

Pahin Sinte Owayawa 2020-2021 Policy and Procedures Manual



“Home of the Quills”

Pahin Sinte Owayawa Board Members

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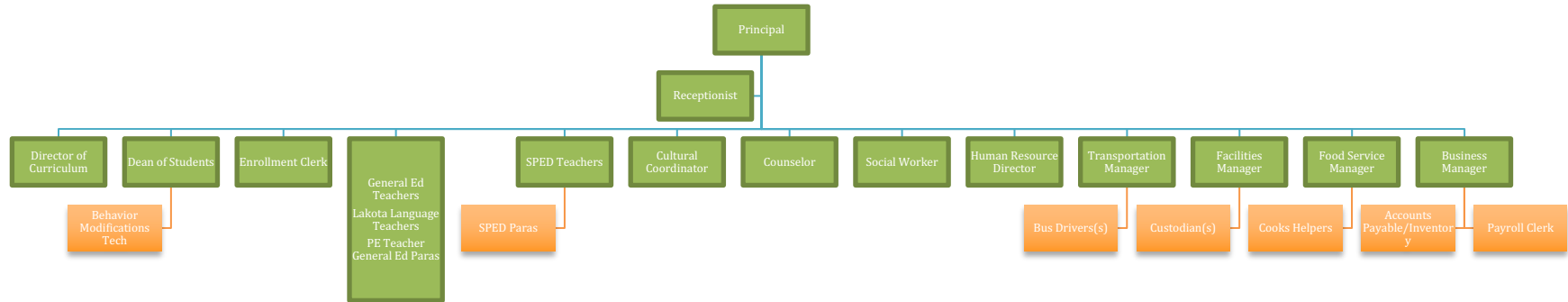
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Chain of Command Pahin Sinte Owayawa 2020-2021



SCHOOL BOARD POLICIES

1.01 SCHOOL LEGAL STATUS

The Organization, composed of members of the Oglala Sioux Tribe who are residents of the areas served by *Pahin Sinte Owayawa*, shall be known hereafter as *Pahin Sinte Owayawa Board* ("Board"). The *Pahin Sinte Owayawa* service areas are as defined and established in the Constitution and Bylaws which supersedes and are incorporated into the *Pahin Sinte Owayawa* Policies & Procedures Manual (hereinafter "Manual"). In the event that the *Pahin Sinte Owayawa* Service areas are inconsistent with the service areas established by the ordinance of the Oglala Sioux Tribe, the Tribe's ordinance shall supersede these policies and procedures.

1.02 BOARD LEGAL STATUS

The *Pahin Sinte Owayawa Board* is a democratically elected group of members of the Oglala Sioux Tribe established by several resolutions of the Oglala Sioux Tribe to provide direction to the community it serves within the Pine Ridge Indian Reservation, and particularly within the *Pahin Sinte Owayawa* service area. The Board is a tribally non-profit entity which provides a variety of educational services primarily to the tribally-enrolled members of the *Pahin Sinte Owayawa*, and surrounding service area, as established by tribal law. The *Pahin Sinte Owayawa Board* receives federal government funds under the authority of the Indian Self-Determination and Education Assistance Act, the Tribally Controlled Schools Act of 1988, and other federal statutes. The *Pahin Sinte Owayawa* is not funded by the State of South Dakota. The *Pahin Sinte Owayawa* is a "tribal organization" as that term is defined in 25 U.S.C. § 450b(1), and an "Indian Tribe" for purposes of Title VII of the 1964 Civil Rights Act, as amended, the Americans With Disabilities Act, and the Age Discrimination Employment Act.

1.03 BOARD AUTHORITY

Board authorities are listed in the Constitution and By-Laws and the Manual. The Board exercises power only when in official session and votes to take action with a majority vote of a quorum of the Board.

1.04 BOARD PURPOSES & LIMITATIONS

The purpose of the Board shall be educational and shall be developed through conferences, committees, projects, and school visitations.

This Board shall be non-commercial, non-sectarian, and non-partisan. No commercial enterprise and no political candidate shall be endorsed by it.

The Board members, as individuals, shall not seek to direct the administrative activities or to control policies of the school. As members of the Board, they shall carry out such powers as Board members have in session, unless such individual member has been delegated by the Board to act on its behalf. An individual Board member has legal status only in her/his official capacity as part of *Pahin Sinte Owayawa Board*.

This Board and its members may cooperate with other organizations or agencies active in child welfare and citizenship, such as, conference groups, coordinating councils or others, provided they make no commitments that bind the Board or school, without formal action by a quorum of the Board.

The powers of the Board shall be those granted in the Constitution, and By-Laws of the *Pahin Sinte Owayawa Board*:

1. The *Pahin Sinte Owayawa Board* shall serve as a governing school board for the *Pahin Sinte Owayawa*. All programs and proposals relating to curriculum, instructional services, personnel, food services, fiscal and budgetary matters, transportation, facilities and routine maintenance and pupil personnel service of the *Pahin Sinte Owayawa* shall be submitted to the said board for its consideration and decision. The board shall have the authority to make a final decision on all such matters, unless delegated to administrators by the Board.
2. The Board shall have the authority to hire and discharge personnel of the *Pahin Sinte Owayawa* in accordance with *Pahin Sinte Owayawa* prescribed policies and procedures.
3. The Board shall consider programs and problems of significance to the students it serves.
4. The Board shall plan such activities for the *Pahin Sinte Owayawa* that are required in order that the school may carry out its mission.
5. The Board shall be authorized to work with parental advisory groups. The Board shall recommend to the Oglala Sioux Tribal Council such resolutions, ordinances, or council actions as may be required to implement the intent of these policies.
6. The Board may establish any other organization such as PTA, provided that they are legally organized under tribal law and not in conflict with the Constitution, By-laws, or Manual. Such organization shall function in conjunction with the Board and administration in an advisory capacity only.
7. Funds may be appropriated to or obtained by the *Pahin Sinte Owayawa* in fulfillment of the Board's duties.

1.05 BOARD POWERS & DUTIES

The Board of Directors Powers and Duties are established pursuant to the Constitution, and By-Laws of *Pahin Sinte Owayawa*. The School Board has the following powers:

1. General powers to manage the affairs of the corporation.
2. The authority to call a special meeting.
3. The authority to fill a School Board position which is vacated prior to the expiration of the Board member's term.
4. The duty to act pursuant to the law.
5. The power to act formally without a meeting if all School Board members have consented in writing or through E-mail or phone call to the action which will be taken. The action shall be ratified and made a part of the minutes in the next regular Board meeting.

6. The power to elect or remove officers. To fill officers positions which are vacant.
7. The authority to designate and appoint committees and to appoint a committee chairperson.
8. The authority to enter into contracts.
9. The power to issue checks, drafts, or orders for the payment of money, notes or other indebtedness issued in the name of the corporation.
10. The authority to deposit funds received.
11. The power to accept gifts for Pahin Sinte Owayawa.
12. The power to pass a resolution which would give the School Board members a fixed stipend and expenses for attendance at regular or special meetings.
13. The duty to keep correct and complete books and records, and conduct audits.
14. The authority to amend the Constitution, By-laws, and the Policies and Procedures of the *Pahin Sinte Owayawa* without approval by the Tribal Council, subject to approval by a majority of the full Board.

1.06 NUMBER AND TERM OF BOARD MEMBERS

Pahin Sinte Owayawa Board establishes the following terms and number of Board members. There shall be six (6) voting members with four year terms, which shall be staggered so that in the first term three (3) positions shall be up for election and in the next election two (2) years following, the other remaining three (3) positions shall be up for election. The elections shall be held every two years thereafter for each set of staggered terms. The election shall be held in conjunction with the general elections of the Oglala Sioux Tribe. The Board shall also have one (1) additional *ad hoc (elder)*, nonvoting member. The current elected Porcupine District Chairperson shall be allowed as a courtesy to sit in a non-voting and unpaid capacity at the board meeting

1.07 BOARD CANDIDATE AND MEMBER QUALIFICATIONS

Any eligible member of the Oglala Sioux Tribe who lives in the Pahin Sinte Owayawa service area, who is willing to take the oath of office, and is otherwise qualified pursuant to the Manual is eligible to become a Board member at-large. Before an individual is eligible to become a Board member, the individual must reside in the Porcupine District or be a parent or legal guardian of a Pahin Sinte Owayawa student at least one year prior to the election.

Board candidates and Board members shall be subject to an alcohol and drug test, at the candidate's expense, which shall be negative prior to being certified as a Board candidate. Convicted felons, except for those who have been pardoned by the appropriate jurisdictional authority or have had their cases reversed by an appellate court, shall not be certified as candidates and may not be seated as Board members. Board candidates shall have fully reimbursed the Pahin Sinte Owayawa for any money, travel, rent, or any other debts owed to Pahin Sinte Owayawa prior to being certified as candidates. Individuals who owe such debts or reimbursements to Pahin Sinte Owayawa may not be certified or seated as Board members.

Board candidate eligibility is determined by the current Policies and Procedures Manual. All background checks include Tribe-State-Federal, alcohol and drug testing, and other candidate requirements shall be administered by the current Election Board. Candidates shall be

responsible for any costs associated with tests or background checks.

1.08 BOARD MEMBER & ELECTION COMMITTEE METHOD OF ELECTION

Elections for Pahin Sinte Owayawa Board & Selection of Election Committee shall be in accordance with the Policies and Procedures Manual. Elections shall take place in the same year and at the same time as regular Tribal elections.

The Election Board may be composed of the Board Members who are not up for election, at the discretion of the Board, along with three (3) community members from the Pahin Sinte Owayawa service area who shall be appointed by the Board members who are not up for election. The Election Board shall elect a chairperson and secretary from its members at its first meeting. The first meeting shall be held no later than one (1) week prior to the issuance of candidate petitions. At that time, the form of the petition and dates for issuance and deadlines for receipt of petitions shall be established. The Election Board shall continue to meet as is required, but the number of such meetings shall not be excessive. The School Board shall set the amount of stipend and expenses to be paid to the Election Board immediately prior to the first Election Board meeting. The Election Board shall be disbanded and have no more authority after the election results have been certified and all valid and legal challenges have been ruled upon. All ballots and records shall be preserved until the election has been certified, then they may be disposed of.

Any eligible voter of the Oglala Sioux Tribe eighteen (18) years of age or older who has resided in the Pahin Sinte Owayawa service area or is a parent or a legal guardian of a Pahin Sinte Owayawa student, or is for one year or more within the Pahin Sinte Owayawa service area, may take out a nominating petition and be placed on the ballot, upon certification of the petition by the duly appointed Election Board. Former employees must wait a period of two (2) years before running for Pahin Sinte Owayawa Board. Petitions shall be issued no later than four (4) weeks prior to the first election, whether primary or general, by the election board through its Chairperson or Secretary, or by Pahin Sinte Owayawa officials or employees designated by the Election Board to distribute such petitions. The petitions shall be delivered to the election board's Chairperson or Secretary only no later than 5:00 p.m. two (2) weeks prior to the election.

Any eligible voter of the Oglala Sioux Tribe eighteen (18) years of age or older who is a resident of the Pahin Sinte Owayawa service area, or is a parent or legal guardian of a Pahin Sinte Owayawa student, and who is otherwise eligible under the laws of the Oglala Sioux Tribe to vote in tribal elections shall be eligible to vote in the Pahin Sinte Owayawa Board election. Voters shall be allowed to vote once in each election, at polling places designated by the Election Board. The election board or election officials may require proof of current residence or that an individual is a parent or legal guardian of a Pahin Sinte Owayawa student.

Newly-elected Board members shall be seated at the next regular Board meeting following the general election. Outgoing Board members are urged to attend the first Board meeting in an advisory capacity to share information with new Board members.

1.09 BOARD MEMBER UNEXPIRED TERM FULFILLMENT

Any vacancies occurring in the membership of the Board shall be filled pursuant to this Manual.

A vacancy on the Board may be deemed to have occurred when a member:

1. Dies
2. Resigns,
3. Ceases to reside within the Pahin Sinte Owayawa service area.
4. Mental illness rendering her/him unfit for membership, as determined by a qualified mental health professional,
5. Fails to discharge the duties of her/his office,
6. Fails to qualify as provided by federal or tribal law,
7. Is convicted of a felony, any offense involving moral turpitude, or any offense which renders the Board member ineligible under the *Pahin Sinte Owayawa* election policies and procedures in this Manual,
8. Fails to attend any three (3) consecutive Board meetings without being excused, or 6 non-consecutive in a twelve (12) month period
9. Accepts any position of employment within the school system,
10. Attends a Board meeting under the influence of alcohol, illegal drug(s), or inhalant(s),
11. Substantially violates any provision of the School Board Code of Ethics.
12. Violation of any OST Ordinance's pertaining to School Board members.
13. If a board member is elected as a tribal elected official then the member shall vacate his/her seat on the Pahin Sinte Owayawa School Board (Per OST Ordinance).

Any Board vacancy occurring may be so declared by the Board by majority vote at a regular Board meeting and the vacancy filled by a majority vote of the remaining members of the Board. The Board may look to candidates who were certified and not elected, but is not required to do so. Any individual appointed to fill an unexpired term shall be otherwise qualified in the same manner as school board candidates and members

1.10 BOARD MEMBER RESIGNATION, DISCIPLINE, SUSPENSION AND REMOVAL

Members may resign at any time in writing. A retiring member shall furnish the new member replacing her/him with her/his accumulated materials.

Official materials given to a Board member remain the property of the Board and shall be returned when a member leaves the Board.

Board members may be disciplined, suspended, or removed by the Board upon receipt of a written complaint setting forth one or more of the grounds for removal, discipline or suspension from a community member present, or upon motion by a member of the Board. The Board shall make an initial determination as to the merit of the complaint. No member may be disciplined, suspended, or removed unless he/she is first given notice of the grounds and a meaningful opportunity to be heard. Complaints by community members shall be delivered to the Principal,

who shall then deliver the complaint to the Board. The grounds for such discipline include, but are not limited to, the following:

1. Conviction of a Board member for any drug or alcohol related incident on or off the Pine Ridge Indian Reservation.
In the event that a Board member is convicted for any drug or alcohol related incident on or off the Pine Ridge Indian Reservation, then the Board member shall be immediately removed from the Board by a majority vote of the remaining Board members at the next regular or special Board meeting after a judgment of conviction has been entered by a Court of competent jurisdiction. Further, any Board member convicted of a misdemeanor drug or alcohol offense shall not seek election to the Board for a period of five (5) years from the date of the guilty verdict.
2. Any reason as stated in the Vacancy section of this Manual.
3. Failure to follow School Board financial or travel and expenses policies.
4. Felony convictions or misdemeanor convictions involving crimes of theft, embezzlement, conversion, or misuse of tribal or school funds, or crimes against children.
5. Failure to follow the school board code of ethics, the school board member shall be immediately removed and may not seek election to the board for a period of five years

In the event of a duly-filed complaint by a member of the community or upon a duly-made motion by a School Board member, a Board member shall be notified within five (5) working days of the date of such complaint or motion and acceptance of the complaint, shall be notified of all known factual bases for the complaint or motion, provided with all facts, documents and evidence available to the Board, and given a meaningful opportunity to be heard by the Board at the next regular or specially-called Board meeting. The Board member may present witnesses and evidence, and may cross-examine any witnesses against him/her. The Board member is entitled to be represented by an attorney or personal representative. The complaining community member or member of the Board must have the burden of proof or clear and convincing evidence, that the accused Board member has violated a policy of the Pahin Sinte Owayawa, or committed some other act which requires removal, suspension or discipline under the Policy and Procedures Manual. The Board may announce its decision at the end of such hearing, or may choose to issue its decision in writing, or certified mail no later than three (3) working days after the Board hearing/meeting. The decision of the Board is a final decision for the Pahin Sinte Owayawa. If the decision of the Board is for removal of the Board member, vacancies shall be filled in the usual manner as prescribed in the Manual.

1.11 SCHOOL BOARD GOALS

1. To promote the welfare of the children in the home, school and community and to carry out the mission statement of Pahin Sinte Owayawa.
2. To raise the standards of education in the Pahin Sinte Owayawa attendance area.
3. To bring parents and the school into a closer relationship.
4. To develop programs to benefit the people of the community.

5. To insure that the community is informed of major education issues.
6. To develop united efforts between educators and the community that will secure the highest advantages in education for every child.
7. To maintain an atmosphere and curriculum in the school that will install knowledge and pride in the Lakota culture.
8. To carry-out the goals expressed in the *Pahin Sinte Owayawa* Constitution and By-laws.

1.12 BOARD OFFICERS

The following Officers shall be elected at the School Board Annual Retreat following every election of new Board members:

1. President
2. Vice-President
3. Secretary-Treasurer

1.13 BOARD OFFICERS - METHOD OF ELECTION

Once elected, the new President shall immediately assume the position of President and shall preside over the election of the Vice-President, Secretary, and Treasurer, and any remaining business. Officers previously elected shall serve until the new officers are elected.

1.14 DUTIES OF BOARD PRESIDENT

The President shall preside at all meetings, make reports and perform all other duties required by law.

In addition, the President as presiding officer shall:

1. Call the meeting to order at the appointed time,
2. Conduct business to come before the Board in its proper order,
3. Assign the floor to members, who wish to speak and protect the speaker from any interference,
4. Explain the effect of a motion if not clear,
5. Restrict discussion to the question before the Board,
6. Sign all acts or orders necessary to carry out the will of the Board,
7. Put motions to a vote, state definitely and clearly the vote and the result thereof,
8. Appoint committees as the Board finds necessary,
9. Be spokesperson for the Board at all times except when this responsibility is delegated to others,
10. Participate as a regular voting member of the Board.
11. Serve as the delegates of Pahin Sinte Owayawa to OLNEC meetings, provided that any vote at OLNEC obligating the Pahin Sinte Owayawa shall first be ratified by the Pahin Sinte Owayawa Board before such vote is officially-sanctioned and a legal vote of the Pahin Sinte Owayawa at OLNEC.

1.15 DUTIES OF BOARD VICE-PRESIDENT

The Vice-President shall assist the President and shall perform the duties of the President in her/his absence.

In the absence of the President and Vice-President, the Secretary shall preside over official meetings, shall keep an accurate record of all meetings of the Board and shall perform other duties as designated.

1.16 SECRETARY-TREASURER

The duties of the Secretary-Treasurer are as set forth in the Charter, Constitution, and by-laws of Pahin Sinte Owayawa which is incorporated into the policies and procedural manual.

1.17 SCHOOL BOARD MEMBER

Individual Board members or groups of Board members shall not have independent authority to speak for the Board and shall make no out-of-meeting commitments or conduct Board business unless directed to do so by the Board.

The Board is not bound in any way by any statement or action made by an individual Board member or employee, except when such statement or action is pursuant to specific Board instructions.

1.18 NEW BOARD MEMBER ORIENTATION

Orientation of a new Board member should be accomplished as soon as possible after their election/appointment. Each Board member shall be provided with a copy of the Pahin Sinte Owayawa Bylaws and Constitutions, Policies and Procedural Manual, the budget compilation, and the last annual grant report of the School and other documents the current Board deems necessary.

Following the election, a training session for the newly elected Board member will take place no later than ninety (90) days after the swearing in of the new Board member.

Training sessions for the entire Board shall be held at such times as deemed appropriate by the Board. However, the Board shall be required to have at least one training session annually.

Board members shall complete all training required by federal law, including but not limited to that required by the Every Student Succeeds Act.

1.19 BOARD MEMBER DEVELOPMENT OPPORTUNITY

Board members are encouraged to participate in meetings, conferences, and workshops of state and national education associations and to take part in other activities which will help them become better informed and able to perform their duties. Participants shall share the information, recommendations, and materials acquired with the Board and appropriate staff, in a written or oral report.

Funds for participation at such meetings and activities will be budgeted annually. When funds are limited, the Board shall designate which members may attend such meetings or activities.

Allowable expenditures in the use of federal funds designated for training Board members are:

1. Contracting with individuals and organizations for training services;
2. Membership fees in Board associations and purchase of their materials and publications;
3. Board members reimbursed for subsistence and travel expenses incurred while participating in training activities;
4. Cooperative contracts with other Boards for joint training or technical assistance activities.

Federal funds shall not be used for lobbying efforts.

1.20 BONDED BOARD MEMBERS

All Board members signing checks shall be bonded or insured and included under the school's blanket bond or insurance which shall provide coverage against all errors, omissions, intentional, and negative acts of the Board members in the execution of their financial and fiduciary duties.

1.21 BOARD COMPENSATION AND EXPENSES

Reimbursement to Board members for official travel shall follow travel expense procedures established within Manual.

The Board shall annually establish rates for attendance at all meetings and officially sanctioned conferences, workshops and work sessions. Board members shall receive One Hundred Dollars (\$100) for each Board meeting and personnel hearing. For all officially sanctioned conferences, workshops and work sessions, and Appeal Committee hearings and meetings attended, the Board shall be compensated at the rate of One Hundred Dollars (\$100) per day, plus expenses. Partial days shall be pro-rated accordingly.

In the event a Board member has owed outstanding travel or other reimbursement to the School, that Board member's stipends shall be withheld and applied to the Board member's outstanding debt until paid-in-full. (See, also, Fiscal Management policies.)

1.22 BOARD COMMITTEES

The Board may appoint standing committees composed of at least one Board member, community members, Pahin Sinte Owayawa staff and students as deemed appropriate. Standing committees shall not conduct official business, but reports to and recommends action to the Board.

The Board may also appoint temporary committees which shall report to it in a manner and at a time prescribes with such committees to be dissolved by a majority vote of the board.

Only the Board has authority to dissolve committees it establishes and may set compensation for committee members.

The committees established are limited only by the requirements of the Constitution and By-laws of Pahin Sinte Owayawa.

1.23 SCHOOL ATTORNEY

The Board shall retain an attorney for legal counsel who shall represent the Board and any designee of the Board including other administrative officials. The attorney will be required to attend such meetings where her/his services are needed.

Attorney's services are also available to the Principal, Business Manager and to other personnel which the Board deems appropriate, by permission of the Board. This permission may be revoked by the Board at any time, in the event of a conflict of interest.

1.24 ADVISORY COMMITTEES

The Board has the authority to establish and compensate committees that have no power except to advise the Board in matters relating to the educational goals of Porcupine School.

Advisory committees of the two following categories shall be organized when appropriate:

- a. Board-appointed advisory committees shall function within the organizational framework approved by the Board. The composition of advisory committees shall be broadly representative and consider the specific task(s) assigned to it.
- b. Advisory committees required under federal, tribal, and state programs shall function in accordance with the regulations pertaining to each program. The Board shall grant to those bodies the advisory responsibilities relevant to the planning, implementation and evaluation of such program or project.

The Board will instruct each committee as to:

1. The length of time each member is being asked to serve;
2. The service the Board wishes the committee to render;
3. The resources the Board will provide;
4. The approximate dates the Board wishes to receive major reports;
5. Responsibilities for the release of information to the press.

1.25 CONSULTANTS

All consultant contracts over Five Thousand Dollars (\$5,000) must have Board approval before the delivery of any services at the school. However, the Board may, at its discretion, approve consultant contracts retroactively where the Principal or Business Manager has had to act without advance Board approval.

Consultants approved by the Board shall be paid as soon as the task is completed and the paperwork is submitted according to the consultant contract agreement. Consultants exercise no authority over the work of employees.

Pahin Sinte Owayawa employees may not act as paid consultants to any school programs during their regular working hours, but may perform extra-duty consultant contracts, subject to verification that such work was not performed during regular working hours.

All consultants who are in contact with Pahin Sinte Owayawa students are subject to requirements for background checks, as are regular employees of Pahin Sinte Owayawa.

The Board distinguishes between Consultants and contract-for-service procurements. A contract-for-service is a written agreement to provide services for a specified term.

1.26 AWARDS, RECOGNITIONS, CERTIFICATES

The Board shall recognize outstanding achievement and service to the educational community with award of certificates of appreciation to Board members, staff, students, and community members.

1.27 REGULAR BOARD MEETING

Regular meetings of the Board shall be held the first Wednesday of every month at 5:30 p.m. or at another convenient time set by the Board as soon as possible thereafter

Budget meetings of the Board shall be held the third Wednesday of every month at 5:30.

The Principal and/or Business Manager shall attend all meetings of the Board, including the budget meeting. Supervisors shall attend Board meetings at the request of the Principal, or the Board President.

1.28 SPECIAL BOARD MEETINGS

Special meetings will be called whenever deemed necessary by the School Board President.

1.29 RECESSED MEETING

The Board, by a majority vote, can recess an official meeting or personnel hearing until a later time, and continue the recessed meeting or personnel hearing at the point where the previous meeting or personnel hearing adjourned. Public notice shall be given of the time and place for the reconvened meeting, but not for the personnel hearing.

1.30 PUBLIC HEARING

The President, or another member approved by the Board, shall preside at public hearings required by law and shall inform the public at the beginning of the hearing about the procedures that will be followed regarding questions, remarks, rebuttals, time limitations and other rules.

To remark, citizens must be recognized by the president, and all remarks must be addressed to the chair and be germane to the topic. The president will recognize persons who have not commented previously before recognizing persons who wish to remark a second time.

An audio recording and minutes shall be kept of all public hearings.

1.31 WORK SESSIONS

The Principal may conduct informal work sessions with Board members that may be open to the public to discuss issues and keep them better informed about the progress and needs of the school. Rates for work sessions shall be established by the Board annually. No official Board action shall be taken during such work session

1.32 BOARD MEETING NOTIFICATION

Notice to the public shall be given of the date, time and place of all Board meetings, except special Board meetings, by posting in open public locations. Notice to Board members shall be made in advance of the meeting, in writing or verbally.

1.33 BOARD MEETING PREPARATION

The Principal or her/his designee shall provide the Board members with information to assist them in reaching sound and objective decisions consistent with established goals prior to any Board action.

Board members are expected to study the information and contact the Principal to request any additional information necessary to assist them in their decision-making responsibilities.

1.34 BOARD MEETING AGENDA

The Board shall follow the order of business on the printed agenda or the notice of special meetings, unless altered by consent of the Board members present at the beginning of the meeting.

The Board Chair, with assistance from the Principal, will be responsible for putting the agenda together with input from the administration and staff. The typical agenda for a Regular Board Meeting will include: Invocation, Roll Call, Approval of Agenda, Approval of Previous Minutes, Reports (Principal, Business Manager, etc), Old Business, New Business.

At the start of the Board meeting, the Board may amend the agenda by a majority vote. Community members may petition the Board to add an item to the agenda at anytime prior to a Board meeting. The Principal shall forward requests for items to be placed on the Board agenda in a timely fashion. Staff members may request of Board members that educational matter, other than personnel grievances or matters, be placed on the agenda. Such requests may be made through administration or through a board member.

