in first grade if they have completed Kindergarten or demonstrate near Kindergarten proficiency.

#### **4.05 SCHOOL ADMISSIONS**

Students may enroll at the appropriate educational level during the school term under the following conditions:

1. Students must present appropriate verification of educational level participated in if previously enrolled in another educational system.
2. The parent(s) or guardian(s) of students enrolling must be present and complete all required forms prior to finalization of admission of the student.
3. Prior to admittance, students and their parent(s) must furnish a completed registration checklist to the school with:
  - Health Forms
  - Tribal Enrollment CDIB
  - Birth Certificate
  - Proof of guardianship or legal custody, if not one of the natural parents - School transcripts required for transferring students

The student must reside within Little Wound School service area (Pine Ridge Indian Reservation) (K-8). Parents may petition the LWS Board for admittance for their children who reside outside the service areas, with the exception of students who have had prior approval by the board to remain in continuous enrollment status. The LWS Board will take into consideration class sizes, transportation needs, and other factors when making final decisions.

#### **Late Enrollments:**

1. Students seeking enrollment more than two calendar weeks after the beginning of each semester shall not be admitted until the following semester, except under the following circumstances:
  - a. Transfer from outside the Pine Ridge Indian Reservation with passing grades.

2. The superintendent shall make the final decision on all late enrollment requests.

Other enrollment considerations:

1. Any student who has not completed graduation requirements in the school year of their 19th birthday must petition the Board for re-admittance and may do so only one (1) time, unless the student is a special education enrollee, by the August Budget Board meeting for the Fall Semester and by the December Budget Board meeting for the Spring Semester for approval for the current school year.
2. Students who have reached their 21st birthday will not be admitted to the Little Wound School system.
3. New Students who have reached 16 will not be admitted to the Middle school general education system. They will be referred to the alternative education program.
4. Re-enrollment after being dropped is at the discretion of the Superintendent in consultation with the school principal, the academic counselor, and the Dean of Students.

These provisions may be modified pursuant to an IEP or a Section 504 plan, or when required by applicable education laws, including the Individuals with Disabilities Education Assistance Act.

#### **4.06 NON-RESIDENT STUDENTS**

Non-resident students enrolling in school shall give proof to school officials of legal custody/guardianship for the student to be enrolled by the guardian(s), who must be a resident or residents of the district.

#### **4.07 ASSIGNMENT TO CLASS(ES)**

In order to assure student assignment to the class level best suited to the student's needs, placement shall be at the discretion of the respective Principal working in cooperation with academic counselors and the student's parent(s) or guardian(s).

Placement shall be based on records in writing from previous school(s) attended, the age and maturity level of the student and Assessment of standardized test results.

Transfers from other schools shall be honored as to student grade placement until such time as there may be evidence the student would perform better if placed in another grade.

#### **4.08 TRANSFER AND WITHDRAWAL**

Students may transfer to another school at the request and authorization of the parent(s). Students transferring into LWS High School shall have had passing grades at their previous school in order to be allowed to transfer to LWS High School.

Counselors, or other designated personnel, are responsible for providing documentation on students who withdraw.

1. The reason(s) for the withdrawal.
2. The efforts and resources utilized to prevent the withdrawal.
3. The outcome or location of the student.

The respective Principal will review the information prior to filing it for future reference and documentation.

#### **4.09 ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES**

Students are encouraged to be involved in school related activities. Athletics/activities are a privilege and not a right; therefore, it is the student's responsibility to maintain their eligibility.

High School students, alternative education students, and 7<sup>th</sup> & 8<sup>th</sup> students who participate in the SDHSAA sanctioned contests will comply with SDHSAA rules and regulations.

The Athletic Director shall be responsible for providing the most current rules and regulations to principals, coaches, students and parents.

1. To be eligible for participation in extra-curricular athletics/activities, students must meet the following SDHSAA eligibility criteria:
  - a. You are under the age of 20. Age to be determined by birth date, not hour and minute.
  - b. You have not attended more than 4 first semesters and 4 second semesters, or 12 trimesters, of school in grades 9 through 12. Enrollment and attendance in school or participation in one or more contests shall constitute a semester/trimester of eligibility. Once a student enrolls as a ninth grader, all semesters/trimesters must be consecutive unless waived as per Article VII, Section 3 (I), page 10 of the constitution.
  - c. During the preceding semester/trimester you passed a minimum equivalent of four full time subjects for which you earned at least 2.0 units of high school credit that will be used in the issuance of a diploma.

- d. During the current semester/trimester you are enrolled in and attend a minimum equivalent of four full time subjects for which you will earn at least 2.0 units of high school credit that will be used in the issuance of a diploma.
- e. You have enrolled by the 16th school day of the current semester/trimester. Date of regular entry into classes is considered the date of enrollment.
- f. You have on file in the principal's office a signed physical examination, a parent & student consent form, consent for release of medical information form (HIPAA), and a concussion fact sheet for parents/athlete.
- g. You have not transferred from one high school to another without a corresponding change in the residence of your parents. (Exception made for students who transfer pursuant to the open enrollment Bylaw.)
- h. You have a copy of your transcript on file in the principal's office prior to competition.
- i. You have not been absent from school more than ten (10) consecutive school days in a member school which operates a five (5) day school week or more than eight (8) consecutive or cumulative (see SDHSAA compliance) days in a member school which operates a four (4) day school week. (Illness of the student or death in the immediate family excepted.)
- j. During a high school sport season, you do not compete on an unattached basis as an individual or as a member of a non-school team.
- k. You have not participated in an athletic contest under an assumed name.
- l. You have not participated in athletics in any institution of learning of higher rank than a standard secondary school.
- m. You have not violated your amateur standing.
- n. You have not graduated from a regular four-year high school or institution of equivalent rank.
- o. Credit recovery. Students who have been declared ineligible because of academic deficiencies from the previous semester/trimester may earn scholastic/academic eligibility by taking an academic course(s) via the options approved by the SD Department of Education. Examples include, but are not limited to, online courses, in-district credit recovery courses, alternative education settings, digital courses, etc. The principal must monitor the successful completion of the course(s) and reinstate

eligibility only after the successful completion of 2 units of credit as per Chapter I, Part IV, Section 1, Subsection D., of the Bylaws.

2. In addition to the SDHSAA eligibility criteria:

Students must meet academic eligibility requirements established by the School. Coaches are required to check student academic eligibility weekly. Students must be present the day of the game to be eligible to participate. The Athletic Director shall create the Eligibility List for all students who will represent Little Wound School, and students must appear on the List prior to participating in any extra-curricular activity.

- a. Any student who is suspended for disciplinary reasons shall be ineligible to participate in extra-curricular activities throughout the duration of their suspension period.
- b. Students may be in more than one activity if permission is first obtained from coach, advisor (sponsor), Athletic Director, Principal.
- c. Students are responsible for any equipment or uniforms provided to them. Any lost, stolen, or broken equipment not returned at the completion of the activity will forfeit the student's right to awards, letters, and further participation in future activities until uniforms and/or equipment is returned or is paid for in full.
- d. Being ineligible to participate in an activity does not constitute ineligibility to practice.

All students shall sign interscholastic rules/team rules and comply with the rules.

3. Big Foot Conference

Students in grades 4 -8 will comply with the Big Foot Conference rules when participating in extracurricular activities.

**4.10 STUDENT ABSENCES AND EXCUSES**

In accordance with the State of South Dakota school accreditation standards and the Oglala Sioux Tribal mandatory school attendance ordinance, it is necessary that LWS adopt policies and procedures. In order that the LWS remain in compliance with both tribal and state standards for attendance, the LWS shall provide students and their parents/guardians established attendance procedures from the TK-12 student handbook at the beginning of each school year.

If applicable to Little Wound School, then the school will comply with the Individuals with Disabilities Education Act in all attendance issues that involves a student with disabilities. (ref. IDEA)

#### **4.11 SKIPPING CLASS(ES)**

**Any unauthorized absence from class(es) during the school day by a student who was in attendance at school during that day is considered skipping and the student will be in violation of school policy. (refer to policy 4.19)****4.12 PASSAGE**

Passage of students about the school campus while class(es) are in session requires a pass from the teacher. Any student found without a pass while out of the classroom will be subject to the same procedures as outlined in policy subsection 4.11. Respective building administrator shall set guidelines for issuance of passes.

All students must receive a class re-entry slip from the respective Principal or the Principal's designee before being allowed back into the class after each tardy or absence.

Students who are late for school or class must have a justifiable reason for being tardy to be excused by the respective Principal or the Principal's designee. Ten (10) tardies will be equal to one day of absence. *See* Section 4.03.

Any student found off the Little Wound School campus during school hours shall be considered truant and subject to disciplinary action.

#### **4.13 TRUANCY**

A student is truant if they are absent from the school during the school day without the knowledge or permission of the parent(s) or respective Principal. Disciplinary action will follow the procedures as outlined in school policy. Employees are responsible for identifying and reporting students who are truant to the respective Principal who shall implement the processes and resources to promote student enrollment and attendance set forth in Section 4.03, Compulsory School Attendance.

#### **4.14 STUDENT RIGHTS AND RESPONSIBILITIES**

In order to maintain the integrity and values of the community and to promote the high ideals of education, students are expected to maintain high standards of personal conduct. By enrolling in Little Wound School, students have agreed to abide by the rules and regulations, which govern this institution. Students have and shall be afforded the following rights, however, the declaration of rights implies corresponding responsibilities that students must accept and not infringe upon the rights of others.

1. The student has the right to a subsidized and suitable education; and the responsibility to participate in all classes and to complete all course requirements.

2. The student has the right to freedom of religion and culture; and the responsibility to respect other's religion and culture, age, sexual or gender orientation, experience, dignity, socioeconomic status, and association. Respect is a non-judgmental awareness of another human, accepting the person for who they are, offering support, compromise, honoring beliefs, and listening to what people have to say.
3. The student has the right to freedom from unreasonable search and seizure of their person and property; and the responsibility to obey school rules and procedures.
4. The student has the right to freedom of the press; and the responsibility not to libel, slander, to print obscenities or prejudicial material.
5. The student has the right to freedom of speech and expression, including buttons, length of hair; and the responsibility of appropriateness not to disrupt the educational process or endanger the health or safety of others in accordance with our Lakota Values. Students have the right to be heard by teachers, administration, and staff regardless of the student's ability, social status, body type, gender identity, gender expression, religion, spirituality, language, pronouns, or sexual or gender orientation.
6. The student has the right to freedom from discrimination; and the responsibility not to discriminate against others.
7. The student has the right to peaceable assembly and to petition for the redress of grievances; and the responsibility to obey recognized rules and procedures developed by the school board and community.
8. The student has the right to due process; and the responsibility to become familiar with the policy and procedures of due process.
9. The student has the right to file a grievance; and the responsibility to stay informed of the proper methods and channels for complaints.

#### **4.15 DUE PROCESS**

Every student is entitled to due process in every instance of disciplinary action for alleged violation of school regulations.

#### **4.16 GENERAL HEARING PROCEDURES, EXCEPT FOR EXPULSION**

Hearings in this section shall be held only in cases of suspension longer than ten (10) school days. A hearing shall be held within ten (10) calendar days of the date of the incident unless the school shows good cause for scheduling the hearing at a later time.

1. Notification of hearing:

- a. Written notice of the hearing date, time, place, and procedural hearing rights will be made to the student and the student's parent or legal guardian at least five (5) days prior to the hearing.
2. Right to a fair and impartial hearing:
    - a. Participants at the hearing shall be limited to involved parties.
      - i. Security may be present during the hearing.
    - b. All hearings shall be closed to the public. The school has the right to sequester witnesses.
    - c. The appropriate school principal shall appoint a hearing panel consisting of a teacher and an administrator from a school other than that which the student is enrolled. (ex: middle school teacher or administrator for a high school student).
3. Right to counsel:
    - a. The student and the student's parent or legal guardian may be represented by a personal representative or an attorney of the student's choosing at the student's own expense.
    - b. At all times during the hearing, the student has the right to have their parent(s) or their designee present.
4. Right to cross-examine:
    - a. The student has the right to confront and cross-examine any witness(es) against the student and to produce witness(es) on their behalf. The school will not allow another student to be a witness against the student without the permission of that student's parent or legal guardian. The school will make every effort to protect any student who is a witness from any adverse actions against them as a result of testifying against the student. No student will be compelled to testify against self. The school reserves the right to protect student witnesses from harsh, threatening, or intimidating cross-examination.
    - b. The student and/or the student's parent(s)/legal guardian or legal counselor must be provided at the hearing all the evidence to be used against the student to allow the student to adequately prepare for defense. If the student and/or the student's parent(s)/legal guardian or legal counselor feels they have not had enough time to properly prepare a defense, the hearing panel chairperson may grant a reasonable postponement.



- c. The hearing panel may issue an oral decision at the end of the hearing, or it may choose to issue a written decision, which must be provided to the student and the student's parent or legal guardian within three (3) calendar days of the end of the hearing. Its decision shall constitute a final decision of the hearing panel.
- d. Unless there is death in the immediate family, illness or serious injury of the student, if the student and the student's parent or legal guardian fails to appear at a hearing on the appointed date, they forfeit by default and the Principal's and or designee's recommendation will become effective.

5. Record of the hearing:

- a. Upon written request, the student and the student's parent(s)/legal guardian or legal counsel must be provided with an accurate transcription of the hearing; including, written finding of fact and conclusions in the case.
- b. In case of appeal, an accurate record must be furnished to the Superintendent's office.
- c. Hearing records will be maintained for one (1) year.
- d. Hearings are private and confidential personal recording devices are not allowed.

6. Right to appeal:

- a. If the student and the student's parent or legal guardian is dissatisfied with the decision of the hearing panel, they may appeal to the School Board. An appeal must be requested in writing to the Superintendent within five (5) calendar days of the date of the decision of the hearing panel or the student and the student's parent or legal guardian waive their right to appeal. An appeal hearing must be held within ten (10) calendar days of the appeal request.
- b. The School Board shall not hear any new evidence or receive any new documents, but must make its decision based upon the record established by the hearing panel, including, but not limited to a transcript or tape of the proceedings below, and all of the files and documents considered by the hearing panel.
- c. The student and the student's parent or legal guardian may be represented by a personal representative or an attorney of their choosing at their own expense. The student and the student's parent or legal guardian must argue that the decision of the hearing panel was legally or procedurally flawed, and not argue or present new evidence. The Little Wound School shall be represented by the Little Wound School attorney.

- d. The School Board shall issue an oral decision at the end of the appeal hearing, or it may choose to issue a written decision, which must be provided to the student and the student's parent or legal guardian within three (3) calendar days of the end of the hearing. The decision of the School Board shall be final.
- e. Unless there is death in the immediate family, illness, or serious injury of the student, if the student and the student's parent or legal guardian fails to appear at an appeal hearing on the appointed date, they forfeit by default and the decision of the hearing panel will stand.

If the student is found not guilty of the charge(s) against the student, all allegations of misconduct and any information pertaining thereto will be expunged from the student school record.

#### **4.17 INVESTIGATIONS AND SEARCHES**

The School may notify parent(s) of any pending searches or interrogations of students by school officials, to permit their involvement, unless such search is necessary to the immediate safety of staff and students, based upon a reasonable suspicion that a student is in possession of a weapon or contraband.

Students have the right to privacy and security against arbitrary invasion of their personal property by school officials. However, school desks and lockers and other equipment are the property of the school, and the school does not require permission to search lockers and desks, as there is no expectation of privacy. The school must maintain an atmosphere conducive to the pursuit of educational goals. Therefore, daily pat down searches of students are prohibited, unless an emergency situation warrants such searches.

The School may conduct searches of student personal property when necessary to protect the health and safety of students and personnel. The School Board has determined that the presence of controlled substances on school grounds in the past year and threats from weapons has resulted in a real and serious threat to the health and safety of students and personnel that warrants additional student screening procedures upon entry to the School. To address this threat, the School will conduct searches of student backpacks and bags upon entry to the School grounds and after exiting and re-entering the School building. The School may also install a metal detector at the entry doors to the School for the purpose of preventing the presence of weapons in the School and require all students to clear the metal detector. Any student who does not clear the metal detector will be required to undergo a search of their personal property and person prior to entry. Students and parents are notified with the adoption of this Policy that the School may conduct random search upon entry to the building to mitigate the serious and real risk posed by the presence of controlled substances in the school.

