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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 personal relationships, sexual or gender orientation, of race, color, gender, physical appearance, spirituality, religion, national origin, or disability.

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

The Board shall adhere to Oglala Sioux Tribe 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. The Board interprets this law to mean that a child must be enrolled in any school system, not necessarily Little Wound School, if such child has been dropped or expelled.

The Board shall advise people in control of children of the Oglala Sioux Tribe compulsory school attendance laws and may appoint a Truant Officer to enforce the compulsory school attendance law.

All school personnel shall cooperate in the enforcement of the compulsory school attendance laws.

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.

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

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

- a. 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 doctor's statement will be required.
- b. Death of a member in the immediate family.
- c. Doctor or dental appointments that cannot be met during non-school time (requires a doctor's statement verifying student being seen on the date of absence.
- d. Emergency road conditions that endanger the safety of transporting students to school;
- e. Attendance at school-related activities when school authorities request such attendance;
- f. Other justifiable reasons authorized and approved by the respective Principal or their designee.

**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.

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

**1. One (1) missed day\* without an excuse.**

- a. The school will send an electronic and voice message out to the parent/guardian to the parent/guardian contact information provided to the school.

**2. Three (3) missed days\* without an excuse.**

- 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 meeting is missed, will attempt to reschedule, and then proceed to next step)

- c. Administrator/Counselor may assign appropriate interventions, including but not limited to, a home visit by a school liaison or official.

**3. Any student whose overall attendance falls below 70% and/or 5 days\* per quarter without an approved documented excuse 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.

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.

Maintaining an accurate record of student attendance is vital to the implementation of this policy. Therefore, teachers who fail to consistently enter their attendance. Failure to fulfill these duties may result in discipline up to and including termination.

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 from school for the balance of the semester.
5. There are no appeals for dismissal resulting from breaking the terms of the attendance contract. Student will be eligible to re-enroll at the beginning of the next semester.

Tutoring: Students may receive tutoring in areas of study that may be having problems. This program is designed to improve student's study habits.

Intervention: Strategies to improve student attendance and behavior may be made available to students. (i.e., group counseling)

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**

Children five years of age on September 1st of the ensuing school term will be eligible to enroll in Kindergarten at the school. 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
4. The student must reside within Little Wound School service area (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 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 counselor, and the Dean of Students.

Special education students are exempt from policy and shall be subject to laws related to Special Education.

#### **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 school 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 passing grades at their previous school, or shall not 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.

To be eligible for participation in extra-curricular athletics/activities, students must meet the following criteria:

1. Age: The student must not have attained the age of 20 years at the time of participation.
2. Enrollment: Must have enrolled not later than the sixteenth school day of the current semester.
3. Eight Semester: A student shall be eligible for four first semesters and four second semesters of interscholastic competition which shall run consecutively commencing with the student's enrollment as a freshman.
4. Scholastic/Academic Eligibility Rule:
  - a. Preceding semester. To remain eligible, student must successfully pass seven (7) classes per semester and maintain a minimum of a 2.0 average.
5. For purposes of Scholastic/Academic eligibility, all of the work for an incomplete grade or grade change must be made up successfully by the student, presented to the teacher and accepted by the teacher, graded and the grade change submitted to the counseling office and entered on the official transcript within two weeks of the end of a semester. Immediate notice of compliance will be provided to the Athletic Director.
  - a. Current semester. Students shall be enrolled and attend seven (7) classes or classes. Seniors who have met all graduation requirements shall comply with SDHSAA eligibility rules.
  - b. Credit recovery can be used to make up eligibility for athletics only in cases of proven medical need.
6. All students who will represent Little Wound School in any extra-curricular activity must have their name appear on the School's Master Eligibility List prior to their participation.
7. Attendance: Students must be in compliance with the LWS attendance policies.
8. Any student who is suspended for disciplinary reasons shall be ineligible to participate in extra-curricular activities throughout the duration of their suspension period.
9. Students may be in more than one activity if permission is first obtained from coach, advisor (sponsor), Athletic Director, Principal, and teacher.
10. 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.



11. Being ineligible to participate in an activity does not constitute ineligibility to practice.

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

### **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 K-12 student handbook at the beginning of each school year.

### **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

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 processes or resources to promote student enrollment and 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 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 counsel 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 reserves the right to search students when a school official, a teacher, or staff member has reasonable suspicion that the student has violated the law or school policy.

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.

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

The Board believes students should be given a role in developing the procedures and rules and regulations, which 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.