1.35 DISTRIBUTION OF BOARD MEETING MATERIALS

The Principal is responsible for preparing and disseminating an agenda and report to all Board members at the regular meeting on a monthly basis. The report may include supervisor monthly

reports, minutes of previous meetings that require Board approval, and any other information that will need advance study.

Publicly available Board meeting materials may be picked-up from the Principal's Office prior to a Board meeting.

1.36 RULES OF ORDER

Robert's Rules of Order (Modified, Abbreviated Version) shall govern the Board, except where such rules are in conflict with the Constitution and By-laws and the policies and procedures of Pahin Sinte Owayawa. The Board or Board's attorney shall decide when such rules are in conflict with the above-mentioned authorities, or in the absence of the attorney, the President shall decide.

1.38 QUORUM

Four (4) voting members of the Board shall be present at official meetings to constitute a quorum to transact business. The adhoc members cannot help constitute a quorum

1.39 AMENDMENTS TO THE CONSTITUTION

The Constitution and By-Laws may be amended by a majority vote (2/3) of the full Board at a regular meeting. Amendments to this policies and procedure manual require an affirmative vote by a majority of a quorum of the Board.

1.40 VOTING METHOD AT BOARD MEETINGS

Voting at all meetings of the Board shall be by show of hands unless otherwise established by a majority vote of the Board members present and the results shall be duly recorded in the minutes.

1.41 MINUTES OF BOARD MEETINGS

The Board or an administrator it designates shall appoint a recording secretary to keep the minutes of all official Board meetings. Minutes of Board meetings are a written record of the proceedings, must be approved by a majority vote of the Board, signed by the Board Chairperson and may be published. The recording secretary's name shall be noted on each set of finally approved minutes. Minutes of Board meetings are not an official record of the meeting until approved.

Minutes of Committee meetings must be submitted to the Board for their approval.

An official record of the minutes shall be kept on file in the Principal's Office and are open to public inspection during the working day. The Board may also post the minutes in other public places.

An additional copy of all approved minutes shall be forwarded to the school attorney for storage and safekeeping.

1.42 PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board encourages advice or input from the community it serves. In order to affect this, the Board may schedule a period of time prior to the start of each regular Board meeting for brief comments and questions from the public. This period shall be conducted as follows:

The Board President and/or their designee may require any person who is disruptive to leave the meeting. An official notice will be displayed throughout the building that states that Pahin Sinte Owayawa is a federally building and any verbal or physical abuse toward board members and/or staff will not be tolerated and that security and/or law enforcement will be notified immediately.

- a. Members of the public wishing to make formal presentations before the Board shall make arrangements in advance in writing to the Principal or their designee to be scheduled on the agenda;
- b. Comments or questions at a regular meeting may relate to any topic concerned with Board conduct of the schools and at special meetings can only deal with the agenda topic;
- c. Speakers may offer criticism of school operations and programs, but no personal complaints against school personnel will be allowed. Personnel matters shall not be discussed in public sessions by speakers, because the Board cannot discuss or respond to personnel matters in public.
- d. People who speak are urged to limit their remarks to a maximum of three minutes and groups are urged to designate a spokesperson.
- e. The Board President shall call on all speakers who shall properly identify themselves, maintain order, and adhere to the time limits set and the item(s) on the agenda.
- f. Questions shall be answered immediately by the President or referred to staff members present for a reply. Those questions which require further examination shall be referred to the Principal for consideration and a later response.

The Board President or Vice-President may require any person who is disruptive to leave the meeting.

1.43 BOARD MEETING NEWS COVERAGE

A copy of the agenda will be sent in advance of all official Board meetings to members of the news media who request it. Representatives of the news media who are unable to attend a Board meeting may be provided with approved Board minutes upon their written request to the Principal.

Individual Board members shall refer requests from news media representatives for information about Board meetings to the Board President.

1.44 EXECUTIVE SESSION

All meetings of the Board shall commence as a public meeting. The Board may enter into executive session upon the approval of a motion to declare an executive session for the following purposes as specified by law:

- a. To discuss acquisition of real property or litigation brought by or against the school;
- b. To consider information regarding the appointment, employment, disciplinary action or dismissal of a board member or employee;
- c. To conduct a hearing of a student disciplinary action;
- d. Attorney/client privilege recognized by tribal, federal, or state law(s);
- e. To take any other action where state, tribal or federal statute require a closed session;
- f. To protect the privacy of students or employees.

Violation of the confidentiality of executive session by a Board member or employee may be grounds for suspension or termination/removal.

1.45 POLICY DEVELOPMENT

The Board is the policy making body for the school and shall exercise leadership in the operation of the school through the development and adoption of written policies. Changes in the needs, conditions, purposes, and objectives of the school will require revisions, deletions and additions to Board policies.

Proposal(s) for new policy or change(s) to existing policy may be initiated in writing to the Principal, or Board President by any resident of the school service area. The proposals shall be considered by the Board prior to the revision of any related policies.

1.46 POLICY DEVELOPMENT

The Principal or his/her designee shall be responsible for drafting policy recommendations into acceptable written form for further deliberation or action by the Board.

The policies of the Board shall be in compliance with tribal and federal laws, rules and regulations. The Principal shall seek the counsel of the school attorney for an opinion on all proposed policy revisions.

Final policy-making authority shall be exercised by the *Pahin Sinte Owayawa Board* through utilization of the following procedures:

- a. A policy may be modified or amended by a majority vote of a quorum of the Board at any regular meeting.
- b. A new policy introduced may be adopted by the Board following a 30-day review period. The text of the new policy shall be posted for public review and comment at the next regular scheduled Board meeting.
- c. The recommendations of the Principal and viewpoints of persons or groups affected by the policy shall be considered by the Board.

- d. The Board, may, for a period of 90 days, temporarily approve a policy to meet emergency conditions. Regular policy making procedures shall be followed before the temporary policy may become permanent. A temporary policy shall be in effect no longer than ninety (90) days.

1.47 POLICY DRAFT WRITER

The Principal or School Attorney shall be responsible for drafting policy recommendations into acceptable written form for further deliberation or action by the board

1.48 POLICY DRAFTING

The policies of the Board shall be in compliance with tribal and federal laws, rules and regulations. The Principal shall seek the counsel of the school attorney for an opinion on all proposed policy revisions

1.49 POLICY ADOPTION

Final policy-making authority shall be exercised by the Pahin Sinte Owayawa Board through the utilization of the following procedures:

- a. A policy may be modified or amended by a majority vote of a quorum of the Board at any regular meeting.
- b. A new policy introduced may be adopted by the Board following a 30-day review period. The text of the new policy shall be posted for public review and comment at the next regular scheduled Board meeting.
- c. The recommendations of the Principal and viewpoints of persons or groups affected by the policy shall be considered by the Board.
- d. The Board, may, for a period of 90 days, temporarily approve a policy to meet emergency conditions. Regular policy making procedures shall be followed before the temporary policy may become permanent. A temporary policy shall be in effect no longer than ninety (90) days

1.50 POLICY DISSEMINATION

The Principal shall develop and maintain a plan for preserving and making accessible to the public the policies adopted by the Board and the rules and regulations needed to put them into effect.

The Principal and/or designee shall provide access to an updated Policy Manual for members of the Board and all employees of the school.

The Board Policy Manual is a matter of public record and shall be open for public inspection at the School's front office during the working day.

1.51 POLICY REVIEW

Pahin Sinte Owayawa policies shall be reviewed annually at a working session of the Board and appropriate administrative staff. The Board shall consider the success of existing policies in achieving the educational and student developmental goals of Pahin Sinte Owayawa and shall revise the policies to conform to these goals. Working session will be advertised to the community and held in November through February so the board can meet to review and revise the Policy Manual by March 31, of each year. The Board shall annually, before the start of each school year March 31 ratifies the complete Policies and Procedures Manual, with all modifications, deletions, and amendments contained therein.

1.52 REVIEW OF ADMINISTRATIVE DIRECTIVES

The Board may review directives issued by the administration and veto such directives at its discretion, if the Board concludes it is in conflict with Board policy.

1.53 ADMINISTRATION IN POLICY ABSENCE

The Board intends that written policies serve as mandatory guidelines for the discretionary action of those in authorities and as a source of information and guidance for persons who are interested in or affected by the policy.

The Principal has the authority to act in the event the policies and procedures or the Board has provided no guidance for required administrative action. Such decisions shall be subject to Board review at the next regular Board meeting. The Principal shall promptly inform the Board of such action and of the need for policy guidance.

1.54 SCHOOL BOARD RECORD

The Secretary-Treasurer of the Board is the legal custodian of all official records of the Board. S/he shall also be responsible for the safekeeping of all official papers and other documents which belong to the Board or that pertain to its business. The Secretary or/the Treasurer shall designate the location of all official records, so long as they are maintained on Pahin Sinte Owayawa property in the business office. The recording secretary may retain physical custody of such records at the direction of the Secretary-Treasurer.

The official minutes of the Board, the written policies and financial records shall be open for inspection in the Business Office by any citizen desiring to examine them during regular working hours. The Principal may be designated as the physical custodian of the official records of the Board.

Confidential files pertaining to individual students or staff will not be released for inspection by any unauthorized persons.

1.55 MEMBERSHIP IN SCHOOL BOARD ASSOCIATIONS

The Board shall participate as a group and on an individual basis as fully as possible in educational associations and may join any organization by resolution. The dues for such

membership shall be paid out of administrative cost funds, and may not violate federal law or any agreements between the School and the United States government.

1.56 SCHOOL BOARD CODE OF ETHICS

Education at Pahin Sinte Owayawa rests on firm commitments to the dignity and worth of the individual; to the preeminence of enlightenment and reason over force and coercion; and to government by the consent of the governed. Schools prosper to the extent they merit the confidence of the people. In judging schools, society is influenced to a considerable degree by the character and quality of their School Board. To meet these challenges, School Boards have an obligation to exercise leadership.

School Board Members shall comply with the following code of ethics:

1. Commit to a high quality of education for each student and make this the basis for every decision.
2. Have the bravery to vote their convictions and beliefs.
3. Carry out the responsibilities of Board members as outlined in the (Constitution & By-Laws), and this Manual.
4. Attend meetings, discuss items on agenda and vote and act on motions and resolutions for the good of the School.
5. Maintain confidentiality of privileged information, including but not limited to matters discussed in Executive Session.
6. Accept the will of the majority of the Board and support the resulting policy or action.
7. Become familiar with and follow school plans, policies and procedures, and relevant laws and regulations.
8. Represent the Board and School to the community in a manner that promotes respect and support.
9. Refer all complaints and suggestions to the proper school authority or Board meeting and abstain from individual action.
10. Exercise no administrative responsibility with respect to the School, except in declared emergencies.
11. Refrain from directing any school employee.
12. Exemplify high moral standards by not engaging in or becoming a part to fraud, embezzlement, deceit, physical or sexual harassment, illegal drugs, abuse of alcohol, or use of misleading or false statements.
13. Not allow Board decisions to be impaired or influenced by personal gain, gifts, favors, or services.
14. Avoid preferential treatment and conflicts of interest.
15. Respect the civil rights of those with whom the school board member has contact in the performance of her/his duties.
16. Develop, interpret, and accurately represent School Board policies as opposed to personal politics, attitudes, and opinions.
17. School Board members applying for employment or extra duty or other contracts at Pahin Sinte Owayawa shall first resign from their position on the board.

1.57 BOARD CONFLICT OF INTEREST

When a person applying for employment is a member of the immediate family of a Board or Committee member which by rule or practice regularly nominates, recommends or screens candidates, that relative shall be disqualified from participation in any selection procedure or subsequent personnel action. The requirements of this section shall include service contracts.

Further, any Board member so related shall abstain from Board action involving a member of that Board members immediate family. If less than a quorum is remaining, due to such Board member conflicts of interest, the remainder of the Board may make the selection anyway, even if it does not represent a quorum.

"Immediate family member" is as defined in the Oglala Sioux Tribe's nepotism/personnel policies. Immediate family member means first degree relatives, including father, mother, son, daughter, sister, brother, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, half-sister, grandfather or grandmother.

1.58 INVESTMENTS

The Board on behalf of Pahin Sinte Owayawa is prohibited from authorizing the School to engage in Bingo or gambling activities as a form of investment. The School and Board are also prohibited from using federal funds to engage in these types of activities, or any other investments prohibited by federal law.

Any interest or investment income that accrues on funds received pursuant to 25 U.S.C. §2507(a) after the funds are paid to the School, but before the School has expended the funds, is the property of the School and shall not be taken into account when determining whether future assistance will be provided to the School as a "tribal organization."

Funds received pursuant to 25 U.S.C. § 2507(a) may only be invested in obligations of the United States or obligations or securities that are guaranteed or insured by the United States. Funds received pursuant to 25 U.S.C. § 2507(a) may only be deposited into accounts that are insured by an agency or instrumentality of the United States.

1.59 LOANING OF FEDERAL FUNDS

The Board is prohibited from loaning any federal funds received by the School to employees, consultants, school board members, other individuals, or unrestricted programs.

1.60 BOARD PLANNING AND OVERSIGHT

It shall be the responsibility of the board to assure that Pahin Sinte Owayawa has a three to five year plan that emphasizes student achievement. Whether the Plan is called a Consolidated

School Reform Plan under the ESSA, or a Strategic Plan or Education Plan, the Board is responsible for the development, financing, implementation, and monitoring of the Plan.

1.61 PLAN OVERSIGHT

The Board shall make a calendar of reporting on the School Plan that includes, at a minimum, a verbal update at each Regular Meeting and a written report no later than one month after the end of each school term.

1.62 BOARD ANNUAL RETREAT

The Board shall hold a Board Retreat with representatives of key stakeholder groups to review progress on the School Plan and to set timelines and to develop objectives for the coming year based on achievement data, accomplishments of the previous year, and input from stakeholder groups through surveys and other methods.

1.63 BOARD ANNUAL REPORT TO THE COMMUNITY

The Board is responsible for assuring that an Annual Report to the district service areas are developed and disseminated. The Report shall contain at least the P.L 100-297 Report Card and other data that shows student academic progress, as well as an update on progress made during the year toward the goals and objectives of the School Plan.

1.64 SCHOOL ACCREDITATION

The Board shall pursue and maintain accreditation by the Council on International Tran regional Accreditation (Association of Community Tribal Schools/North Central Association) as an alternative to state accreditation. This will provide an accreditation process more relevant to Pahin Sinte Owayawa. If the Oglala Sioux Tribe ever develops an accreditation process, the Board shall pursue and maintain that accreditation.

SCHOOL ADMINISTRATION POLICIES

2.01 ADMINISTRATION GOALS

This section shall apply to the Principal only. Should Pahin Sinte Owayawa decide, at some future date, to establish a superintendent or CEO, then these policies shall also apply to them.

These provisions of the Manual shall apply to the Principal. The other sections in this manual, including but not limited to the personnel section, shall apply to administrative personnel (including but not limited to business manager, subordinate administrators, supervisors, and other managers) unless there is a specific provision in this section of the manual specifically dealing with administrative personnel and the issue needing to be addressed. In that case, the section dealing specifically with the administrative personnel would have priority.

The general purpose of the administration of the school shall be to coordinate and supervise the creation and operation of an environment in which students learn. The goals of the administration shall be:

1. To manage the various departments, units and programs effectively.
2. To provide professional advice and counsel to the Board and advisory groups.
3. To implement the management function to assure the best and most effective learning processes through achieving such objectives as:
 - a. Providing leadership in keeping abreast of current educational developments;
 - b. Arranging for staff development necessary to establish and operate cooperative efforts at improving learning programs, facilities, equipment, and materials; and
 - c. Providing access to the decision-making process for staff, students, parents, and others.

2.02 DUTIES AND RESPONSIBILITIES

The Principal is the chief administrator employed by the Board. The Principal serves by contract with the Board. The Principal's immediate supervisor shall be the Pahin Sinte Owayawa Board. To be eligible for the position of Principal, a person must meet the legal requirements of the accrediting authority applicable to Principals.

The Principal is charged with the overall responsibility of the operation and administration of the school within the framework established by the policies and directives of the Board. The Board shall rely on the Principal to provide professional administrative leadership.

The Board is responsible for clearly specifying the requirements and expectations of the Principal.

The Principal shall be responsible for administration of the School and all personnel and students, as well as for all duties, responsibilities, and tasks set forth in the Principal's job description, which shall be attached to and incorporated by reference herein to the Principal's contract of employment. Those duties and responsibilities include but are not limited to those in the current position description of the Principal.

2.03 ADMINISTRATOR CODE OF ETHICS

The professional administrator shall comply with the following code of ethics:

- (1) Make the well-being of the students the basis of decision making and action;
- (2) Enforce and obey local, tribal, and national rules and laws in the performance of duties;
- (3) Exemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, deceit, moral turpitude, gross immorality, illegal drugs, or use of misleading or false statements;
- (4) Respect the civil rights of those with whom the administrator has contact in the performance of duties;
- (5) Interpret, accurately represent, and implement the policies and administrative regulations of the Board;
- (6) Distinguish personal politics, attitudes, and opinions from stated policies of the appropriate educational governing board;
- (7) Fulfill professional responsibilities with honesty and integrity;
- (8) Maintain professional relationships which are free from vindictiveness, willful intimidation, and disparagement;
- (9) Safeguard confidential information;
- (10) Not allow professional decisions or actions to be impaired or influenced by personal gain, gifts, gratuities, favors, and services made or withheld;
- (11) Avoid preferential treatment and conflicts of interest;
- (12) Honor all contacts until fulfillment, release, or dissolution by mutual agreement of all parties;
- (13) Apply for, accept, offer, or assign a position of responsibility on the basis of professional preparation and legal qualifications;
- (14) Accurately represent personal qualifications and the evaluations and recommendations of others;
- (15) Cooperate with authorities regarding violations of the codes of ethics of the South Dakota Professional Administrators Practices and Standards Commission and the South Dakota Professional Teachers Practices and Standards Commission.

Source: South Dakota Administrative Code 24:11:03:01

2.04 PRINCIPAL QUALIFICATIONS

A Principal must have a South Dakota Administrator's Certificate. Some prior experience in administrative work is desired. The Board shall apply the Indian Preference provisions set forth in the Personnel section of the Manual.

2.05 MEDIA FOR PRINCIPAL RECRUITMENT

The following media may be utilized for the recruitment of the Principal for Pahin Sinte Owayawa: local newspapers, tribal personnel office, universities and colleges, educational journals, Internet, and KILI radio station, online websites, i.e. BIE, etc.

2.06 ORGANIZATION CHARTS

The lines of authority in the organizational charts represent the direction of authority and responsibility and shall be regarded as visual representations of current policy. Legal authority of the Board is conveyed through the Principal by the organizational charts which shall be submitted to the Board for approval no later than February of each year.

The Principal shall be free to reorganize lines of authority and to revise the organizational chart, subject to Board approval, as long as such reorganization conforms to the Constitution and By-laws, and policies and procedures of Pahin Sinte Owayawa.

Organizational chart will be made to all employee and be displayed in the administration office.

2.07 LINE AND STAFF RELATIONS

The Principal shall inform all personnel regarding working relationships at the school. Lines of direct authority are those approved by the Board and shown on the school organization chart.

Personnel are required to refer matters requiring administrative action to their immediate supervisor who shall refer such matters to the next higher administrator when necessary. All personnel shall keep their immediate supervisor informed of their activities.

2.08 PRINCIPAL RECRUITMENT

The Board shall make every effort to fill an opening for the Principal with the most capable person available. The Board shall consider only those candidates who meet qualifications of the accrediting agency and who display the ability to successfully carry out the duties of the Principal.

The Board shall solicit applications from qualified members of the staff and may list the vacancy with any placement agency at its discretion. The advertisement for the Principal position shall remain open until filled.

2.09 PRINCIPAL SELECTION AND INTERVIEWING PROCESS

Applications for the Principal shall be screened and those candidates selected as finalists by the Board shall be interviewed. Interviews shall preferably be in person, but finalists may appear by telephone upon special request. The Board shall endeavor to conduct interviews on a school day so that applicants may visit the school while in session and may utilize the services of the retiring Principal or an outside consultant for recruiting and interviewing candidates for the Principal position. In screening the applicants, the Board shall consider the applicant for employment only if he/she has verified references, verified credentials, reviewed any legal constraints, and

conducted a personal interview if the applicant is selected for an interview.

The Board reserves the right to re-advertise if the Board is dissatisfied with the existing group of applicants.

- a. Applicants must submit a letter of application, resume, credentials, certificate of endorsement, transcripts and shall, upon request of the Board, include written statements concerning:
 1. Educational philosophy,
 2. Philosophy of Educational Administration,
 3. Management experience,
 4. Experience relating to facilities management,
 5. Personnel and program evaluation experience and knowledge,
 6. Knowledge of support programs and funding resources,
 7. Philosophy concerning role of Principal and School Board,
 8. Philosophy concerning role of the student in the educational leadership process,
 9. Philosophy concerning local control of the educational process,
 10. Demonstrated knowledge and experience in Lakota history, culture, and values.
 11. Knowledge of Policy and Procedures
- b. The Principal shall be subject to a pre-employment background check and pre-employment drug and alcohol testing as set forth in the personnel section. The contract with the Principal, even if signed by the parties, shall not be considered executed, valid or enforceable until all results are received regarding the background check. The legal effect of negative results from the background check coming in after the contract has been signed is that the Principal's contract shall be considered null and void, as if no employment relationship exists between the Principal and the School.

2.10 PRINCIPAL APPOINTMENT

The Board shall select and appoint a Principal for a term of no longer than (1) year.

2.11 PRINCIPAL EXPENSES

The Principal shall be reimbursed in the same manner as all other employees of the School.

2.12 PROFESSIONAL DEVELOPMENT OPPORTUNITIES

The Principal shall pursue professional development to keep the Board and professional staff informed of new and promising educational developments. The Principal should attend educational conferences, seminars, workshops, and other professional meetings, visit other school systems, and use other means to be informed about modern educational thought and process.

The Principal shall notify the President of the Board of any professional meetings which will cause her/him to be absent from the school for more than three (3) consecutive work days, and shall obtain approval of the Board in advance of such training opportunity.

2.13 PRINCIPAL CONSULTING

The Principal shall devote her/his time to the supervision of the school and shall not be engaged in any other business. Only by prior agreement with the Board may the Principal undertake consultant work or other professional obligations.

2.14 ADMINISTRATOR CONSULTING

An administrator may be placed in a consultant situation as long as it does not interfere with the regular duties assigned to the administrator. This consulting work should take place during the summer or during after school hours. The amount of school time which would be missed shall not exceed the number of days which the administrator has available for annual leave. Prior to an administrator accepting consulting work, the administrator must receive approval by the Board.

2.15 EVALUATION OF PRINCIPAL

The Board shall evaluate the Principal at least once annually with consensus about her/his abilities and performance put in writing and made available to her/him utilizing an approved evaluation form. The evaluation criteria shall include, but not be limited to the criteria relied upon in hiring the Principal.

2.16 PRINCIPAL RESIGNATION

If the Principal desires to be released from her/his contract, s/he shall request approval for such release in writing to the Board with the reason(s) clearly stated. Such resignation shall be in subject with the Principal's contract. Resigning without a release by the Board may constitute grounds for pursuit of revocation of the Principal's Administrator's Certificate with the State of South Dakota or other licensing authorities, as well as financial penalties as set forth below.

The Principal may also be subject to a financial penalty of up to five (5) percent of the total value of the Principals contract. If the Principal resigns by mutual agreement between the board, and the Principal, the Principal's contract shall immediately be void and further unenforceable by Principal, and earnings shall cease upon last day worked. The Principal may only be compensated for days actually worked upon resignation

2.17 BOARD-PRINCIPAL RELATIONS

Legislation of policies is the most important function of the Board and the execution of policies is the function of the Principal. However, at all times the Principal is supervised by the Pahin Sinte Owayawa Board.

The Principal has executive powers to administer the school within Board policies, freeing the Board to devote time to policy making and appraisal functions.

The Principal is responsible for carrying out policies within established guidelines and for keeping the Board informed about school operations.

The Principal will notify Board members as soon as possible of any events of an emergency nature which occur in school and any other important information.

The Principal shall assure that there is open communication between the board, the Principal, employees, parents and students. There shall be an open invitation to all to attend Board Meetings

2.18 MANAGEMENT PREROGATIVE

If emergency action must be taken within the School and where the Board has provided no guides for administrative action, the Administration shall have the power to act, but the justification for emergency action and the specific course of action taken shall be reported in writing, the Board at its next regularly scheduled meeting.

The Board specifically reserves the right to reverse or approve the emergency action as it deems appropriate after the action has been taken.

Following completion of the process contemplated by this provision, the Administrator shall provide the Board, in writing, with such proposed policies and procedure changes which should be implemented by the Board to avoid the necessity of similar action in the future.

All decisions of the Board under this section shall be only subject to review as contemplated by the policies and procedures of the School or applicable laws and federal regulations.

2.19 PRINCIPAL COMPENSATION GUIDES AND CONTRACTS

The Board shall employ a Principal with the ability to exercise professional leadership in the school. In agreeing on a contract with Principal, the Board shall consider the following:

- a. The contract year for the Principal shall be twelve (12) months in duration, with the exact number of days enumerated in the contract. The contract term for Principal shall be specified in his/her contract.
- b. The salary for Principal shall be set by the salary schedule, and be within established budget line items.
- c. The salary payment schedule for Principal shall not be a negotiable contract item.
- d. The amount and type of leave for Principal shall not be a negotiable contract item.
- e. Any unused leave remaining at the end of the Principal's contract period may be paid upon completion of the contract, at the discretion of the Board.
- f. The fringe benefits for Principal shall be according to the negotiated contract between the administrator and the Board.

- g. Any provisions and negotiated items shall be clearly specified in the Principal's contract and approved by the Board.
- h. The original contract executed with the signatures of the Principal and Board President shall be placed in the personnel file of the Principal, which shall be retained by the Personnel Records.
- i. The Board will attempt to notify Principal of contract renewal or non-renewal by the first Monday in February. However, the Board reserves the right to not renew a Principal's contract at anytime up until the beginning of the next school year. The Board also reserves the right to begin recruiting for a Principal at anytime during the school year.
- j. Whether a Principal shall receive moving expenses is an item which may be negotiated. It is within the Board's discretion if they wish to pay or reimburse some or all of Principal's moving expenses who have accepted employment.

The above list is not inclusive. The Board may make additional considerations which within its discretion it deems to be appropriate.