In order to maintain a safe and positive learning environment in the school, any student suspected of being intoxicated, under the influence of controlled substances or alcohol, and/or in possession of controlled substances, or contraband may be searched by school officials, including personal items such as bags, purses, etc. The school reserves the right to search students and/or their personal property when a school official, a teacher, or staff member has reasonable suspicion that the student has violated the law or school policy, or a threat to the health and safety of students, based upon a reasonable suspicion that drugs, alcohol, or weapons are present in a student's personal property, or there is reasonable suspicion and an immediate need to secure evidence relating to a criminal offense (assault, drug offenses, etc.). If a student is suspected of using their cell phone or electronic device in violation of LWS policy, staff or administrators may reasonably search the contents of the student's phone for evidence of the specific violation.

Staff have the right to examine any personal property left unattended on school grounds and such activity does not constitute a search. This includes search of cell phones and other items including backpacks and purses.

Lockers are the property of Little Wound School and may be opened, or other searches conducted, including canine searches, by the respective Principal or their designee and one member of the professional staff. The student to whom the locker is issued by the school should be present if possible.

School administrators and teachers have the right to question students regarding their conduct and/or the conduct of others.

Law enforcement/FBI shall not interview or question a student without the parent/legal guardian being contacted or being present, unless the parent/legal guardian is the suspected perpetrator/abuser. In that instance, the Superintendent or School Principal shall be present, after consulting with the school attorney.

A proper search warrant or probable cause and exigent circumstances is required for any police search of a student's personal property kept on school premises. Upon notification to the building Principal, if the police have reason to believe that any item posing an immediate threat to the safety or security of others is suspected to be in a student locker, desk, or storage space, searches may be allowed without a previously issued warrant. LWS shall rely upon the determination made by the OST DPS regarding police conducted searches.

#### **4.18 STUDENT INVOLVEMENT IN DECISION MAKING**

The Board believes students should be given a role in developing the procedures and rules and regulations that affect them and shall consider student opinions in these areas. Student participation in decision-making is part of the educational process. Students are welcome at Board meetings and will be granted the same privilege of speaking extended to the general public.

#### **4.19 STUDENT CONDUCT/DISCIPLINE EXPECTATIONS**

Students are expected to adhere to Lakota Values and conduct themselves in a respectful manner while at school or school related activities. The student is responsible for learning the following rules that govern the activities of the school environment. Unacceptable behavior by the student will result in immediate disciplinary action by the respective Principal or designee deemed developmentally appropriate by offense. Throughout this Section, “campus” means “student school campus” and includes only those areas where students are allowed to be during the school day, i.e., buildings with classroom and the School grounds. Campus does not include the staff housing area.

1. Students will follow good health and safety practices at all times, at school and at school-related activities.
2. Students will attend and be on time for all scheduled classes.
3. Students will return home at the end of the school day.
4. Students are responsible for care and cleanliness of school property.
5. Students will adhere to all reasonable requests.
6. Students will adhere to school dress code. (Ref. 4.24)
7. Students will adhere to internet usage policy. Students will adhere to the electronic mail policy.
8. Students shall not exhibit inappropriate displays of affection.
9. Students will neither cause damage to nor steal school or other’s personal property.
10. Students will respect the rights of others while at school or school-related activities, and shall not interfere with efforts of instructional staff to implement a learning program, nor shall they interfere with the learning of other students.
11. Students will not endanger the life, health, or safety of themselves or others while on campus or during school-related activities.
12. Students will remain on campus during the school day unless they have signed written permission to leave from the respective Principal.
13. Students will not communicate threatening, abusive, or obscene language or gestures, possess obscene material while on campus or during school-related activities.

14. Students will not instigate or participate in a fight while on campus or during school-related activities.
15. Students will not smoke cigarettes, vape, or possess any tobacco or vaping products while on campus or during school-related activities.
16. Alcohol or illegal drug possession and use are strictly prohibited while on campus or during school-related activities.
17. No gang-related colors, tagging, or gang activity will be allowed.
18. Personal Electronic Device (“PED”) Restrictions. Students are not permitted to use Personal Electronic Devices, including cell phones and headphones, during instructional time and other related services.

### **Disciplinary Procedures for Identified Infractions (TK-12)**

#### 1. BEHAVIORAL EXPECTATIONS

The Little Wound School District is committed to providing a safe learning environment for all students, employees, volunteers and community that is free from harassment, intimidation, or bullying.

It is expected that **all staff** send a clear message to students and staff that bullying in the schools, on school grounds, on the buses or at school sponsored activities will not be tolerated and will be grounds for disciplinary action up to and including suspension and expulsion for students and termination for employees.

Little Wound School will promptly and reasonably investigate allegations of harassment, including bullying. The principal or the principal’s designee will be responsible for handling all complaints by students alleging harassment, including bullying.

Administrator or designee must start an investigation on a report of harassment/bullying within two (2) days from receipt of incident report form to administration. The Administrator or designee will take any actions deemed necessary to protect the complainant during the pendency of the investigation within three (3) days of the receipt of the incident report.

Each school or facility will have a structured reporting system in place to report any act of bullying.

The staff is required to and must report in writing any allegation of bullying or violations of this policy to the principal or the principal’s designee on the office referral

form. Failure to report will result in disciplinary action. Members of the school community who have credible information that an act of bullying/harassment has taken place may file an incident/complaint report form as a witness or as a victim on school grounds, during school related functions.

The procedure of investigating school-based bullying/harassment may include the administrator, counselor, or designated staff. The person shall begin a thorough investigation and interview with the complainant, the accused, and any witnesses within two (2) school days of receiving the office referral form. During the investigation this person may take any action necessary to protect the complainant and other students or employees. A decision by the administrator shall be completed within ten (10) school days about the validity of the allegations and about any corrective action to be taken.

No retaliation of any kind is permitted in connection with an individual having made a bullying/harassment complaint, and, if it occurs, it shall be deemed an additional act of bullying/harassment.

Disciplinary consequences for a person who commits bullying/harassment will follow the written policy, which may range from a positive behavioral intervention to suspension and/or expulsion or termination.

An employee shall be disqualified from participation in any student disciplinary action for a member of the employee's immediate family. "Immediate family member" is defined in Section 3.16.

Employees have the discretion to recuse themselves from disciplinary action if the person to be disciplined is a *hunka* relative.

## 2. STUDENT INFRACTIONS

If a student's actions require an out-of-school suspension (OSS), parents will be notified by phone call and in writing. Parents/guardians will have complete custody and jurisdiction of their child during the suspension. Schoolwork for out-of-school suspensions will be assigned by administration through the office. If students need assistance while completing the work, it is the family's responsibility to contact administration so arrangements can be made to provide assistance.

A student who is suspended cannot be on any Little Wound School property or at any school-sponsored activities during the suspension time. If a student is directed by administration to be on campus for academic assistance, all necessary parties will be notified.

The following definitions help to explain student infractions:

### **Abusive or Threatening Language**

Any communication that includes swearing, name-calling, or use of words that immediately creates fear of harm. This is completed without displaying a weapon and without subjecting the victim to actual physical attack.

### **Active Threat**

An "active threat" is defined as any incident which creates an immediate threat or presents an imminent danger to the campus community. This includes but is not limited to bomb or shooting threats, threat of use combined with possession of any weapon, or the presence or threatened presence of an individual with a gun or bomb on campus.

### **Arson**

Student plans and/or participates in malicious burning of school or personal property. The damage, or attempted damage, is intentional and unlawful. The fire may be started with any type of incendiary device.

### **Assault**

One student intentionally causes or attempts to cause physical bodily harm to another individual (staff or student). These actions differ from fighting in that the second individual does not participate.

### **Bullying Behaviors**

Bullying is considered to be severe, persistent, or pervasive in that it creates an intimidating or threatening environment and has the effect of substantially disrupting the orderly operation of the school. Bullying and harassment are major distractions from learning, and both the victim and the perpetrator suffer significant negative consequences when engaged in this type of anti-social behavior. The learning experience of victims can suffer, and fear can lead to chronic absenteeism, truancy, dropping out of school, or other serious acts.

Bullying is defined as the act of one or more individuals intimidating one or more persons negatively and/or over time through verbal, physical, mental, cyber, or written interactions and those persons have difficulty defending themselves. Bullying may take many forms and can occur in any setting. It can create insecure and unwarranted anxiety that will affect the learning and social environment in a school.

Examples of bullying include, but are not limited to:

- Intimidation – either physical or psychological
- Threats of any kind – stated or implied
- Assaults on students – including those that are verbal, physical, psychological and emotional
- Attacks on student property
- Cyber / text messaging

**Chronic Tardies**

The act of being repetitively late for class.

**Cyber Bullying**

Cyber bullying is the willful and repeated harassment and intimidation of a person through the use of digital technologies including but not limited to email, blogs, social website, chat rooms and instant messaging, distribution of photographs; recurring harassment; and recording physical, mental, and/or emotional violence or incidents.

Users are responsible for the appropriateness of the material they transmit.

Hate mail, harassment, discriminatory remarks, or other anti-social behaviors are expressly prohibited. Cyber bullying includes, but is not limited to, the following misuses of technology; harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful email messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs. It is also recognized that the author (poster or sender) of the inappropriate material is often disguised (logged on) as someone else.

In situations in which cyber bullying originated from a non-school device, but brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is determined to be disruptive of the educational process so that it disrupts or impedes the day-to-day operations of the school. In addition, such conduct must also violate a school policy. Such conduct includes, but is not limited to, threats, or making a threat off school grounds, to harm a member of the school staff or a student.

**Cyber Stalking**

Cyber stalking is the act of communicating words, images, or language through the use of electronic mail or electronic communication directed at or about a specific person causing substantial emotional distress to that person and serving no legitimate purpose.

**Disrespect/Insubordination/Non-compliance**

Repeated refusal to follow directions, repeatedly talking back, and/or socially rude interactions. Students who defiantly swear or use profanity at staff members or adults will receive an automatic office referral.

**Disruption of Learning Environment**

Objectionable acts or conduct that is in violation of the rules of the classroom and/or school which threaten the ability to perform educational activities of learning.

**Domestic Abuse**

Domestic abuse is defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person.

Domestic abuse that meets the definition in Section 4.27a will be reported in accordance with



the reporting requirements of Section 4.27a. Domestic abuse committed by a student on campus or at a School event shall subject the student to disciplinary consequences.

### **Dress Code Violation**

The wearing of clothing that does not fit within the dress code guidelines.

### **Encouraging a Conflict**

Behavior encouraging two (2) or more students to engage in physical contact/verbal conflict while not being directly involved in the conflict.

### **Electronic Cigarette (E-Cigarette), Vapor Pens**

The electronic cigarette is also known as an e cigarette, an e cig, an electric cigarette, or a smokeless cigarette. It is an electronic device that is used to turn an oil-nicotine solution into vapor. The nicotine vapor produced looks, tastes, and feels like cigarette smoke.

### **False Fire Alarm/Bomb Threat**

Student deliberately triggers the fire alarm or delivers a message/threat of a pending fire. Student delivers message of possible explosive materials being on-campus, near campus, and/or pending explosion.

### **Fighting**

Actions involving serious physical contact where injury may occur. Students are mutually participating in the conflict. There is no one main offender and no major injury. Examples may include the following: hitting, punching, hitting with an object, kicking, hair pulling, scratching, etc. These actions differ from assault in that both individuals are participants.

### **Forgery/Theft**

Student is in possession of, having passed on, or being responsible for removing someone else's property. This also includes signing a person's name without the person's permission.

### **Gambling**

Student engages in games of chance for money of any kind, including gambling conducted on computers or cellular phones on school campus or at school sponsored events.

### **Gang Affiliation**

Admission by a student of being in or affiliated with a gang, frequenting places of known gang members, accompanying known gang members, and/or recruiting another by intimidation or force.

### **Harassing Behaviors**

Harassment is defined as threatening, insulting, and dehumanizing gestures, use of technology, use of computer software, or written, verbal or physical conduct directed against a student or employee that places a student or employee in reasonable fear of personal harm

or damage to their property. Harassment has the effect of substantially interfering with a student's education performance or an employee's work performance, opportunities, or benefits. It also has the effect of substantially negatively impacting a student or employee's emotional or mental well-being and substantially disrupting the orderly operation of the school.

### **Hazing**

Hazing is an activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades or risks emotional and/or physical harm, regardless of the person's willingness to participate.

### **Indecent Exposure**

The deliberate exposure in public or in view of the general public by a person of a portion or portions of a person's body, in circumstances where the exposure is contrary to local moral or other standards of appropriate behavior.

### **Inappropriate Display of Affection**

Student engages in inappropriate verbal and/or physical gestures/contact of a sexual nature with another student. These actions are consensual (without force or threat of force) but are not appropriate to the environment.

### **Larceny**

The unlawful taking of another person's property without threat, violence or bodily harm. This differs from robbery in that larceny does not involve a threat or battery.

### **Possession or Use of Alcohol**

Student is in possession of alcohol or is using alcohol.

### **Possession or Use of Drugs**

Student is in possession of illegal drugs/substances, is using illegal drugs/substances, or is under the influence of illegal drugs/substances, defined as those substances covered under the Controlled Substances Act of 1970, as amended. This also includes imitations. The selling, manufacturing, or distributing of illegal drugs/substances is considered being in possession or use of drugs.

### **Possession or Use of Inhalants**

Student is in possession of inhalants or is under the influence of inhalants. This includes "huffing" or inhaling mind-altering substances. This includes all substances listed in the Controlled Substances Act of 1970, as amended, as well as the inhalation of chemicals not included in the Controlled substance Act of 1970, but determined to be substances that have mind-altering effects.

### **Possession of Weapons**

Students in possession of knives or guns (real or look alike) or other objects designed or converted to cause bodily harm. This also covers a device designed as a weapon capable of

threatening or producing bodily harm or death. A firearm must expel a projectile by the action of an explosive or a propelled object.

### **Robbery/Theft**

Taking, or attempting to take, anything of value that is owned by another person or organization. Items are taken under confrontational circumstances by violence, force, or threat of force. This differs from larceny in that robbery involves threat or battery.

### **Sexual Harassment**

Sexual harassment is unsolicited, nonreciprocal behavior by staff or student which causes a student to submit to unwelcome sexual words, conduct, behavior, or activity of any kind, or to fear that they would be punished for refusal to submit. Sexual harassment also includes any conduct unreasonably interfering with another's school attendance or school performance by creating an intimidating, hostile, or offensive school environment. Sexual harassment consists of a variety of behaviors by employees or students directed to students including, but not limited to, subtle pressure for sexual activity, inappropriate touching, inappropriate language, demands for sexual favors, and physical assault. Also refer to Section 4.53.

### **Skipping/Ttruancy**

Student leaves class/school without permission or stays out of class/school without permission.

### **Stealing**

Student intentionally takes personal property of another without permission or consent.

### **Technology/Electronic Device Violation**

Student engages in inappropriate use of cell phone, pager, music/video players, camera, and/or computer.

### **Tobacco**

Student is in possession of tobacco or is using tobacco. The selling or distribution of tobacco products is considered being in possession of tobacco.

### **Vandalism**

Student participates in an activity that results in substantial destruction, disfigurement, or defacement of school or personal property. This destruction is willful and/or malicious. Tagging is considered to be an act of vandalism.

### **Violation of Internet Use Agreement**

Student fails to comply with the Internet Use Agreement or Personal Electronic Device Policies.

## 3. CONSEQUENCES

In order for students to return to school after an out-of-school suspension (OSS), they must be accompanied by a parent/guardian. The student and family must meet with administration. The student may be required to go through peer mediation or conflict resolution upon return and/or review the established social skills plan. Depending on the severity of the incident, appropriate authorities may be notified. The following will be the set disciplinary policy that will be enforced by each school and followed through by the Little Wound School Board.