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 at school or school related activities.
12. Students will remain on the school 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 at school or school related activities. Bullying is unacceptable. Bullying is the act of intentionally causing emotional, mental and physical harm to others, through verbal harassment, physical assault, coercion through electronic digital methods or other more subtle methods of coercion such as manipulation. Disciplinary actions will follow the procedures as outlined for a major offense.
14. Students will not instigate or participate in a fight while at school or school related activities.
15. Students will not smoke cigarettes or possess any tobacco products while at school or at school related activities.
16. Alcohol or illegal drug possession and use are strictly prohibited while on school grounds or school related activities.
17. Any gang related colors, tagging, or gang activity will not be allowed.

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

#### **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 take action on a report of harassment/bullying within three days from receipt of incident report form to administration.

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 a 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 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 consequence 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 3.16".

An employee has the discretion to recuse self from disciplinary action if that person is a *hunka* relative.

## **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 school grounds 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 which immediately creates fear of harm. This is completed without displaying a weapon and without subjecting the victim to actual physical attack.

### **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 behaviors. 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

**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.

**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.



**Chronic Tardies** - Five or more tardies during a semester within the same class period. Ten (10) tardies will equal one day of absence.

**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 are in violation of the rules of the classroom and/or school which threaten the ability to perform educational activities of learning.

**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.

**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 also known as an e cigarette, an e cig, an electric cigarette, or a smokeless cigarette. An electronic device that is used to turn an oil-nicotine solution into vapor. The nicotine vapor produced looks, taste, 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.

**Gang Affiliation** - Any student who: admits being in or affiliated with a gang, frequents place of known gang members, accompanies known gang members, and/or recruits another by intimidation or force.

**Harassing Behaviors** - Harassment is defined as threatening, insulting, and dehumanizing gestures, use of technology, 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 employees 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** - Students in possession of illegal drugs/substances, is using illegal drugs/substances, or is under the influence of illegal drugs/substances. 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.

**Possession or Use 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 organizations. Items are taken under confrontational circumstances by violence, force, or threat of force. This differs from larceny in that robbery involves threat or battery.

**Skiping/Truancy** - Student leaves class/school without permission or stays out of class/school without permission.

**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.

## **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 long-term suspension is defined as a suspension up to ten (10) days, unless the long term suspension falls under IDEA.

**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)

NATURE OF OFFENSE	<b>CONSEQUENCES: The TOTAL number of offenses in any section will be used to determine the appropriate consequence.</b>
<p><b>Bullying Behaviors</b></p> <p><b>Cyber Bullying or Stalking</b></p> <p><b>Hazing</b></p>	<p><b><u>Consequences for Middle &amp; High School</u></b>            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.            2<sup>nd</sup> Offense: 3 days O.S.S. Administrator or their designee will work with student exhibiting bullying/harassing behavior and the parents/guardians to review, update and modify the behavior plan.            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>            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. Parent will be notified of the offense.</p>

	<p>2<sup>nd</sup> Offense: 1 day I.S.S. plus review and modification of plan. Parent will be notified of the offense.</p> <p>3<sup>rd</sup> Offense: 3 days I.S.S. with review and modification of the plan. Parent will be notified of the offense.</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>Chronic Tardies</b></p> <p><b>Inappropriate Display of Affection</b></p> <p><b>Skipping/Truancy</b></p> <p><b>Tobacco</b></p> <p><b>E-Cigarettes, Vapor Pens</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. The plan will be reviewed and 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. plus 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>Leaving Campus without permission</b></p>	<p>1<sup>st</sup> Offense: Notify parents and law enforcement. The plan will be reviewed and signed by all parties involved. In addition, a verbal warning will be issued.</p> <p>2<sup>nd</sup> Offense: Notify parents and law enforcement. 1 day I.S.S. plus review and modification of plan.</p> <p>3<sup>rd</sup> Offense: Notify parents and law enforcement. 3 days I.S.S. with review and modification of the plan.</p> <p>4<sup>th</sup> Offense: Notify parents and law enforcement. 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>Technology/Electronic Device Violation</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>Gang Affiliation</b></p>	<p>1<sup>st</sup> offense: 3 days in ISS. Law enforcement will be called. Time in ISS will be spent going over the Tribal Gang Ordinance &amp; Curriculum of prevention and intervention. Referral to the counselor. Parents/guardians will be called in to do a behavior plan and contract with the Dean of Students &amp; provided the Gang Ordinance.</p> <p>2<sup>nd</sup> offense: 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>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</p>