2.20 EVALUATIONS BY PRINCIPAL

The Principal shall report to the Board annually, prior to the first Monday in March, on the performance of all employees and recommend their continued employment and salary status. Written evaluations, observation of work by a supervisor, or any other objective criteria may be used to recommend or not recommend continued employment. Results of evaluation shall be maintained in confidential personnel files kept in the Personnel Records.

2.21 PRINCIPAL SEPARATION

When a Principal who arbitrarily or willfully breach her/his contract or abandon her/his employment without being released by the Board, the Board may recommend to proper authorities that the license or certificate of the Principal be suspended or revoked. The Board may dismiss the Principal for reasonable and just cause to include, but not be limited to: breach of contract, incompetence, neglect of duty, immoral conduct, intemperance, brutal or oppressive treatment of a student or staff member, conviction of a crime (Tribe, State or Federal), continuing physical or mental disability rendering her/him unfit to perform her/his duties, refusing to give or follow a directive, by the Board, disruption of Board, administration, staff, and/or student relations, other matters proscribed by law, violation of the code of ethics, or a violation of the disciplinary procedures set forth in the Manual.

Only the Board may terminate the Principal. The Board may suspend the Principal with pay, pending disciplinary action by the Board. If it decides to proceed upon the charge(s), the Board shall notify the Principal, in writing of the reason for proposed discipline or termination brought against her/him, the reasons therefore, and advise her/him of the right to a due process hearing before the Board upon said charge(s) at a date to be set by the Board. The Board may terminate the Principal upon notice of the termination and setting forth an opportunity it be heard by the Board at a date no longer then forty-five (45) days after the termination becomes final. If the Board finds good cause to reverse the decision to terminate, it shall pay the Principal salary that was not paid between the termination and the due process hearing. If after the hearing the Board

affirms its decision to terminate the Principal, then that termination shall be considered final as of the date the Principal was originally terminated. A due process hearing shall not be automatic, and shall only be granted upon timely request by the Principal within five (5) days of the termination and the Principal shall follow the grievance procedures established. A grievance hearing shall be requested by the Principal and the Principal shall follow the grievance procedures established by the policies for other employees Manual, except that there shall be no informal steps and the grievance shall only be heard by the Board, and the decision by the Board shall be a final decision of the Pahin Sinte Owayawa Board. There shall be no Appeal Committee step or hearing. Failure of the administrator to timely request a grievance hearing shall result in the disciplinary action being automatically affirmed by the Board and such decision of the Board shall constitute a final decision of Pahin Sinte Owayawa.

2.22 TIME SCHEDULES

Daily time schedules for Principal shall be set by the School Board. The Principal's regular work day shall be from 8:00 a.m. to 4:30 p.m., but the Principal may be required to work additional hours when the School's needs so require without further compensation.

The Principal may be required to attend meetings, conferences, and other activities in connection with their job responsibilities which might extend beyond the regular work day at no additional compensation.

The Principal shall notify and obtain the permission of the board for absences of longer than three (3) days.

2.23 CONSULTANTS TO DO ADMINISTRATOR'S WORK

Consultants may be hired to consult and/or perform some administrative functions, without any penalty to Principal, as long as such consultant is approved by the Board.

2.24 COMMITTEES TO ASSIST PRINCIPAL

The Principal may establish committees as s/he deems necessary for proper administration of policy and for improvement of the total educational program. Such committees function in an advisory capacity, have no inherent authority, and make recommendations to the Principal for possible submission to the Board.

The Principal shall define the membership and responsibilities of such committees which may be changed at her/his discretion.

The Principal, upon informing the Board, may approve the expenses incurred by such committees to be paid from school funds for services, materials, and travel. Approval by the Principal of these funds is subject to veto by the Board.

2.25 BOARD POLICY IMPLEMENTATION

The Principal is responsible for enforcing administrative regulations and policies established by

the Board. Administrators are responsible for informing subordinates of policies and regulations and enforcing them.

2.26 DISREGARD FOR POLICY

Disregard for Board policy and administrative rules and regulations shall be interpreted as insubordination or willful neglect of duty and may lead to disciplinary action against the Principal.

2.27 PRINCIPAL VACATION

Vacations should be utilized during the months when school is not in session.

2.28 RECORDS AND REPORTS

The Principal shall make certain that reports are kept as to the following:

1. Monthly attendance reports. These reports should be provided to the Board by the third work day following the end of each school month.
2. Personnel time sheets.
3. Quarterly inventory and financial reports,
4. Annual report on building conditions and needed repairs,
5. Annual report to the Board,
6. Annual textbook, policy book and course catalog inventories,
7. Reports to accrediting commissions,
8. Monthly lunchroom reports to the school Food Service Program,
9. All reports requested by the Board,
10. Professional evaluation instrument for all personnel assigned to his/her school.
11. Monthly Reports to the Board on student progress in Reading and Math according to local district assessment results.
12. Annual data report on the State Assessment results.

The Principal may designate managers/supervisors/administrators to be responsible for the reports listed above.

PERSONNEL POLICIES

3.01 PERSONNEL GOALS AND OBJECTIVES

The School believes in keeping the Community informed and will attempt to understand and remain informed as to the Community attitudes and Community hopes for the School. The School has the responsibility to teach and develop knowledge, skills, and attitudes that aid in supporting and strengthening the family unit. The School Personnel will create a safe climate in which the identity and dignity of its students are recognized and respected. The goal and objective of these Personnel Policies is to focus on the students of Pahin Sinte Owayawa, not on the employment opportunities at the School.

3.02 EQUAL EMPLOYMENT OPPORTUNITY

Race, creed, color, national origin, religion, gender, age, marital status, disability, or prior civil rights activity should not be a factor in the hiring, assignment, reassignment, promotion, demotion, or dismissal of personnel at Porcupine, with the exception that the Indian preference shall apply. However, Porcupine is an exempt employer under Title VII of the 1964 Civil Rights Act, as amended, and reserves the right to defend itself against any and all claims accordingly.

3.03 INDIAN AND VETERAN PREFERENCE POLICY

In accordance with the provisions of federal and tribal law, particularly Public Law 93-638 and Chapter 17 of the Oglala Sioux Tribal Law & Order Code; and all other qualifications being relatively equal, Pahin Sinte Owayawa shall, to the extent feasible, and consistent with the efficient performance of the school, give preference in employment and training opportunities to qualified Indians.

In determining level of qualification, Porcupine shall assign preference in the following descending order, if the applicant chooses to self-identify as such:

- 1 Enrolled member of the Oglala Sioux Tribe.
- 2 Individual Oglala Sioux Tribal member descendant or pending enrollment status with the Oglala Sioux Tribe.
- 3 An enrolled Indian, not a member of the Oglala Sioux Tribe, but is married to such a member.
- 4 An enrolled Indian who is a member of a federally-recognized (by the BIA) Tribe other than the Oglala Sioux Tribe.

An individual must be capable of proving their membership in a federally-recognized Indian tribe by providing an enrollment number, enrollment certificate, or other acceptable means of showing membership as established under tribal law. An individual may be treated as an enrolled Indian if that individual can show that he or she is at least a one-fourth or more blood degree

descendant of a member of a federally-recognized (by the BIA) tribe.

Although not obligated to do so under the law, Porcupine shall also give preference in selection and appointment to veterans of the Armed Forces of the United States, all other things being equal and Indian preference being considered first. In determining level of qualification, Porcupine shall, if the applicant chooses to self-identify as such, exercise preference in the following descending order:

1. Veteran with service-connected disability.
2. Veterans who served in times of combat.
3. Veterans who served in non-combat periods.

An individual must be capable of proving their veteran status through a DD-214 document from the Veteran's Administration.

3.04 CHAIN OF COMMAND

FLOWCHART and Chain of Command: The chain of command is in existence for the very reasons of supervision and evaluation purposes. It is imperative that all employees follow the flowchart for those very reasons if it comes down to a mediation or grievance process. **It is also important to note that should an employee jump this chain of command and go straight to the Pahin Sinte Owayawa board member or the tribal council/member to seek remedy then that employee forfeits their right to go through the grievance process as written in these policies and procedures.** The chain of command also exists for due process.

3.05 NEPOTISM

Hiring the best qualified applicant is the School's primary objective. No person shall be employed or promoted to a position when he or she would be immediately supervising or receiving immediate supervision from a member of his or her immediate family. Immediate supervision is defined as the first level above or below the person involved. Immediate family means first degree relatives, including father, mother, son, daughter, sister, brother, uncle, aunt, first cousin, nephew, niece, husband, wife, common-law spouse (residing in the same household), father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, stepdaughter, step-brother, step-sister, half-brother, half-sister, grandfather or grandmother.

3.06 EMPLOYMENT POSITIONS

The Pahin Sinte Owayawa Board (hereinafter Board) has the authority to establish positions required to provide services to students and other required positions for employment, and appointment or hiring of employees. Position descriptions shall be approved by the Board upon recommendation by or consultation with an immediate supervisor and Principal before advertisement of the position. Position descriptions will be prepared for all positions in the School to serve as an aid for identifying and delegating responsibilities, coordination and division of work, and prevention of duplication of efforts. The position description shall describe

the overall general and specific duties and responsibilities, and the qualifications for the position, ensuring that licensing and/or certification or other requirements are included.

3.07 POSITION VACANCY ANNOUNCEMENTS

All full-time and part-time positions of Pahin Sinte Owayawa, except those filled by lateral transfers from within the School (which the Board reserves the right to do in the best interests of the School), will be advertised for a minimum of two weeks. Vacancy announcements shall be posted throughout the School service area and submitted to local, state and national placement agencies or utilize other methods deemed appropriate by the Principal and Human Resource. All applicants applying for positions with the School shall be required to obtain both a background check and drug test before they can be formally hired.

Hiring and selection procedures will be strictly in accordance with job qualifications.

3.08 POSITION RE-ADVERTISEMENT

The Principal may recommend to the School Board to re-open any position advertisements or to extend the closing date of position advertisements in the event that an insufficient number of suitable applicants have applied for the position.

3.09 EMPLOYMENT APPLICATION PROCEDURES

- I. The Human Resource shall pre-screen applicants, references, past employment in regard to child abuse, and felony record during the application process.
2. The Principal or Supervisor's will be given a selection list of the qualified applicants.
3. Human Resource shall sets-up interviews and notifies all interested persons (applicants, supervisors, etc.); Supervisors notify Principal of selection.
4. Human Resource makes a report for the Principal for the Board's final approval;
5. Obtain advance Board permission to offer a contract for a specified position;
6. For instructional, Para-educator positions, the applicant must have 48 credits, pass a PRAXIS test, or an Associate Degree (copy of the transcript must be attached to the application).
6. Give written notice to applicants of selection or rejection within ten (10) working days after final selection, along with a rejected application.

3.10 CRIMINAL HISTORY BACKGROUND CHECK AND CHARACTER INVESTIGATION

All information obtained in a background investigation is subject to privacy requirements imposed by Federal, state, or tribal agencies from whom the information is obtained. The Principal or his/her designee is responsible for making certain that these privacy requirements are complied with by the School. The information shall be in the possession of the Human Resource. This information should only be released to the employee if permitted by law and only to those involved in the determination of the employee's initial or continued employment.

This provision includes volunteers who work in close contact with children or have regular contact or control over children.

This criminal history background check shall be based on a set of the employee's fingerprints obtained by Human Resource and on other identifying information. The background check shall be conducted through the Identification Division of the Federal Bureau of Investigation and through the State criminal history repositories of all States that a prospective employee lists as current or former residences in an employment application. The Principal or his/her designee shall be responsible for initiating the check through the personnel program of the applicable Federal agencies. The background check should cover, at a minimum, the applicant's past five years.

An employee may be hired by Pahin Sinte Owayawa provisionally prior to a background check being completed. If the employee who is hired provisionally has children in his/her care, the employee shall at all times be within the sight and under the supervision of a staff person who has completed a background check.

An individual will be denied employment or terminated from employment if the individual has been convicted of an offense involving a child victim, a sex crime, or a drug felony, or if the employee otherwise does not qualify under the laws or regulations of the United States or the Oglala Sioux Tribe. A conviction of other crimes may be considered if it bears on the employee's fitness for the safety and well-being of children. An individual shall be denied employment if the individual was found guilty of or entered into a plea of nolo contendere or guilty to any one (1) felonious offense or any two (2) or more misdemeanor offenses under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons or offenses committed against children, unless there has been mitigation by tribal or federal state authorities. Federal law or regulation supersedes these policies, in the event Federal law or regulation changes the prohibitions on hiring, and these policies shall be deemed to be conformed to such Federal law and regulation.

If the background investigation reveals that a potential employee has been charged with one of the offenses listed above, or a current employee is charged with one of the offenses listed above, and the charge has not been disposed of, the employer may deny the applicant employment until the charge is resolved, an employer may suspend an employee from having contact with children while on the job until the charge is resolved, the employer may detail or resign the employee to duties which do not involve contact with children until the charge is resolved, or the employer may place the employee on leave with pay until the charge is resolved.

An individual, including volunteers, may also be denied employment or disqualified from continued employment if it is determined that:

- (1) The individual's misconduct or negligence interferes with or affects a current or prior employer's performance of duties and responsibilities;
- (2) The individual's criminal or dishonest conduct affects the individual's performance or the performance of others;
- (3) The individual made an intentional false statement, deception or fraud on an examination or in obtaining employment;
- (4) The individual's alcohol or substance abuse is of a nature and duration that suggests the individual could not perform the duties of the position or would directly threaten the property or safety of others;
- (5) The individual has illegally used narcotics, drugs, or other controlled substances without evidence of substantial rehabilitation;

This list is not inclusive and in no way limits the list which is contained within the disciplinary section of this policies and procedure manual.

The School must make certain that the adjudicating officials are well-qualified and trained; that if the adjudicating official is not well-trained that the official is supervised by an individual in the school who is experienced in this area until the adjudicating officials are sufficiently trained; and that the adjudicating officials are familiar with the laws, regulations, and criteria involved in making suitability determinations. The adjudicating officials shall at a minimum:

1. Review that background investigation provided by the FBI or any other information obtained from any other law enforcement agencies;
2. Review each background investigation form and the employment application and compare the information provided in the potential employee's application with documentation not provided by the employee;
3. If available, review the results of written record searches requested from local law enforcement agencies, former employers, former supervisors, employment references, and schools;
4. Consider whether the employee has met the standards established for suitability of employment.

3.11 FALSIFICATION OR OMISSION OF APPLICATION INFORMATION

Applicants who are offered employment by Pahin Sinte Owayawa who falsify or intentionally omit information which would impair the decision of the Board as to the competency or suitability of the applicant or employee shall be immediately terminated from their employment with Porcupine, and their contract shall be null and void.

3.12 NOTIFICATION TO APPLICANT OF EMPLOYMENT OFFER

The Human Resource shall be responsible for notifying selected applicants of Porcupine's offer of employment, and for issuing contracts/wage agreements (be signed and returned by the employee within ten (10) calendar days from the receipt of notification of employment), and will include information regarding starting dates, contract term, salary rate, and other appropriate information. Applications of individuals who are employed by Porcupine will be placed in the personnel folder of the new employee. Any offer of employment shall be construed as being rejected if not accepted by the employee within ten (10) calendar days.

3.13 NOTIFICATION TO APPLICANTS NOT SELECTED FOR EMPLOYMENT

The Human Resource shall notify applicants of their non-selection.

3.14 PERSONNEL PROBATION

New STAFF: New staff will be on probation for thirty (30) working days during which an evaluation will be made before the thirty (30) days expire from their hire date. If the evaluation is unsatisfactory, the Principal or Supervisor may recommend to end the contract according to the outcome of either evaluation at the point of the first and/or second thirty (30) day periods or the school has the option of extending the employees probation for at least thirty (30) days.

CERTIFIED STAFF: All new certified staff shall be on a thirty (30) working day probationary period.

Continued employment of an employee shall begin with the successful evaluation upon completion of the probationary period. Probationary employee's will accrue sick/annual leave during the probationary period will not be used during the probation period. During the probationary period all new employees are eligible for holiday pay and administrative leave.

3.15 SUBSTITUTE WORKERS

The Principal shall have the authority to appoint substitute personnel to work assignments required at the School, dependent upon available funding sources. Substitute employees shall not be entitled to fringe benefits, use of the grievance procedures, accrual of annual leave, or other benefits of permanent employees.

Substitutes for teaching or other positions are for shorter periods, typically one (1) or more days. Substitutes shall be chosen from a pool of substitute applicants approved by the Board, at the beginning of each school year, and updated quarterly. This pool shall be filled by individuals who have applied and have indicated they are interested in being selected for substitute work at the school. Each member of the substitute pool shall have completed a background check.

The School shall make every effort to advertise for and invite individuals, including parents of students, to apply to be part of the substitute pool.

3.16 PERSONNEL SUPERVISION

The major focus of employee supervision shall be to assist, monitor and support the capabilities of an employee to competently perform their assigned job responsibilities. Employees shall be notified of the identity of their direct supervisor by the Principal or Human Resource at the time of their initial appointment. The employee's direct supervisor shall record time and attendance, evaluate, provide technical assistance, consult with, assist in planning, conflict resolution and problem solving, identify developmental needs and resources, acquire materials, approve/disapprove all leave, and assign duties to the employee.

3.17 DEFINITION OF EMPLOYEE

The classes of employees are defined as follows:

Regular Full-time Employees: Those employees who work at least thirty-two (32) hours per week for fifty-two (52) weeks per year and who maintain regular employment status. All regular full-time employees are eligible for all employee benefits, annual leave, holidays, and sick leave benefits. These employees may utilize the grievance procedures.

Regular Part-time Employees: Those employees who may work less than forty (40) hours per week or less than fifty-two (52) weeks per year, but who maintain regular employment status. Regular part-time employees are eligible for all employee benefits, annual leave, holidays and sick leave benefits on a pro-rated basis. These employees may utilize the grievance procedures.

Substitute Employees: An appointment which does not exceed ninety (90) working days, except for teaching substitutes and transportation employees, and which includes, but is not limited to substitute teachers and staff. These substitute employees shall not be eligible for employee benefits. These substitute employees may be dismissed with or without cause at any time and are not eligible to utilize the grievance procedures.

Non-exempt: An employee who is subject to the Fair Labor Standards Act. These employees shall receive overtime pay at a rate of 1.1/2 times the hourly rate or will receive compensatory time at a rate of 1-1/2 hour for each hour of overtime worked. All overtime and compensatory time shall be approved in advance, in writing, by the employee's supervisor. The employee has the option of electing, in advance, whether they choose overtime or compensatory time. (Compensatory time is for hours over 80 hours in a pay period.) Compensatory time shall be taken within 30 days of its occurrence. Overtime is any work done beyond the eighty (80) hours in each pay period.

Exempt: An employee, including but not limited to teachers and supervisors, who is not subject to federal overtime laws. These employees do not have to be paid overtime when they work more than forty (40) hours in a workweek. These employees are classified based on specific job descriptions and duties involved.

As an exempt employee you may be required as a condition of employment, to work in excess of the regularly scheduled hours. Such work will not result in additional compensation or compensatory time.

3.18 PAY SCALE

There shall be a pay scale for professional and contract employees and a pay scale for nonprofessional and at-will employees.

A copy shall be on display in the business office and be made available to all employees upon request.

3.19 TENURE

There is no tenure for any employee of Porcupine.

3.20 SUBSTITUTE TEACHER TRAINING PLAN

Both non-certified and certified substitute teachers are required to meet with the Principal and HR on their initial employment to receive a general orientation of the school and policies.

3.21 EMPLOYEE STATUS

The School may terminate at-will (non-contract) employees with or without cause. Terminated at-will (non-contract) employees may not use grievance procedures upon termination, because there is no property right in continued employment, and thus the employee is not entitled to due process. Suspension or dismissal procedures against contract employees should be carried out pursuant to these Policies and Procedures. At-will employees may utilize grievance procedures for all other forms of discipline, except for termination.

3.22 CONTRACT EMPLOYEE RENEWAL/NONRENEWAL

Consideration of the continued employment of any contract employee shall be based upon work performance of each employee as indicated by performance evaluations, recommendations as to contract renewal or non-renewal by the employee's immediate supervisor, and shall consider the staffing pattern required for operation of the School during the subsequent School term.

However, the School reserves the right to non-renewal any contract employee to be effective at the end of the current contract year. There are no grievances or due process procedures provided to employees who have been non-renewed, and the school is not obligated to provide a cause for its non-renewal, because the contract employee's property interest ends upon completion of the contract.

3.23 EMPLOYEE ORIENTATION

The Principal and/or his/her designee shall conduct a staff orientation session prior to the beginning of each academic year. The purpose of the orientation is to provide clarification to all employees of the expectations, policies, procedures, resources, and goals of the School for each academic year. Supervisors shall be assigned specific roles in carrying out the orientation program.

The Principal and/or his/her designee shall be responsible to work with supervisors to ensure all

support staff have the required preparation and training as outlined in her/his job description.

All employees shall be mandated to participate in staff orientation.

The Principal with Human Resource is responsible for administering a needs assessment to identify areas of training and for reporting the results to the Board who shall provide funding annually to accommodate the resources needed to implement pre-service and in-service programs. _____

Pahin Sinte Owayawa has a professional development program which aims to provide training to teachers to improve their short-term and long-term professional skills.

3.24 EMPLOYEE SUPERVISOR

Each employee of Porcupine will be assigned an immediate supervisor upon their employment at the School. The immediate supervisor of an employee is to be considered a resource to the employee regarding work task assignments, scheduling, planning, in-service training/staff development, advisement regarding policy and procedure and other activities, employee performance expectations and performance outcomes, motivation, and consultation/communication.

3.25 SUPERVISOR ROLE IN EMPLOYEE GRIEVANCES

The immediate supervisor of an employee is the initial resource to which the employee is to address any work-related grievances. Therefore, it is essential that a positive working relationship and communication be established between the supervisor of the employee and the employee.

3.26 SUPERVISOR EVALUATION OF EMPLOYEE PERFORMANCE

EVALUATION PURPOSES: There are various types of evaluations at Pahin Sinte Owayawa. Administrator, Teacher and Paraprofessionals evaluations are aimed at improving the quality of education for the students of the school. Support staff evaluations are aimed at improving the school's work environment for students, staff and community.

Evaluations are to be used by the administration, teachers and staff to improve the quality of instruction and may be used in the determination of advancement, promotion, transfer, assignments, and future employment

The immediate supervisor of an employee is responsible for conducting periodic evaluations of the employee's performance in accordance with the process, outcomes, and criteria identified in the employee's performance evaluation plan. The employee's evaluation will include expectations and outcomes to which employee tasks are to be focused. The outcomes of the performance evaluation will be used by the supervisor in issuing any recommendations for continuing employment, including continuation of employment following completion of the employee's probationary period.

FREQUENCY OF EVALUATIONS

The performance of all employees will be reviewed on an on-going informal basis. Formal

reviews will be made in accordance with the established schedule outlined below:

1. ANNUAL REVIEW

The bi-annual employee evaluations shall be conducted no later than mid-November and February 15 of each contract year, unless the School, for good cause shown, must perform the evaluations at a later date;

An employee's performance becomes markedly better or worse; or

The Supervisor or the Principal deems it necessary or appropriate.

2. PROMOTION/TRANSFER REVIEW

A review shall be held within thirty (30) calendar days of transfer or promotion to a new position. At the discretion of the Supervisor, this review may take place sooner if the employee has demonstrated her/his ability to satisfactorily perform the job requirements. Any transferred or promoted employee shall be subject to the thirty (30) day probationary period, and this review is a part of that process

a. RESPONSIBILITIES

The Principal will evaluate the performance of each teacher and any managers under her/his supervision and the Board will evaluate the performance of the Principal.

b. PROCEDURES

Each supervisor will establish performance objectives for each employee or group of employees. The performance objectives will be based on actual job requirements and will be conveyed to the employee in writing. This will ensure that the employees know what level of performance is expected and understand the basis for success or failure to meet these objectives when evaluated.

It is the supervisor's responsibility to conduct a thorough and impartial review of each employee reporting directly to her/him.

All evaluations will be discussed and reviewed with the employee evaluated.

The following steps may, at the discretion of the supervisor, be observed in accomplishing the evaluation process:

1. Prepare performance requirements by determining how well you expect the employee to do their duties.
2. Discuss the performance requirements with the employee and adjust them as needed.
3. Observe what the employee is doing.
4. Evaluate the performance against the requirements.
5. Discuss the evaluation with the employee.

6. Take appropriate action, which may include an improvement plan.

c. ELEMENTS OF EVALUATION

Some of the elements of the evaluation which may be measured include but are not limited to:

1. Job proficiency - the ability to perform tasks at or above the job standards.
2. Harmonious Working Relationships - the way an employee gets along with her/his supervisor and fellow workers shall be evaluated. Willingness to accept and to carry out orders is also important.
3. Absenteeism and Tardiness - the punctuality and consistency of attendance of an employee on the job is an important consideration.
4. Negligence - accidents, errors in work and/or accidents that are attributed to improper performance of job tasks shall be noted and evaluated.
5. Failure to follow rules and regulations - any employee may receive an unfavorable evaluation if s/he disregards written or oral rules and regulations of which s/he could reasonably be deemed to be aware of.
6. Relationship with the Public - public relations is an important part of the duties of every employee.
7. Plans and Goals
8. (Specific to teachers) Student progress data and benchmarking documentation will also be considered as part of evaluation.

d. PERFORMANCE REVIEW- INTERVIEW

Each employee shall be given the benefit of a private performance review - The employee will be allowed a reasonable time to enter comments on the review form. The employee will sign the evaluation form, indicating the evaluation has been explained and discussed. An employee's signature does not mean that the employee agrees with the evaluation, but that he or she understands it and that it has been explained and discussed.

e. UNSATISFACTORY EVALUATION

An employee who receives an overall rating of "unsatisfactory" will be put on a plan of improvement. Job performance will be re-evaluated, employees who again receive overall ratings of "unsatisfactory" will be recommended by the Principal for termination to the Board.

3.27 EMPLOYEE PERFORMANCE EVALUATION OUTCOME GRIEVANCES

In the event that any employee is not in agreement with the outcomes of informal or formal performance evaluations completed by their immediate supervisor, the employee shall be required to follow established grievance procedures to process their grievance.

3.28 EMPLOYEE PERSONNEL FILE MAINTENANCE AND ACCESS

The Principal and Human Resource shall be responsible for the maintenance of employee files. The Principal and the Human Resource and authorized federal, tribal, or state government officials, shall have access to employee personnel files. Employees also have the right to access and review their personnel file, however, may not remove the file from the office in which the file is located, nor remove or alter any information in the file.