In School Suspension may be a time that the Deans of Students may require the implementation of an alternative consequence curriculum.

A short-term suspension is defined as a suspension up to ten (10) days. The Principal may implement any suspension under 10 days. Any suspension of a student covered by the IDEA requires a notice to the Special Education Director, to complete a manifestation determination. Any suspension of a student covered by the IDEA also requires a manifestation determination prior to the suspension if the student’s cumulative total days of a suspension in a school year are ten (10) or more days.

A long-term suspension is suspension for 10 or more days. The Principal must recommend a long-term suspension to the School Board. Only the School Board has authority to issue a long-term suspension, after holding a hearing under the procedures set forth in Section 4.20. The School Board may, in its sole discretion, authorize a student to receive home instruction during any long-term suspension, If home instruction is not authorized, or the student does not participate in authorized home instruction, the student will be dropped from enrollment after ten (10) days of long-term suspension or ten (10) days absence from home instruction.

In every infraction the legal guardian shall be notified.

The Principal or designee has the right to determine the level of the offense and consequences.

**Individuals with Disabilities Education Act (IDEA):** The School will comply with the Individuals with Disabilities Education Act in all disciplinary actions that involves a student with disabilities. (ref. IDEA)

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| <b>NATURE OF OFFENSE</b> | <b>CONSEQUENCES: The TOTAL number of offenses in any section will be used to determine the appropriate consequence.</b> |
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| <p><b>Cyber Bullying or Stalking</b></p> <p><b>Hazing</b></p> | <p><b><u>Consequences for Elementary, Middle, &amp; High School</u></b></p> <p>Students will be subject to the conditions of the LWS Acceptable Use and Device Check Out Agreement.</p> <p><u>1<sup>st</sup> Offense:</u> 1 day I.S.S. and a plan must be created outlining how the behavior will change. The plan will be reviewed and signed by all parties involved. The plan will also list supports that student/staff need from the school.</p> <p><u>2<sup>nd</sup> Offense:</u> 3 days O.S.S. and the Principal or their designee will work with student exhibiting bullying/harassing behavior and the parents/guardians to review, update, and modify the behavior plan.</p> <p><u>3<sup>rd</sup> Offense:</u> Any further bullying offenses will result in recommendation for long-term suspension or an expulsion hearing.</p> <p>Referrals will be filed with local law enforcement.</p>   |
| <p><b>Bullying Behaviors</b></p>                              | <p><b><u>Consequences for Middle &amp; High School</u></b></p> <p>1<sup>st</sup> Offense: 1 day I.S.S. and a plan must be created outlining how the behavior will change. The plan will be reviewed and signed by all parties involved. The plan will also list supports that student/staff need from the school.</p> <p>2<sup>nd</sup> Offense: 3 days O.S.S. and the Principal or their designee will work with student exhibiting bullying/harassing behavior and the parents/guardians to review, update, and modify the behavior plan.</p> <p>3<sup>rd</sup> Offense: Any further bullying offenses will result in recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> <p><b><u>Consequences for Elementary</u></b></p> <p><b>1<sup>st</sup> Offense Step 1:</b> Meet with the student to visit and assess students’ understanding of bullying. Assign three (3) meetings with the Sacred Safe Classroom Teacher, to strengthen the student’s understanding of bullying.</p> <p><b>2<sup>nd</sup> Offense Step 2:</b> 1 day O.S.S. Provide the student with a plan on how the bullying behavior will change. Plan will be reviewed and signed by the student, caretaker, DOS and the Principal. Student will meet with the School Counselor three (3) times to review and follow-up on the plan.</p> <p><b>3<sup>rd</sup> Offense Step 3:</b> 3 days O.S.S. Continued bullying offenses will result in recommendation for long term intervention plan with the Sacred Safe Classroom Teacher, School Counselor, parents/guardians, and a member of the Project Aware Staff.</p> |

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| <p><b>Cell Phone Use (PED) Violations</b></p> | <p><b>Consequences for Elementary</b><br/> 1st Offense- Notification to the parent or guardian and school staff. Verbal warning to stop behavior.<br/> 2nd Offense- Assign the student to three (3) sessions with the Safe Sacred Space Classroom Teacher.<br/> 3rd Offense- The intervention team will meet with the student and parent/guardian to develop a behavior intervention plan.</p> <p><b>Consequences of Middle School</b><br/> 1<sup>st</sup> offense- a verbal warning will be issued;<br/> 2<sup>nd</sup> offense - the phone will be confiscated for the remainder of the day and parents will be notified;<br/> 3<sup>rd</sup> offense - parents will be notified and are required to retrieve the phone from the school.<br/> In cases of unauthorized use with the potential for harm, disciplinary actions will be determined by the dean of students in accordance with the guidelines outlined in the student handbook.</p> <p><b>Consequences for High School</b><br/> 1st Offense: teacher/staff verbal warning. Parent/Guardian will be notified<br/> 2nd Offense: PED privileges lost for the day. PED taken and given to DOS until conclusion of day. Contract will be signed by student and parent notified.<br/> 3rd Offense: loss of PED privileges in school; violations will be treated as defiance and insubordination. Parent/Guardian will be asked to pick up cell phones and they will no longer be allowed a cell phone at school.</p> |
| <p><b>Chronic Tardies (cumulative)</b></p>    | <p><b><u>Consequences for High School</u></b><br/> 1<sup>st</sup> Offense: After 3 tardies, a plan must be created with the student outlining how the behavior will change in the future. The plan will be reviewed and signed by all parties involved. In addition, a verbal warning will be issued.<br/> 2<sup>nd</sup> Offense: After 5 tardies, 1 day I.S.S. plus review and modification of plan.<br/> 3<sup>rd</sup> Offense: After 7 tardies, 3 days I.S.S. with review and modification of the plan.<br/> 4<sup>th</sup> Offense: After 9 tardies, 5 days I.S.S. with conference with parent and/or guardian.<br/> Any further offenses will result in recommendation for long-term suspension or placement in alternative school setting.</p> <p><b><u>Consequences for Middle School</u></b></p>   |

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|  | <p>1st Offense: 5 tardies. A plan will be developed outlining how the student's attendance will improve. A verbal warning will be issued to the student and parent/guardian.</p> <p>2nd Offense: 10 tardies. Review plan. 3 days I.S.S. Student and parent/guardian will sign a tardy contract.</p> <p>3rd Offense: 15 tardies. Inform student and parent/guardian of the policy violation and assign 5 days of I.S.S. Referral made to the school social worker.</p> <p>4th Offense: 20 tardies. Recommendation for alternative placement for the quarter, counseling sessions.</p> <p><b><u>Consequences for Elementary</u></b></p> <p>Step 1: 1-5 tardies - Parent Notification written/phone.</p> <p>Step 2: 6-10 tardies - Parent/Student will sign a Tardy Contract.</p> <p>Step 3: 11-15 tardies - Referral to Project Aware/Counselors.</p> <p>Step 4: 16-30 tardies - Referral to the court system and/or CPS.</p> |
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| <p><b>Inappropriate Display of Affection</b></p>   | <p>1<sup>st</sup> Offense: A plan must be created with the student outlining how the behavior will change in the future. A conference will be held with the student and parent/guardian to review the plan, which will be signed by all parties involved. In addition, a verbal warning will be issued.</p> <p>2<sup>nd</sup> Offense: 1 day I.S.S. with review and modification of plan.</p> <p>3<sup>rd</sup> Offense: 3 days I.S.S. with review and modification of the plan.</p> <p>4<sup>th</sup> Offense: 5 days I.S.S. with conference with parent and/or guardian.</p> <p>Any further offenses will result in recommendation for long-term suspension or placement in alternative school setting.</p>   |
| <p><b>Skipping/Truancy</b></p> <p><b>Tobacco</b></p> <p><b>E-Cigarettes, Vape Pens</b></p> | <p>Tobacco offenses require a student to comply with the plan implemented. If a student fails to comply with the plan, the non-compliance will be a subsequent offense and consequences of the next offense level will be implemented.</p> <p><b><u>Consequences for Elementary</u></b></p> <p>1st Offense – 1 day in Safe Sacred Classroom and a plan created outlining how the behavior will change. The plan will be reviewed and signed by all parties involved. The plan will also list supports that student/staff need from the school.</p> <p>2nd Offense – 3 days in Safe Sacred Classroom. Parent/guardian must accompany the student to school at the completion of the 3 days of Safe Sacred Classroom time to update plan for success.</p> |

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|   | <p>3rd Offense – 3 days O.S.S. Parent/guardian must accompany the student to school at the completion of the O.S.S. Create a new student success plan.</p> <p>4th Offense: Any further offenses will result in the recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> <p><b><u>Consequences for Middle School</u></b></p> <p>1st Offense: 1 day I.S.S. Parent/guardian notified. Referral to counseling for tobacco screening and early intervention services for (3) sessions of Tobacco Prevention lessons. Counseling for substance use evaluation. Parent/guardian will accompany the return of student with a copy of the SA evaluation for a student success plan to be developed.</p> <p>3<sup>rd</sup> Offense: Enforce Tribal Ordinance No. 19-42.</p> <p><b><u>Consequences for High School</u></b></p> <p>1<sup>st</sup> Offense: 1 day ISS; A plan must be created with the student outlining how the behavior will change in the future. The plan will include required education on vaping, e-cigarettes, and tobacco for violations involving vaping or tobacco use. The plan will be reviewed and signed by all parties involved. Parent/guardian will be notified.</p> <p>2<sup>nd</sup> Offense: 3 days I.S.S. plus review and modification of plan.</p> <p>3<sup>rd</sup> Offense: 5 days I.S.S. with review and modification of the plan. Notify parent/guardian. Enforce Tribal Ordinance No. 19-42.</p> <p>Any further offenses will result in recommendation for long-term suspension or placement in alternative school setting.</p> |
| <p><b>Leaving Campus without Permission</b></p> | <p><b><u>Consequences for Elementary</u></b></p> <p><b>1st Offense Step 1:</b> Notify parents and School Security, verbal warning will be issued.</p> <p><b>2nd Offense Step 2:</b> Notify parents to attend a meeting with the Intervention team (SSCT, SC, DOS and the Principal) develop a plan.</p> <p><b>3rd Offense Step 3:</b> Review and modify the plan, assign the student to five (5) sessions with the SSCT to work on steps to change the behavior.</p> <p><b><u>Consequences for Middle</u></b></p>  |



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|   | <p>1st Offense: 3 day I.S.S. Notify parent/guardian and law enforcement. A student success plan will be developed.</p> <p>2nd Offense: 5 days I.S.S. Notify parent/guardian and law enforcement. Student success plan will be reviewed and modified.</p> <p>3rd Offense: Notify parent/guardian and law enforcement. Conduct meeting with parent/guardian for recommendation of placement in the alternative classroom.</p> <p><b><u>Consequences for High School</u></b></p> <p>1<sup>st</sup> Offense: 1 day ISS; A plan must be created with the student outlining how the behavior will change in the future. The plan will be reviewed and signed by all parties involved. Parent/Guardian will be notified.</p> <p>2<sup>nd</sup> Offense: 3 days ISS; Review and modification of plan. Notify parent/guardian.</p> <p>3<sup>rd</sup> Offense: 5 days I.S.S; Review and modification of the plan. Conference with parent/guardian.</p> <p>Any further offenses will result in recommendation for long-term suspension or placement in alternative school setting.</p>   |
| <p><b>Technology/<br/>Electronic Device<br/>Violation</b></p> | <p><b><u>Consequences for Elementary</u></b></p> <p><b>1st Offense Step 1:</b> Notification to the parent or guardian and school staff. Verbal warning to stop the behavior.</p> <p><b>2nd Offense Step 2:</b> Personal Electronic Device will be turned into the Deans of Students office. Notify the parent or guardian of the action taken.</p> <p><b>3rd Offense Step 3:</b> Student will not be allowed to bring Personal Electronic Device into the school/classroom. Further disciplinary actions may be applied using administrative discretion.</p> <p><b><u>Consequences for Middle</u></b></p> <p>1<sup>st</sup> offense: teacher/staff warning to student</p> <p>2<sup>nd</sup> offense: PED privileges lost for the day; PED taken and given to security.</p> <p>3<sup>rd</sup> offense and beyond: loss to PED privileges; violations will be treated as defiance and insubordination and further disciplinary consequences will be applied using administrative discretion.</p> <p><b><u>Consequences for High School</u></b></p> <p>1<sup>st</sup> offense: teacher/staff verbal warning. Parent/guardian will be notified.</p> <p>2<sup>nd</sup> offense: PED privileges lost for the day; PED taken and given</p> |

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|   | <p>to Dean of Students until conclusion of day.<br/> 3<sup>rd</sup> offense and beyond: loss to PED privileges; violations will be treated as defiance and insubordination and further disciplinary consequences will be applied using administrative discretion.<br/> Parent/guardian will be asked to pick up device.</p>   |
| <p><b>Gang Affiliation</b></p>  | <p><u>1<sup>st</sup> offense</u>: 3 days in ISS. Law enforcement will be called. Referral to the counselor.<br/> Parents/guardians will be called in to do a behavior plan and contract with the Dean of Students and be provided the Gang Ordinance.<br/> <u>2<sup>nd</sup> offense</u>: 5 days O.S.S. Law enforcement will be called. Parents/guardians called. If repeat offender and violation of behavior contract, recommendation for long term suspension and/or expulsion.</p>  |
| <p><b>Abusive or Threatening Language</b></p> <p><b>Encouraging a Conflict</b></p> <p><b>Disruption of Learning Environment</b></p> | <p><b><u>Consequences for Middle &amp; High School</u></b></p> <p>1<sup>st</sup> Offense: 1 day I.S.S. and a plan must be created outlining how the behavior will change. The plan will be reviewed and signed by all parties involved. The plan will also list supports that student/staff need from the school.<br/> 2<sup>nd</sup> Offense: 3 days I.S.S. Parent and/or guardian must accompany the student to school at the completion of the I.S.S. time to create a new student success plan.<br/> 3<sup>rd</sup> Offense: 5 days I.S.S.<br/> 4<sup>th</sup> Offense: Any further offenses will result in the recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> <p><b><u>Consequences for Elementary</u></b></p> <p>1st Offense – 1 day in Safe Sacred Classroom and a plan created outlining how the behavior will change. The plan will be reviewed and signed by all parties involved. The plan will also list supports that student/staff need from the school.<br/> 2nd Offense – 3 days with Safe Sacred Classroom. Parent/guardian must accompany the student to school at the completion of the 3 days of Safe Sacred Classroom time to update plan for success.<br/> 3rd Offense – 3 days O.S.S. Parent/guardian must accompany the student to school at the completion of the O.S.S. Create a new student success plan.<br/> 4th Offense: Any further offenses will result in the recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> |

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| <p><b>Disrespect/<br/>Insubordination/Non-compliance</b></p> | <p>1<sup>st</sup> Offense: 1 day I.S.S. and a plan must be created outlining how the behavior will change. The plan will be reviewed and signed by all parties involved. The plan will also list supports that student/staff need from the school.</p> <p>2<sup>nd</sup> Offense: 3 days I.S.S. Parent and/or guardian must accompany the student to school at the completion of the I.S.S. time to create a new student success plan.</p> <p>3<sup>rd</sup> Offense: 5 days I.S.S.</p> <p>4<sup>th</sup> Offense: Any further offenses will result in the recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p>   |
| <p><b>Harassing Behaviors</b></p>                            | <p><b><u>Consequences for Middle &amp; High School</u></b></p> <p>1<sup>st</sup> Offense: 1 day I.S.S. and a plan must be created outlining how the behavior will change. The plan will be reviewed and signed by all parties involved. The plan will also list supports that student/staff need from the school.</p> <p>2<sup>nd</sup> Offense: 3 days I.S.S. Parent and/or guardian must accompany the student to school at the completion of the I.S.S. time to create a new student success plan.</p> <p>3<sup>rd</sup> Offense: 5 days I.S.S.</p> <p>4<sup>th</sup> Offense: Any further offenses will result in the recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> <p><b><u>Consequences for Elementary</u></b></p> <p>1st Offense Step 1: 1st Offense – 1 day in Safe Sacred Classroom and a plan created outlining how the behavior will change. The plan will be reviewed and signed by all parties involved. The plan will also list supports that student/staff need from the school.</p> <p>2nd Offense Step 2: 2nd Offense – 3 days with Safe Sacred Classroom. Parent/guardian must accompany the student to school at the completion of the 3 days of Safe Sacred Classroom time to update plan for success.</p> <p>3rd Offense Step 3: 3 days O.S.S.</p> <p>4th Offense: Any further offenses will result in the recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> |
| <p><b>Dress Code</b></p>                                     | <p><b><u>Consequences for Middle &amp; High School</u></b></p> <p>1<sup>st</sup> Offense: 1 day I.S.S. and a plan must be created outlining how the behavior will change. The plan will be reviewed and</p>   |