<p><b>Encouraging a Conflict</b></p> <p><b>Disruption of Learning Environment</b></p> <p><b>Disrespect/Insubordination/Non-compliance</b></p> <p><b>Harassing Behaviors</b></p> <p><b>Dress Code</b></p>	<p>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>Assault</b></p> <p><b>Domestic Abuse</b></p>	<p>1<sup>st</sup> Offense: 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>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>2<sup>nd</sup> Offense: 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>3<sup>rd</sup> Offense: Result in recommendation for long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p>
<p><b>Possession or Use of Alcohol</b></p> <p><b>Possession or Use of Drugs</b></p> <p><b>Possession or Use of Inhalants</b></p>	<p>1<sup>st</sup> Offense: 5 days O.S.S and referral to local law enforcement. Student must return with parent/guardian with a drug and alcohol assessment plan in order to be re-admitted back to school. A behavior plan and assessment plan will be followed up with counseling team.</p> <p>*Any subsequent violations will result in long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.</p>
<p><b>Possession or Use of Weapons, including 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. Referrals may be filed with local law enforcement.</p>
<p><b>False Fire Alarm</b></p>	<p>1<sup>st</sup> Offense: Referral to counselors</p> <p>2<sup>nd</sup> Offense: 3 days O.S.S</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>Bomb Threat</b></p> <p><b>Arson</b></p>	<p>1<sup>st</sup> Offense: Result in an expulsion hearing. Referrals will be filed with local law enforcement.</p>

<b>Forgery</b> <b>Larceny</b> <b>Vandalism</b> <b>Robbery/Theft</b>	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. *Any subsequent violations will result in a long-term suspension or an expulsion hearing. Referrals will be filed with local law enforcement.
<b>Indecent Exposure</b>	1 <sup>st</sup> offense – 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 done to appropriate agencies including, law enforcement and LOWO.

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. 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.

**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 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 time for no less than 3 days.

**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 EXPLUSION 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 of 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 have been removed from school as a result of being found with a weapon will 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 time-frame.
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.

- a. 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.
- b. 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.
- c. Homebound instruction shall be geared to the student needs and capabilities during convalescence.



Textbooks and supporting materials 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 assure 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, 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. The exhibition of gang related clothing including gloves, scarves, colors, bandanas, headbands, caps, hoods, head wraps, etc. will not be tolerated.
11. No heavy chains or chain style belts will be allowed.
12. Coats and jackets meant for outerwear.
13. No 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.)

14. If a student comes to school with visible hickey's they must cover them up or they may be excluded from the classroom and sent to ISS.

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.

#### **4.25 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 within three (3) school days of the incident.
2. The Principal must complete their efforts to resolve the grievance within five (5) school days of the date of the grievance.
  - a. The Principal shall meet with all involved parties to discuss the issue(s).
  - b. The Principal shall keep a written record of their activities and findings.
  - c. The Principal shall provide a written response to the issues with their decision.
3. If the Principal 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" require that Tribes and Tribal Organizations (Grant Schools) report incidents or suspected incidences of child abuse and 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.

Because of their regular contact with school-age children, school employees are in an excellent position to identify abused or neglected children.

Any teacher or other employee who suspects that a child under eighteen (18) years of age has been neglected or physically abused (including sexual or emotional abuse) by a parent or other person shall report orally or in writing this information to the building principal or superintendent. The principal or superintendent shall immediately report this information to the department of social services or the tribal police. If the principal or superintendent does not confirm to the teacher or other employee within twenty-four (24) hours that action has been initiated, the employee will report this information directly to the proper authorities.

The report will contain the following information: name, address, and age of child; name and address of parent or caretaker, nature and extent of injuries or description of neglect; and any other information that might help establish the cause of injuries or condition.

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, 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 or records concerning reports of suspected abuse or neglect are confidential. The release to persons other than those provide by law is punishable by law. Failure 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.

#### **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.

The school will comply with all current immunization regulations for students entering school for the first time and students entering the 6<sup>th</sup> grade.

*(see South Dakota Codified Laws 13-28-7.1 and [13-28-7.1](#))*

#### **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.

#### **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 off-site 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.

- a. The person requesting release of the student must obtain signed written permission from the respective Principal or the Principal's designee.
- b. No student will be released from school or class(es) on the basis of only a telephone call.
- c. 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 K-8 Handbook for procedures).
- d. 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 non-custodial 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 arise 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 send 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 staff and 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. 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:

- a. The President will preside at all meetings of the Student Council, call meetings, and act as ex-officio member of provisions of the constitution.
- b. 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.
- c. The Secretary keeps the records of all officers, committees, and members, and does correspondence for the organization. All correspondence is approved by the Advisor.
- d. The Treasurer keeps records of the collection and disbursement of funds and acts as a member of the Finance Committee.
- e. 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:

- a. To insure the functioning of the student council.
- b. To discuss matters of the student government.
- c. 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. ESDS 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 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, HIPPA 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 HIPPA 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); HIPPA*

## 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 Board 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.

## **4.53 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, insure that allegations, made in good faith by individuals shall not subject the complaining individual to discipline.