Personnel records are kept on file in the Human Resource's Office and should include, if applicable, but are not limited to:

1. Job advertisement
2. Job description
3. Application
4. W-4 and I-9 Form
5. Employment Record-Salary
6. Evaluations
7. Employee Contract
8. Health Certificates
9. Personnel Actions
10. Valid Certificate or License
11. Transcripts of Credit
12. Diplomas
14. Drug-Free Workplace Form
13. Criminal History Background Check
15. Proof of Insurance (if personal vehicle used for school purposes).

All personnel records are considered confidential and are not open for inspection by unauthorized personnel.

Upon her/his written request, each employee has the right to review their own personnel file and to ask for removal of any unnecessary information from the file. No documents may be removed from an employee's personnel file without the approval of the Board; however, copies of letters, certificates, employment applications, transcripts, or other information in the personnel files may be duplicated by an employee at the request of the employee. When any employee is reviewing his or her personnel file, a member of the School administration, or designees of the same, shall be present at all times.

All personnel files shall be reviewed annually by the Principal and/or his/her designee to recommend to the Board the removal of unnecessary material from those files. Documentation of personnel actions may be removed annually from the personnel folder upon the recommendation of the Principal and with Board approval.

Documentation of personnel actions resulting from alcohol-related incidents or serious misconduct shall be maintained for a period of three (3) years with removal from the files upon the recommendation of Principal and Board approval.

3.29 STAFF COMMITTEES

All staff is mandated to be involved with a committee(s) for improvement in the following areas which may include: academic programs, educational planning, community involvement, school climate, facilities, student activities and other related developmental activities.

3.30 COMPENSATION GUIDES AND CONTRACTS

Salary ranges shall be established in order to provide a basis for recognizing individual differences among positions. The objective is to insure equal pay for equal work.

No employee shall be paid less than the federal minimum wage. Salary increases may be given no more frequently than annually to reward efficient work and career development.

SALARY AND WAGE SCHEDULES: Salary and wage schedules will be reviewed every three (3) years. Any adjustments made to salary and wage schedules will be based on the overall financial status of the school. The salary and wage schedules shall be maintained in the school administration office, and available for review by employees. The School Board shall follow these schedules until they are revised by the Board.

SALARY INCREASES: Each employee will be evaluated annually. At the discretion of the Board, and dependent upon funding availability, salary increases may be granted for one or more of the following reasons: Step increase, educational attainment, or cost of living.

MERIT PAY AND INCENTIVES: The Board reserves the right to pay incentives for meritorious service by regular employees and consultants/contractors. These are not a property right or entitlement but are at the discretion of the Board based upon criteria it may establish from time to time.

Such payments are considered taxable income and are subject to withholding and other taxes and fees, or payable in additional 1099 payments.

ENTRANCE SALARY: Salary granted to new employees will depend on evaluation of education, experience, and qualifications. New employees may be credited for up to five (5) years of related outside experience. Highly Qualified classroom teachers may bring in up to five (5) years of outside experience. If the employee is a former Porcupine employee, all previous experience at the School may also be used to determine entrance salary if such experience is directly related to the position hired for.

SUBSTITUTE SALARY: Payment for substitutes will be based on established rates approved by the Board.

COMPENSABLE: Compensatory hours are all hours that the employee is required to work for the organization. This shall also include time during which the employee is necessarily required to be on the employers premises, on duty or at a prescribed work place. This section does not apply to exempt personnel.

Some employees may not be required to remain at work during their lunch periods; however, it will be necessary for certain employees to remain at work during their lunch periods to assist in the supervision of students. Whether an employee is required to remain is within the discretion of the Principal. Teachers and other exempt employees are not eligible for compensatory time, but **in certain circumstances, may be allowed early release from the day when an exempt employee has worked through lunch, at the discretion of that employee's supervisor.** Upon approval of the employee's supervisor, an employee may waive her/his lunch period and thereby leave her/his work station prior to the end of the normal work day, equal to the length of the lunch break not taken. Employees shall not take any confidential information from the school premises

CONTRACTS: The Board does not provide for a continuing contract. All executive, professional, and instructional employees shall sign a contract. All contracts are one-year or less. These employees shall sign an employment contract or agreement prior to beginning employment. The Board reserves the right to annually attach such addendums to offered contracts in an effort to improve the performance of Porcupine's employees. An annual contract once offered by the Board, must be accepted or rejected no later than ten (10) calendar days after the date of offer.

Instructional personnel (teachers) shall sign a contract annually to provide services for a predetermined number of days per school term. Days missed without approved leave will be deducted at a rate calculated by dividing the contract amount by the number of contract days to acquire a daily rate for deductions, which shall be prorated. Days missed without leave will be deducted from an instructional personnel's paycheck by dividing the contract amount by the number of school days in that year. Before a teacher receives his/her paycheck at the end of the school year, the teacher must complete certain tasks, including but not limited to the following: report cards, promotional summaries, cumulative folders, classroom inventories, classroom cleaning, and orders.

Instructional personnel shall receive their salary on a bi-weekly basis, but may opt to be paid over twenty-six (26) pay periods and shall receive bi-weekly salary payment until the contract amount is fulfilled. The employee shall elect which payment plan he or she seeks at the start of

the contract term.

Hourly personnel are employees-at-will and are paid bi-weekly at their hourly rate based on hours of service provided during a two (2) week period. Hourly employees' wages can be prorated during the summer when they are not working full time or regular hours.

BENEFITS: Fringe benefits for personnel shall be established by the Board on an annual basis and shall be indicated in the employee's contract or by notice to the employee (noncontract employees).

3.31 POSITION CLASSIFICATION

The Principal shall develop and recommend to the Board a classification plan for all positions. The Principal shall be responsible for the operation and maintenance of the position classification plan for the school. The Board considers all positions vital to the smooth functioning of the School and requires all employees to work together as partners to provide the best learning situation for students of the School.

Only those positions approved by the Board may be implemented. Only the Board may create or abolish a position.

The purpose of the position classification plan shall be to:

The position classification plan shall be based upon the analysis of the duties and responsibilities of each position and will be maintained on a current basis. The plan will include:

- a. An appropriate classification of each kind and level of work.
- b. A description of the duties and responsibilities of each classification.
- c. A statement of the knowledge, skills, and abilities generally needed to perform the work.
- d. A statement of any special qualifications necessary to enter the position.

PROCEDURE FOR NEW POSITIONS:

All requests for new positions will be made to the Principal who may either approve or disapprove the request considering the budget and need. If the Principal approves the request, the Principal shall then work with the supervisor to develop a job description.

Once the job description is written, the Principal will compare the qualifications to the established plan to establish a pay level to be assigned. The request will then be submitted to the Board for approval. If approved, the Human Resource will take action to fill the position.

3.32 QUALIFICATIONS

Job qualification requirements shall be equivalent to those established by the appropriate licensing and certification authorities relied upon by Pahin Sinte Owayawa, which are currently adopted from the State of South Dakota.

Classroom Teachers must be certified (pass PRAXIS Tests I & II) or be granted a provisional authority to act by the current accrediting agency in their field of employment.

Classroom paraprofessionals, as required by, or reauthorized ESSA, must be pursuing an Associates Degree to achieve forty-eight (48) college credits and/or pass the Para Professional (PRAXIS).

Nonprofessional staff members should be high school graduates or have a GED equivalent and shall meet all job requirements.

All other staff must meet applicable federal and state licensing, certification and job requirements.

3.33 POSITION RECLASSIFICATION

When the duty assignments of an employee have changed substantially as to kind and level of work, the supervisor or employee may initiate a request for change in the pay class level in writing to the Human Resource Director then the Principal. The request should outline the reasons why the employee and/or supervisor feels change is needed. All requests must be routed through the supervisor who will provide her/his input to the request.

If the Principal determines that the position has changed sufficiently to warrant a change in pay/class level and budget considerations have been made, recommendation will be made to the Board for approval or disapproval.

A position may be reclassified on the basis of change in or re-evaluation of the duties, responsibilities, and qualification requirements of the position. The Principal shall recommend such reclassification as is justified.

3.34 HEALTH EXAMINATION

All employees of the School shall be required to have a physical examination at their own expense within thirty (30) calendar days of their starting date of work and annually thereafter, and shall file a medical certificate attesting to the employee's freedom from communicable disease(s), including tuberculosis, in their personnel file. TB tests shall be required annually for all school employees, and are the financial responsibility of the employee. Employees must take either sick, annual or personal leave to conduct their tests.

3.35 COMPENSATORY TIME AND OVERTIME

Prior to incurring compensatory and overtime, the employee shall request advance approval in writing from their immediate supervisor. There shall be no overtime compensation paid, unless prior approval of such overtime has been made by the employee's immediate supervisor in writing.

Exempt employees shall be expected to incur some overtime hours as part of their duties and responsibilities, and they shall not receive additional compensation nor overtime for those hours worked.

Permitted work is defined as work which the employee performs with the written authorization of the employee's supervisor. The Board shall comply with the provision of the Fair Labor Standards Act regarding such work.

The Business Office shall maintain a record of all overtime which leads to compensatory time or the payment of overtime pay.

3.36 STAFF MEETINGS

Supervisors shall conduct regular meetings that do not significantly interrupt work schedules with the personnel they directly supervise and shall document the outcomes of the meetings, inclusive of agenda items, decisions made, committees formed, tasks delegated, time lines for the completion of activities, and other appropriate information. This information is to be disseminated to those in attendance within five (5) days of the meeting to assist in communications.

3.37 CONSULTING

Personnel wishing to provide consultant services to other agencies are required to submit a request to their immediate supervisor who shall consult with the Principal for approval.

Personnel receiving approval to provide consulting services shall utilize annual leave or leave without pay during time consultant services are required, unless consulting is done on a day of legal discontinuance or off-duty hours.

Personnel shall not be allowed more than five (5) days per year of annual/personal leave for consulting purposes, with no more than two (2) consecutive days at any one time.

3.38 LEAVES AND ABSENCES

There are only specified forms of leave available to Porcupine personnel. These include: annual and sick leave, administrative leave and leave without pay (LWOP). Absence without leave is a serious act of misconduct, is not compensable, and shall subject the employee to discipline up to and including termination.

Administrative leave is defined as leave granted by the Principal or his/her designee only for the following situations: conferences and visitations, jury duty, weather-related school closings, pending disciplinary proceedings against personnel, any other required closing of the school necessitating the dismissal of staff, and/or any other situation requiring temporary removal of an employee from his/her position necessary for the good of the school.

The Board realizes employees may have emergencies for essential matters that cannot be met during off-duty time. However, applications for leave must be made through established procedures and as far in advance as possible. All employees must receive prior approval for all leave requests, except in emergencies. Failure to receive approval in advance may result in assignment of Absent Without Leave (AWOL) status and disciplinary action taken as described above.

At the discretion of the immediate supervisor and the Business Supervisor, Leave Without Pay

(LWOP) may be granted to an employee for extreme emergencies. Leave without pay refers to unpaid leave and will be considered excessive after three days have been granted and may result in personnel action taken.

There shall be no advance leave granted. Advance leave is defined as deductions from future leave not yet earned by the employee.

The Business Manager shall be responsible for submitting any leave report to the Principal for Board review, reporting accumulated leave taken annually.

All payout of unused leave will be contingent upon funding availability.

3.38 (a) All employees will be required to make up any administrative leave due to school closing.

3.39 ANNUAL LEAVE

Annual leave may be granted if employee has annual leave. The use of annual leave is a privilege rather than a right and is subject to supervisory approval. Approval of annual leave which has been scheduled and approved may be withdrawn if warranted by workload requirements.

For Twelve (12) Month staff an employee will accrue leave at the following rates, per pay period:

1. Under 5 years of employment— 4 hours annual, 4 hours sick.
2. 5 years to 15 years— 6 hours annual; 4 hours sick.
3. 15 years and over— 8 hours annual; 4 hours sick.

Only Eighty (80) hours of annual leave shall be carried over. Employees must use hours in excess of 80 hours before staff orientation in August or they will lose them.

~~All payout of unused leave will be based on completion of contract or resignation and based contingent of funding availability.~~

3.40 PERSONAL LEAVE

Personal leave is granted to all Teachers, Paraprofessionals, Counselors, Bus Drivers and Cooks. There shall be thirteen (13) days of personal leave only. Teachers, Paraprofessionals, Counselor, Bus Drivers and Cooks are not entitled to annual leave or sick leave. The use of personal leave is a privilege rather than a right and is subject to supervisory approval. Application for approval of personal leave shall be made **five days** in advance of such leave with the exception of an emergency situation. Personal leave which has been scheduled and approved may be withdrawn if warranted by workload requirements and/or the need of the employee's services.

Personal leave shall not be carried over. Unused personal leave may be purchased by the School at the end of the contract year. Only unused personal leave can be paid out, only with and upon

Board approval. **All payout of unused leave will be contingent on the availability of funding.**

3.41 PROFESSIONAL LEAVE

Professional Leave may be granted at the discretion of the Principal and is leave used when an employee is sent, or seeks professional development and represents the best interest of Pahin Sinte Owayawa. Professional Leave may be used for training, conferences, and/or meetings pertaining to the employee's development and representation of Pahin Sinte Owayawa.

Professional Leave shall not be charged against any kind of leave and an employee, once the leave is approved, may take such without penalty.

3.42 VACATION LEAVE

Principal, Business Manager and other year-round employees shall be granted ten (10) days of paid vacation leave when school is not in session. This is to induce such employees to remain at work for much of the actual School year. Vacations shall be planned with the Administration and if necessary the Board.

3.43 JURY LEAVE

Leave shall be granted to any employee duly called and accepted for jury duty, whether or not they have asked the court to be excused. If an employee accepts funds from the Court, he or she shall take annual leave. Otherwise, the juror shall be given administrative leave.

3.44 SICK LEAVE

Sick leave may be granted for employee illness, an appointment with a medical provider, e.g. doctor, dentist, optical, or for a contagious disease or serious disease which may be life threatening, or the illness of an immediate family member which requires the employee's personal care. Failure to notify the Administration by 7:30 a.m. will result in LWOP statute unless the injury or illness prohibits such compliance. If compliance is prohibited, the school shall be notified as soon as possible. Sick leave taken in excess of three (3) consecutive work days or twenty-four (24) consecutive work hours shall require a physician's statement, either for the employee, or the employee's ill family member. If it is the administration's position that sick leave is being abused, the administration may in its discretion require a physician's statement for sick leave which is less than three (3) consecutive work days.

Sick leave for all personnel on twelve (12) month contracts or letters of appointment will be earned at a rate of four (4) hours per pay period. Sick leave shall be carried over to the next school year.

3.45 EDUCATIONAL LEAVE

Educational leave, which is paid leave, if related to job improvement, may be granted to employees upon approval of their supervisor. Employees may apply for no more than four (4) hours of education leave per week.

3.46 MATERNITY/PATERNITY LEAVE

Employees may take up to ten (10) workdays of paid maternity or paternity leave, which shall be

granted upon request by Administrator. However, such paid leave shall be concurrent with the leave availability under the Family and Medical Leave Act.

Employees may be granted a family leave of absence not to exceed twelve (12) weeks. Such leave shall be unpaid leave, but benefits other than salary or wages shall be maintained. Employees may use accrued leave available during this period. Employees do not accrue leave during this period, but benefits shall be maintained.

If both parents are employed by the Board, their aggregate leave is limited to twelve (12) weeks for the birth of a child. If the leave is requested because of the illness of a child, each parent is entitled to twelve (12) weeks of unpaid leave. Employees are expected to follow the provisions of the Federal Family and Medical Leave Act, which supersede any contrary provisions in this policy, if applicable.

Employees are encouraged to report pregnancy as soon as possible so health can be safeguarded and plans can be made for temporary replacements.

3.47 FAMILY CARE LEAVE

Employees may be granted up to twelve (12) weeks of unpaid leave in any twelve (12) month period for the purpose of their own health condition or the birth or placement for adoption or foster care of a child, or to care for a family member which is defined as child, parent, or spouse who has a serious health condition.

The Board may require certification, on a periodic basis, of the family member's continuing serious health condition by the family members physician and/or a physician selected by the Board. Employees may use accrued leave available during the twelve (12) week unpaid leave. Employees are expected to follow the provisions of the Federal Family and Medical Leave Act, which supersede any contrary provisions in this policy, if applicable.

Ref: Family and Medical Leave Act of 1993, as amended.

3.48 MILITARY LEAVE

An employee shall be allowed approved leave of absence from her/his duties without loss of status or efficiency rating while performing "ordered military duty," with full employment, and compensation reinstated upon return, as provided by law.

"Ordered military duty" means any military duty performed in the service of the United States or the State of South Dakota pursuant to orders issued by competent federal or state authorities with or without the consent of the employee. This includes employees who are members of the National Guard or Reserves.

Military leave shall be granted only when in the performance of ordered military duty or while reporting to and returning from such duty not to exceed a total of fifteen (15) work days in any one calendar year. If an employee is called to duty and has used all his/her military leave, the employee shall be granted leave without pay on request or may be granted annual leave if s/he desires.

Military auxiliary members (ex: American Legion or V.F.W.) may be granted unpaid leave, at the discretion of the Principal with notification to immediate supervisor for purposes relating to their obligations, but may use personal leave, if available.

3.49 BEREAVEMENT LEAVE

For death in immediate family, up to five (5) days absence with pay may be granted at the discretion of the Principal or his/her designee. Immediate family shall be interpreted to mean husband, wife, child or legally adoptive, foster, or step-child, parents, stepparents, brother, sister, mother-in law, father in-law and grandparents. One (1) may be granted not exceed 3 days per contract year for extended family members at the discretion of an employee's immediate supervisor other leave has to be personal leave.

3.50 HOLIDAYS

Personnel shall be provided paid holidays which shall include:

Independence Day, Labor Day, Native American Day, Veteran's Day, Thanksgiving Day, Spring Break (Friday before Easter and the Monday after), Christmas Day, New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, and Little Big Horn Day. If the holiday falls on a Saturday, the Friday before will be taken as a holiday. If the holiday falls on a Sunday, the Monday after will be taken as a holiday. Only those holidays that fall within the time frame of the employment contract will be considered paid holidays. Substitute employees are not paid for these holidays.

3.51 PROFESSIONAL PUBLISHING

Employees are encouraged to write and prepare professional material for publication in their areas of expertise. Employees who prepare material on their own time without use of school facilities or equipment are not required to submit such material for review prior to publication.

Employees who desire to copyright, patent, or market material prepared totally or partially on school time, shall submit a copy of such material to the Principal for review accompanied by:

1. The names of persons who participated in preparation of the material;
2. The percentage of duty time spent by these persons during preparation; and
3. A statement as to whether royalties would be waived in any purchases of the material which might be made by the School.

The Board may authorize the sale of copies or reproduction rights to instructional material prepared by the School to other School systems, organizations or commercial firms. The Board shall own the copyright if copyrightable materials of any kind are produced for school use.

3.52 LABOR, TEACHER, OR EMPLOYEE UNIONS

Employees have the right to join or participate in the activities of organizations of their choosing; however, Pahin Sinte Owayawa does not participate in or recognize any formally- organized

employee State, Federal, Tribal, or other labor union for the negotiation of employee salaries, fringe benefits, or any condition of employment.

3.53 POLITICAL ACTIVITY

The Board recognizes and encourages the right of employees to be engaged in activities that exemplify good citizenship. However, employment in the school shall not be offered as a consideration for the support or defeat of any political party or candidate for public office (Tribal; local, Federal; State). Employees are prohibited from using any school property or work time to further political purposes of any kind.

Employees shall not have the right to engage in unorganized labor activities during the academic day, or when they are on school property, unless such activity is protected by and in conformity with federal law, including but not limited to the Indian Self-Determination Act and the Labor Management Relations Act. Unprotected or legally nonconforming behavior related to unorganized labor activities shall be the subject of disciplinary action up to and including dismissal.

3.54 NEWS RELEASES

News releases to the press of a noncontroversial nature and stories of general interest may be released through the office of the Administration. When any newsworthy event or other subject is to be released that might stir controversy in the community, it must be submitted to the President of the Board prior to release.

3.55 CONFLICT OF INTEREST

Employees of the School shall be required to refrain from activities that conflict with the policies and procedures of the school, that may result in a conflict of interest, or that may interfere with job performance. No employee shall engage in or have a financial interest in any activity that conflicts or raises a reasonable question of conflict with her/his duties and responsibilities in the school system or engage in any type of private business during school time or on school property.

3.56 PUBLIC APPEARANCES

Personnel making public appearances not on behalf of the Board or Principal shall take appropriate leave to do so. They should represent the school in a positive way. False allegations regarding the School, School officials or employees are libelous or slanderous and shall be grounds for discipline action, up to and including termination.

3.57 TUTORING PAY

Teachers or other employees of the school shall not receive money for tutoring students of the School if they have the responsibility for serving the student as a part of their regular job duties, and shall, if not paid for such tutoring, be allowed to use school facilities for the provision of such tutoring services. If a teacher or employee does receive additional money for tutoring students of the School, then that teacher or employee shall not be allowed to use the School's facilities for the provision of such tutoring services, unless such tutoring is at the request of the School.

3.58 GIFTS AND SOLICITATION

Employees of the School may not accept money, gifts, or gratuities from persons who vend to or receive benefits or services under Pahin Sinte Owayawa's programs. In recognition of tradition, those gifts given as part of traditional custom are allowable. In recognition and support of local customs, those gifts given as part of community activities or in exercise of Lakota customs, e.g., funeral giveaways, are allowed. Employees will not sell, solicit for sale, or advertise for sale, merchandise, or services, or organize students for such purposes, without the approval of their respective supervisor.

3.59 NON-SCHOOL EMPLOYMENT

Employees have a primary obligation to competently perform the job for which they were employed by the Pahin Sinte Owayawa. Pahin Sinte Owayawa recognizes the right of individuals to meet their overall economic needs, and school staff may perform work extending beyond their basic employment responsibilities at the Pahin Sinte Owayawa as long as these activities do not interfere with or reduce the work performance of the employee at the School, do not result in dual compensation of the employee, and do not cause poor public relations for the School.

Before accepting a second job, employees must receive prior approval of the Principal. Approval by the Principal is subject to the following conditions: (1) that Pahin Sinte Owayawa's work requirements including necessary overtime will take precedence over employee's other job; (2) employee's job performance will not be sacrificed; (3) the School is not responsible for injuries or sickness resulting from employment outside the School; and (4) employees cannot work in a business which is in direct competition with the School.

3.60 COMMUNITY INVOLVEMENT

The creation of increased community involvement in support of the School's activities is important. Therefore, all employees of the School are expected to commit and provide their fair share of time and effort in supporting and helping at the School/community activities and functions that are sponsored by the School without an expectation of additional compensation. Community involvement and support is included as one of the primary criteria for employee performance evaluation, and employees will be required to identify specific activities that they will perform and/or assist with to enhance community involvement at the School to meet this evaluation criteria.

3.61 EMPLOYEE PROMOTION

Whenever new jobs are created or vacancies occur in a higher-rated position that may provide salary advancement, present employees who meet job qualifications may be eligible for consideration.

3.62 REDUCTION IN-FORCES

A reduction in force (RIF) is defined as a situation where staff reductions become necessary because of one of the following: (1) a position no longer serves the mission or purpose of Porcupine; (2) reductions in funding sources have occurred; or (3) budget shortfalls have occurred or are reasonably projected.

The Board may lay-off an employee or may reduce an employee's hours if a RIF is determined to be necessary. The Board, whenever possible, will provide as much advance notice as possible to potentially-affected employees.

The Board shall notify all personnel in writing as to their job status in any RIF action by the Board.

An employee laid off due to a RIF action may be given priority in hiring for job vacancies for which they are qualified. This priority for rehiring shall end, in all cases, at the end of the school year in which the employee was RIFed. The position offered may be at a lesser salary than the former salary of the RIFed employee, under conditions which are less than the former position of the RIFed employee, or may be a position for which the RIFed employee would normally consider himself or herself to be overqualified. If a RIFed employee is offered a position, and that RIFed employee rejects it or fails to accept it within five (5) days, then Pahin Sinte Owayawa shall not give the RIFed employee priority consideration for any further positions and obligations of Pahin Sinte Owayawa under this policy shall cease. This preference for rehiring shall also end when a RIFed employee accepts employment with Porcupine or any other employer. All personnel must keep the Principal informed of their current mailing address in order for them to be eligible for employment.

In the event that RIF becomes necessary, the employee contract with Pahin Sinte Owayawa is considered to be lawfully terminated pursuant to the terms of the employee's contract. Employees who are laid-off or dismissed as a result of RIF shall not have access to the grievance system for employees.

3.63 PERSONNEL RESIGNATION

Any at-will, non-contract employee may resign at any time with consent of the Board. Support personnel wishing to voluntarily resign from their position shall give written notice of separation to the Principal fourteen (14) calendar days prior to leaving their employment.

A contract employee may resign effective at the end of her/his current contract. If the Principal becomes aware of a situation which may constitute a possible resignation, he/she shall then notify the Board within forty-eight (48) hours.

Once an employee has signed a contract, the employee may not terminate or cancel his/her contract, unless the Board has given it's consent. In cases where an employee has breached his/her contract by departing during the contract year, terminating or canceling the contract without the Board's consent, the Board may consider legal action. The Board may levy a five (5) percent penalty on the financial value of the entire current contract of the certified employee as liquidated damages or as a salary penalty. This amount may be deducted from any remaining salary due and owing to the employee. Furthermore, a premature resignation before the end of the employee's contract shall result in no annual or other leave being paid out to the employee. Such leave shall be forfeited as additional penalty.

3.64 RE-EMPLOYMENT

The Principal will, whenever possible, notify an employee up for contract renewal or non-

renewal for the following year by the First Monday of March. Failure of the Principal to do so does not constitute an expressed or implied promise to renew the contract for the following year.

The employee must notify the Principal in writing whether s/he accepts or rejects the re-employment offer within ten (10) calendar days following the date of notification. Failure to provide the Principal with such notification, writing new terms into the contract, or signing a contract under protest, shall constitute a rejection of the contract offer and shall mean that the employee is no longer entitled to the requirements of the RIF policy of this manual. Signing an offered contract constitutes proper notice of acceptance, but the contract shall not be deemed executed until it has been signed by a representative of the School Board.

The contract employee's supervisor is responsible for recommending contract renewal or non-renewal of teachers to the Principal for Board approval on or before First Monday in March.

If an employee was subject to a lay-off, rehiring shall be carried out on the basis of the RIF policy.