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|  | <p>signed by all parties involved. The plan will also list supports that student/staff need from the school.</p> <p>2<sup>nd</sup> Offense: 3 days I.S.S. Parent and/or guardian must accompany the student to school at the completion of the I.S.S. time to create a new student success plan.</p> <p>3<sup>rd</sup> Offense: 5 days I.S.S.</p> <p>4<sup>th</sup> Offense: Any further offenses will result in the recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> <p><b><u>Consequences for Elementary</u></b></p> <p>1st Offense Step 1: Inform student of the proper school dress code. Verbal warning/reminder.</p> <p>2nd Offense Step 2: Meeting with student and parent/caretaker to provide information on proper dress code for school.</p>  |
| <p><b>Assault</b></p> <p><b>Domestic Abuse</b></p> | <p><u>1<sup>st</sup> Offense:</u> Result in recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p>   |
| <p><b>Fighting</b></p> <p><b>Robbery</b></p>       | <p><b><u>Consequences for Middle &amp; High School</u></b></p> <p><u>1<sup>st</sup> Offense:</u> 5 days O.S.S. Parent and/or guardian must accompany the student to school at the completion of the O.S.S. time to create a plan for student success.</p> <p><u>2<sup>nd</sup> Offense:</u> 7 days O.S.S. Parent and/or guardian must accompany the student to school at the completion of the O.S.S. time to update plan for success.</p> <p><u>3<sup>rd</sup> Offense:</u> Result in recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> <p><b><u>Consequences for Elementary</u></b></p> <p>1st Offense Step 1: 1 day in Safe Sacred Classroom and a plan created outlining how the behavior will change. The plan will be reviewed and signed by all parties involved. The plan will also list supports that student/staff need from the school.</p> <p>2nd Offense Step 2: 3 days O.S.S. Parent/guardian must accompany the student to school at the completion of the O.S.S. time to update plan for success.</p> <p>3rd Offense Step 3: Recommendation for long term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> |

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| <p><b>Stealing</b></p>  | <p><b><u>Consequences for Middle &amp; High School</u></b><br/> <u>1<sup>st</sup> Offense:</u> 5 days O.S.S. Parent and/or guardian must accompany the student to school at the completion of the O.S.S. time to create a plan for student success.<br/> <u>2<sup>nd</sup> Offense:</u> 7 days O.S.S. Parent and/or guardian must accompany the student to school at the completion of the O.S.S. time to update plan for success.<br/> <u>3<sup>rd</sup> Offense:</u> Result in recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p> <p><b><u>Consequences for Elementary</u></b><br/> 1st Offense Step 1: Student meeting to access the behavior. Parent/guardian notification of the stealing incident. Verbal warning.<br/> 2nd Offense Step 2: Assign three (3) sessions with the SSCT to work on teaching the student why stealing is wrong.<br/> 3rd Offense Step 3: The intervention team will develop a long term intervention plan with the student and parent/guardian.</p> |
| <p><b>Possession of Alcohol</b></p> <p><b>Possession or Use of Drugs</b></p> <p><b>Possession or Use of Inhalants</b></p> | <p>5 days O.S.S. and a referral to local law enforcement. An alcohol/drug assessment or appropriate assessment per age must be scheduled within the O.S.S. time. Within ten (10) days of the violation the assessment must be complete. Student will be allowed to return but will be placed in I.S.S. until assessment is complete with treatment plan. Student and guardian must adhere to the treatment plan and recommendations to continue enrollment at Little Wound School.</p> <p>Refusal of treatment plan or noncompliance with recommendations of the treatment plan will result in a recommendation for long-term suspension or an expulsion hearing.</p> <p>Students under twelve (12) years of age are not eligible for assessment and shall be referred to Behavior Health. OSTDPS (law enforcement) shall be notified.</p>   |
| <p><b>Possession of Weapons, including</b></p>  | <p><b><u>Consequences for Middle &amp; High School</u></b></p>   |

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| <p><b>tasers, knives, or other weapons</b></p>                                  | <p>1<sup>st</sup> Offense: Any violation may result in a long-term suspension or an expulsion hearing. Referrals may be filed with local law enforcement.</p> <p><b><u>Consequences for Elementary</u></b><br/> 1st Offense Step 1: Dean of students will meet with the student to assess the incident. Parent/guardian notification. Verbal warning.<br/> 2nd Offense Step 2: Referral to the school counselor for a meeting with the student and the parent/guardian notification.<br/> 3rd Offense Step 3: Assign student to three (3) sessions with the SSCT.</p> <p>The school reserves the right to impose long-term suspension or expulsion for any weapons related offense in addition to the consequences set forth above.</p> |
| <p><b>False Fire Alarm</b></p>  | <p>1<sup>st</sup> Offense: Referral to counselors<br/> 2<sup>nd</sup> Offense: 3 days O.S.S.<br/> 3<sup>rd</sup> Offense: 5 days I.S.S.<br/> 4<sup>th</sup> Offense: Any further offenses will result in the recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p>   |
| <p><b>Bomb Threat</b><br/><br/> <b>Arson</b><br/><br/> <b>Active Threat</b></p> | <p>1<sup>st</sup> Offense: Expulsion hearing. Referrals will be filed with local law enforcement, mental health services from LWS Special Education (if applicable), Opta Canku, Project Aware or IHS Mental Health.</p>  |
| <p><b>Forgery</b><br/><br/> <b>Larceny</b><br/><br/> <b>Robbery/Theft</b></p>   | <p>1<sup>st</sup> Offense: 5 days O.S.S. Parent and/or guardian must accompany the student to school at the completion of the O.S.S. time to create a plan for student success.<br/> *Any subsequent violations will result in a long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p>  |
| <p><b>Vandalism</b></p>   | <p><b><u>Consequences for Middle &amp; High School</u></b><br/> 1<sup>st</sup> Offense: 5 days O.S.S. Parent and/or guardian must accompany the student to school at the completion of the O.S.S. time to create a plan for student success.</p> <p>Any subsequent violations will result in a long-term suspension or an expulsion hearing. Referrals will be filed with local law</p>   |

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|                                 | <p>enforcement. Parent/guardian will be required to restore, pay for, or replace the vandalized item.</p> <p><b><u>Consequences for Elementary</u></b><br/> 1st Offense Step 1: Student will meet with the dean of students to assess the incident. Verbal Warning.<br/> 2nd Offense Step 2: Meeting with student and parent/guardian notification.<br/> 3rd Offense Step 3: Student will be required to restore, pay for, or replace the item.</p>  |
| <p><b>Indecent Exposure</b></p> | <p><u>1<sup>st</sup> offense</u>: 5 day O.S.S. Parent is required to meet with dean of students with their student prior to student returning from O.S.S. to develop a plan on how the behavior will change. Any further offenses will result in a recommendation for long term suspension/expulsion pending a board hearing. Referrals will be made to appropriate agencies including law enforcement and CPS.</p>  |
| <p><b>Gambling</b></p>          | <p>Gambling consequences require a student to comply with the plan implemented. If a student fails to comply with the plan, the non-compliance will be a subsequent offense and consequences of the next offense level will be implemented.</p> <p><b><u>Consequences for Elementary &amp; Middle School</u></b><br/> 1<sup>st</sup> Offense: A plan must be created with the student outlining how the behavior will change in the future. The plan will be reviewed and signed by all parties involved. In addition, a verbal warning will be issued.<br/> 2<sup>nd</sup> Offense: 1 day I.S.S. plus review and modification of plan.<br/> 3<sup>rd</sup> Offense: 3 days I.S.S. with review and modification of the plan.<br/> 4<sup>th</sup> Offense: 5 days I.S.S. with conference with parent and/or guardian.<br/> Any further offenses will result in recommendation for long-term suspension or placement in alternative school setting.</p> <p><b><u>Consequences for High School</u></b><br/> 1<sup>st</sup> Offense: 1 day ISS; A plan must be created with the student outlining how the behavior will change in the future. The plan will include required education on gambling. The plan will be reviewed and signed by all parties involved. Parent/guardian will be notified.<br/> 2<sup>nd</sup> Offense: 3 days I.S.S. plus review and modification of plan.</p> |

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|  | <p>3<sup>rd</sup> Offense: 5 days I.S.S. with review and modification of the plan. Notify parent/guardian.<br/>Any further offenses will result in recommendation for long-term suspension or placement in alternative school setting.</p> |
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The Little Wound School Board reserves the right to suspend or expel a student as per Policy.

The Dean of Students or Principal may refer students to the counselor at any point during the disciplinary process for the above offenses.

**When a student is referred to a counselor for any of the above behavior offenses:**

- Dean of Students or Principal will notify parent/guardian of counseling referral

**Counselor may make any of the following recommendations according to the student’s individual needs:**

- Students may be sent home for the rest of the day for self-care
- Counselors will recommend self-care days anywhere for 1-5 days depending on students’ individual needs.
- Students may be referred to Indian Health Service (IHS) Behavior Health
- A plan will be created and signed by student, parent/guardian, counselor, and an administrator

**Emergency Referrals/Walk-ins to Indian Health Service (IHS) Behavior Health**

When a student is referred to IHS Behavior Health for an emergency referral/walk-in the following actions will take place:

- A counselor will inform the parent/guardian
- Parent/guardian will be required to meet the student and counselor at IHS Behavior Health

**Suicide Ideation:**

The student will be referred to the IHS Behavior Health in Kyle for Suicidal Ideation, defined as thinking about or planning suicide. In the event that IHS Behavior Health in Kyle is unavailable, the student will be transported to the emergency room at Pine Ridge Indian Health Service. An LWS staff member must stay with the student unless and until the ambulance service or CPS accepts responsibility for the student or the parent/guardian comes on site at IHS



Behavior Health. Medical clearance is required before counseling begins. In no event shall a student with suicidal ideation be sent home.

**In the event of hospitalization:** Parent/guardian will have the option to sign an *Authorization for Use or Disclosure of Protected Health Information*.

- This will allow IHS to collaborate with Little Wound School on treatment plans, student transport to appointments, etc.
- If the parent/guardian does not wish to disclose this information to Little Wound School, the parent/guardian will assume all responsibility for student's mental health care in relation to Indian Health Service, including transportation

**When hospitalization is not required:** Student will be required to go home for the remainder of the school day and for a period of no less than three (3) days or 72 hours.

**Medication:** If a student is prescribed psychotropic, mood altering, or any other medications for any reason:

- A 72-hr. home period will be required before the student can return to school
- The student and parent/guardian will meet with the school nurse and administrator to document the medications and set up a medication plan if medications will need to be administered during school hours

#### **Self-Harm/Cutting:**

Step 1: Nurse will assess severity of wounds and take appropriate actions

Step 2: Parents/Guardian will be notified

Step 3: Referral will be made to counselor where a good health agreement and plan will be created based on student's individual needs

### **4.20 EXPULSION OF STUDENTS**

Through established procedures outlined in this section, a student may be expelled from school for conduct that disrupts the educational process or endangers the health or safety of the student, the student's classmates, or school personnel.

#### **Immediate Expulsion**

A behavior which may result in a student(s) immediate expulsion from school include, but is not limited to:

1. Behavior that shall cause bodily injury/assault to any other student or staff member at the Little Wound School.

2. Carrying weapons that could inflict bodily injury, making threats of bodily injury, inflicting bodily injury through the use of a weapon or object that could cause serious bodily injury.
  - a. A student who has been removed from school as a result of being found with a weapon may be expelled for not less than one year from the date of expulsion. The Superintendent and respective principal may modify a weapon-related expulsion on a case-by-case basis.
  - b. "Weapon" is defined as any device discussed within 18 U.S.C. § 921 as well as any instrument used or designed to be used to injure or kill someone.
3. Any behavior that promotes gang violence including gang colors, gang activity.
4. Selling, distribution, possession, manufacture, or use of alcohol or drugs.

In all disciplinary actions that may result in a recommendation for expulsion, the Principal or designee will:

1. Immediately suspend the student from school until the hearing which will be set with the scheduled board meeting timeframe.
2. Give the accused student and the student's parent or legal guardian written notice of the charge(s) against the student and the nature of the evidence supporting the charge(s). All requests to expulsion hearings will be determined through principal's office, in consultation with the Dean of Students.
3. Inform the student and the student's parent(s) or legal guardian of the date, time, and place of expulsion hearing before the LWS Board, no less than 48 hours before the hearing. The hearing shall be scheduled within five (5) days from the date of the notice of expulsion, unless there is good cause by the LWS Board for an extension of time. Failure of the student and the student's parent or legal guardian to appear for the scheduled hearing at the scheduled time, time and place effectively waives the right for any further hearing and the expulsion shall become final.
4. There shall be no appeal of the LWS Board's decision regarding an expulsion. It is a final decision of LWS.

A student cannot re-enroll for a period of one (1) year from the date of the expulsion, unless a shorter period is set by the School Board.

#### **4.21 IN-SCHOOL SUSPENSIONS**

Student violations of LWS rules will result in students attending the in-school suspension program and follow the procedures as defined by the respective school building handbook.

#### **4.22 HOMEBOUND STUDY**

The Board shall provide appropriate instruction for students confined to home or hospitalized for a period exceeding ten (10) consecutive school days upon the written request of the parent(s)/guardian(s) with the approval of the respective Principal.

1. A physician must certify that the student will be unable to attend school, estimate the probable length of the student convalescence, and state that they are capable of receiving home instruction.
2. Should the student illness exceed the period, the parent(s) should request homebound instruction prior to the end of the ten (10) days so that instruction may begin as soon as the student is able to receive instruction.
3. Homebound instruction shall be geared to the student needs and capabilities during convalescence. Textbooks, supporting materials or remote/online instruction shall be provided by the school in a timely manner, along with a highly qualified staff.

#### **4.23 TOBACCO USE**

Students shall not smoke or use tobacco in any form at any time during school activities or on school grounds.

#### **4.24 DRESS CODE**

Student dress should meet standards of health and safety, not be obscene or disrupt the educational process, nor wear clothing that promotes illegal substances or/and alcohol or gang activity or be of a revealing nature.

Rules concerning student dress may be established by the administration to ensure that student dress meets standards of healthfulness and safety and does not disrupt the education process or oppose any policy of the school. All students are expected to follow the rules of common courtesy and show proper respect in their dress. It is inappropriate to wear anything that causes health or security concerns or distracts from or disrupts the learning environment or educational process. Examples of inappropriate items or clothing are (but not limited to):

1. Sagging pants (pants worn below the waist)
2. Obscene/Profane clothing (pictures, emblems, words)

3. Drug, alcohol, or tobacco-related items on clothing
4. Very short skirts/shorts (hem must be 2 inches below fingertips when arms held parallel to body.
5. Translucent clothing
6. Tight clothing, or clothing that reveals your underwear.
7. Underwear (worn as outer wear)
8. Shirts that do not meet or fall below the waistband of your pants
9. Halter tops, midriff tops, spaghetti straps or otherwise revealing clothing
10. Gang-related clothing including gloves, scarves, colors, bandanas, headbands, caps, hoods, head wraps, etc.
11. Heavy chains or chain style belts
12. Coats and jackets meant for outerwear
13. Oversized coats that could cause a security problem. (Hooded sweatshirts may be worn as a second layer when the temperature is cold. Hooded sweatshirts must be clean and appropriated-sized.)