#### **4.54 TECHNOLOGY ACCEPTABLE USE**

Refer to policy 7.75

#### **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)**

##### **a. 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: autism; cognitive impairment; deaf-blindness; developmental delay; emotional disturbance; health, hearing, language, sight, orthopedic, speech or language impairment; learning disability; or traumatic brain injury.

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:

1. Educational programs and services available to other children serviced by the school;
2. Non-academic and extracurricular activities available to other children serviced by the school;
3. 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 coordinator 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 coordinator 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 coordinator 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 time line with specific direction to appropriate staff to address whether further evaluation is needed. The parent must be notified by the coordinator of the referral if the parent did not make the referral. 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 IEP Team shall consist of a special educator, the special education coordinator, the principal and the parent of the referred child. The coordinator 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:

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

The parent shall be notified ten (10) days in advance of the IEP Team meeting held to establish 1 through 4 directly above. 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 coordinator 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 coordinator 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 coordinator 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.

#### b. Parental Notification

The coordinator 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 ten (10) days notice is required when any of the following are going to occur with the student child:

1. Initial evaluation;
2. Initial eligibility determination;
3. IEP review and amendment;
4. Reevaluation;
5. Reevaluation of the eligibility determination;
6. 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 coordinator 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 include that information in with all other information in establishing/modifying the student's IEP.

#### c. Behavior or Disciplinary Action

If a current special education student has a behavioral incident, the coordinator 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 develop 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 coordinator for assessment and evaluation.

#### d. 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 coordinator 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 coordinator 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; and 3) the student drops out of school.

If a parent requests that a student be withdrawn from special education services, the reevaluation team must determine whether the student is still eligible for special education services. Written notice must be sent to the parent following the determination. If the team, including the parent, determines that services need to continue, LWS will provide services unless the parent has invoked the grievance procedure appropriately under the LWS Policies and Procedures.

### **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, HIPPA 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 parents, 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 Manager 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; HIPPA.*

#### **4.58 STUDENT ALCOHOL 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.

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 which indicates the presence or absence of alcohol, when based upon reasonable suspicion or probable cause.

#### **Procedure:**

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

- a) 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:
  1. Slurred speech
  2. Unsteady gait
  3. Impaired motor control
  4. Flushed face
  5. Smell of intoxicating liquor on breath, clothing or person
  6. Vomiting
  
- b) 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:
  1. Parent/Guardian is notified and requested to take the student home.

2. Emergency help is called if student is assessed to be at risk for alcohol poisoning or in need of medical assistance.
  3. The police may be called to take the student into protective custody.
  4. Disciplinary action may be taken as indicated in Student Handbook.
- c) If a student is reasonably suspected of being under the influence of alcohol or is suspected of having consumed alcohol, the following action will be taken:
1. The student will be escorted to the test site.
  2. The test is conducted by a certified Breath Alcohol Technician (BAT).
  3. Tests uses an approved Evidential Breath Testing (EBT) device.
- d) If the test is positive (.01BAC) the student may request a maximum of two additional tests taken at least 2 minutes apart. If these additional tests are positive:
1. The parent/guardian is notified and requested to take student home.
  2. Emergency help is called if student is assessed to be at risk for alcohol poisoning or in need of medical assistance.
  3. The police may be called to take the student into protective custody.
  4. Disciplinary action may be taken as indicated in the LWS Student Handbook and may result in suspension.
- e) If the test is negative, the student will be allowed to resume activity if the administrator does not suspect the use of other drugs.
1. The student's parent/guardian will be notified that the breathalyzer was administered.
- f) If a student who is suspected of being under the influence of alcohol or who is suspected of having consumed alcohol refuses the test:
1. The administrator will notify parents to pick up the student and detain the student until parent's arrival.
  2. 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.
- g) If any student suspected of intoxication leaves the scene against the school official's request:
1. Parent/Guardian is notified.
  2. Public Safety is notified.
  3. Disciplinary action is taken as indicated in the LWS Student Handbook.
- h) There is always the 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 a) , 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 (d) 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 a positive behavior by communicating in a manner that gets along with students, parents, and the public in general. Drugs 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 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, 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 this time period 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 plugs 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 regards 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 social media. Violations to 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.
- 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 to 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**

### **Enrollment**

Preceding a student's enrollment in the alternative school, the principal, alternative school supervisor, 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. 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, the principal and alternative school supervisor 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.

### **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.

### **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.

### **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.

### **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.