3.65 PERSONNEL TIME SCHEDULE

The Board requires employees to report to work punctually as scheduled and to work all scheduled hours.

It is the responsibility of the supervisor to keep an accurate record of employee time and attendance and to discuss with the employee any difficulties that they may have in this area.

The regular daily time schedule for all instructional staff shall be from 8:00 AM-4:00 PM during the regular work day for a minimum of eight (8) hours per day, unless otherwise indicated by the Principal, in consultation with the Supervisor forty (40) hours constitutes a regular work week. All full-time support personnel are expected to work 40 hours per week, on a schedule set by their supervisor. Supervisors may implement varying time schedules for support personnel based on the needs of the School after consulting with the employee and the Principal.

Support personnel are not to have their own children, family members, friends or significant others at their duty station during the regular work day, unless authorized by the supervisor. This includes children not of school age and school-age children.

3.66 PERSONNEL WORK LOAD

Work load of personnel shall be determined after consultation between the supervisor, Principal, and Board commensurate with needs of the school.

3.67 EMPLOYEE DUE PROCESS AND GRIEVANCE PROCEDURES

A grievance is defined as a complaint of an employee concerning interpretation or application of a work-related policy, rule or regulation by supervisors or fellow employees.

Patrons, as defined as parents, grandparents, guardians, or students, have the right to initiate a grievance against an employee of Pahin Sinte Owayawa using the appropriate school form. A grievance is defined as: A claim upon a condition or circumstance which was allegedly caused

by misinterpretation or inequitable application of existing school policy, rules, or regulations, or alleged unsatisfactory performance of job responsibilities.

In initiating a grievance, patrons have a right to expect complete freedom from retaliation by an employee which could be directed toward them or a student involved. It is further expected that all parties who participate in the grievance process, whether school employee or patron, shall observe confidentiality and shall limit access to information relative to the grievance to those involved. These restrictions shall not be used to deprive either employees for patron's advice and counsel of any persons or groups.

In the grievance process, employees have the right to due process and representation as appropriate, and to be in the executive session if they are to be discussed.

At the conclusion of the initial process of a complaint of a grievance, information regarding the grievance process shall be supplied to the patron by the immediate supervisor involved.

Patrons may seek assistance in the grievance process from the Human Resource office as requested. Any designee may not be involved in the situation aggrieved. A written record of all grievance proceedings shall be on file. If it is found through the complete grievance process or by mutual consent that there is sufficient evidence to sustain the grievance all written records shall be destroyed.

Policy: The policy of Pahin Sinte Owayawa provides for an orderly process whereby employees and students may have their grievances/complaints addressed in a fair and equitable manner without fear of repercussion. Complaints of harassment, bullying and discrimination shall be processed according to the policy and procedures handbook. Every effort shall be made to seek an acceptable solution by informal means at the lowest possible level of supervision.

The grievance must be filled within ten (10) working days after the grievant knew of the act or condition which the grievance is based, if the timetable is not met, the complaint/grievance is barred

STEP 1 SUPERVISOR:

Pahin Sinte Owayawa encourages employees to report any grievance in writing to the supervisor and the Principal; the grievance shall state the policy that has been alleged to have been violated. The grievant shall state the remedy or correction requested. The grievance shall state the facts pertaining to the alleged incident.

The supervisor shall meet with the employee within five (5) working days, of receiving the grievance in writing and attempt to resolve the situation in the simplest and most convenient manner. The supervisor should respond in writing to the employee with their decision within five (5) days.

If no resolution to the grievance is reached within five (5) working days, the grievant should proceed to the next level, which is a meeting with a Mediator. The grievant may file the grievance (Mediation/Grievance Form) in writing with the Human Resource Office within three

(3) days of receiving the decision of the supervisor. The Human Resource Office is responsible for notifying all parties of the mediation.

STEP 2 MEDIATION:

The goal of mediation is to resolve the issue in the best interest of all as both parties seek to restore harmony within interpersonal relationships in the employee's environment. The agreement made within the context of the mediation sessions is mutually determined by the mediation parties.

It is anticipated that all parties will mediate in good faith and with honest intention to work out grievances, complaints and issues. The Principal and the Human Resource Office will appoint the mediator.

The Mediator cannot be a Parent, Guardian or a School Board member. The Mediation process is a required step of the due process with the exception of a conflict of interest situation, the grievance proceeds to the next step.

a. Mediation is a process in which the conflicting parties determine the outcome of their mediation session.

b. A qualified mediator facilitates the discussion and is a neutral party. The mediator does not make any decisions concerning the conflict.

c. Attorneys are not present during mediation sessions.

d. Parties to a mediation session sign a mediation agreement, which indicates what the parties determine to be solutions for this complaint and/or issues. Unless the mediation result clearly violates school Policy and Procedures, the Principal must remain neutral and not be involved with the mediation process agreement. The Mediator will be responsible for creating the mediation agreement document.

e. If the grievance and/or complaint is not resolved at the mediation level the employee proceeds to step 3.

f. If the mediation is not satisfied, the grievant files the mediation/grievance form within three (3) days to step 3: Principal

STEP 3 PRINCIPAL:

1. Upon receipt of the grievance, the Principal must within five (5) days (this excludes holidays, out-of-town travel days and weekends) have a meeting with all parties unless one of the parties does not want the meeting; the Human Resource Office is responsible for notifying all parties of the meeting (form is signed and dated and a copy of the form is given to the grievant). The person filing grievance and the person or persons committing the act upon which the grievance is based must be present. Attorneys or advocated representation the parties can be present.

2. At the meeting, the Principal shall attempt to provide a solution to the problem set forth in the grievance. This means that the Principal should offer some solutions that might be acceptable to both parties.
3. The Principal, regardless if a compromise is reached, should keep minutes of the meeting. The minutes should reflect the various solutions of compromises that were discussed and reaction of each party, i.e., whether that party accepted or rejected that solution or compromise and the reason. The minutes should also reflect the hour and day when the meeting is complete.
4. If it appears that no solution can be reached, the grievance form should reflect the fact and also reflect the consensus of both parties that no compromise is possible.
5. If the grievant does not want to meet with the Principal or does not agree to the solutions or compromises discussed at the meeting the grievant may appeal to the school board.
6. If the grievant is not satisfied, the grievant files the mediation/grievance form within three (3) working days of the dated response of the Principal, move to step 4: School Board

STEP 4: SCHOOL BOARD:

1. An appeal to the Pahin Sinte Owayawa School Board shall be made in writing and filed with the Principal (Mediation/Grievance Form). It shall state that the grievant appeals from a decision of the Principal and the date when the grievant was notified.
2. The Pahin Sinte Owayawa School Board upon receiving an appeal of the Principal's decision shall notify the grievant and other party if applicable of the date, time, and place of the hearing when the grievance will be reviewed by the Pahin Sinte Owayawa School Board.
3. The decision of the Pahin Sinte Owayawa School Board shall be made in writing by the Principal and be sent to all parties either by hand delivery or certified mail and must be within ten (10) working days after the completion of the review.
4. The decision of the Pahin Sinte Owayawa School Board is final and the decision cannot be grieved.

NOTE: The Due Process Procedure (Mediation/Grievance) Form is available from the Human Resource Office. All decision of the Pahin Sinte Owayawa School Board is final.

3.68 PERSONNEL DISCIPLINE

The Principal understands the value of progressive discipline in which employees are provided with notice of deficiencies and an opportunity to improve. The progressive discipline procedures may be applied to an employee who is experiencing a series of problems involving job performance and/or behavior. The Principal reserves the right to ignore the progressive discipline procedures and immediately go to more serious discipline if the Board determines such discipline is warranted.

3.69 SUPERVISOR RESPONSIBILITY FOR ADMINISTRATION OF EMPLOYEE DISCIPLINE

The immediate supervisor of an employee is responsible for ensuring that each employee conducts duties and responsibilities in accordance with the personnel policies and procedures of Porcupine. The immediate supervisor is responsible for administering and enforcing all disciplinary actions in the event that employee conduct and/or performance violates any of the personnel policies and procedures, code of ethics, or failure of the employee to competently perform their job responsibilities.

3.70 EMPLOYEE CODE OF PROFESSIONAL ETHICS

All teachers and teacher's aides are expected to conduct duties and responsibilities in accordance to the Code of Professional Ethics, which is included in the ATTACHMENTS portion of this Personnel Policies and Procedures Handbook. Failure of any teacher or teacher's aide to conduct duties and responsibilities in accordance with the Code of Professional Ethics may result in disciplinary action appropriate to any specific violation of these items, in accordance with disciplinary policies and procedures incorporated into this manual.

3.71 AUTHORITY FOR EMPLOYEE SUSPENSION AND DISMISSAL

An employee's immediate supervisor is responsible for recommending formal disciplinary action for suspension without pay or dismissal of an employee to the Principal.

The Principal can suspend an employee without pay.

The Board has the authority to suspend with pay and/or terminate an employee of Pahin Sinte Owayawa.

3.72 EMPLOYEE SUSPENSION AND DISMISSAL PROCEDURES

In the event that an employee's immediate supervisor recommends to the Principal that an employee under their supervision be suspended or terminated from employment, the supervisor shall be required to review this recommendation with the employee, and document in writing to the Principal (with a copy to the employee) of the time, date, and description of the conduct of the employee that is the basis of the recommendation for suspension and/or termination of employment, previous remedies that have been implemented to improve the performance and/or conduct of the employee, and the recommended action to be taken.

The Principal shall meet with the employee and their immediate supervisor prior to approval of any action to suspend or recommend the termination of the employee to the Board.

All written communications regarding any employee suspension and dismissal procedures shall be maintained in the employee's personnel file.

3.73 EMPLOYEE SERIOUS MISCONDUCT

The Principal has the authority to immediately suspend and recommend the termination of an employee of the School for instances of serious misconduct, which is defined as, but not limited to, any act resulting in damage to academic personnel, students, or property, or actions by an

employee which impact upon the financial integrity or community reputation of Porcupine.

3.74 DISCIPLINARY ACTION

Disciplinary action may result from, but is not limited to, the following employee behavior:

- (1) Failure to competently and consistently perform duties that are the responsibility of the employee;
- (2) Theft, embezzlement, or willful misuse of school funding, property, or other school resources;
- (3) Failure to follow established employee grievance procedures;
- (4) Falsification of records or information about an employee, including one's self, school funding, students, or staff;
- (5) Destroying school property;
- (6) Conviction of or pleading guilty to a felony;
- (7) Missing one (1) day of work without personally contacting his/her supervisor;
- (8) Chronic absenteeism, tardiness, or early departure from work;
- (9) Use of alcohol or other illegal drugs while on duty, or being under the influence of or having the use of alcohol or other illegal drugs while on duty which affects the safety and quality of services to students;
- (10) Sale or distribution to or consumption of illegal substances with students;
- (11) Sale, distribution, or consumption of alcohol with students who are not legally allowed to consume alcohol because of jurisdiction or age;
- (12) Insubordination (defiance of authority; refusal to obey orders; breaking chain of command)
- (13) Work place bullying of other staff, students, or parents. Work place bullying is defined as the act of one or more individuals intimidating one or more persons negatively and 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 professional work environment. Examples of work place bullying include, but are not limited to:
 - Threats, humiliation, or intimidating
 - Work interference or sabotage that prevents work from getting done
 - Verbal abuse
 - Harassment on social media at any time (Harassment is defined as threatening, insulting, and dehumanizing gestures, use of technology, computer software or written, verbal or physical conduct directed against an employee that places an employee in reasonable fear of harm to his or her person or damage to his or her property or position, or substantially interferes with an employee's work performance, or negatively and objectively impacts an employee's emotional or mental well-being and substantially disrupts the orderly operation of the school.

The above listed actions may be classified as serious misconduct if it is felt by the Principal or Board that the actions were sufficiently egregious.

3.75 PERSONNEL DISCIPLINARY PROCEDURES

The immediate supervisor of the employee may utilize the following procedure, unless violation involves serious misconduct or the school administration determines it is in the school's best interest to circumvent these procedures, if an employee violates a policy:

Step 1:

a. Meet with the employee to discuss the matter. b. Inform the employee of the nature of the problem and the action necessary to correct it.

c. Written Documentation that a verbal reprimand has occurred shall be maintained by the supervisor.

Step 2:

a. If situation does not improve, have another meeting with the employee to discuss the matter.

b. Issue a written reprimand to the employee that shall include the reason(s) for the action, the expected improvement and a time line for improvement.

c. The supervisor shall warn the employee that a third incident may result in their suspension. d. A copy of the written reprimand shall be filed in the employee's personnel file.

Step 3:

a. Hold a third meeting with the employee to discuss the matter. b. Recommend suspension of the employee from work to the Board.

Three or more written reprimands in an employee's personnel folder may be grounds for immediate termination.

The Employee Assistance Program may be utilized during any step of the disciplinary procedures to correct the problem(s).

Employees who believe they have been disciplined too severely or without good cause may use the grievance procedures. Grievance procedures are not available to staff whose contracts have not been renewed, if the grievance is related to the non-renewal.

An employee's record will be cleared of disciplinary violations if the employee works a full year without further action being instituted under this policy.

Employee dismissal may be appealed only by full-time employees through the employee grievance procedures.

3.76 EMPLOYEE ASSISTANCE PLAN OPTIONS (EAP)

Depending upon available funding, the Board, with the immediate supervisor's approval, may

consider alternatives to employee suspension and dismissal based upon an employee's request to complete an approved alcohol or other addiction treatment program, or other employee support program (i.e., counseling) that has been identifying as contributing directly to the employee's inability to competently perform their work responsibilities, within the following limitations:

- (1) The employee's reason for consideration of dismissal is not a result of any act that constitutes child abuse;
- (2) The employee's reason for consideration of dismissal is not a result of any act that resulted in the physical injury or endangered the safety of students, staff, administrators, or other community members;
- (3) The employee's reason for consideration of dismissal did not significantly disrupt the operation of the school, the provision of services to students, or severely impair the ability of other school staff to perform their work responsibilities;
- (4) The employee's reason for consideration of dismissal did not result in a conviction of a felony.

3.77 EMPLOYMENT ASSISTANCE REQUIREMENTS

In addition to the limitations previously described, the following requirements and limitations for participation in any Employee Assistance activities are established:

- (1) The employee must request consideration of this alternative to dismissal in writing to the Principal, through their immediate supervisor, prior to dismissal action being completed;
- (2) The employee must identify the treatment program or other support assistance that they will complete as an alternative to dismissal, for review by Human Resource and the immediate supervisor. The Principal reserves the right to recommend a different type of Employee Assistance Plan requirement as an option for the employee.
- (3) The employee must complete any Employee Assistance Plan that is approved by the Principal prior to consideration of continued employment. In consideration of continued employment, the Principal reserves the right to require the Employee Assistance Plan service provider to submit in writing an assessment of the employee's completion of the service or treatment program, and recommendations for any aftercare or services that they would recommend. The Principal may require aftercare or services as additional requirements for consideration of continued employment.
- (4) Pahrin Sinte Owayawa will not provide financial assistance nor approve leave to participate in EAP services.
- (5) The Principal may reinstate an employee who completes all requirements of their Employee Assistance Plan, and may also place the employee on probationary status as a requirement for continued employment.
- (6) The Employee Assistance option to employee dismissal may only be approved once for any

employee of the school during their employment.

3.78 SEXUAL HARASSMENT

Sexual harassment is a form of sexual discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e.

Pahin Sinte Owayawa is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive, including sexual harassment. Actions, words, jokes or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation or any other legally protected characteristic will not be tolerated. Pahin Sinte Owayawa provides ongoing sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.

It shall be a violation of this policy for any student or employee of Pahin Sinte Owayawa to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

The Pahin Sinte Owayawa will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of Pahin Sinte Owayawa. The complaint must be filed within 45 days of the alleged sexual harassment.

The School will provide employees and students with a pleasant environment which encourages efficient, productive, and creative work. The Board recognizes that sexual harassment is illegal, unacceptable and will not be tolerated. Any employee or student will be subject to disciplinary action including possible termination of employee or expulsion of student for violation of this policy.

DEFINITION: Sexual harassment is defined as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.

- A. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, of obtaining an education; or
- B. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education, or
- C. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.
- D. Sexual Harassment may include but is not limited to:
 - 1. Unwelcome sexual advances,

2. Offering employment benefits in exchange for sexual favors,
3. Making or threatening reprisals after a negative response to sexual advances,
4. Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects, pictures, cartoons or posters,
5. Verbal conduct that includes making or using derogatory comments, epithets, slurs or jokes,
6. Verbal sexual advances or propositions,
7. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual or suggestive or obscene letters, notes or invitations.
8. Physical conduct that includes touching, assaulting, or impeding or blocking movements.

REPORTING SEXUAL HARASSMENT

Any person who believes she or he has been the victim of sexual harassment by a student or an employee of Pahin Sinte Owayawa, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to their building guidance counselor or principal

The building principal shall be the person responsible for receiving oral or written reports of sexual harassment at the building level. The Principal shall be informed immediately for disciplinary reasons and the principal must notify the Human Resource immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Resource. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the Human Resource office. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. The complaint involves the principal, the complaint shall be filed directly with the Human Resource Department.

The School Board hereby designates the Human Resource Department as the Compliance Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the Principal as outlined above. If the complaint involves the Compliance Officer, the complaint shall be filed directly with the Pahin Sinte Owayawa School Board.

Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments.

Pahin Sinte Owayawa will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with Pahin Sinte Owayawa legal obligations and the necessity to investigate allegations of sexual harassment.

INVESTIGATION AND RECOMMENDATION

By authority of the School Board, Human Resource, upon receipt of a report or complaint alleging sexual harassment, shall immediately initiate an investigation by forming a Fact-Finding Committee. The fact finding committee will consist of two (2) Staff Members, the Human Resource and one (1) Alternate. The Fact Finding Committee will follow the Checklist for Investigation of Sexual Harassment.

In addition Pahin Sinte Owayawa may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

The Human Resource Department shall make a report to the Principal upon completion of the investigation.

False accusations may result in severe disciplinary action up to and including expulsion of a student or termination of an employee.

ACTION BY PAHIN SINTE OWAYAWA

.....A. Upon receipt of a recommendation that the complaint is valid, the Principal
..... will take such action as appropriate based on the results of the investigation.

B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by Pahin Sinte Owayawa. The report will document any disciplinary action taken as a result of the complaint.

REPRISAL

Pahin Sinte Owayawa will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment.

DISCIPLINE

Any action taken pursuant to this policy will be consistent with requirements of applicable Pahin Sinte Owayawa Policies. Pahin Sinte Owayawa will take such disciplinary action it deems necessary and appropriate, including warnings,

reprimands, suspension, or immediate expulsion or termination to end sexual harassment and prevent its recurrence.

3.79 TELEPHONES

All employees shall refrain from using personal cell phones during regular business hours.

3.80 DRUG POLICY STATEMENT

PURPOSE

The purpose of the Drug/Alcohol Policy is to ensure that the Pahin Sinte Owayawa meets relevant Federal and Tribal Drug Free Workplace requirements and to ensure that clear policies and procedures are in place to govern the handling of employees whose job performance problems are related to drug/alcohol use. The instruction and care of our students is a sensitive occupation that will not tolerate illegal use of drugs or alcohol. It is expected that all Pahin Sinte Owayawa employees need to be aware that it is illegal under Federal and Tribal Law to utilize drugs except under the prescription of a medical doctor.

GENERAL STATEMENT OF POLICY

The safety of the students and employees of Pahin Sinte Owayawa is of paramount concern to the School Board and, therefore, it will be the policy of the Pahin Sinte Owayawa to provide a safe learning, living and working environment free from the misuse of alcohol or use of controlled substances.

The School Board will not tolerate the unlawful use, manufacture, possession, sale or distribution of any illegal drugs by any on-duty employee while doing his or her assigned duties on school property. Nor will they tolerate the unlawful use of, or being under the influence of alcohol by an on-duty employee while doing his or her assigned duties on school property. School property will include the worksite, parking areas, housing areas, vehicles or any site where Pahin Sinte Owayawa business or activities are conducted.

When an employee has consumed alcoholic beverages or illegal drugs off of school property and/or before a school function, the employee will not be allowed on school property nor will the employee be allowed to participate in the school function.

Employees who violate this regulation will be subject to the same penalties as for possession and consumption on school property.

Any person employed by Pahin Sinte Owayawa who violates this policy will be subject to disciplinary action up to and including termination.

PROVISIONS

Persons employed by Pahin Sinte Owayawa to include: Administrators, Certified Staff, Para-professional Staff, Support Staff (which includes drivers with Commercial Driver's License (CDL) who drive Commercial Motor Vehicles (CMV). Temporary or Emergency Hire Employees who will operate, drive and/or use school equipment and/or vehicles are subject to this policy and will be in compliance with the State, Federal and Tribal rules and regulations to include drivers with Commercial Driver's License (CDL) who drive Commercial Motor Vehicles

(CMV).

Drug testing will be conducted to determine the presence of drug and/or alcohol as set for in the Drug/Alcohol Testing Policy.

All drug testing under this policy will be conducted in a nondiscriminatory basis so that no employee is harassed or treated differently from other employees in a similar circumstance.

The drugs tested for under this policy will include but is not limited to; Marijuana (THC) (Metabolite), Cocaine, Amphetamines, Opiates (including heroin), and Phencyclidine (PCP) and Alcohol. Drug testing may be conducted at any work site or the Testing Clinic or Laboratory as designated by the School Board. Such testing will be done by a medical doctor, physician's assistant, or other properly trained persons and shall be collected in such a manner so as to protect the privacy of the employee.

Testing will be done by an independent testing laboratory. The results of the testing shall not be made known to any person other than the employee, the employee's supervisor and the designated school personnel. A certified drug and alcohol counselor will be designated to coordinate the procedure of drug testing.

PROCEDURE

The Pahin Sinte Owayawa will conduct Drug/Alcohol Testing in the following circumstances:

MANDATORY TESTING: Pahin Sinte Owayawa will conduct mandatory testing will be conducted on-site by an independent company. Employees will be given the opportunity to present alternative medical explanations for a positive test, including evidence that medication prescribed by a licensed medical professional for use by the employee was the cause of the positive test result. If an employee receives a positive result, another test will be conducted.

PRE-EMPLOYMENT TESTING: Pahin Sinte Owayawa will conduct Pre-Employment Testing for alcohol and drug use by applicants after an offer has been made for employment. Applicants whom Pahin Sinte Owayawa intends to hire will be tested for the presence of alcohol or drugs before employment. Before the collection of a urine sample, the applicant will be notified that the sample will be tested for the presence of alcohol and/or drugs. Any applicant testing positive for alcohol and/or drugs, or who refuses to be tested for alcohol and/or drugs, will not meet the minimum requirements for employment. **The school will pay for any testing if the applicant tests negative for alcohol/drugs. A negative drug screen will allow the prospective employee to proceed in filling out all new hire paperwork. A positive drug screen will be sent off to a lab for Confirmation. Once the results are confirmed the prospective employee will not be allowed employment for a period of thirty (30) days, and may be denied employment**

POST ACCIDENT TESTING: Post-Accident Testing will be conducted when an employee is driving an Pahin Sinte Owayawa vehicle or private vehicle to conduct school business and receives a citation under State or Tribal law for a moving traffic violation arising from an accident where there is a fatality, injury treated away from the scene, or where the vehicle was required to be towed from the scene, or whenever there has been damage to Pahin Sinte

Owayawa property. Post testing will be conducted when practicable following an accident involving an Pahin Sinte Owayawa owned vehicle or private owned vehicles (used to conduct school business). Pahin Sinte Owayawa will test each surviving driver for alcohol and controlled substances.

RANDOM TESTING (ALCOHOL): An employee will only be tested for alcohol while the employee is performing an Pahin Sinte Owayawa function, just before the operation of Pahin Sinte Owayawa owned vehicle, machinery or equipment or a private vehicle used for school business, or just after operation of an Pahin Sinte Owayawa owned vehicle, machinery, equipment or a private vehicle used for business. Employees who have any alcohol concentration (defined as 0.00 or greater) in their breath, when tested just before, during or just after performing safety-sensitive functions, must also be removed from performing such duties for eight (8) hours or until another breath test is administered and the result is less than 0.00. Commercial motor vehicle drivers must be removed from driving for at least twenty-four (24) hours.

Random alcohol testing will be conducted by the following requirements: A minimum annual rate of 10% of all employees and board members shall be tested on a quarterly basis. Tests will be unannounced and spread reasonably throughout the calendar year. Upon notification, the employee will go immediately to the testing site. Transportation will be provided if requested.

Test result confirmed positive will be just cause for disciplinary action up to and including termination of employment.

RANDOM TESTING (CONTROLLED SUBSTANCES): Random controlled substances tests may be administered anytime the employee is on duty and are subject to a random drug screen on an unannounced and random basis annually.

Random Controlled Substances testing will be conducted as follows:

A minimum annual rate of 10% of employee positions and board members on a quarterly basis will be tested. Tests will be unannounced and spread reasonably through the calendar year, and upon notification the employee will go immediately to the testing site.

Employees testing positive will be given the opportunity to present alternative medical explanations for the positive test, including evidence that medication prescribed by a licensed medical professional for use by the employee was the cause of the positive test result. If an individual receives an incorrect positive result another test will be conducted.

Employees will be notified upon selection. Employees will then report to the collection site for testing. If the test results are negative no further action is necessary. If the test results are positive:

- i. The employee will be suspended for a period of five (5) days without pay.
- ii. During the five (5) day period, the Employee must schedule a drug and alcohol assessment and follow through with the

recommendations of the assessment.

Documentation must be submitted to the Principal and Human Resource and will be treated as confidential medical information.

Any Porcupine School employee under the care of a medical professional must notify Human Resource of any restrictions that may include taking prescribed pain medication and that may interfere with their day to day duties. The employee will be placed on restrictive duty until the employee is given a clearance by a medical profession.

If the employee refuses to submit to the test, the refusal will be treated as a positive result and the employee will be suspended for a period of thirty (30) days; the employee must schedule an alcohol and drug assessment and follow through with the recommendations.

Documentation must be submitted to the Principal and Human Resource and will be treated as confidential medical information.

Drug test results confirmed positive will be just cause for disciplinary action up to and including termination of employment.

REASONABLE SUSPICION TESTING: testing of Pahin Sinte Owayawa staff will require an employee to submit to an alcohol or controlled substance test when there is a reasonable suspicion to believe that an employee has violated the Drug/Alcohol Policy. Transportation will be provided by Pahin Sinte Owayawa if requested. The Pahin Sinte Owayawa supervisor's observations must be based on specific observations.