If a student comes to school with visible hickeys they must cover them up or they may be excluded from the classroom and sent to ISS

#### **4.25 COMPLAINTS AND GRIEVANCES**

There may be times when students or parents have a grievance about the Little Wound School. Such grievances are separate from student discipline procedures.

Any petition shall be treated as complaints and may only be signed by parents and/or guardians of current LWS students. Any petition, complaint, or grievance must contain specific violations of LWS policies and make specific factual allegations. Failure to make specific policy and factual allegations in the petition, complaint, or grievance shall result in denial of the petition, complaint or grievance.

The purpose of this grievance procedure is to resolve complaint(s) from student(s) and/or the student's parent(s) informally within the framework of the Little Wound School and to ensure fairness and justice to all.

Any student and/or the student's parent(s) who feel they have been discriminated against, believes their rights have been violated; or, has any other grievance(s) concerning school affairs or administrative decisions, may report said grievance(s) in the following manner:

1. A signed written grievance shall be reported to the respective Principal or department head within three (3) school days of the incident.
2. The Principal or department head must complete their efforts to resolve the grievance within five (5) school days of the date of the grievance.
  - a. The Principal or department head shall meet with all involved parties to discuss the issue(s).
  - b. The Principal or department head shall keep a written record of their activities and findings.
  - c. The Principal or department head shall provide a written response to the issues with their decision.
3. If the Principal or department head is unable to resolve the issue, the grievance may be brought by a parent, legal guardian, and/or student to the Superintendent within three (3) school days. The Superintendent will follow the procedures outlined in step 2 above.
4. If the Superintendent is unable to resolve the issue, the grievance may be brought by a parent, legal guardian, and/or student to the School Board within three (3) school days. The School Board will hear the grievance at the next LWS Board meeting unless the Board shows good cause for a continuance, and render a written decision to the complainant within a reasonable time.

#### **4.26 DEMONSTRATIONS AND STRIKES**

The Board will not tolerate any disruption of the rights of students to attend school. Violence, vandalism and/or seizure of any area of school property or any other method of disruption violates this right.

#### **4.27 CORPORAL PUNISHMENT**

The use of corporal punishment is not permitted at any time at Little Wound School.

Corporal Punishment: Physical punishment as distinguished from pecuniary punishment or a fine; any kind of punishment of or inflicted on the body. Black's Law Dictionary (7th ed.).

#### **4.27a CHILD PROTECTION AND MANDATORY REPORTING**

Child Protection: Public Law 101-630, the “Indian Child Protection and Family Violence Prevention Act” requires that Tribes and Tribal Organizations (including Tribally Controlled Grant Schools) report incidents or suspected incidents of child abuse or neglect which have occurred, which are occurring, or which may occur, to local law enforcement, the local child protection services agency or the child abuse hotline. The School Board has adopted this Policy to ensure that school employees and the School comply with this law and the laws of the Oglala Sioux Tribe on mandatory reporting of child abuse and neglect, and to provide a protocol for reporting that all school employees are required to follow.

Because of their regular contact with school-age children, school employees are in an excellent position to identify abused or neglected children. All LWS school employees are mandatory reporters under the law and are required to report suspected child abuse or neglect. In all cases, school employees, including administrators, will not contact the child’s family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection, but only to report their suspicions of abuse or neglect. Anyone who participates in making a report in accordance with the law and in good faith is immune from any civil or criminal liability that may otherwise arise from the reporting, or from any resulting judicial proceeding, even if the suspicion is proved to be unfounded.

Any personal interview or physical inspection of the child should be conducted in a considerate and professional manner, but in no event should it be conducted by an employee of the Little Wound School without at least an adult witness of the same gender as the child being present in the room. Information and records concerning reports of suspected abuse or neglect are confidential. Release of this confidential information to persons other than school employees with a need to know as part of their job duties or to law enforcement and social services personnel in the course of an investigation, is punishable by law. Failure by any mandatory reporter to make a report where abuse or neglect is suspected is also subject to the punishment under the law.

This policy will be distributed by the Superintendent to all school employees at the beginning of each school term and to new employees when they begin employment if at a different time than the beginning of the school term.

The board will support any employee making a report of suspected child abuse or neglect until and unless it is determined that the employee was acting in bad faith by making the report.

A child may be interviewed by school staff or law enforcement without the parent being notified or present, when the child has been allegedly abused in the home.

#### **1. Definitions.**

- a. Child abuse is defined as: An act or failure to act which presents an imminent risk of serious harm." "Child abuse" includes but is not limited to:
  - i. Any case in which:
    - a) a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and
    - b) such condition is not justifiably explained or may not be the product of an accidental occurrence; and
  - ii. Any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;
- b. Child neglect includes but is not limited to, negligent treatment or maltreatment of a child by a person, including a person responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.

## 2. **Reporting Protocol.**

School employees are expected to follow the reporting protocols set forth in this Section. LWS has not adopted the Bureau of Indian Education SCAN protocols.

- a. If any school employee suspects child abuse or neglect, it is the employee's responsibility to report to their Building Principal or the Superintendent immediately. The report must be made verbally and in writing on the Little Wound School Child Abuse or Neglect Reporting Form(hereinafter " LWS Reporting Form"). **See Appendix A.** The report must be completed by the end of the regularly scheduled work day.
- b. The school employee filing the report and the Building Principal or the Superintendent receiving the report must immediately report the suspected child abuse to the Oglala Sioux Tribe Law Enforcement Department located in Pine Ridge by:
  - i. sending the completed LWS Reporting Form to the Oglala Sioux Tribe Department of Public Safety (hereinafter "OST DPS"); and
  - ii. contacting OST DPS by telephone or email to confirm they have received the LWS Reporting Form.

If the Principal or Superintendent does not confirm to the school employee initiating the report within twenty-four (24) hours that LWS Reporting Form has been filed with the OST DPS, the employee shall file the LWS Reporting Form directly with the

OST DPS and a copy with the Superintendent. OST DPS and the Department of Social Services have the responsibility to investigate suspected child abuse.

- c. If the allegations of child abuse involve any school employee the referral will follow the same process listed above. The LWS Employee Incident Report Form located in **Appendix B** will be used to document non-physical incidents involving school employee(s) and students. Activities that occur that do not meet the definition of “abuse” where no physical contact occurred, and which involve employees are considered an “Incident” until the School makes a determination he conduct constitutes child abuse or neglect that must be reported. The determination of whether an incident constitutes suspected child abuse or neglect will be made by the Building Principal or Superintendent receiving the report no later than one (1) school day after the incident is reported. The appropriate Principal or the Superintendent will intervene immediately to establish the validity of the incident report and to resolve the issue in accordance with LWS Personnel Policies as expeditiously as possible. All cases which constitute child abuse or neglect must be reported to OST DPS in accordance with this reporting protocol.
- d. If a LWS Reporting Form filed with OST DPS involves the conduct of a school employee, or the Principal or Superintendent determines an Employee Incident involves a threat to the health or safety of any student or employee, the school employee will be placed on suspension pending investigation status by the Superintendent until the completion of the investigation by OST DPS or the School, and the suspension will be without pay.
- e. The School Employee will be notified of the suspension pending investigation without pay in writing by issuance of an Employee Notice. The Employee Notice must contain the following information:
  - i. Date of the LWS Report to OST DPS
  - ii. The type of abuse alleged
  - iii. A brief summary of the allegation
  - iv. That they may be contacted by law enforcement as part of the investigation in any case where the matter is referred to OST DPS.
- f. In all cases of reporting to OST DPS, the school employee must remain in suspension pending investigation status until and unless the investigation by OST DPS is complete, or the School makes a decision to terminate employment in accordance with LWS Personnel Policies.
- g. Once the investigation is completed, the Superintendent will make a determination in accordance with the LWS Personnel Policies regarding employment status and/or appropriate personnel discipline in accordance with LWS Personnel Policies. The School employee will be notified in writing. The employee is the expected to return to work the next business day following receipt of notice to return to work.



Nothing in this section prevents or supersedes the ability and responsibility of the School to take appropriate disciplinary action in the event the School determines there has been a violation of School Policies warranting disciplinary action.

#### **4.28 DETENTION OF STUDENTS**

There is no detention.

#### **4.29 EXPULSION OF STUDENTS**

Refer to 4.20

#### **4.30 PHYSICAL EXAMINATIONS**

The Board shall provide a confidential voluntary health and developmental screening program organized for students in the areas of vision, speech, hearing, and dental.

Students are not required to undergo a physical or medical examination or treatment if the student's parent(s) notify the Principal in writing that they object to physical or medical examination or treatment. However, if a student declines a physical examination, that student shall not be allowed to participate in athletic activities or extra-curricular activities.

#### **4.31 INOCULATIONS**

The parent(s) of each child admitted to school shall present certification from a licensed physician or authorized representative of the Indian Health Service that the child has been immunized against poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps, hepatitis B, Chicken Pox, and tetanus. LWS may require vaccinations when required under the laws of the Oglala Sioux Tribe or under LWS Board adopted policies, which may be based on recommendations of the Center for Disease Control (CDC), for purposes of protecting students and employees from communicable diseases, epidemics, or pandemics.

The school will comply with all current immunization requirements for students required under South Dakota Codified Laws 13-28-7.1, and laws enacted by the Oglala Sioux Tribe.

#### **4.32 COMMUNICABLE DISEASES**

No child having a contagious or infectious disease or living in a house where such disease or condition exists may attend school until permitted to do so by the school nurse and school principal. Head lice are considered a communicable disease for purposes of this section, and the student may attend school when permitted by the school nurse and respective principal.

#### **4.33 STUDENT HEALTH SERVICE - MEDICATION**

Students shall not take medication, prescription or other drugs while at school unless such medicine is dispensed by the school nurse and under the written directive of the student's personal physician. Any student who has medication that must be taken at school, the proper documentation (parent consent form) must be on file with the school nurse's office. All medication must be brought to the nurse's office by an adult, in original bottles and with the student's name on it.

#### **4.34 STUDENT HEALTH SERVICE - ACCIDENTS**

The school nurse shall provide emergency services in case of injury or sudden illness of a student. If the illness or injury appears serious, every effort will be made to contact the parent(s) or family physician immediately. No student who is ill or injured will be sent home alone. Serious accidents to students shall be reported as soon as possible to the Principal, but the school reserves the right to seek immediate treatment at a Health Care facility for the student in the event the parent or guardian cannot be reached. The school Nurse is not a physician.

#### **4.35 STUDENT SAFETY/SUPERVISION**

Student safety shall be assured by close supervision of students in all school buildings, grounds, and offsite activities, through:

1. Maintaining a safe school environment;
2. Observation of safe practices on the part of school personnel and students;
3. Offering safety education to students;
4. Providing the first-aid care for children in case of accident or sudden illness;
5. Development of structures for supervisors of students and activities; and
6. School Personnel/sponsors are responsible for contacting I.H.S. within 72 hours of incident that occurs on off-site location during a school sponsored activity.

#### **4.36 EMERGENCY DRILLS**

The Facilities Manager shall conduct fire and disaster drills each school year according to the disaster plan adopted by the Board in accordance with the laws of the accrediting authority.

*Refer to Section 7.07 School Operations – Bomb Threats, Tornado Plan, Fire Plan and Critical Incidents Procedures*

#### **4.37 DISMISSAL PRECAUTIONS**

The following procedures shall be utilized for student dismissal to ensure they are released for proper reasons and to parents/guardians.

1. The person requesting release of the student must obtain signed written permission from the respective Principal or the Principal's designee.
2. No student will be released from school or class(es) on the basis of only a telephone call.
3. Children of estranged parents/guardians may be released only upon the written request of the parent whom the court holds directly responsible for the student and who is the person registered on the school record. (See Elementary TK-8 Handbook for procedures).
4. A parent/guardian must come to the respective school office to pick-up children in front of school personnel, and the parent must sign a sign-out sheet or register indicating the name, date, time and reason for signing out the student.

#### **4.37a CUSTODY**

The Little Wound School has an increasing number of families experiencing transitions in parental custodial relationships. There are also laws governing divorce settlements and custodial issues are decided in court. For this reason, we find it necessary to develop and clarify the procedures that will be used by the administration and staff of Little Wound School in dealing with families in such situations.

**Two-parent family:** It is assumed that both parents are living at the same address unless we have been notified otherwise. Therefore, school staff will send home notices, communications, etc. with the child.

It is assumed that both parents are communicating regarding the child and that all information is shared by and between the parents. This information includes, but is not limited to, conferences, report cards, interim reports, discussions with school personnel and permission slips.

**Separated family:** In families experiencing separation of parents or pending divorce, the above information is shared by the parents and between the parents. Since this situation frequently impacts on a child's achievement and interactions at school, parents are asked to inform both the principal and teacher of this fact so that appropriate support can be given to the child. School personnel cannot proceed on hearsay, rumors or demands of parents or other family members. Appropriate court orders or other documentation (detailed below) must be filed immediately with the principal of your children.

**Actual divorce decree:** The principal must be informed by the custodial parent if one parent is given clear physical and/or legal custody. A copy of the entire decree or order

designating custody of the children and the specifics of the custody (i.e. access to school records, check out, conferences, etc.) as well as the signature of the judge is to be submitted to the principal. School communications shall be sent home to the custodial parent, unless there is joint legal custody, in which case school communications shall be sent to both parents. Custodial parents should understand, however, that unless the divorce decree specifically limits the non-custodial parent's right to access records, the non-custodial parent has a right to the same access as the custodial parent.

"Records" include official transcripts, report cards, health records, referrals for special services, attendance records and communications regarding major disciplinary actions. It does not include daily classwork and papers, or routine communications sent through the children to the home. In these cases, the custodial parent is asked to cooperate with the school and share this information directly with the noncustodial parent. This avoids time consuming duplication of services. Furthermore, unless restricted by a court order which has been provided to the school principal, any non-custodial parent has the right to attend any school activity of the child which includes sports activities and school programs.

**Joint legal and/or physical custody (shared parenting agreement):** Both parents have access to school personnel and activities. It is assumed that one copy of communications and information will be sent home with the child and that this will be shared by and between the parents. If dismissal arrangements will be at least one day in advance. This is to avoid the problem of children's whereabouts not being known. Parents must cooperate and notify each other and the school of plans so that no children are put at risk.

**Parent Conferences:** It is preferred that one conference appointment be scheduled for both parents. Parents are encouraged to set aside their differences and to come together on behalf of their child. It also ensures that both parents are given the same information at the same time and misunderstandings and misinterpretations are avoided. If both parents cannot be in attendance, it is assumed that the custodial parent will share information.

**Visitations:** Visitations should be done in the homes of the parents and not at school. No visitations shall be allowed at the school. It is hoped that visitation arrangements would reflect the sensitivity of the child and both parents. Consistency, routines and safety should be underlying factors of such arrangements. This will allow Little Wound School to effectively accomplish the responsibility of reaching and ensure the well-being of all children.

**Law enforcement Issues:** If a disagreement arises involving law enforcement in custodial issues, law enforcement is to notify principals of the issues and work with the parents, preferably off school grounds. Law enforcement shall not be allowed to disrupt school activities or take children during school hours, unless the school has been notified in advance, had had an opportunity to make the least disruptive arrangements, and agrees to the enforcement of orders involving children during school hours.

Little Wound School staff do not automatically know when a family experiences custodial changes. In such matters, parents are required to immediately bring appropriate documentation to the school. Phone calls and notes or messages sent with children will not suffice. The school will not provide records, information or allow conferences with anyone other than the custodial parent. The non-custodial parent has equal access to these rights unless specifically written in the custodial decree. Other family members of both parents do not have access to these rights.

#### **4.38 STUDENT SAFETY PATROLS**

The school may organize a school safety patrol for the purpose of influencing and encouraging students to refrain from crossing public highways at points other than regular crossings and for directing students when and where to cross highways.

No liability shall be attached to any Board member or employee because of injuries sustained by a student by reason of operation and maintenance of a safety patrol. Identification and operation of a school safety patrol shall be in accordance with rules prescribed by the Oglala Sioux Tribe - Public Safety Commission.

#### **4.39 BICYCLE USE**

The Board assumes no responsibility for theft, damage or accidents resulting from student use of bicycles on school premises.

Students are not permitted to ride bicycles at all times on school premises and are not allowed to park or store bicycles on school grounds unless authorized by the respective Principal in writing.

#### **4.40 AUTOMOBILE/MOTORCYCLE/ATV USE**

The Board assumes no responsibility for damage, theft or accidents resulting from student driven automobiles, motorcycles, or ATV's on school premises or during the regular business day.

Students driving automobiles, motorcycles, and ATV's to school are prohibited from driving them during the school day. No Students are allowed to drive any automobiles /motorcycles/ ATV's during the school day. No student may park their vehicle on school grounds without a permit. In order to obtain a permit, the student must show proof of insurance and a current driver's license. This policy shall be enforced by the respective school principal. All students' auto keys must be turned in to the Principal or designee daily. (see student handbook for policy violation)

Those students who drive automobiles to school will have to be registered by the respective school principal or the Principal's designee where a permit will be issued for no fee. The permit will be displayed on the vehicle before being allowed to remain in the school parking lot. Proof

of a driver's license and proper insurance will be shown and required with parents/guardians permission for use of vehicles before the permit will be issued. Students must list on the permit application any other students they transport, and the School must have on file permission form the parent/guardian of any student under 18. Any student who leaves campus in a vehicle without authorization during the school day will have their permit revoked. Unauthorized vehicle use or parking will result in the vehicle being towed from LWS property at the expense of the owner. Any student using vehicle to leave campus during the day, unauthorized, will lose privilege of driving vehicle to school. Temporary permits will be issued for short-term parking. Visitors will have a designated area for short-term parking.

#### **4.41 STUDENT ORGANIZATIONS**

The Board encourages establishment of school organizations which shall be organized with the approval of the respective Principal. All funds generated by organizations or clubs will be deposited daily into individual custodial accounts through the Business Office with expenditures authorized by the sponsor.

*Ref: 5.43 Student Activities Fund Management*

#### **4.42 STUDENT COUNCIL**

We, the students of Little Wound School, in order to develop self-government and to further the interests of the school, do hereby establish and ordain this CONSTITUTION.

##### **ARTICLE I -TITLE**

The name of the organization under this Constitution shall be the Little Wound School Student Council.

##### **ARTICLE II -OBJECTIVES**

The objectives of the Student Council are:

1. To increase student responsibility,
2. To develop leaders through actual participation,
3. To encourage student participation in solving their own problems,
4. To promote school spirit and good morale in every phase of school life.

##### **ARTICLE III -MEMBERSHIP**

Section I. The Student Council shall consist of the officers and two class representatives.

Section II. Each student member on the Student Council will be entitled to vote.

Section III. A general meeting of the Student Council shall not exceed one per week.

Section IV. A quorum shall consist of two thirds of the members. A majority of those present is necessary to pass a measure.

Section V. It shall be the duty of the Student Council Advisor to see that all actions conform to existing laws, rules and regulations.

#### **ARTICLE IV - OFFICERS**

Section I. The officers of the Student Council and their duties shall be:

1. The President will preside at all meetings of the Student Council, call meetings, and act as ex-officio member of provisions of the constitution.
2. The Vice-president will take the place of the President in the President's absence and will fill that office in case it is declared vacant.
3. The Secretary keeps the records of all officers, committees, and members, and does correspondence for the organization. All correspondence is approved by the Advisor.
4. The Treasurer keeps records of the collection and disbursement of funds and acts as a member of the Finance Committee.
5. Officers may be removed for non-participation.

#### **ARTICLE V -QUALIFICATIONS**

Section I. Any Little Wound School student (in good academic, social standing) may run for office of President, Vice-President, Secretary, or Treasurer.

Section II. Two students from each class will be represented on the Student Council in addition to the officers.

#### **ARTICLE VI - DUTIES**

Section I. The Student Council Executive Committee shall consist of the President, Vice-President, Secretary, Treasurer, and Advisor.

Section II. Each student member of the Student Council will have one vote.

Section III. The duties of the representative will be:

1. To insure the functioning of the student council.
2. To discuss matters of the student government.
3. To submit recommendations and proposals to the council.

## **ARTICLE VII – ELECTIONS**

Section I. Any student may run for any office. Elections will be held at the beginning of each school year.

### **4.43 STUDENT SOCIAL EVENTS**

Providing students with appropriate social activities is beneficial to their overall development. These events may be on a school-wide basis or limited to a portion of the students in the school.

All events shall be under the authority and supervision of the respective Principal/designee. Staff shall provide proper supervision with voluntary participation by parents and community members.

Sponsors of activities are responsible for attaining funds, cleaning school facilities utilized for the activity, advertising, acquiring necessary law enforcement for monitoring, and other organizational and planning activities.

### **SCHOOL PARTIES**

Students may participate in school parties. If you do not want your child to attend a school party for any reason, please inform the teacher and they will be excused. The school may have the following parties:

Halloween  
Christmas  
Valentine's Day  
Easter

Students may furnish nutritious treats for their classmates on their birthday and at the school parties. Teachers may also treat students on their birthday and at the school parties. LWS discourages non-nutritious snacks (pop, candy, etc.).



#### **4.44 STUDENT PERFORMANCES**

Students will be encouraged to demonstrate their talents through exhibits, presentations, oratory or other media. All performances will be scheduled through the Principal for authorization.

#### **4.45 STUDENT VOLUNTEERS**

To promote the concept and value of Generosity, students will participate in the design and implementation of community service activities in the school and community to demonstrate their competency and commitment to assisting the Lakota people. The Board encourages the use of student volunteers in the educational program and in useful community services. Student volunteers will be required to carry the additional workload without interfering with their academic achievement as coordinated by the respective Principal.

#### **4.46 EMPLOYMENT OF STUDENTS**

The Principal will actively pursue employment opportunities for students to assist their efforts toward economic independence and will promote development of student corporations and other entrepreneurial activities. All such activities will be structured in such a manner so as not to interrupt the learning process of students.

#### **4.47 SOLICITATIONS**

Solicitation for donations and contributions for student projects are restricted to drives sponsored by student organizations. All acquired funds must be submitted to the Business Office immediately. A written report on funds generated and distributed will be presented to the Little Wound School Board budget meeting.

Organizations wishing to distribute materials in connection with fund drives may do so with the written approval of the respective Principal and are to remove any handbills or fliers from the school buildings and grounds in a timely manner.

#### **4.48 STUDENT/COMMUNITY RELATIONS**

The Board encourages the involvement of students and community members in activities that provide a positive image of students to community residents. Students are to perceive themselves as valuable members of the community in which they reside, and will exhibit behaviors reflective of the basic Lakota Values.

#### **4.49 PREGNANT/MARRIED/UNWED STUDENTS**

Marital, maternal, or paternal status shall not affect the rights and privileges of students to receive an education or to take part in any activities offered by the school.

Pregnant students shall continue in school in all instances unless the student's physician rules otherwise. If continued attendance is not advised by the physician, the Principal is authorized to make special arrangements for the instruction of the student and to provide an appropriate educational program.

Pregnant students must have parental consent and a medical physician's release before participating in a SDHSAA sanctioned activity.

#### **4.50 DROP OUTS**

Teachers shall notify the respective Counselor, Dean of Students and Principal of any student(s) showing dropout tendencies so that resources become immediately available to the student. Every student should be counseled as soon as they are detected to be a potential dropout and every effort made for retention. Every staff member is responsible for assisting students in their problem-solving efforts, should serve as a resource for students and such matters should be approached with equity and consistency.

#### **4.51 EXCHANGE STUDENTS**

The Board will allow for development and implementation of exchange programs for resident students and for students desiring on-site experience at the school. Approved exchange students have all the rights and privileges of a resident student in the school system during their period of enrollment.

#### **4.52 STUDENT RECORDS**

Student records shall be held at designated locations. The parent/guardian or adult student shall complete an access authorization list enumerating who can have access to specific student files, outside of regular confidentiality rules. Student records will comply with all applicable federal, state and tribal laws. Student records will contain, but are not limited to: (identifying data, academic work completed, attendance data, standardized achievement test scores, level of academic achievement, scores on standardized intelligence tests, grades, inventory results, and family background information) e.g. academic file, health data, medical file, psychological test, behavioral records and counseling records. E.g. counseling/behavioral file.

Student records shall be made available to the Superintendent, Principals and Counselors. Teachers will have access to academic records only. They may access other records pursuant to the laws of confidentiality. Administrators and staff with access to student records may not extract or change records of their own children, if enrolled in the past or present at LWS, without having a second LWS administrator or employee present at all times as a witness to such access or change of records. Student academic file (which do not include health information, special

education services or physical/mental assessments) shall be made available to an outside person or agency only under the following conditions:

1. A written request is received by school officials duly signed by a parent, or legal guardian of the student, or by a student of legal age (18 yrs. or older).
2. A written request is received by school officials in the form of a specific request from the court or a court order. Only information requested shall be provided and parents and/or students shall be notified of all such orders in advance of compliance.
3. Student information will only be released to the transferring school upon receipt of release of information request signed by the students' parents/guardians. Only information such as grades, attendance records and group test scores shall be included. Psychological reports and health reports cannot be released without having been specified in the signed written request.
4. Instances where a request for information might come from an outside agency, the agency will file a release from the student or parent or guardian.
5. In instances where requests for information come from the Comptroller General of the United States, and administrative head of an education agency or state educational authorities in connection with the audit and Assessment of federal programs or for the enforcement of federal legal requirements which relate to such programs, only data which does not include information which would permit the personal identification of such students or their parents may be released.

When information is placed into the file related to the special education or the physical/mental health of the student, HIPAA requirements must also be met before the disclosure of student information. Access to records is denied if the person requesting is not on the access authorization list, is not a person seeking directly information only, or is not a person viewing the records as directed by a federal grand jury or through some other subpoena/order of a court. Release of health information shall follow federal HIPAA regulations.

When disclosing information from a student file to a non-custodial parent, no information shall be given which indicates the child's or other parent's current residence. Information must not be disclosed to a non-custodial parent if their access rights have been limited or terminated.

After a period of three (3) years post-graduation, the records manager notifies all parents/adult students of the intention to destroy the information from the student's records. This notice will include the destruction time, parent/adult student's rights regarding the records, and steps to obtain the records if they object to their destruction. Records are then designated for destruction or release with logs maintained on the disposition of the records.

Parents/adult students may request an amendment to a student file. The written request (either filled out by the requesting person or a school staff person) will be placed in the student's file and referred to the superintendent for a decision. If the amendment is made, the amendment request is destroyed. If the amendment is not made, the parent/adult student is notified of why the amendment will not be made and the amendment request shall remain in the file. The requesting party will also be notified of any further action they may take to appeal this decision. If the unamended record is later disclosed, the request for amendment must be attached to it.

*References: Family Education Rights and Privacy Act (FERPA); HIPAA*

## RECORDS OF ACCESS

The principal shall keep a composite of all completed requests, permission forms and authorizations to view and receive records which will be filed in the student's file. Written authorization is to be included in each student's records when:

1. Inspected and reviewed by the parent/student; or
2. Requested by an outside agency or individuals.

When the student transfers from another school the Principal shall ask the parent to sign a request for release of the student's records. This request will be forwarded to the school of previous attendance by the Principal. The request shall include a description of the records desired, the reason for the request, and assurance of confidentiality of the information to be released.

## CHALLENGES TO RECORD CONTENT

Parents, legal guardians or students of legal age shall have an opportunity for a hearing to challenge the content of the student's own school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Requests for hearings shall be sent to the appropriate Principal of the school who shall set a time and place for the hearing within 5 days of receipt of the request and notify the requestor in writing of the time and place. The Principal shall have the person(s) present who have entered the information in question at the hearing. The parent, legal guardian, or student who requested the hearing shall have the right to question person(s) and shall be able to show evidence that would correct inaccurate, misleading, or otherwise inappropriate information.

A copy of the School policy on student records shall be on file in the office of each Principal and of each individual who carries out procedures relative to this policy.

#### **4.52a STUDENT INFORMATION SYSTEM**

The Native American Student Information System (NASIS) shall be the official database for acquiring student and staff data. The database may be accessible to staff, students, or parents and only to the data they have the privilege to access.

Little Wound School will designate a system administrator to oversee the integrity of the database, maintain user accounts, provide training, and troubleshoot. Staff who have the privilege to utilize the student information system shall comply with all requirements to protect student data.

#### **4.53 SEXUAL HARASSMENT**

It is the policy of Little Wound School, in accordance with providing a positive, discrimination-free school environment, that sexual harassment in the School directed by or at students is unacceptable conduct that will not be condoned.

Sexual harassment is unsolicited, nonreciprocal behavior by staff or student which causes a student to submit to unwelcome sexual words, conduct, behavior, or activity of any kind, or to fear that they would be punished for refusal to submit. Sexual harassment also includes any conduct unreasonably interfering with another's school attendance or school performance by creating an intimidating, hostile, or offensive school environment. Sexual harassment consists of a variety of behaviors by employees or students directed to students including, but not limited to, subtle pressure for sexual activity, inappropriate touching, inappropriate language, demands for sexual favors, and physical assault.

Little Wound School will, in the event of an alleged student perpetrator, treat sexual harassment as a major rule infraction. Other sexually harassing conduct in the school system is prohibited and includes:

1. Unwelcome sexual flirtations, touching, advances, or propositions;
2. Verbal abuse of a sexual nature, jokes or stories that the victim has previously or clearly communicated are unwelcome;
3. Graphic or suggestive comments about an individual's dress or body;
4. Sexually degrading words to describe an individual;
5. The display of sexually suggestive objects or pictures, including photographs; and
6. Acts that are sexually or personally degrading, such as pulling clothing down or off.

**RESPONSIBILITY:** Board members and employees are responsible for maintaining a learning environment free from sexual harassment. Orientation will be provided for students at the beginning of each school year to explain policy and law.

**PROCEDURE:** Any student who believes they have been the victim of sexual harassment by another person on the School premises, during school hours, or at school related activities should report such incident immediately to a staff member. That staff member shall immediately report the incident to the Principal. Students shall make such report of incidents in writing. If the student's teacher is responsible for the harassment, the student shall report the harassment to the Principal or counselor. An investigation shall be completed regarding said report. The school cannot take appropriate action if it does not receive notice of allegations of sexual harassment.

If a student is disciplined due to sexual harassment, the student may proceed with the established grievance procedures if they are dissatisfied. False allegations that are malicious or ill-founded may constitute libel or slander. An investigation shall be completed regarding said false allegations. The individual who made the false allegations may be subject to discipline up to and including expulsion. The school will, however, ensure that allegations, made in good faith by individuals shall not subject the complaining individual to discipline.

#### **4.54 TECHNOLOGY ACCEPTABLE USE - PLAGIARISM**

a. *See* Technology Acceptable Use Policy, Section 7.75. In addition to the requirements of the Technology Acceptable Use Policy, students are also prohibited from using their own devices, or any other devices that are not the property of the School, to engage in plagiarism, which is representation of the work of another as one's own without proper attribution. Students are prohibited from using artificial intelligence (e.g., ChatGPT) to complete assignments other than when expressly instructed by a teacher to do so, and from entering personally identifying information into artificial intelligence programs.

#### **4.55 (SECTION 504)**

Section 504 is the part of the Rehabilitative Act of 1973 that applies to individuals with disabilities. This act protects the civil rights of persons with disabilities.

A free appropriate public education is one provided by the elementary or secondary school that includes general or special education and related aides and services that (1) are designed to meet the individual educational needs of an eligible student with a disability as adequately as the needs of an eligible student who is non-disabled are met and (2) are based on adherence to evaluation, placement, and procedural safeguard requirements.

Section 504 of the Rehabilitation Act of 1973 protects students from discrimination based on their disability status. A student is eligible for accommodations under Section 504 if the student has a mental or physical impairment that substantially limits one or more of a student's major life activities that impacts education. "Major Life Activities" include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and

working. When a condition does not substantially limit a major life activity that impacts education, the student does not qualify for protection under Section 504. Principals are responsible for initiating and monitoring of any 504 plans for students in their learning circle/building.