Observations must be made during, just before, or after the employee does an Pahin Sinte Owayawa function. Tests for alcohol should be administered within two (2) hours and attempts will continue up to eight (8) hours when they will cease. Tests for controlled substances should be administered within eight (8) hours and attempts will continue up to twenty- four (24) when they will cease.

Given reasonable suspicion of use or possession, the following steps will occur:

Reasonable suspicion will initiate administrative contact with the individual.

Reasonable suspicion may include but is not limited to the odor of alcohol on or about the person, slurred speech, etc. The suspected employee will sign a consent form allowing the test to be conducted.

1. The employee will be directed to Human Resource office where he or she will be kept in observation and questioned regarding the concern of alcohol consumption.

2. The employee may, at that point, confirm or deny the report.
3. After a period of observation and questioning and the employee denies the consumption of alcohol, the employee will be informed of the less invasive means of detecting breath alcohol.
4. If it is determined the employee is under the influence of alcohol the employee will be requested to leave the school grounds at that time and will be subject to disciplinary action up to and including the possibility of termination.

A written record will consist of an observation leading to a controlled substance reasonable suspicion test and signed by the supervisor or Administrator who made the observations within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.

Test results confirmed positive will be just cause for disciplinary action up to and including termination of employment.

RETURN TO DUTY AND FOLLOW-UP TESTING: Return to duty and

follow-up testing will be conducted when an employee, who has violated the prohibited drug/alcohol conduct standards, returns to performing Pahin Sinte Owayawa duties. Follow-up tests are unannounced and at least two (2) tests must be conducted in the first year after an employee returns to duty. Within ninety (90) days of the first test.

A Return to Work Clearance Form must be completed by a structured rehabilitation program before an employee can return to work at Pahin Sinte Owayaw and they must also sign a Return To Work Agreement Form before they are allowed to return to work. These two forms can be obtained from the Human Resource office.

After failing a drug test or refusal to test an employee will be tested prior to returning to duty.

- a. Upon returning to work, after the five (5) day suspension period, the employee will follow the recommended plan of a structured rehabilitation program, a second random result or probable cause will result in termination due to insubordination.
- b. Transportation personal will be required to test negative before operating a school vehicle.
- c. Any follow up testing will be at the cost of the employee.

Copies of the drug testing policy will be provided to all employees. Employees will be asked to sign an acknowledgement form indicating that they have received a copy of the drug testing policy. Questions concerning this policy or its administration should be directed to the Human Resource office.

Follow-up test results confirmed positive will be just cause for disciplinary action up to and including termination of employment.

Administrators, supervisors and all employees will comply and/or ensure compliance with the general and specific provisions of the policy from the effective date forward. Failure to comply will result in disciplinary action up to and including termination of employment.

EMPLOYEE ASSISTANCE PROGRAM

The Board knows that staff are subject to disease, chemical dependency and conditions by which they lose control of their lives, and will offer help although such recognition does not rule out strict disciplinary action to be taken in the best interest of Pahin Sinte Owayawa.

PROGRAM RESPONSIBILITY: The Principal shall implement or refer an employee assistance program to carry out Board Policy and the Human Resource shall assist those staff who need and use the Employee Assistance Program.

SUPERVISOR RESPONSIBILITY: Principal and/or Supervisors shall:

1. be alert to poor or declining job performance, absenteeism, tardiness, and other job-related indicators.
2. let the staff member know about this as soon as possible without deciding the medical nature of the problem.
3. follow procedures to assure a request will be met with no danger to job security or promotion maintain strict confidentiality;
4. refer the case for diagnosis and/or treatment to the Employee Assistance Program, and individual drug testing may be required at this point with reasonable cause, and
5. document the case on a profession accepted standardized format.

STAFF Responsibility: Staff identified in need of help shall:

- I. comply with referral for diagnosis and cooperate fully with prescribed treatment of therapy, rehabilitation or retraining;
2. acknowledge that continued refusal to admit or failure to respond to this problem including diagnosis and treatment will be handled as any illness resulting in poor/declining job performance, and

3. be aware that termination will result from a refusal of treatment, after-care, and drug testing.

REFERRAL PROCESS: Supervisors shall follow the flow chart showing the referral process for the Employee Assistance Program. Supervisors are encouraged to make sure employees are aware of the Employee Assistance Program whenever discussions about performance problems take place.

DEFINITIONS

The following definitions apply to this manual:

Adulterated Specimen means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but at a concentration so high that it is not consistent with human urine.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol's including methyl or isopropyl alcohol.

Alcohol concentrations means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

Alcohol & Drug-free program means a program to detect and deter the use of prohibited drugs and alcohol as required by this part.

Alcohol confirmation test means a subsequent test using an EBT, following a screening test with a result of 0.02 or greater that provides quantitative data about the alcohol concentration.

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Board member means the Pahin Sinte Owayawa.

Alcohol screening test means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen. **Breath Alcohol Technician (BAT).** An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Canceled test means a test that has been declared invalid by a Medical Review Officer. It is neither a verified positive nor a verified negative test, and includes a specimen rejected for testing by a laboratory.

Collection container. A container into which the employee urinates to provide the urine sample used for a drug test.

Collection site. A place designated by the Pahin Sinte Owayawa where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Confirmation (or confirmatory) test. In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principal from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation methods for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In alcohol testing, a second test, following a screening test with a Blood Alcohol Concentration (BAC) of 0.02 or greater that provides quantitative data of alcohol concentration.

Contractor means a person or organization that provides a service for Pahin Sinte Owayawa consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident/incident in its usual manner in daylight after simple repairs.

(1) **Inclusion.** Damage to motor vehicles that could have been driven, but would have been further damaged if so driven. (2) **Exclusions.** (i) Damage which can be remedied temporarily at the scene of the accident/incident without special tools or parts.

(ii) Tire disablement without other damage even if no spare tire is available.

(iii) Headlamp or taillight damage.

(iv) Damage to turn signals, horn, or windshield wipers which makes them inoperative.

Employee. An individual, including all employees of Pahin Sinte Owayawa, substitutes, temporary, volunteers, applicants for employment, or transferees. As used in this manual "employee" includes an applicant for employment. "Employee" and "individual" have the same thing meaning for purposes of this policy.

EBT (or evidential breath testing device). An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

Medical Review Officer (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the Pahin Sinte Owayawa's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Performing (a safety-sensitive function) means an employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Prohibited drug means marijuana, cocaine, opiates, amphetamines, or phencyclidine (PCP).

Refuse to submit means that an employee fails to provide adequate breath for alcohol testing or a urine sample for drug testing without a valid medical explanation, or refuses to report to the collection site, after he or she has received notice of the requirement to be tested in accordance with the provisions of this part, or engages in conduct that clearly obstructs the testing process. A valid medical explanation must be supported by a statement from a licensed medical physician.

Safety-sensitive function means any of the following duties: (1) Operating a vehicle;

(2) Operating a vehicle, when required to be operated by a holder of a Commercial Driver's License;

(3) Controlling dispatch or movement of a vehicle;

(4) Maintaining a vehicle or equipment used in service;

(5) Carrying a firearm for security purposes; or

(6) Performing a function, which potentially impacts the life, health, or safety of another person.

Screening test (or initial test). In drug testing, an immun-assay screen to eliminate "negative" urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Substance abuse professional (SAP) means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of an clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Vehicle means a bus, van, or automobile. **Verified negative (drug test result)** means a drug test result reviewed by a medical review

officer and determined to have no evidence of prohibited drug use.

Verified positive (drug test result) means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use.

The following employees, who perform a safety-sensitive functions, will be subject to alcohol and drug testing, pursuant to the federal government's Drug Free Workplace

Board members shall be tested prior to being certified (pursuant to OST Ordinance) and included in the regular pool.

Substances that are prohibited and for which tests will be conducted are marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP). Testing for alcohol will also be conducted.

The Pahin Sinte Owayawa shall establish a program which provides for testing for prohibited alcohol and drug use in the following circumstances: pre-employment, post-accident, reasonable

suspicion, random, return to duty/follow up and volunteer, as described in detail in the policy.

3.83 TEACHER CODE OF ETHICS TO STUDENTS, PUBLIC AND PROFESSION **Obligations to students.** In fulfilling their obligations to the students, educators shall act as

follows:

- (1) Not, without just cause, restrain students from independent action in their pursuit of learning;
- (2) Not, without just cause, deny to the students access to varying points of view in the classroom;
- (3) Present subject matter for which they bear responsibility without deliberate suppression or distortion;
- (4) Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health, and safety;
- (5) Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement;
- (6) Accord just and equitable treatment to every student, regardless of race, color, creed, sex, sexual preference, age, marital status, handicapping condition, national origin, or ethnic background;
- (7) Maintain professional relationships with students without exploitation of a student for personal gain or advantage;
- (8) Keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
- (9) Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment;
- (10) Not engage in or be a party to any sexual activity with students including sexual intercourse, sexual contact, sexual photography, or illicit sexual communication.

Obligations to the public. In fulfilling their obligations to the public, educators shall act as follows:

- (1) Take precautions to distinguish between their personal views and those of the local school

district or governing body;

(2) Not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions;

(3) Not interfere with a colleague's exercise of political and citizenship rights and responsibilities;

(4) Not exploit the local school district or governing body for public or personal gain;

(5) Not exploit the local school district or governing body to promote political candidates or partisan political activities;

(6) Neither accept nor offer any gratuities, gifts, services, or things of value that impair professional judgment, offer special advantage, or provide personal benefit;

(7) Engage in no act that results in a conviction;

(8) Exemplify high moral standards by not engaging in or becoming a party to such activities as fraud, embezzlement, theft, deceit, moral turpitude, gross immorality, sexual contact with students, illegal drugs, or use of misleading or false statements; and

(9) Not misuse or abuse school equipment or property. (13) Perform duties in accordance with local, state, and federal rules and laws.

Obligations to the profession. In fulfilling their obligations to the profession, educators shall act as follows:

Source: SDCL Sec. 13-43-25, ARSD 24:08:03.

Pahin Sinte Owayawa
MEDIATION/GRIEVANCE FORM

STEP 1 SUPERVISOR:

DATE: _____

NAME: _____

ADDRESS: _____ PHONE _____
NUMBER _____

STEP 1 SUPERVISOR:

Description of Grievance, Complaint or Issue (attachments maybe provided)

Proposed Solution:

Signature of
Grievant: _____

Date: _____

Supervisor Signature and Date

Received: _____

Supervisor Disposition (attached)

Granted _____

Denied _____

Date Received

Grievant: _____ Initials: _____

STEP 2 MEDITATION:

Date Received Human Resource Office: _____

Human Resource Director Initials: _____

Date Received Mediator: _____ Initials: _____

Mediation Outcome (attached):

Signature of

Mediator: _____ Date: _____

Date Received

Grievant: _____ Date: _____

STEP 3 PRINCIPAL:

Date Received Principal: _____ Initials: _____

Date/Time Meeting Held with Grievant: _____

Reason (attachment maybe provided):

Principal Disposition: Granted _____ Denied _____

Signature of
Principal: _____ Date: _____

Date Received Grievant: _____
Initials: _____

STEP 4 SCHOOL BOARD:

The Grievant appeals from a decision of the Principal:

Date Received: _____ School Board Chair

Initials: _____

Date of Meeting: _____

Reason (attachments maybe provided):

Grievance School Board Disposition: Granted: _____ Denied: _____

Signature of School Board Chair: _____ Date: _____

Date Received Grievant: _____ Initials: _____

Date of Final Decision: _____

Pahin Sinte Owayawa 2020-2021

SCHOOL OPERATIONS POLICIES

4.01 GOALS AND OBJECTIVES

The Board shall provide processes, structures and resources to ensure staff, students and community member's access to safe, sanitary and adequate buildings and grounds through procedures designed:

1. To provide access to facilities meeting safety, special and environmental needs to enhance learning and working conditions.
2. To provide community access to facility and ground areas to promote community involvement.
3. To provide timely and thorough inspection of facilities, vehicles and other resources to ensure safe service.
4. To develop time schedules and structures to provide services to students with the least amount of interruption to education.
5. To provide structures to evaluate and upgrade facility use areas and equipment to meet student needs.
6. To provide management systems to determine program needs and resources available at the school.
7. To provide for evaluation and reporting of information to the public to keep them advised of programs, accomplishments, needs and other items.
8. To implement policies and processes designed for cost effective business management at the school.
10. To develop and maintain inventory listings for property, vehicles, equipment, buildings and grounds.

Business operations are essential yet auxiliary to the schools central function of education. The Board serves as trustee of school facilities and supervisor of school business operation for the purpose of providing the facilities and services to support the educational program. In the operation and maintenance of the school plant, equipment and services, the school shall:

1. Maintain high standards of safety,
2. Promote staff and student health,
3. Reflect community aspirations, and
4. Support efforts to provide quality instruction.

4.02 BUILDINGS AND GROUNDS MANAGEMENT

The Board shall maintain school property in good physical condition, and as comfortable and convenient as the facilities will permit or use requires. The Principal or Business Manager or his /her designee shall be responsible for the care, custody and safekeeping of all school property and shall establish procedures and employ such means as may be necessary to discharge this duty. Principals or his/her designee are responsible for the care of school property used by their staff and students.

Principals are responsible for notifying the proper authorities or employees of building and operational needs, including the defacing or destruction of school property that needs cleaning or repair. Principals shall perform an inspection of school buildings and property at the end of each semester during the school year, and shall submit a checklist to the Principal of buildings or property needing repair or replacement.

4.03 HOUSING POLICIES

The Housing Policies, which are incorporated herein by reference and made a part of these Policies and Procedures, are included as an attachment to these Policies, along with a draft of a housing quarters agreement (Housing Lease).

4.04 SAFETY PROGRAM

The Board shall make every effort to prevent accidents by taking all reasonable precautions protecting the safety of those present on school property. The Board shall comply with all Civil Defense Regulations.

The Principal or his designated committee shall have responsibility for the safety program and see that appropriate staffs are kept informed of state and local requirements relating to fire prevention, civil defense, sanitation, public health and occupational safety.

The staff shall adhere to recommended safety practices as they pertain to the School.

4.05 FIRE PREVENTION

Fire prevention measures in the school shall be in compliance with appropriate Safety Code(s) and directives of the DECA. DECA requires a minimum number of fire drills per year, which shall be conducted by School personnel.

Fire prevention shall reflect the top priority the school gives the welfare of students and staff. The Principal is responsible for seeing that staff members in charge of the safety of personnel and school property are informed of current regulations and recommendations of fire officials. Those in charge of school property being used for purposes other than instruction are responsible for compliance with school fire prevention measures.

4.06 EMERGENCY DRILLS

The Principal or his designated Committee shall:

1. Develop a plan for building evacuation in case of emergency;
2. Conduct emergency drills and report evacuation time lines to proper authorities;
3. Post emergency exit directions in all school buildings.

Failure of staff to participate in emergency drills shall result in personnel action for insubordination. Activation of fire alarms without approval or need will result in immediate disciplinary action against the perpetrator, up to and including expulsion.

4.07 THREATS OF VIOLENCE

School personnel shall cooperate fully with police in planning and carrying out procedures for dealing with threats of violence and shall be given instructions regarding their responsibility in the event of such a situation.

The following procedure shall be used as guidelines:

1. Safety of the staff and students shall be of primary concern,
2. Identification of the person(s) making the threat is important,
3. Any incident shall be reported immediately to the Principal and Oglala Lakota Nation Department of Public Safety,
4. Immediate evacuation of the entire school,
5. Students may not be dismissed from school, but shall wait with their class and teacher at the designated location until given notification that they can return to the building by authorized school officials.

4.08 TRAFFIC AND PARKING CONTROLS

The Board shall work with appropriate agencies in an effort to provide the best possible safe coverage for students leaving and entering school grounds which may include use of safety patrols at crosswalks and marking school speed zone areas as provided by law.

The Principal shall develop rules and regulations for parking and traffic control on school property.

4.09 SAFETY INSPECTIONS

The Principal or his/her designee shall:

1. Acquire or approve of inspections by licensed off-site inspectors for their services,
2. Develop, monitor and implement safety inspection procedures for all school areas and services,
3. Develop and conduct inspections of all heating, emergency and other systems of the school, implement inspection on activities on a regularly scheduled basis.

The Principals shall provide for the ongoing inspection of instructional and support service work stations to ensure health and safety requirements legislated by tribal, state and federal agencies.

4.10 SECURITY

The Principal or his designee shall develop security procedures for Board approval to include:

1. Provision for door locks,
2. Minimizing fire hazards,
3. Reducing possibility of faulty equipment,
4. Keeping records and funds in the safe,
5. Protection against vandalism and burglary,

6. Prosecution of vandals, and
7. Personnel who must oversee security of buildings.
8. The School reserves the right to install security cameras and other security devices.

4.11 VANDALISM PROTECTION

The Principal or his/her designee is authorized to sign criminal complaints and to press charges against perpetrators of vandalism against school property.

4.12 HEATING AND LIGHTING

The Maintenance person shall be responsible for making certain that heating and lighting for all areas are maintained at proper levels, and conduct periodic inspections as needed of all areas to make certain that levels meet environmental and school learning needs.

Propane and heating fuel tanks shall not be filled without prior authorization of the Housing Committee or the Principal.

4.13 CLEANING PROGRAM

The Principal or his/her designee shall develop and implement a cleaning program for school facility and campus areas and shall submit regular reports to the Board. The Principal shall conduct periodic inspections of these areas as part of the performance evaluation criteria. Custodial personnel shall be given schedules and locations of cleaning responsibility. Employees are to contact the Principal or his/her designee immediately if scheduled cleaning of facilities does not take place.

Principal shall periodically schedule campus area cleanup activities implemented by staff and students.

4.14 SANITATION

The Board shall ensure that all facility and grounds areas of the school meet sanitation requirements, and require supervisory personnel to make certain that promotion and maintenance of sanitary conditions in all areas under their supervision are met. Inspection of sanitation conditions shall be conducted regularly with responsibility for sanitation provided by the Maintenance person.

4.15 REPAIRS AND ALTERATIONS

Employees are not authorized to make alterations to any equipment or school property without the signed written consent of the Principal or Housing Committee. No alterations to school housing shall be made without the approval of the Board or Housing Committee. Principal is responsible for decisions regarding any repairs to building or campus areas.

The Principal and/or Business Manager shall complete a facilities review annually, documenting major repair needs. The checklist submitted by school principals shall be relied upon in the annual facilities review.

The following procedure shall be followed for minor repairs to school buildings, grounds and quarters:

1. Requests for routine repairs or maintenance work shall be written by the requesting individual on a Work Order Form and a copy retained in the Business Office.
2. If the work is not done within five (5) work days, another request should be filed along with a written request for the reason the work was not done after the first request.
3. The Business Manager or Principal will issue a signed written response within three (3) work days of this request to the person requesting a reason for the work not being done.
4. If the work is not done within five (5) work days after the second request, the person making the request shall notify the Principal who will attempt to resolve the situation within three (3) work days.
5. Persons dissatisfied with the non-completion of two requests may utilize the Grievance Procedure outlined in the policies and procedures after completion of step 4 above.
6. A work order request must be submitted to the Business Manager prior to implementing any repairs, except in an emergency.
7. If repairs are needed as a result of negligence, the Business Manager or Maintenance person shall report the information to the Principal immediately. The cost of such repairs may be assessed to the individual

4.16 EMERGENCY REPAIRS

Need for emergency repairs shall be reported to the Principal by the employee's supervisor. The Principal has the authority to determine processing of expenditures for emergency repairs.

4.17 LEASING AND RENTING

The Principal is authorized to lease or rent to individuals or organizations requesting the use of school facilities with such privileges contingent upon completion of facility use agreement criteria and signature of a facilities use agreement.

The cost of leasing and-renting school facilities shall be in accordance with the School Facility rate schedule, which shall be reviewed and issued annually by the Board. The rate for school facility shall be set by the Board at rates which shall be posted or maintained in School Office.

The following criteria shall be set forth in the Facilities Use Agreement and/or considered when leasing or renting School facilities:

1. Activities sponsored by student and school groups have preference over outside use of facilities.

2. A \$200.00 deposit shall be required and returned to the sponsoring individual or organization after verification of the meeting of all criteria in the use agreement following the activity.
3. Release of any liability of the Pahin Sinte Owayawa by individuals or organizations utilizing school facilities.
4. Payment of any damages and cleaning exceeding the \$200.00 deposit must be paid within a specific time line.
5. The group shall provide proper security and cleanup during and after the activity. Failure to provide proper security and cleanup shall constitute a waiver of the return of the deposit.

The Principal and Facilities Manager shall be responsible for completion and monitoring of facility use agreements to assure proper coordination of facility use and scheduling needs of school-sponsored activities.

Student organizations using facilities are not required to submit a damage deposit or rental fee unless previous use has resulted in damage to facilities or equipment during activities. Sponsoring organizations shall be required to consult with public safety to make arrangements for security for activities at least two weeks prior to the activity, unless other suitable arrangements for security have been made and approved.

PLEASE SEE GYM USAGE RULES

4.18 MAIL SERVICE

The following shall govern incoming and outgoing mail service:

1. Use of school postage meter for personal mail is prohibited.
 2. Restrictions affecting regular postal service shall be in effect for mail service.
 3. Outgoing mail must be placed in proper mailbox in the Business Office.
 4. Business Office personnel are responsible for delivery to the Post Office.
 5. The Business Office staff shall be responsible for the distribution of mail.
- ** Tampering with mail shall be reported to federal law enforcement authorities.**

4.19 RECEIVING MAIL OR OTHER GOODS

The Business Office is authorized to receive postal or other delivery of goods and items to the school and is responsible for recording invoices and the inventory and proper disbursement of items.

4.20 WAREHOUSING

Items are to be warehoused in identified storage areas that inhibit damage to the items. Supervisors are responsible for monitoring the distribution of supply items to personnel under their direct supervision. Employees are not to hoard supplies.

The Business Office is responsible for developing ordering processes for consumable instructional supplies consistent with established purchasing procedures.

4.21 EQUIPMENT LEASING AND RENTING

The Principal responsible for developing procedures authorizing and coordinating the lease or rental of school equipment.

4.22 EQUIPMENT MAINTENANCE

The supervisor to whom equipment is assigned shall be responsible for making certain items are kept in functional working condition, shall identify and implement periodic inspection of all equipment to make certain that upkeep standards are met, and shall record all inspections and repairs to equipment.

4.23 PERSONAL USE OF EQUIPMENT

Employee use of equipment or supplies for personal reasons is prohibited. Unauthorized use of equipment and supplies may result in disciplinary action. Discipline shall follow disciplinary steps as described elsewhere in the Manual under personnel and administration policies, respective to the employee being disciplined.

4.24 TELEPHONE USE

Telephone use is for school business only. Employee use of telephone for personal calls will result in disciplinary action with the cost of such calls deducted from the employee's payroll check. Students and staff are not authorized to make outgoing personal calls on school telephones and will not be called to receive incoming calls unless in an emergency or as authorized by the Principal in writing.

Business Office personnel shall reconcile monthly telephone billings.

4.25 INTERNET USE

This policy applies to all Pahin Sinte Owayawa employees who are accessing the Internet using Pahin Sinte Owayawa equipment and/or telephone lines. The primary goals are to:

1. Protect the information assets of the Pahin Sinte Owayawa.
2. Establish staff and student accountability and responsibility for the acceptable use of the Internet.
3. Protect Pahin Sinte Owayawa from liability resulting from illegal use of the Internet.

Pahin Sinte Owayawa staff, students, and other affiliated persons who use Pahin Sinte Owayawa computing facilities to access the Internet are expected to exercise responsible and ethical behavior and will be held accountable for ensuring that such use:

1. Is consistent with Pahin Sinte Owayawa values and policies.
2. Protects the integrity and confidentiality of Pahin Sinte Owayawa records and

- computer and electronic assets.
3. Does not violate any local, state or federal laws.

Failure to abide by this policy shall result in cancellation of Internet access privileges, disciplinary review, and/or legal action by the Board.

The following procedure shall be followed:

1. Each applicant requesting Internet access will read and sign the “Acceptable Use Policy” and is responsible for knowing and understanding this policy. A copy of the “Acceptable Use Policy” will be kept on file in an appropriate location.
2. Students, staff and other associates who use the Internet shall be informed of their responsibility to use the services of the Internet in a manner which is consistent with the service, quality and education goals of Pahin Sinte Owayawa before being granted access privileges.
3. Abuse of the use of the Internet by Pahin Sinte Owayawa administration, staff, or employees, or volunteers, including committing violations of tribal, federal, or state law and/or the use of Pahin Sinte Owayawa equipment or telephone lines to engage in the procurement, storage, dissemination, or transfer in any fashion of pornography or lewd materials, photographs, visual depictions, or materials capable of being converted into visual depictions, shall make that employee subject to immediate discipline, up to and including termination.

4.26 DUPLICATING SERVICES

The School Office is maintained to provide employees with access to duplicating services for instructional and other authorized materials.

Employees requesting large volume copying are to consult with the principal to schedule completion of needed items. Employees may duplicate materials utilizing available equipment in the school office for small quantity copying with the number copies, type and employee name recorded in available log books. Office copy machines are to be used for school business unless otherwise authorized by the supervisor to whom the machine has been assigned.

If granted permission to use the copy machine for business which is not related to the School, the Business Office shall establish and administer rates which will be charged for duplication of personal or copies for organizations which are considered by the Supervisor of the copy machine not to be School related.

4.27 STUDENT TRANSPORTATION MANAGEMENT

The transportation program shall be designed to transport students living an unreasonable walking distance from school in a safe efficient manner and to provide transportation for academic field trips in direct support of the curriculum, extra-curricular program needs, and other support uses for students.

All teachers shall escort their class to bus loading zones daily to make certain they board the bus safely.

4.28 TRANSPORTATION GUIDELINES

The Principal or his/her designee is responsible for all school vehicles used, for student transportation and shall conduct an annual program evaluation. The overall transportation program shall be monitored by the Principal or his/her designee on a daily basis and is subject to periodic evaluation by the Board or off-site resources.

Criteria for management of school transportation services shall be:

1. Adequacy: to provide necessary sufficient transportation to and from school and for school programs.
2. Safety: to account for hazards, potential dangers to students, and other appropriate safeguards.
3. Economy: to operate in the most efficient manner possible considering all constraints imposed.

General guidelines for management of the Transportation Department are:

1. Employees operating school vehicles are required to possess a valid driver license or commercial driver's license, have a safe driving record, and be listed on the school insurance policy.
2. Students are prohibited from operating school vehicles.
3. Keys are not to be left in unattended school vehicles at any time.
4. Employees using school vehicles are required to document the mileage, fuel usage and other reports required by the Transportation Department.
5. Employee using school vehicles assigned to the Transportation Department must receive prior clearance from the Principal or his/her designee.
6. Requests for vehicle use or transportation services are to be scheduled with the Principal or his/her designee three (3) days in advance. Employees requesting transportation services for school related activities are required to complete a Field Trip Request form and submit completed forms to the Principal or his/her designee.
7. Alcoholic beverages or other drugs are prohibited in school vehicles and use of such while operating school vehicles shall result in disciplinary action.
8. Employees are to immediately return vehicle keys to the Principal or his/her designee following vehicle use.
9. Employees are prohibited from unauthorized use of school vehicles. This may result in disciplinary action enforced against the employee.
10. Employees or others shall not use the school vehicle, fuel, supplies or equipment for their personal use. Any such use will result in disciplinary action.
11. Anyone using school vehicles, including coaches, sponsors and managers shall inspect the vehicle prior to returning it. Failure to clean the vehicle may result in no further vehicle use for that individual.
12. The driver shall report any accident involving school vehicles immediately to proper authorities and the Principal or his/her designee.
13. Anyone operating a school vehicle must abide by all traffic laws and regulations. Only Pahin Sinte Owayawa employees with valid Commercial Drivers Licenses

- (CDL) shall operate Pahin Sinte Owayawa buses. Only Pahin Sinte Owayawa employees shall operate non-CDL school vehicles.
14. Buses shall not leave main bus routes.
 15. No mileage shall be paid to parents who transport their children to and from school bus routes and school activities.
 16. A bus shall wait for students a minimum of three (3) minutes and no more than five (5) minutes.
 17. No pets are allowed in any school vehicles.

4.29 SCHOOL BUSES

The Principal or his/her designee is responsible for making certain that a qualified driver is cleared for vehicle use in all instances involving student transportation services.

Bus Drivers are responsible for maintaining vehicles assigned to them. Chewing tobacco products and sunflower seeds shall not be permitted on buses at any time.

4.30 PRIVATE VEHICLE USE

Employees shall not operate their personal vehicle to transport students. (Insurance/Parental permission requests)

4.31 TRANSPORTATION INSURANCE

The Board shall purchase insurance to provide protection to children transported for school purposes in school owned, leased or controlled motor vehicles. Such insurance coverage is not an admission of liability by the school for any injury or damage occurring during transportation of children for school purposes in school owned, leased or controlled motor vehicles, nor shall the existence of Federal Tort Claim Act protection in any way relieve the Pahin Sinte Owayawa liability insurance carrier from coverage for accidents and other negligent acts committed by the School, its Board Members, officers, agents, and employees, up to the current limits of the policy and such cases shall be defended by the U.S. Bureau of Indian Affairs and the U.S. Attorney, pursuant to the Indian Self-Determination and Education Assistance Act.

All school vehicles which require that drivers have CDLs, and all other Pahin Sinte Owayawa vehicles shall be driven only by qualified, appropriate, and licensed Pahin Sinte Owayawa personnel.

4.32 VEHICLES SAFETY INSPECTION

All school vehicles used for transportation services shall be required to pass vehicle inspections and regulations of all applicable transportation laws.

The Principal or his/her designee is responsible for making certain that all vehicles are in compliance and are maintained within regulations and safety inspection requirements during the school term. S/he shall implement procedures to ensure compliance for licensing, insurance, and inspection requirements.

The Principal or his/her designee is responsible for ensuring all school vehicles are equipped with required items and shall develop, implement and monitor procedures for vehicle maintenance.

4.33 SCHOOL BUS CONDUCT

Pahin Sinte Owayawa provides transportation for students who reside within the school service area and it is imperative that behavior of students on buses be positive to provide for safe transportation services.

The following disciplinary action may be enforced by the respective Principal if a student's behavior becomes disruptive, destructive or violates school policy after due warnings have been issued to the student and her/his parent(s):

1. Suspension from riding the bus for a designated period of time.
2. Discontinuance of transportation services for continual abusers of behavior boundaries.
3. Ineligibility for transportation services to school-related activities for a designated period of time.

Students shall adhere to the posted bus rules. These rules will also be set forth in the Parent/Student/Staff Handbook. If a student fails to comply with the rules, the student may lose his/her bus riding privileges. For the first infraction, the student will be prohibited from riding the bus for one week. For the second infraction, the student will be prohibited from riding the bus for two weeks. For the third infraction, the student will lose a semester of riding.

Students should report any incident(s) occurring on buses to their Principal. Bus drivers shall report the name(s) of any student(s) who violate established rules of conduct to the Principal. The Principal shall maintain a record of infractions committed by students during the ride to and from school.

4.34 SCHEDULING AND ROUTING

The Transportation Department is responsible for establishing bus transportation routes and schedules in consultation with the Principal or his/her designee. Service for students and school related activities have preference in the scheduling of school vehicle use. Employees are required to schedule and coordinate all destinations and vehicles used through the Principal.

4.35 TRANSPORTATION RECORDS

The Transportation Manager shall be responsible for submitting or overseeing the preparation of vehicle and department reports. Such reports shall include:

1. The total mileage for each vehicle,
2. The number of students transported by each vehicle,
3. The type and number of activity runs completed,
4. Any inspection(s) completed and the result(s),

5. Preventive maintenance performed on each vehicle, and
6. Total fuel and other supplies consumed during the reporting period.

4.36 FOOD SERVICE PROGRAM MANAGEMENT

The Board shall implement a Food Service Program for students to meet all sanitation, nutrition, and quality meal requirements of Child and Adult Nutrition Services Program (CANS) and other requirements established by the Board.

The Food Service Manager shall be responsible for the program on a daily basis and for food service staff supervision.

Goals of the Food Service Program are:

1. To provide sanitary food preservation, preparation, and serving activities designed to enhance student participation in the food service program.
2. To prepare menus that meet nutritional standards and consult with the student council on items for meals that enhances student participation in the program.
3. To implement daily cleaning and maintenance activities in the food service area that ensures compliance with sanitation and health requirements.
4. To disseminate information on meal planning to enhance student participation in the food service program.
5. To work with school and community groups in planning and preparing special occasion meals to supplement activities and enhance community involvement.
6. To implement a system of meal preparation that promotes variety, participation, cost-effectiveness, and nutrition.
7. To implement an accounting and reporting process designed to accurately reflect participation in the food service program.

The basic requirements of the Food Service Program are:

1. Individuals who are not food service employees are prohibited from being in the food preparation area unless authorized by the Food Service Manager.
2. Food items shall not be taken from the food service area by individuals for their personal use.
3. Groups requiring food service for special meals are required to submit a written request to the Food Service Manager.
4. All food service personnel are required to have a physical examination annually and must be free from any communicable disease prior to working in the food service program.
5. Food service personnel shall be appropriately attired and groomed.
6. Students shall be prohibited from being in the food service area unless approved to assist by the Food Service Manager.
7. Adults may participate in the lunch program if they purchase a meal ticket from Meals Clerk or are authorized by the Principal.
8. Only students shall participate in the regular breakfast program.

9. Community member or organization use of food preparation, serving or dining areas may be authorized by the Food Service Manager if:
 - a. The organization or individual signs a facility use agreement that stipulates the limitations authorized by the Food Service Manager.
 - b. A food service employee must be present to provide supervision for proper cleanup of the facilities and monitor the use of equipment or other items.
 - c. The organization or individual must sign a release of liability for use of equipment, facilities or other items.
10. School-sponsored activities requiring access to food service materials, supplies, equipment, or facilities are not required to submit a deposit. Such activities must have approval of the Food Service Manager and at least one food service workers shall be present to monitor items as specified in number 9a above.
12. The Principal may approve of complimentary meals at no cost to others for participation in the lunch meal.

4.37 FREE FOOD SERVICE

The Board shall participate in Child and Adult Nutrition Services program to assure all students the opportunity to receive proper nourishment.

The Food Service Manager is responsible for enforcing rules, regulations and procedures which meet tribal, state and federal requirements regarding participation in programs for free or reduced price meals and other available supplementary food and nutrition program resources.

4.38 FOOD SERVICE SANITATION INSPECTIONS

The Food Service Manager shall be responsible for developing and implementing regular, daily and other scheduled cleaning assignments of staff to ensure that health and sanitation requirements are consistently met in the food service area.

The Principal or his/her designee shall submit sanitation inspection reports and evaluations to the Board as received and shall provide a copy of reports to appropriate employees and other agencies.

4.39 FOOD SERVICE RECORDS

The Food Service Manager shall be responsible for assessing student eligibility for free lunches and for making certain that daily accounting and record keeping required maintaining program compliance and reimbursement are met.

The Food Service Manager with the Business Manager shall monitor and submit reports to CANS Program and shall conduct periodic auditing of accounting and reporting data maintained daily by the Food Service Program.

4.40 INSURANCE MANAGEMENT

Board purchase of insurance shall be in accordance with all laws and regulations with the Administrator responsible for the management of school insurance programs, with the understanding that Pahin Sinte Owayawa, a Self-Determination and Educational Assistance Act Grant School (under the authority of P.L. 100-297 and 25 U.S.C. §450 *et seq.*), has certain protections under the Federal Tort Claim Act for claims against the school.

The Board shall provide personnel and property insurance coverage as mandated by law and may consider insurance or fringe benefit coverage as options dependent upon needs and budget. The Board shall purchase liability insurance for Board officers and employees in discharge of official duties.

4.41 FACILITY EXPANSION GOALS

The Board within its discretion authorizes necessary construction of a sufficient number of school buildings to meet the demands of present and future student enrollments.

4.42 LONG RANGE PLANNING

The Principal shall submit a written outline of the long-range facility needs of the school annually to the Board. The Facility Manager is authorized to consult with individuals who can lend professional assistance and guidance in this matter.

The Board reserves the right to accept or reject any or all of the recommendations for facility needs.

4.43 FACILITY OBSOLESCENCE DETERMINATION

The Principal is responsible for reporting to the Board about any facilities that have deteriorated to the point that they are no longer usable.

4.44 NAMING NEW FACILITIES

The Board has the responsibility to name all new school facilities and may consider suggestions from citizen groups, staff, and students.

4.45 GOALS AND OBJECTIVES

The Board recognizes that governmental agencies and community organizations play a role in education and will establish positive working relationships with the public.

The Board shall cooperate to the fullest extent with other school districts as well as with other local, state, and regional agencies and organizations in the solution of educational problems of common concern.

4.46 PUBLIC INFORMATION PROGRAM

The Board shall make the public fully aware of all aspects of the school by:

1. Keeping the public informed regarding policies, administrative operation, objectives, educational programs, and successes or corrective measure being taken.
2. Furnishing full and accurate information, favorable and unfavorable, together with interpretation and explanation of the school plans and programs.

4.47 SCHOOL-SPONSORED INFORMATION

The Principal shall employ such means as necessary to inform citizens of school activities and policies.

4.48 PUBLIC INFORMATION

The Principal shall be responsible for releasing information about the school system and Board action(s). News releases will only be made through this person.

4.49 PUBLIC RELATIONS PLAN

The Principal and Leadership Team, or other designated persons, shall provide the public with appropriate information concerning new developments at Pahin Sinte Owayawa. This shall be done in a timely manner and offered to the public through a variety of appropriate media sources such as radio, TV, newspapers, and the like. Staff persons with technical expertise shall serve as resource persons or as an active part of the public relations team.

The local radio station will be the primary means of audio dissemination of public relations information. Other radio stations will be utilized as needed or desired.

The school sign on the highway shall serve as a public relations tool to notify the public of short, pertinent, and up to date announcements. The technology coordinator will be responsible for all messages run through the sign. All messages placed on the sign must be cleared in advance with the Principal or her/his designee.

Each family of students, funds permitting, will receive a subscription to a local newspaper which will serve as a vehicle for print media dissemination of public relations information. Letters and notices and special newsletters may be sent home with students to supplement other notices.

Staff and students shall submit information regarding classroom, school or community activities to the Principal who shall submit copies to the Principal for appropriate action. If the information is of a controversial nature, or impacts the health, safety, and welfare of students or staff, the Principal shall approve in advance.

4.50 LOCAL GOVERNMENT RELATIONS

The Board will cooperate with other governmental agencies to achieve the best interests of youth

and citizens of the school service area.

4.51 COOPERATION ON RECREATIONAL PROGRAMS

The Board may work with the Porcupine District Oglala Sioux Parks and Recreation Authority and others to provide facilities which will enhance recreational programs for the school. However, there must be no interference with the educational program in cases where school property is used while school is in session.

4.52 RELATIONS WITH LAW ENFORCEMENT

Cooperation with law enforcement agencies is essential for the protection of students, the maintenance of a safe school environment, and to safeguard all school property.

4.53 INTERVIEWS AND INVESTIGATIONS BY POLICE / SOCIAL SERVICES

Police and/or Social Services Child Protection workers/investigators may be called to the school at the request of the Principal or Board.

The police shall contact the Principal first if they wish to come to school for official business.

Prior to a police officer or social services workers/investigators questioning a student on a police matter, the respective Principal may inform the parent of such request and ask them to attend such interview at the discretion of the principal. If the subject of the investigation is a parent, guardian, or household member, the School is under no obligation to contact or involve parents.

Contact between school personnel and the police on matters involving students shall be made through the Principal and the appropriate police authority.

4.54 RELATIONS WITH PARENT ORGANIZATIONS

4.54a PARENT/SCHOOL PARTNERSHIPS

The Pahin Sinte Owayawa Board will develop strong partnerships with the home. Parents and schools working as partners increase student achievement and help develop positive attitudes about self and school. The key factor in the home-school partnership is the relationship between the teacher and the parent. Teachers are professionals who manage a variety of instructional resources. Parents are an essential resource in the learning process of their children. Organizational support from the School Board and administration enables teachers to effectively develop the partnership.

Pahin Sinte Owayawa will design effective forms of school-home communications with all families each year about school programs and their children's progress including home visits, parent teacher conferences, annual report to the Board and community, and school policies.

Pahin Sinte Owayawa will provide information and ideas to families about how to help students at home with curricular related activities, decisions and planning including a monthly calendar of events/activities, Monthly Parent Newsletter.

Pahin Sinte Owayawa will include parents in school decisions and develop parent leaders and representatives through parent participation on the Owayawa Awanyanka Okolakiciye and other committees.

The Board recognizes the constructive role which parent-teacher groups can play in the school system and shall offer these groups its full cooperation. Effective leadership provided by these organizations is valuable for the improvement of educational programs and community support of the school.

4.55 PRIVATE SCHOOLS RELATIONS

The Board will cooperate with parochial and private schools in matters of mutual benefit when not prohibited by law.

4.56 PROFESSIONAL VISITORS AND OBSERVERS

One of the ways Board members and staff can improve their effectiveness and the quality of education for students is by visiting school systems with novel, experimental or innovative programs. Board members should occasionally visit other school systems and encourage staff to do so. The Board also welcomes professional visitors to Pahin Sinte Owayawa. All visitors shall report to the principal's office or Principal's office to state their business before entering any other part of the School. Such visitors shall sign a visitor's sign-in sheet.

Groups who wish to visit the school should make arrangements in advance with the respective Principals who shall provide someone to assist them in their visit. This will ensure that the programs visited are operational on their arrival and guard against undesirable interruptions in scheduled programs of students and staff.

Visitors arriving unannounced at the school shall be directed to the respective Principal's Office.

Parents or community members who enter the school without checking in with the Principal's office, or who threaten or physically assault staff or students shall be removed immediately from the premises. School administration and staff are authorized to call law enforcement if the individuals refuse to leave the premises.

4.57 COMPLAINTS ABOUT INSTRUCTIONAL MATERIALS

The Board will not permit any individual or group to exercise censorship over instructional materials and library collections. Provision will be made for the evaluation of instructional materials upon formal written request.

Students' right to learn and the freedom of teachers to teach shall be respected.

4.58 FLAG DISPLAYS

The Board requires that a flag staff with all necessary appliances be maintained at the school building and that a United States and Oglala Sioux Tribal flag be flown from such flag staff during the school hours of each school day, except when a violent storm or inclement weather would destroy or damage them.

4.59 SCHOOL ORGANIZATION PLAN

The Board shall approve a Comprehensive Educational Plan that identifies specific goals, objectives, and activities for development and implementation.

The Principal shall be responsible for monitoring activities identified in the Comprehensive Educational Plan and shall submit a report to the Board at the annual meeting about accomplishments and identified needs.

The Principal shall conduct a Comprehensive Educational Plan review and evaluation session annually utilizing a process for input from staff, students, parents and other community members by the end of the first week in September.

Any revisions to the Comprehensive Educational Plan shall be disseminated to all employees during scheduled pre-service at the beginning of each school year.

4.60 SCHOOL ATTENDANCE AREA

The Board shall establish school service area boundaries recognized by the Oglala Sioux Tribe and may enter into an agreement with another Board where district boundaries are contiguous to provide students from both districts with equal educational opportunities.

4.61 SCHOOL YEAR

The term of school shall be approved by the Board and consists of a minimum of at least the minimum of minutes in accordance with the current accrediting agency.

4.62 SCHOOL CALENDAR

The school calendar shall meet accreditation requirements, set days of attendance for staff and students, days of in-service and organizational meetings for teachers and administrators, holiday and vacation periods, and other schedules of importance to the staff, students, and public.

The Principal shall present a school calendar for the ensuing term of school to the Board for their approval before March 1. Any changes in the school calendar require Board approval prior to the end of the current term of school.

4.63 EXTENDED SCHOOL YEAR

The Principal shall have the authority to grant an extension of the school year during intersession

for purposes of meeting minimum classroom instruction day requirements after consulting with the Board.

In the event an extended school term is needed to meet accreditation requirements, teachers shall provide instruction as an extended obligation to their contract for no additional compensation.

4.64 SCHOOL DAY

The length of the school day shall be in compliance with applicable laws, rules and regulations. Any days missed shall be made-up during the current term of school at a date to be decided upon after input from the staff, students and parents and pending Board approval.

4.65 EMERGENCY ACTION PLAN

The School shall follow its emergency action plan when applicable. All administration, teachers, and staff shall be informed how to proceed pursuant to the plan. In the event that the plan is implemented, the Board shall reexamine the plan to see if any additions or changes are necessary.

4.66 EMERGENCY CLOSING

The Principal or School Board President, or an appointed designee may close school for emergencies which threaten the life, health or safety of the students or staff and have school closure information broadcast by local radio and television stations.

In order to ensure a safe and rapid dismissal, in case of an emergency situation, the following procedures shall be followed:

1. No students are to be sent to the library or out of any classrooms without a pass from a teacher.
2. Bathrooms will be used during an emergency only with a pass from a teacher.
3. Upon arrival of a designated time of dismissal, teachers shall escort their respective classes to the buses.
4. Once students are outside, all exterior doors (excluding the main doors) will be secured.

Notice shall be given to staff and teaching staff one hour prior to dismissal.

4.67 WORKING WITH OUTSIDE ENTITIES

Outside entities such as corporations or organizations wishing to engage in collaborative endeavors with Pahin Sinte Owayawa may enter into a contractual agreement and/or memorandum of agreement/understanding if both the entity and the School Principal feel that the collaborative agreement is actually needed to effectively carry out the service and would be in the best interest of the students of Pahin Sinte Owayawa.

The Principal shall notify the Board at the next regularly scheduled meeting about the request or proposed collaborative effort.

A person selected by the entity requesting the engagement shall initiate this process by contacting the Principal directly about the proposed endeavor. If deemed necessary, the Principal and the entity's representative will meet to discuss the matter further. If it is determined that a written contract is needed the terms of the contract shall be discussed.

Either the Principal or the representative of the outside entity may draft the initial contract which shall be subject to review of both parties and/or their organization(s). If both parties agree to the contract as reviewed a final draft shall be written and presented to the Board for their approval.

An approved contract shall be signed by the Chairperson or Leader of the outside entity, the Principal, and the Board Chairperson. The original signed contract shall be retained in the Business Office and a copy made for the outside entity.

Either the outside entity or the school may withdraw from the provisions of the contract by giving a thirty (30) day written notice of intent to the other party).

Pahin Sinte Owayawa 2020-2021

FISCAL MANAGEMENT GOALS

Fiscal management goals can be attained through sound fiscal management. The Board recognizes that quality education is central to the purpose of the school and that fiscal management must be used as a tool to achieve this purpose by attaining the following goals.

1. To engage in thorough advanced planning with staff and community involvement.
2. To develop budgets to guide expenditures in order to receive the best return for the dollar spent.
3. To establish levels of funding which will provide quality education for the students.
4. To utilize the best available techniques for budget development and management.
5. To require maximum efficiency in accounting and reporting procedures.
6. To follow the Federal guidelines governing the investment of school funds.

5.01 FISCAL MANAGEMENT SYSTEM

The Business Office is organized and maintained in a manner to assist and provide the Principal with information necessary to create a solid financial basis to operate the school system. Its functions are:

1. To assist the Principal in preparing budgets for the operation of the entire school system.
2. To prepare all necessary reports concerning the financial operation of the entire school system.
3. To prepare payroll for all personnel employed by Pahin Sinte Owayawa.
4. To monitor and assist the food service and transportation program in areas deemed necessary.
5. To assume and carry out other responsibilities assigned by the Principal.

5.02 FUND BALANCE POLICY IN ACCORDANCE WITH GASB STATEMENT NO. 54

The Board will ensure that the school maintains adequate fund balances and reserves in order to:

1. Provide sufficient cash flow for daily financial needs.
2. Secure and maintain investments grade bond ratings.
3. Offset significant economic downturns or revenue shortfalls.
4. Provide funds for unforeseen expenditures related to emergencies.

5.03 ANNUAL OPERATING BUDGET

The school budget is regulated and controlled by federal legislation, regulations and Board requirements. The annual preliminary operating budget will be prepared and presented to the Board every May. The budget shall be based on all sources of revenue available to the Board for operations of the school and proposed expenditures.

5.04 BUDGET GOALS AND OBJECTIVES

The annual operating budget established by the Board shall incorporate:

1. Programs and staff required to implement identified goals and student learning needs.

2. A focus on personnel providing direct education and support services for students.
3. Ongoing programs designed to maintain and enhance the educational aspirations of students.
4. Procedures for modification in the revenue for the operation of educational services for students.
5. Procedures for insuring adherence to legal and other considerations for all programs at the school.

5.05 FISCAL YEAR

Fiscal year for operation of the school shall be July 1 to June 30, unless otherwise legislated by funding agencies.

5.06 BUDGET PREPARATION

The Principal along with each department supervisor shall be responsible for developing and establishing their department's budget. All budgets shall follow the respective department's/school's goals and objectives. The Business Manager shall be responsible for reviewing and monitoring the annual budget preparation procedures adopted by the Board. The Principal is responsible for implementing input activities into budget development for school programs by consulting with program supervisors and staff concerning program needs and activities.

Administrators are allocated an amount of funding annually to operate the program they supervise with the identification of budget line item amounts developed by consulting with the Principal. The administrators shall meet annually, within the first month of school, to inform their employees of their respective budget limitations.

The Principal and Business Manager will document overall budget needs for presentation to the Board annually and submit budget modifications for approval as necessary. Administrators develop cuff accounts for budget line items with the Business Manager and monitor their approved budget with the Principal and Business Manager.

5.07 BUDGET ADOPTION

The Board shall approve the preliminary budget at the budget meeting in May based on information, salary schedules and data submitted by the Principal. Administrators are required to submit projected budget needs, enrollment projections, revenue projections, goals and other information by April as requested by the Principal.

5.08 BUDGET IMPLEMENTATION

The budget serves as the control to direct and limit expenditures. Overall responsibility for this control is with the Board. The Principal is authorized to spend money called for in the budget classification without further approval of the Board, up to \$15,000.00. Board approval must be secured to expend money in excess of \$15,000.00 or beyond each budget item.

5.09 PERIODIC BUDGET RECONCILIATIONS

The Business Manager is responsible for implementing monthly budget reconciliations and for reporting this information to the Board for approval at the monthly budget meeting.

5.10 EMERGENCY CHANGES

The Principal and Business Manager shall advise the Board of the need for any changes and provide the Board with proposed revisions for their approval prior to any changes being implemented. The Principal will advise administrators of actual revenue received and consult with appropriate administrators in regard to any proposed modifications.

5.11 DEBT LIMITATION

The Board shall not incur debts for operation of the school in excess of actual revenue available, unless approved by all seven (7) members of the Board at a public meeting. The Business Manager shall be responsible for reporting fiscal information to the Board regularly to advise them of anticipated and actual revenue resources. Under any circumstances the School Board will not authorize the use of certificate of deposits (CD) as collateral for loans.

5.12 LOCAL TAX REVENUES

The Principal in consultation with supervisors shall develop specific budget line items for the expenditure of any local tax revenue funding being available for approval by the Board prior to any expenditure's from this resource. Budget line items and expenditures for any acquired local tax revenue shall be made in accordance with applicable regulations.

5.13 STATE AID

The Principal in consultation with supervisors shall develop specific budget line items for the expenditure of any state funding being available for approval by the Board prior to any expenditure's from this resource. Budget line items and expenditures for any acquired state aid revenue shall be made in accordance with applicable regulations.

5.14 FEDERAL AID

The Principal in consultation with supervisors shall develop specific budget line items for the expenditure of any federal funding being available for approval by the Board prior to any expenditure's from this resource. Budget line items and expenditures for any acquired federal aid revenue shall be made in accordance with applicable regulations.

5.15 SHORT TERM NOTES

The Board has the authority to acquire short-term debt obligations occurring within a fiscal year through the use of a line credit arrangement with their banking institution according to the following guidelines, if the debt:

1. Is for the repayment of services or other items that fall into approved line item expenditures within the approved budget.

2. Is for the purposes of providing for continued operation of the school.
 3. Does not exceed the total amount of revenue authorized within a contract or grant.
- When the Board deems such action necessary and in the best interest of the school, all six (6) Board members will adopt a motion.

5.16 INVESTMENTS/INVESTMENT EARNINGS

The Business Office shall seek investment opportunities that are secure, fully insured and that provide a reasonable rate of return for funds of the school. The Principal and Business Office shall prepare recommendations for the Board for the use of that income from investments that are included in the annual budget each year.

School funds that are not in use will be invested in a savings account, time deposits or in bonds or securities issued and guaranteed by the United States Government. All deposits funds will be fully insured to cover the failure of the banking institution.

5.17 GRANTS

The Board has the authority to acquire supplementary funding and shall approve all new and continuation applications for grants. Any materials, equipment, supplies, facilities, purchased via grant allocations will revert to the property of Pahin Sinte Owayawa upon expiration of grant. Pahin Sinte Owayawa shall not be responsible for debts or obligations incurred by second party grants.