#### **4.56 SPECIAL EDUCATION (IDEA 2004)**

All special education students follow the Little Wound School policies and procedures unless otherwise specified on the Individual education Plan (IEP). If there is a conflict between Little Wound School policies and procedures and the federal or tribal law, the federal or tribal will take precedence. Also see the Special Education Handbook.

##### **1. Identification and Evaluation**

To be eligible for services under the LWS Special Education Program, a child must have a disability that adversely affects educational performance and requires specially designed instruction. Children must be identified under one or more of the following categories:

- a. Intellectual Disability (ID; 40)
- b. Hearing Impairment/Deaf (HHD; 41)
- c. Speech/Language (SP; 42)
- d. Visual Impairment (VI; 43)
- e. Emotional Disturbance (ED; 44)
- f. Orthopedic Impairment (OI; 45)
- g. Other Health Impairment (OHI; 46)
- h. Specific Learning Disability (SLD; 47)
- i. Deaf/Blind (DB; 48)
- j. Multiple Disability (MD; 49)
- k. Autism (Autism; 50)
- l. Traumatic Brain Injury (TBI; 51)
- m. Developmental Delay (DD; 52)

Once it is determined that a child is eligible for the LWS Special Education Program, LWS shall provide an education through the least restrictive environment. The cost of the LWS Special Education Program shall be borne by LWS unless the child is placed there by another school, agency or court order. If the child is placed in the Program by another school, agency or court order, the other school, agency or court shall be responsible for the costs of the Program. The responsibility of LWS to pay for such an education begins when an eligible child is five (5) years of age and enrolled in LWS. The responsibility ends when the child receives a regular high school diploma as discussed below, no longer qualifies for special education, OR the child turns age twenty-two (22), whichever occurs first.

LWS shall make available the following services through its Special Education Program:

- a. Educational programs and services available to other children serviced by the school;
- b. Non-academic and extracurricular activities available to other children serviced by the school;
- c. Physical education available to other children serviced by the school unless the child is enrolled full time in a separate facility OR the child needs a specially designed physical education program due to the child's IEP or disability(ies).

Special Education Director shall develop and implement a method for LWS to identify children eligible for the LWS Special Education Program. This method shall be documented with all documentation kept confidential. Some activities to further public awareness which may be provided are sending pamphlets to the parents regarding the special education services available during school registration; placing notices in the tribal agenda/newsletter periodically; announcing the special education programs on the tribal radio station periodically; advising local physicians and health providers of the special education program and its services; and providing training and in-service to LWS staff regarding the special education program. To identify children eligible for the LWS Special Education Program, the Director shall give all staff training and in-service to screen for children with disabilities and discuss the process the staff member should follow once a child with disabilities is identified. The Director shall also insure that all students testing, grades and assessments are reviews on an annual basis to also identify potential children with disabilities.

The Child Study Team shall be comprised of the following: principal, counselor, special educator, one general educator, and referring party. When any parent, child, family member, public or private agency, school personnel or screening refers a child for the LWS Special Education Program, the Child Study Team shall conduct a meeting in order to complete any additional required fact-finding, to brainstorm, and to establish a plan and timeline with specific direction to appropriate staff to address whether further evaluation is needed. When Little Wound School staff have concerns that a student may have a suspected disability, the staff member will follow the pre-referral process, which includes notifying the parent/guardian of their concern and the possible need to refer to the special education department. The Special Education Director, or designee, may also follow up with the parent.

If further evaluation is needed, the parent's consent must also be obtained to complete further evaluation. Note, if the child is emancipated due to age or otherwise, the child must also be notified and included in the process and all rights possessed by the parent in this process now become the rights of the adult student. The parent must remain involved after the student obtains age eighteen (18) if the parent has obtained a guardianship over the student.



If further evaluation is not warranted, the Child Study Team will work together to provide other services for the child. The parent and/or child must be notified of the reasons the child will not be considered for the LWS Special Education Program. If further evaluation is warranted, the information shall be turned over to the IEP Team to determine whether the child is eligible for the LWS Special Education Program and to develop an IEP for the particular child.

The individual education plan team will be comprised of the following members: parent/guardian, building administrator, general education teacher, special education teacher, student (when appropriate), related service provider (when appropriate), and outside agency (when appropriate). The Director shall complete the appropriate information needed for the IEP Team to establish a program for the child. Such information may include medical history, health status, motor skills, speech/language or hearing evaluations, classroom observations, family history, and educational history.

To determine eligibility the IEP Team must determine the following:

- a. Whether the child has a disability;
- b. Whether that disability adversely affects the child's educational performance;
- c. What specific special education and/or other related services are required based upon the findings in 1 & 2; and
- d. An IEP in the least restrictive environment for the child.

The parent shall be notified five (5) calendar days, unless waived by the parent, in advance of the IEP meeting. The notice shall be conveyed to the parent in a language they can understand (orally or in writing, but when orally notations must be made regarding the oral notification), shall include a description of the evaluation process, and an explanation of why the evaluation is taking place. All of the documentation generated throughout the entire process shall be held in the child's student file confidentially. All communication with the parents (whether oral or written) shall be documented in the student's file especially with regard to attempts to notify of meetings, consents, and additional information regarding the student's needs.

If the parent refuses to consent to evaluation, LWS may still be required to provide special education services. The Director shall develop a process by which to resolve issues between the school and a non-consenting parent. The parent may also refuse the special education services proposed by the IEP Team. When this occurs, the coordinator shall develop a process by which to resolve the issues between the school and the non-consenting parent.

The Director shall keep a list of all special education students and the dates of their next reevaluation are due. This information will be provided to the child's special educator(s). The Director shall notify the parent at least thirty (30) days prior of any reevaluation so the parent may be included in that process as well. The child's special educator will establish the reevaluation team and the decision-making process for the reevaluation. The above process is repeated only with the reevaluation team and special educator completing the tasks previously delegated through the assessment and evaluation process.

## 2. Parental Notification

The Director shall do its best to communicate all notices in a language and manner (if parent is blind or deaf, Brail or sign) which the parent understands. A minimum of a ten (10) day notice is required when any of the following are going to occur with the student child:

- a. Initial evaluation;
- b. Initial eligibility determination;
- c. IEP review and amendment;
- d. Reevaluation;
- e. Reevaluation of the eligibility determination;
- f. Significant discipline incidents.

A parent is also permitted to request a reevaluation of their student child at any time. However, a reevaluation may be completed by the reevaluation team with existing data and assessments. If the parent insists upon additional testing, the coordinator shall work with the parent through the established resolution process to seek resolution of the disagreement between school and parent. A parent is also permitted to request an independent evaluation. All requests made for an independent evaluation are forwarded to the superintendent. The Director sends a packet of information to the parent requesting such independent evaluation which includes, but is not limited to, where an independent evaluation may be obtained, the required qualifications of an independent examiner, the eligibility for specific disability categories, and the maximum allowable charges for specified assessments to eliminate unreasonably excessive fees, including travel costs. The superintendent can make any one of the following decisions once an independent evaluation is requested: wait for the parent to act on the request, or request the parent to enter into the conflict resolution process. If an independent evaluation is completed by the parent, the IEP Team or reevaluation team shall consider that information in with all other information in establishing/modifying the student's IEP.

### 3. Behavior or Disciplinary Action

If a current special education student has a behavioral incident, the Director will invite the parent(s) of the student to an IEP Team meeting to determine the best course of action for the student. The IEP Team will consider developing a behavioral plan, if one is not already in place, modify the existing behavioral plan, or determine what other least restrictive alternative is available to continue to meet the student's educational needs. The IEP Team shall also consider whether the student's disability impaired their ability to understand the impact and consequences of behavior, or whether the student's disability impaired ability to control the behavior. If the IEP Team determines that the student's disability doesn't impair their ability to understand or control the consequences or the behavior, then the child shall be disciplined as any other LWS student. In no circumstance can educational services be denied for more than ten (10) school days in a school year. If a student is involved in disciplinary action who is not currently a special education student, but there is an indication that the student may have a disability not previously identified, such disability shall be considered in discipline and a referral must be made to the Director for assessment and evaluation.

### 4. Discontinuation of Services, Graduation and Grading

If it is suspected that a student no longer meets the eligibility criteria for the LWS Special Education Program, the reevaluation team, including the parent, must meet to review existing data and arrange to have additional assessments if necessary. If the student is not eligible, the Director must provide the parent with written notice of the decision to discontinue special education services. Services will not be discontinued if the parent files a grievance pursuant to the appropriate provisions of the LWS Policies and Procedures.

LWS's obligation to provide special education services ends when the student meets the school's requirements for the receipt of a high school diploma. The Director must provide the parent with a written notice prior to graduation of the discontinuation of special education services. For children who have not yet graduated from high school by meeting the requirements for receipt of a high school diploma, LWS is obligated to provide special education services until the student reaches age twenty-two (22). If a child is turning twenty-one (21), the coordinator will provide the parent with prior written notice regarding discontinuing special education services.

LWS's obligation to provide special education services also ends when: 1) the student transfers to another school; 2) the parent withdraws the student from school and the parent has made other provision for the student's educational needs.- In the event that a student drops out of school, the Little Wound Special Education Department will make every effort to continue providing special education services until the obligation for Special Education services ends due to one of the aforementioned reasons.

The Parent/Guardian consent is required prior to the initial provision of special education services. If a parent (or student who has reached the age of majority) wishes to revoke consent for special education services, they must complete and sign a “Revocation of Services” document. When the school district receives this request, the Special Education Case Manager must provide the parent/student with a prior written notice documenting the intent to end services and the date that services will end, which shall be at least five (5) school days from the date the school receives the request. If the team, including the parent, is in disagreement regarding the revocation of services, the Special Education Director will attempt to resolve any concerns to the satisfaction of both parties. If a resolution is not obtained, the Special Education Director may file a due process complaint against the parent. After special education services have been revoked, the student with a disability may be eligible for accommodations under a 504 plan.

If the parent, who previously revoked services, requests to resume special education services at a later date, the Special Education Director and team will consider this as a parent referral for an initial evaluation.

#### **4.57 OBTAINING/DISCLOSING CONFIDENTIAL INFORMATION REGARDING STUDENTS**

The parent or adult student shall complete an Access Authorization List enumerating who can have access to the student’s files. When information is placed into the file related to the special education or the physical/mental health of the student, HIPAA requirements must also be met before the disclosure of student information.

Access to records is denied if the person requesting is not on the access authorization list, is not a person seeking directory information only, or is not a person reviewing the records as directed by a federal jury or through some other subpoena/order of the court. The coordinator shall also develop a list of individuals within LWS permitted to review the confidential records of a student and establish a way to document all times LWS personnel have accessed student files. For instance, a special educator may be permitted to view some documents within the file that a teacher may not.

When disclosing information from a student file to a non-custodial parent, no information shall be given which indicates the child’s or other parent’s current residence. Information must not be disclosed to a non-custodial parent if their access rights have been limited or terminated.

After a period of three (3) years post-graduation or post separation from school, the Records Clerk notifies all parents/adult students of the intention to destroy the personally identifiable information from the student’s record. This notice includes the destruction time, parent/adult prior student rights regarding the records, and steps to obtain the records if they object to their destruction. Records are then designated for shredding or release to parents/adult student. Logs of the destruction of the documents shall be kept.

Parents/adult students may request an amendment to a student file. The written request (either filled out by the requesting person or a school staff person) will be placed in the student’s

file and referred to the superintendent for a decision. If the amendment is made, the amendment request is destroyed. If the amendment is not made, the parent/adult student is notified of why the amendment will not be made and the amendment request shall remain in the file. The requesting party will also be notified immediately of any further action they may take to appeal this decision. If the unamended record is later disclosed, the request for amendment must be attached to it.

*References: Family Education Rights and Privacy Act; HIPAA.*

#### **4.58 STUDENT ALCOHOL AND DRUG TESTING**

It is the policy of the Little Wound School Board to provide a safe, secure, and drug and alcohol-free school environment by implementing a program to detect, treat, and prevent the use and abuse of alcohol and drugs by all students.

Drug or Alcohol use by a student is illegal and poses a serious threat not only to their own well-being, but also to the well-being of the entire school community. Drug or alcohol use will not be tolerated during school hours, on school property, or at any school-sponsored activity or event during or after school hours. Students who violate the school policy on use, possession, sales, or distribution may be subject to disciplinary action as set forth in the Student Handbook.

When determining possible alcohol use or intoxication by a student during the school day or at a school-related function, the safety of the student is the primary concern. An assessment of a student's suspected alcohol use may be aided by the use of a breath alcohol testing device that indicates the presence or absence of alcohol, when based upon reasonable suspicion or probable cause. In addition, in a case of reasonable suspicion of drug use, the School may require the student to take a drug urinalysis test supervised by an authorized individual of the same sex. The parent or guardian will be notified of any alcohol or drug test conducted on the basis of reasonable suspicion prior to the administration of the test when possible.

The School will provide parents and guardians with notice of this policy at the beginning of the School Year in writing. Any student who refuses a drug or alcohol test will be removed from school for the day, and may be subject to discipline for drug or alcohol violation based on the evidence available to the School at the time of the incident.

#### **Procedure:**

During the normal school day or at school-sponsored events.

1. An employee may determine possible student alcohol use without the aid of a breath alcohol testing device by observing one or more of the following indicators:
  - Slurred speech
  - Unsteady gait

- Impaired motor control
- Flushed face
- Smell of intoxicating liquor on breath, clothing, or person
- Vomiting

If the employee determines that a student is intoxicated or has used alcohol based on one or more of the above indicators, that shall constitute reasonable suspicion and the following actions will be taken:

- a. The parent/guardian is notified and requested to take student home.
  - b. Emergency help is called if student is assessed to be at risk for alcohol poisoning or in need of medical assistance.
  - c. The police may be called to take the student into protective custody.
  - d. Disciplinary action may be taken as indicated in the LWS Student Handbook and may result in suspension.
2. If a student is reasonably suspected of being under the influence of alcohol or is suspected of having consumed alcohol, the following actions will be taken:
- a. The student is escorted to the test site.
  - b. The test is conducted by a certified Breath Alcohol Technician (BAT).
  - c. The test uses an approved Evidential Breath Testing (EBT) device.
3. If the test is positive (.01 BAC) the student may request a maximum of two additional tests taken at least 2 minutes apart. If these additional tests are positive:
- a. The parent/guardian is notified and requested to take student home.
  - b. Emergency help is called if student is assessed to be at risk for alcohol poisoning or in need of medical assistance.
  - c. The police may be called to take the student into protective custody.
  - d. Disciplinary action may be taken as indicated in the LWS Student Handbook and may result in suspension.
4. If the test is negative, the student will be allowed to resume activity if the administrator does not suspect the use of other drugs.
- a. The student's parent/guardian will be notified that the breathalyzer was administered.
5. If a student who is suspected of being under the influence of alcohol or who is suspected of having consumed alcohol refuses the test:
- a. The administrator will notify the parent/guardian to pick up the student and detain the student until parent/guardians arrival.

- b. The administrator may consider the refusal and all other evidence to determine whether or not the student is intoxicated or has consumed alcohol and may discipline the student in accordance with the LWS Student Handbook.
6. If any student suspected of intoxication leaves the scene against the school official's request:
  - a. Parent/guardian is notified.
  - b. Public Safety is notified.
  - c. Disciplinary action is taken as indicated in the LWS Student Handbook.
7. There is a possibility that a student may become intoxicated after passing an initial breathalyzer screening. If the administrator in charge of the function observes the behaviors listed in (1) in such a student, then they may administer the breathalyzer. If the student tests positive on the breathalyzer, they may request a second and third test. If these tests are positive, then the administrator will follow the procedure as written in (3) of this policy. School discipline will be administered and may result in suspension.

NOTE: Law enforcement may be called at any time by the School if there is reasonable suspicion a student is intoxicated.

#### **4.59 STUDENT CHAPERONES**

Chaperones are to be responsible in ensuring the safety and well-being of the assigned students. Chaperones are the key person(s) to whom the young person looks to for guidance, protection, clarification, and support. Chaperones are to know at all times, the location of student(s) for whom they are designated and to be available for assistance. Chaperones are to maintain positive behavior and get along with students, parents, and the public in general. Drug and alcohol use by chaperones is strictly prohibited.

Male students shall have male chaperones and female students shall have female chaperones.

#### **4.60 K-9 (POLICE DOG) SEARCHES**

LWS reserves the right to conduct random searches by K-9 police dogs throughout the school campus for illegal substance(s), to maintain safe school environment.

#### **4.61 PERSONAL ELECTRONIC DEVICE**

At Little Wound School we believe in creating an environment that cultivates the talents of every student and one that prepares our graduates for an ever-changing world. We also believe in integrating technology and Personal Electronic Devices (PEDs) into classroom instruction in order to comply with LWS goals.

Research shows that student usage of PEDs promotes critical thinking, problem-solving, collaboration, and other essential life skills in a highly competitive and global society.

**During Non-Instructional Time:** Students may use PEDs during class breaks and in the cafeteria during breakfast or lunch for personal or instructional purposes. Students are allowed to send and receive text messages, listen to music, access LWS approved sites, and send and receive email during these time periods only.

**During Instructional Time:** Student use of PEDs is not allowed unless it is for note taking or during a teacher-approved lesson in which PEDs are being integrated into their instruction.

- Usage will not be disruptive to other students, staff, or to the overall school environment. Texting to other students while they are engaged in instructional time is prohibited.
- Ear pods/headphones must be used so that others will not be able to hear the sounds from one student's device. Speakerphones may not be used.
- Before entering class, students are expected to put away all PEDs and be ready, respectful, and responsible in regard to these policies.
- There shall be no PED use during assessments, exams, or any type of testing.
- Students may not use PEDs to bully or harass other students, faculty, or staff in any way, including on social media. Violations of this policy may result in loss of PED privileges for the year. The student's PED will not be returned to the student until a parent conference is held with student and the student's administrator. The Bullying Behavior policies and consequences may also apply.
- Students may not use PEDs to photograph other students or staff members.

### **Consequences**

1<sup>st</sup> offense: teacher/staff warning to student.

2<sup>nd</sup> offense: PED privileges lost for the day; PED taken and given to office staff and parents will be notified to pick up the PED.

3<sup>rd</sup> offense and beyond: loss of PED privileges; violations will be treated as defiance and insubordination, and further disciplinary consequences will be applied using administrative discretion.

Students are responsible for PEDs. Little Wound School is not responsible for lost, stolen, or damaged PEDs.

## **4.62 ALTERNATIVE SCHOOL EDUCATION**

### 1. Enrollment

Grades 6-12:

Preceding a student's enrollment in the alternative school, the principal, the student's counselor, and the dean of students will hold a meeting. This meeting will determine the adequacy of an alternative school setting to support the student's ongoing academic and



personal development. The Parent or guardian will be notified of decision to enroll a student in the alternative school.

A student may also independently request placement in the alternative school setting by submitting an application or written petition to their principal. Within one week of submitting this application or petition, the principal will meet to review the application (in consultation with the student's parent or guardian) before a decision on placement is made. A student's first day enrolled in the alternative school setting will be the Monday immediately following the decision.

2. Behavioral Expectations

Any student enrolled in the alternative school is subject to the policies and expectations of the Little Wound School and the Little Wound School Student Handbook. Enrolled students will also be subject to the established rules and norms of the alternative school.

3. Contracts

At the determination of the alternative school supervisor or principal, any student (and a parent or guardian) may be required to sign a binding attendance, behavior, conduct, counseling, and/or personal improvement contract. Refusal to sign or comply with a contract will prevent the student's initial or continuing enrollment in the alternative school.

4. District Participation

Students in the alternative school are students of Little Wound School and eligible for full participation in school activities, where applicable. This includes athletic participation (if eligible); participation in school events, including (but not limited to) baccalaureate, graduation, prom, dances, sporting events, and field trips; and the ability to attend after-school school tutoring or clubs.

5. Re-enrollment

Students in the alternative school may return to the traditional school, unless restricted by the board or stipulations of policy. Students may submit a written petition (with parent or guardian signature included) requesting to return to the traditional school setting. Within one week of the petition's submission to the alternative school supervisor, the principal and the alternative school supervisor will meet to determine the future enrollment status of the student. Submission of a petition does not guarantee the student's return to the traditional school setting.

#### **4.63 BACKPACKS**

Backpacks, purses, and other personal bags and containers must be placed in locker during school day and shall not be carried in classrooms or hallways; except at the start and at the end of the school day. Clear backpacks are required for K-12 students.

#### **4.64 EDUCATION OF HOMELESS CHILDREN (MCKINNEY VENTO)**

##### **I. General Policy Statement:**

Little Wound School shall ensure that homeless children and youths shall have equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youths.

##### **II. Definitions:**

“School of Origin” shall mean the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. School of origin shall also include any designated receiving school for the next grade level for all feeder schools when a student completes the final grade level served by the school of origin.

“Homeless children and youths” shall mean any individuals who lack a fixed, regular, and adequate nighttime residence; and includes:

- a. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- b. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- c. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- d. Migratory children who qualify as homeless because they are living in circumstances described in (a-c).

“Unaccompanied youth” shall mean a homeless child or youth not in the physical custody of a parent or guardian.

##### **III. School Stability:**

A. School Selection: Each school shall presume that keeping a homeless child or youth enrolled in the child’s or youth’s school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or youth’s parent or guardian or, in the case

of an unaccompanied youth, the youth.

To overcome the presumption that a child or youth should remain in his/her school of origin, the school shall consider student-centered factors including; the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or, in the case of an unaccompanied youth, the youth.

B. Enrollment: Once the school is selected in accordance with the child's or youth's best interest, that child or youth shall be immediately enrolled even if the child or youth is unable to produce records normally required for enrollment including, but not limited to, previous academic records, immunization or other health records, proof of residency or has missed any application or enrollment deadlines during any period of homelessness.

C. Transportation: If the child or youth continues to attend his or her school of origin, transportation shall be provided promptly even if there is a dispute pending regarding which school is in the child's or youth's best interest to attend. Transportation will continue to be provided to and from the school of origin for the remainder of any academic year during which the child or youth becomes permanently housed.

#### IV. Records

Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained:

- a. Such that all records are available, in a timely fashion, when a child or youth enrolls in a new school or school district;
- b. Any information about a homeless child's or youth's living situation shall be treated as a confidential student education record, and shall not be deemed to be directory information; and
- c. In a manner consistent with the Federal Education Rights and Privacy Act.

#### V. Services:

Local Education Agency Liaison: The Little Wound School shall identify an appropriate staff person to be the Local Educational Liaison (LEL) for all homeless children and youth attending Little Wound School.

The LEL responsibilities shall include, but are not limited to:

- a. Ensure homeless children and youth are identified through outreach and coordination activities with the community and school personnel responsible for education and related services to homeless children and youths;

- b. Receive appropriate time and training in order to carry out the duties required by law and this policy;
- c. Ensure homeless families and homeless children and youths are referred to health care, dental, mental health, substance abuse, housing and any other appropriate services;
- d. Ensure that homeless children and youths: are enrolled in school which includes attending classes and participating fully in school activities and have a full and equal opportunity to meet the same challenging academic standards as other children and youths;
- e. Receive individualized counseling from counselors to prepare and improve their readiness for college, including college selection, application, financial aid, and on-campus supports.
- f. Unaccompanied youths are informed of their status as independent students under the Higher Education Act of 1965 and may obtain assistance from the LEL to receive verification of such status for purposes of the Free Application for Federal Student Aid.
- g. Ensure that public notice of the educational rights, and available transportation services, of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youths, and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is easily understandable.
- h. Ensure the dispute resolution process identified below is carried out in accordance with the law and district policy.

#### VI. Dispute Resolution:

The dispute procedure must be available for disputes over eligibility, as well as school selection or enrollment.

In the event of a dispute regarding where a child or youth should enroll, the child or youth shall be immediately enrolled in the school in which enrollment is sought pending final resolution of the dispute, including all available appeals. The school shall immediately provide the child's parent or guardian or, in the case of an unaccompanied youth, the youth a written explanation of the decision made regarding the school selection including the right to appeal such decision. Said writing shall be provided in a manner and form understandable to such parent, guardian, or unaccompanied youth and also include the LEL contact information. The LEL shall ensure that the dispute resolution process is completed, and the Superintendent issues a final written decision within 30 (thirty) calendar days from the date of said writing.

#### Appeals

Any parent, guardian or other person having legal or actual charge of a homeless child or youth, or the homeless child if there is no parent guardian or other person, that is dissatisfied with the decision of the LEL may file an appeal with the Superintendent within fifteen (15) business days of the date of the final dispute resolution decision by the Superintendent. The School Board shall schedule an appeal hearing within 15 (fifteen) business days of the filing of the Notice of Appeal. The School Board shall issue a written decision within five (5) days of the date of the hearing. The decision of the School Board shall be the final decision of the School.

Any parent, guardian or other person having legal or actual charge of a homeless child or youth also has the option to contact the United States Department of Education, One Petticoat Lane, 1010 Walnut Street, 3rd floor, Suite 320, Kansas City, MO 64106; Telephone: 816-268-0550, or the BIE Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Ave., SW, Washington, D.C. 20202-1100; Telephone: 1-800-421-3481.

#### **4.65 EDUCATION OF STUDENTS IN FOSTER CARE**

Policy Statement: Children in foster care are often a vulnerable and highly mobile student population. Children in foster care typically make more unscheduled school changes than their peers in a given school year. Compared to their peers, students in foster care experience lower high school graduation rates, lower scores on academic assessments, and higher rates of grade retention, chronic absenteeism, suspensions, and expulsions.

It is therefore the policy of the LWS Board that children currently enrolled at Little Wound School remain as students at Little Wound while in foster care unless there is a determination that it is not in the student's best interest to continue to attend Little Wound. It is also the policy of the LWS Board that a nonresident student placed in foster care located within the boundaries of Little Wound School shall be immediately enrolled at Little Wound if it's not in the child's best interest to stay in the student's district of residence, even if the student is unable to produce records normally required for enrollment.

Definition of Foster Care: Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility, and includes placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the State, Tribal, or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

Notification to the school: The Department of Social Services, Division of Child Protection Services (CPS) will notify the school within one school day when a student has been placed into foster care or has a change in his or her living arrangements. The CPS will also inform if placement could result in a change to the student's school. The school will immediately update the student's foster care status in the student database.

Best Interest: The best interest determination must be based on multiple student-centered factors, including but not limited to appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of placement. The school and the Department of Social Services, Division of Child Protection Services (CPS) will collaborate to develop a joint process for making best interest determinations. The student will remain in his or her school of origin until the school and CPS make a best interest determination. CPS and the school will make a best interest determination within five school days of the student's foster care placement,

except in emergency removal situations. CPS and the school will document the decision and next steps. Transportation costs should not be a factor. The school and CPS shall consult the student, if appropriate, and adults who have meaningful relationships with the child. If the school and CPS cannot agree on what is in the best interest of the student, the ultimate decision resides with the CPS. To the extent feasible and appropriate, a child must remain in his or her school of origin while awaiting a decision to reduce the number of school moves.

Immediate Enrollment of Child Placed in Foster Care: If it is not in the child's best interest to stay in his/her school of origin, the student must be immediately enrolled in the new school and eligible to attend classes and receive appropriate academic services even if the student is unable to produce records normally required for enrollment. The enrolling school shall on the day of enrollment contact the school last attended to obtain relevant academic and other records and the school of origin is to send the student's records within one school day. CPS will provide the new school with as much information as possible about the student (such as age, grade and academic history) to ensure appropriate support and placement until the school receives relevant records from the school of origin. If the enrolling school does not know the student's grade, it can give grade-level assessments to determine a student's placement until the school receives relevant records. The new school will provide the student appropriate credit for full or partial coursework satisfactorily completed while attending prior school(s).

Transportation: If the school and CPS determine the child should stay in the school, the school and CPS will develop and implement a plan to provide, arrange and fund transportation within five school days of the best interest determination. If the school is the school of origin and there are additional costs incurred in providing transportation, the school will provide transportation if CPS agrees to reimburse the school, if the school agrees to pay the cost, or if the school and local CPS agree to share the cost. The school and CPS will arrange interim transportation until permanent transportation plans are in place.

Point of Contact: The LWS Board shall designate a Point of Contact (POC) for CPS and inform CPS of the person designated. The POC shall be responsible for coordinating with local CPS to develop a process for implementation of Every Student Succeeds Act (ESSA) provisions and shall have the capacity and resources to guide the implementation of the ESSA provisions.

## DISPUTE RESOLUTION PROCESS

Disputes between the school and the student's caregiver/education decision-maker:

Level I. The student's caregiver or education decision-maker may dispute the school's best interest determination, transportation decision, or the provision of any other education-related service for a student in foster care. They may do so by providing the school or the school's Foster Care Point of Contact (POC) with written notice of the dispute within fourteen (14) calendar days of receiving notice of the school's determination (e.g., that the school intends to enroll the student in a school other than the school of origin or the school requested by the caregiver or the education decision-maker).

The notice of dispute, if provided to the school, will be immediately forwarded to the Foster Care POC, or if that person is unavailable, another designee. The POC will log receipt of the notice (including the date and time), and then forward a copy of this documentation to their immediate supervisor and the superintendent or designee. The Liaison will make a decision on the dispute within seven (7) calendar days of receipt and inform the caregiver or educational decision-maker in writing of the result. The following documents will be included with the decision in an “appeals package”:

A copy of the original notice of dispute; Any additional information from the caregiver or educational decision-maker and/or foster care liaison; and Instructions on appealing the decision to Level II. The liaison will verify receipt of the written decision by the caregiver or education decision-maker.

#### Level II.

If the caregiver or education decision-maker disagrees with the decision of the foster care liaison, he or she may appeal the decision to the Superintendent or his/her designee. He or she may do so by providing the Superintendent’s office with a copy of the Level I appeals package within fourteen (14) calendar days of their receipt of the Level I decision.

Within seven (7) calendar days of the notification to the school that the caregiver or education decision-maker intends to appeal, the Superintendent or designee will arrange to meet within a reasonably expeditious time period either in-person or through phone/video conference with the student’s caregiver or educational decision-maker, the student if appropriate, and at least one representative from CPS. If it is not possible for the CPS representative to be present within a reasonable time, the Superintendent or designee will document their efforts to include the representative and proceed with the conference.

Within seven (7) calendar days of the conference, the Superintendent or designee will provide the caregiver or educational decision-maker with a written decision, supporting evidence, reasons for the decision and an appeals package that includes:

A copy of the initial dispute filed at Level I and the Level I decision; The Level II decision rendered by the Superintendent or designee; Any additional information from the caregiver or education decision-maker and/or foster care liaison; Instructions as to how to file a Level III appeal, including the physical address and email address of where to submit the dispute.

The school’s Foster Care POC will also be provided a copy of the Level II decision and appeals package. The POC will be responsible for verifying receipt of the decision and appeals package by the caregiver or educational decision-maker.

#### Level III.

If the caregiver or education decision-maker disagrees with the decision of Superintendent or designee, he or she may appeal the decision by notifying the school’s Superintendent within fifteen (15) business days of receipt of the Level II decision of their intent to file a Level III

appeal. The School Board shall schedule an appeal hearing within 15 (fifteen) business days of the filing of the Notice of Appeal. The School Board shall issue a written decision within five (5) days of the date of the hearing. The decision of the School Board shall be the final decision of the School.

Any parent, guardian or other person having legal or actual charge of a homeless child or youth also has the option to contact the United States Department of Education, One Petticoat Lane, 1010 Walnut Street, 3rd floor, Suite 320, Kansas City, MO 64106;

Telephone: 816-268-0550, or the BIE Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Ave., SW, Washington, D.C. 20202-1100; Telephone: 1-800-421-3481.

Disputes between the school and the child welfare agency.

In the event that the school and the child welfare agency are unable to resolve a dispute that does not involve educational placement or the provision of educational services to a student in foster care (e.g., failure to collaborate, transportation reimbursements, date sharing, records release policies), either party may forward the dispute in writing to the [United](#) States Department of Education [United](#) States Department of Education.