All grant funds shall be received and expended according to fiscal procedures legislated by the granting agency and fiscal procedures adopted by the Board. Directors of approved grants received by the Board shall be responsible for program expenditures.

5.18 RENT INCOME/SECURITY DEPOSITS

A security deposit will be assessed on each housing unit controlled by the Board. This security deposit will be held by the school until such time as the tenant vacates the rental unit. An examination of the rental will be conducted by the facilities department. The cost of any damage to the unit caused by abuse or neglect by the tenant will be billed against the security deposit held by the school. Any additional amounts needed for further damages will be deducted from the employee's final pay check. Any remaining balance will be refunded to the tenant upon satisfaction of damage claims. **(Also see PSO Housing Policy)**

5.19 PUBLIC FACILITY USE

Daily rental fees from facilities or use will be received by the business office. A deposit will also be required for security. Rental fees will be waived for funeral/memorial use, but a security deposit is required, unless waived by the Principal or the Pahin Sinte Owayawa School Board. Rates will be determined annually by the Principal and Business Manager. All rental agreements must be approved and payment received by the Business Manager prior to beginning of rental term. Facilities Manager inspects equipment or premises after use and approves refund of the deposit.

(See approved Facility Use Agreement in Appendix)

5.20 DEPOSITORY OF FUNDS

The Business Manager or her/his designee shall be responsible for depositing all funds of the Pahin Sinte Owayawa in identified and approved accounts and for reporting these deposits in the monthly budget report.

5.21 BONDED EMPLOYEES AND OFFICERS

Employees and the Board members, who are assigned responsibility for receiving and dispensing school funds, shall be bonded by a blanket bond paid by the Board. Authorized check signers must be covered under this blanket bond.

5.22 FISCAL ACCOUNTING AND REPORTING

The Board shall establish a uniform financial accounting system that will be used to record receipts and disbursements of the school budget and conform within federal regulations and generally accepted account principles. The Board shall adopt procedures for monthly, quarterly and annual reporting of all fiscal transactions of the school.

The Business Office shall make monthly financial reports to the Board that contains an account of all receipts and disbursement of school funds in accordance with the certified fiscal accounting and reporting system. The Business Office is responsible for receiving and properly accounting for all school funds and will report all financial information to funding source(s) as required.

5.23 PROPERTY AND EQUIPMENT

The Business Manager shall be responsible for coordination of annual physical inventory of all property and equipment owned or in the custody of the school. Final summary copies of all inventories shall be made available to the Board for review.

All items with an original purchase price in excess of \$5,000 shall be tagged and capitalized in the General Fixed Asset Account Group. Items with purchase price of less than \$5,000 shall be included on the detailed inventory list but will not be capitalized.

Property and equipment records shall be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition including the date of disposal and sale price of the property or trade in value.

A physical inventory of the property shall be taken and the results reconciled with the property annually. A control system shall be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage or theft shall be investigated. Depreciation shall be taken on capital property. The method of depreciation shall be the straight line method. Depreciation procedures shall be in compliance with GASB 34 regulation.

1. ACQUISITION PROCEDURE:

The following procedures shall apply when equipment is acquired:

- a. Upon arrival, all equipment shall be delivered to the business office.
- b. A receiving report shall be completed. Information shall be entered into the General Fixed Asset Account Group in the computer.

- c. The equipment shall be tagged.
- d. Individual shall then pick up the equipment.
- 2. DISPOSITION PROCEDURE:
The following procedures shall apply when equipment is no longer needed:
 - a. A disposition report shall be completed.
 - b. The equipment shall be deleted from the General Fixed Asset Account Group.
 - c. Equipment purchased by Pahin Sinte Owayawa that needs to be disposed of shall be submitted to the Board for approval to be declared surplus. Final disposition of equipment will be based upon recommendation of business manager to the board.
 - d. If the purchase value of the equipment or property to be disposed of is \$5,000 or more and belongs to a federal agency, approval from the federal agency shall be received to determine the disposal.
 - e. If the federal agency approves the disposition item, it may be retained, sold, or bids may be let. This shall be determined by the Board.

5.24 AUDITS

The Board shall have external financial and compliance audits performed on all school program accounts and sources of revenue within ninety (90) days of the fiscal term and submitted before March 31. Audits shall be conducted by a CPA firm in accordance with all applicable laws. The Board shall review and approve the audit reports as presented by the auditor.

5.25 EXPENDITURE OF FUNDS

The Board shall authorize, develop and utilize procedures for the expenditure or obligation of school funds that meet applicable funding guidelines.

5.26 CHECKING ACCOUNTS

The Board shall identify and approve of checking accounts to be used in processing fiscal transactions and payroll and identify the banking institution to which checking accounts may be maintained.

5.27 AUTHORIZED SIGNATURES

Individuals authorized to sign checks shall consist of the Board members and the Principal. All check signers are required to be on the authorized signature card at the bank and all checks written require two signatures.

5.28 PETTY CASH ACCOUNTS

The Board will not allow the establishment of any petty cash accounts for the school.

5.29 PAYROLL PROCEDURES

Employees shall be paid according to their contract agreement on file in the Personnel Office with the following guidelines:

1. Employee payroll and board stipends shall be issued on a bi-weekly basis, one week following the end of the pay period.
2. Each pay period begins on Sunday and ends on Saturday, two weeks following.
3. No salary advances shall be authorized for any employee.
4. No salary payments shall be made to employees who do not have an employment contract approved by the Board and signed by the employee on file.
5. Employee payroll shall not be made without a signed and completed timesheet documenting actual hours of employee service for that pay period.
6. Supervisors shall submit all timesheets on Monday of the pay period.
7. Payroll checks shall be issued to any temporary or substitute on Thursday after 1:00 p.m. the week of payroll. There will be a limit of only two early checks issued per school year for actual hours earned.
8. ALL employees must have an I-9 and W-2 form on file in the payroll office prior to receiving any payment for services.
9. All employees, are encouraged to utilize direct deposit
10. A copy of each employee, temporary employees, and substitute employees must have a copy of a Social Security Card on file in the Business Office prior to receiving a payroll check.
11. Must file job certification semi-annually.
12. Payments for stipends must be approved by Principal and must be taxed accordingly.
13. Extra-Duty for athletic and activity assignments shall be paid at the completion of their extra duty activity and must be approved by the Athletic/Director and the Principal. All extra duty payroll checks shall be disbursed through on off payroll cycles, with the vendor checks. Half payment disbursements can be made only upon approval of the Athletic Director and Principal. A report and inventory must be completed upon final disbursement of payment.

5.30 SALARY DEDUCTIONS

The Board shall deduct and withhold from the wages of employees:

1. The amount of federal income tax required by federal law.
2. The amount of social security tax required by federal law.
3. Other taxes/fees as mandated by federal, tribal and state law. These fees shall be paid by the employee, rather than the school.
4. The amount owed to the Board for rental of school owned housing based on the housing agreement.
5. The amount owed for damage to school owned housing or property as assessed by the Board.
6. The amounts for employee share of fringe benefit costs.
7. New employees are not eligible for payroll deduction until they have been employed for 60 days.

The Business Manager is authorized to approve payroll deductions for employees for scheduled payments, if the employee signs a power of attorney for the authorization of such deduction with no liability for collection to be assumed by the Board for repayment of the employee liability.

No employee shall be able to have more than two (2) voluntary payroll deductions deducted from each paycheck and cannot be longer than their contract.

The Board reserves the right to accelerate demand for payment of monies, reimbursements, or payments owed to Pahin Sinte Owayawa. If an employee terminates her/his employment, or resigns without notice, the Board may hold the employee's final paycheck(s) until paid or it may offset the amount owed from the employee final paycheck.

5.31 EXPENSE REIMBURSEMENT (Employee/Board Travel)

Travel authorizations, statements, receipts, and other accountability documents shall be completed by all employees and Board members participating in approved off-site activities. All requisitions for travel are required to be turned into the business office two weeks prior to the travel date must have prior board approval for out of state travel.

Before a reimbursement is made to an employee or Board member for any travel expenses, it must be appropriately authorized as indicated by the following:

1. **TRAVEL AUTHORIZATION** - Proper travel authorization procedures must occur for any travel when conducting official school business. A travel authorization for any employee must be approved and signed by their supervisor, the Business Manager and the Principal. Board member's travel shall be approved by the Board at an official meeting of the Board and will require a travel authorization signed by the Chairperson of the Board or Principal. No travel will be paid without a completed and approved travel authorization. Travel authorizations shall be submitted to the Business Office one-week prior to the desired travel date. If travel requires flight accommodations, travel authorization shall be submitted to the Business Office three weeks prior to the desired travel date. Proof of training to be attended must accompany the travel authorization upon submission.
2. **MEALS** - If an employee or Board member travels overnight they will be reimbursed for meals on a Per Diem basis as per Appendix A to Chapter 301-Prescribed Maximum Per Diem Rates for GSA.

The quarter system will be utilized for per diem reimbursement as follows:

3. **PER DIEM** - Per diem will be paid to employees and Board members for overnight trips when conducting official school business at the rate established by the federal government's travel regulations.

Federal regulations: 65% of per diem on 1st and last day regardless of when you leave.

Any meals included in registration fees to attend a conference, training or meeting will not be reimbursed by the school. 12 hour rule – if training or travel is less than 12 hours, only mileage.

4. **TRAVEL STATEMENT** - Upon return from approved travel, the employee or Board member must submit a travel statement for reimbursement, or documentation of actual expenses incurred from a travel advance already received by the employee or Board member. No reimbursements from travel advance until the debt is collected in full. No reimbursements from prior fiscal year(s). No travel will be authorized for an employee or

Board member who has not completed a travel statement within the timeline from a previous trip. Travel receipts must be submitted within ten (10) business days of the final day of travel, or they will not be paid. All travel statements shall be submitted within ten (10) business days following return from authorized travel for which an advance was received.

The cost of any travel advance owed to the school shall be deducted from future checks of the employee or Board member check if a travel statement has not been submitted from a previous trip and the reimbursement owed to the Board has not been repaid within thirty (30) days. Any employee or Board member receiving a travel advance and does not attend shall return the advance immediately.

- a. No reimbursements from travel advance until the debt is collected in full;
 - b. No reimbursements from prior fiscal year(s).
5. RECEIPTS - Employees and Board members submitting travel statements are required to attach receipts prior to reimbursement. Failure to attach receipts may result in the employee or Board member having to reimburse the school for amounts not substantiated by receipts. No handwritten receipts shall be accepted as proof of lodging, meals, or travel expenses. If attending a conference or workshop, the Board member or employee shall complete a travel report and submit with travel statement.
 6. LODGING AND MISCELLANEOUS EXPENSES - These costs may be reimbursed to employees and Board members based on actual costs incurred. Receipts must be present to substantiate costs incurred.
 7. MILEAGE CLAIM - Mileage for use of employee or Board members personal vehicle for official school business shall be paid at established GSA travel rates. To be eligible for mileage reimbursement, travelers must complete a mileage sheet (within one month upon completion of travel), and possess a valid Driver's License. This mileage sheet must give the detail of the miles traveled such as the start and stop times, destination from and to, the number of miles traveled, and a calculation of the reimbursement due the traveler. Employee's immediate supervisor and Principal must also approve the reimbursement. A quorum of the Board must approve a Board member's mileage.

5.32 PURCHASING

The Board shall ensure that all purchases are made in the best interest of the school and comply with tribal, state and federal rules and regulations. Employees must utilize purchasing procedures, which will be processed through the Business Office in the following manner:

1. Staff needing supplies must complete and sign a purchase request and submit it to their immediate supervisor listing the pertinent information and name of the vendor. Supervisors will ensure need and available funding to cover expenditures noting account number on purchase requisition. The immediate supervisor will verify their approval through a signature. The Principal and Business Manager will approve for reasonable budgeted expense. Expenditures exceeding \$15,000 or more must have Board approval.
2. Purchase requests shall be submitted to the business office one week prior to the desired purchase date. Upon submission to the business office a purchase order will be prepared with the following exceptions:

- a. Board stipends will be paid from preliminary board minutes, voucher and the attendance roster, and shall be subject to payroll procedures and necessary withholding.
- b. Travel authorizations will be used when requesting permission and an advance to travel for the school.
- c. Field Trip Request Form will be used when requesting permission and advances for any trip with students. All out of state travel with students must be approved by the Board (with the exception of towns located within a 125 mile radius). Daily meal rates are established by the Board for both adults and students, and shall be reimbursed at the established federal rate:
Breakfast \$8.00 Lunch \$10.00 Supper \$ 12.00
- d. Student Activities purchases only require a purchase requisition.
- e. Recurring expenses. (i.e. monthly utilities, etc.) Utilities and fixed costs require voucher approval by the Business Manager. Once proper approval signatures are affixed, this form shall be attached to the invoice and follow the Schools General Purchasing procedures as outlined above.
- f. Contractual services with a Board approved written contract.
- g. Expenses approved by the Board will be documented with a copy of Board minutes and approved voucher, invoice or contract.
- h. Purchases and field trips receipts are due within 14 days. The employee who received the check/purchase order will be held responsible, should they fail to turn in receipts the funds will be deducted from their payroll check.
- i. Funds from one purchase or field trip request cannot be applied to another. Any remaining funds must be returned to the business office.
- j. There will be no further purchase, field trip, or extra-duty requests processed until receipts from the previous request(s) are turned in.
- k. A Reimbursement Form must be completed for any overages from purchase or field trip requests and approved by the supervisor before overages can be reimbursed.
- l. No reimbursements after 30 days from the date which the debt has been collected in full.
- m. No reimbursements from prior fiscal year(s).
3. The Business Office shall enter the information from the purchase request form into the computer and will verify the purchase/purchases will not over spend the budget. A purchase order will be printed and given back to the Business Manager for signature.
4. The purchase order shall be printed from the accounting software and will be automatically numbered.
5. Once goods are received, the copy of the purchase order (or acceptable documentation) stated in (2) above, will be filed in the Business Office and will be compared to the goods received. If no variances exist, the Business Office shall prepare the voucher and attach the purchase order, (or acceptable documentation) purchase request and invoice. This packet of information will be given to the Business Manager who shall verify all the necessary information is included. If all necessary information is included, the Business Manager shall sign the voucher at the bottom of the purchase order.
6. Orders not received after sixty (60) days will be canceled.

7. Emergency purchases may be made with the concurrence of the Business Manager and Principal. Their concurrences shall be documented by dual signatures on the reimbursement form. However, emergency purchases will only be made if the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
8. Absolutely no ordering for supplies, materials, equipment or any type of service will be done without a purchase order. Staff members are liable for payment of purchases made without a purchase order.
9. Any service contracts in excess of \$5,000.00 must be approved by the Board.
10. For any lost check that needs to be replaced the payee will be responsible for all fees incurred.

5.33 QUALITY CONTROL

The Business Manager or his/her designee shall be responsible for assessing the quality and performance of purchased services and items and to measure the cost-effectiveness of department purchases. This information shall be reported to the administrator monitoring the specific program and the Board.

5.34 SPECIFICATIONS

All items and services purchased by the Board shall meet safety, health, and other identified specifications to assure quality and safety. The Business Manager shall be responsible for developing, monitoring and adhering to identified merchandise and service specifications utilized by the school.

5.35 PURCHASING GUIDES AND VENDOR LISTS

The Business Office shall be responsible for disseminating information to staff and vendors concerning purchasing and procurement guidelines. The Business Office shall be responsible for acquiring and maintaining vendor lists and catalogs and for disseminating updated listings of available catalogs for use by personnel.

5.36 PROCUREMENT METHODS

1. Micro-purchases, \$3,000 or less, do not require competition or a cost/price analysis, but must be distributed equitably among qualified suppliers.

2. Procurement requiring competition

-Small purchase, \$3,000-\$149,999, price and rate quotes must be obtained from an adequate number of qualified sources

Sealed bids using firm fixed price contract, require formal advertising, two or more bidders are willing and able to respond, and there is public opening of the bids.

-Competitive proposals, used when sealed is not appropriate, requires advertising, includes a written method for conducting the technical evaluation, responses must be solicited from an adequate number of qualified sources, normally has more than one source submitting an offer and the award is either fixed price or cost reimbursable.

-Procurement by noncompetitive proposal, is used when the items are only available from a single source. One or more of the following must apply:

1. Available only through a single source
2. Public exigency or emergency will not permit delay required for competition.
3. Awarding agency has expressly authorized a noncompetitive process, or after solicitation of a number of sources
4. After solicitation of a number of sources, competition is deemed inadequate

5.37 BID REQUIREMENTS

Contracts must be left for all purchases except in the following cases:

1. Purchasing textbooks with related workbooks and general school supplies.
2. Emergency maintenance that would necessitate the closing of the school or that would endanger the usefulness of school property, including but not limited to contracts for asbestos removal in emergency situations.
3. When purchasing facilities, equipment and supplies from another school including public auctions.
4. Upon the purchase of copyrighted materials that are copyrighted by only one company.
5. Purchasing of electric power, light water, or gas.
6. Purchasing of perishable food, raw materials used in the construction or manufacture of products for resale.
7. Purchasing of contracts for services provided by individual or firms for consultants, audits, legal services, architectural services, engineering services, insurance and transportation for students.

Bids for materials, supplies or equipment involving a purchase price of more than \$25,000 or more will be advertised and printed in a newspaper for at least ten (10) days prior to the opening of bids.

The Board will make a statement in the advertisement that they reserve the right to reject any and all bids and that any bid may be withdrawn or modified before the time of opening. Sealed bids will be publicly opened and read at the time and place stated in the advertisement. The advertisement will state the time and place the bids will be opened and acted upon by the Board.

In purchasing goods, merchandise, supplies or equipment, the Board will not specify any trademark or copyrighted brand on any product or any patented product, apparatus, device or equipment where proper competition will be prevented unless bidders are also asked for bids or offers upon other articles of like nature, utility and merit, and naming the make or brand to indicate the type or duality specified.

If, after advertising for bids, no bids are perceived, the Board may negotiate a contract of the purchase of the materials, supplies or equipment at the most advantageous price. However, such materials, supplies or equipment will meet the specifications of the original advertisement for bids.

The Board will contact and attempt to obtain competitive quotations from at least three (3) suppliers. A record of the names of the suppliers, the quotations received and the procurement procedures used in purchasing will be documented, noted in the minutes, and retained on file by the.

When supplies and equipment are received they will be opened and inspected by the Business Office, and compared with the written order to see that they were received as ordered and in acceptable condition for payment.

5.38 PURCHASING

The function of purchasing is to serve the educational program by providing the necessary supplies, equipment and services. The Board will abide by all laws and regulations relating to purchases by the school and the control of its finances and property. All contracts must be approved by the Board in order to be binding on the school system.

5.39 PURCHASE ORDERS AND CONTRACTS

All materials to be ordered by the employees must be requisitioned through the supervisor first, then property and supply for processing. The Business Office will maintain a central record system for the purpose of combining orders, avoiding duplication of purchases, taking full advantage of lowered prices for bulk purchasing, to follow up on delayed orders of delivery and to reconcile deliveries to orders before payment is made. This delivery control will be applied to all purchases.

If any person orders material other than through the Business Office he/she is responsible for their payment.

1. The employee requesting the purchase of goods or services must acquire, complete, and submit a requisition form to the property clerk. The form must include all requested purchasing information and the signature of the employee's immediate supervisor.
2. The property and supply clerk shall submit it to the head accountant who shall:
 - a. Review fund balances from which the item is to be purchased.
 - b. Assign the appropriate accounting code.
 - c. Sign the form and send it to the Principal for final approval.
3. If the Principal provides final approval for the purchase, the form is returned to the Business Office will:
 - a. Type all form information on a Purchase Order.
 - b. Assign the appropriate Purchase Order number.
 - c. Send the Purchase Order to the head accountant for signature.
 - d. Send to the Principal for final approval and signature.
 - e. Process a check to purchase goods or service.
4. When Purchase Order is signed by the Business Manager and the Principal, the Business Office:
 - a. Provide the vendor with a copy of the Purchase Order.
 - b. File a copy of the Purchase Order in the vendor file.
 - c. File a copy of the Purchase Order in files maintained by the Business Manager.

5. The vendor, upon submittal of an itemized invoice and upon review a to the Purchase Order number authorization shall receive payment.
6. Upon receipt of purchased items, the Business Office shall compare goods received with invoiced items and tagged and inventory items.

Approved disbursements of payments for purchased goods and services shall be made on a monthly basis by the Board.

5.40 SALES CALLS AND DONTATIONS

Employees shall not permit any of their time to be occupied during school hours by sales agents of books or apparatus, exhibitors, or other persons not connected with the school. Sales people must report first to the Principal before approaching an employee, with the exception of lunchroom sales people.

Sales people are prohibited from talking to the Teachers at any time during the school day. Those representing educational companies may be granted this opportunity, by making arrangements through the Principal, at a time that will not interfere with the classroom work of the Teacher.

5.41 PAYMENT PROCEDURES

All claims for payment from school funds will be processed by the Business Office. Payment will be authorized against invoices properly supported by approval purchase orders, against properly submitted vouchers, or in accordance with the budget set by the Board.

Lists of accounts payable, including payroll list, will be certified by the Business Office and approved by the Board. Actual invoices, statement and vouchers will be available Board inspection.

The Business Office is responsible for assuring the budget allocations are observed and that total expenditures do not exceed the amount allocated in the all budget line items. The supervisor is responsible for observing budget allocations in their respective programs.

5.42 INSURANCE MANAGEMENT

The Board has the responsibility to maintain an adequate and comprehensive insurance program to protect the property and equipment under its control and individuals discharging responsibilities for the Board. It will seek adequate appropriations for such coverage. The Board may also authorize and participate in an insurance program for staff and students.

The Business Office shall be responsible for the management of all school insurance programs and the safekeeping of policies. Purchase of insurance shall be according to all applicable laws.

5.43 TAX SHELTERED ANNUITIES

Tax sheltered annuity programs or retirement for the school special status as determined by the

IRS are available to the staff members.

5.44 LIABILITY INSURANCE

The Board may procedure insurance for the liability of its officers or employees for damage resulting from wrongful acts and /or omissions committed by the Board and its officers or employees.

5.45 PROPERTY INSURANCE

The Board shall carry necessary and appropriate property insurance to adequately cover possible losses in the use of its buildings and vehicles.

Renters shall obtain necessary renter insurance for personal property loss. The Board is not responsible for theft in buildings under a rental or facilities agreement.

5.46 GROUP INSURANCE

The Board may provide coverage under group life, health, dental, vision, or short term disability insurance for all fulltime employees and burial insurance for all board members. Additional insurance coverage may be available to employees at their own expense.

5.47 WORKERS COMPENSATION

In case of injury while pursuing duties in keeping with the employee contract or work agreement, the employee will receive compensation and expenses as prescribed by the workers compensation laws.

An employee who is injured while at work should immediately report this injury to the supervisor and request the necessary forms as soon as possible to make application for payment under this law.

5.48 STUDENT ACTIVITIES FUND MANAGEMENT

All money received by students and staff for student activities shall be turned over to the Business Office immediately. Failure to promptly turn funds over will result in disciplinary action.

1. The Business Office responsibilities:
 - a. Designate employees responsible for the receipt, deposit, and recording of all student activities revenue.
 - b. Designate employees to order, process, and pay bills for the student activities fund.
 - c. Prepare monthly financial reports, review with related student sponsors and present to the Board at their monthly finance meetings.
2. The Activities/ Athletic Director responsibilities include:
 - a. Organize volunteers to run concession stand or activities as per the student activities calendar.
 - b. Check out the cash box from the business office prior to opening of activity.

- c. Return all cash and checks to the business office as soon as possible after the scheduled activity. The student sponsor retains responsibility for all cash until turned into the business office. A double count of cash shall be made by the Business Office Receptionist and the sponsor upon return of the cash box.
 - d. Be responsible for reviewing student activity fund financial reports prepared by the business office and notify them of any errors at the Board's monthly budget meeting.
 - e. Prepare the Athletic calendar for the school year.
 - f. Orders all supplies needed for concession stands as well as supplies and materials for scheduled activities.
 - g. The sale of foods and beverages of minimal nutritional value shall be prohibited throughout the school grounds between the start of the school day and the end of the last lunch period.
 - h. Shall assume the duties of student activity sponsors in their absences.
3. Respective Principal's Responsibilities:
- a. Be responsible for assignment of concession stands.
 - b. Notify concessionaire of the applicable policies, procedures and fee/collection schedules.

5.49 CASH IN SCHOOL BUILDINGS

The Pahin Sinte Owayawa Board is not responsible for any personal lost or stolen cash, or checks. The individual will be responsible for all stop payment fees.

5.50 FINANCIAL ASSISTANCE

Any and all non-school related financial assistance and/or requests must be submitted to the School Board. All requests shall be in writing.

DEFINITIONS

Accountable Property:	<i>Pahin Sinte Owayawa</i> , government, or grant funded equipment and related personal property that is being controlled for financial security, protection, and regulatory purposes; includes capital property, sensitive property, non-capital controllable property, and property on loan from others.
Cannibalize:	Removal of parts from one item of equipment in order to install them on another item of equipment, or to place them in stock.
Capital Assets:	<i>Pahin Sinte Owayawa</i> , government or grant owned equipment that has a total acquisition cost of \$55.00 or more and an anticipated service life of one (1) year or longer.
Excess Property:	Property under the control of any program which is not required for the discharge of the program's responsibilities.

Lost Property:	Property missing as a result of storms, accidents, or other circumstances beyond human control, when there is no reason to suspect theft.
Nomenclature:	Accepted description of property.
Physical Inventory:	An employee of an organization, appointed by a supervisor or manager, who is assigned the responsibility of maintaining records of all transactions affecting the identity, location, or status of accountable property issued to that organization.
Salvage:	Property which has been inspected and determined to have some value beyond its basic material content, but which is in such condition that it has no reasonable prospect of continued use as originally intended.
Scrap:	Property that has been inspected and determined to have no value beyond its basic material content.
Sensitive Property:	Items of property which are considered susceptible to being appropriated for personal use or which can readily be converted to cash.
Surplus Property:	Excess property that has been declared excess to program needs and becomes eligible for donation or public sale.
Unserviceable:	An item determined to be no longer useful or ready for use.

APPENDIX A: South Dakota Code of Professional Ethics for Teachers

Professional Practices and Standards Commission

Chapter 24:08:03

Code of Professional Ethics:

Section:

24:08:03:01 Obligations to Student, in fulfilling their obligations to the students, educators shall act as follows:

1. Not, without just cause, restrain students from independent action in their pursuit of learning;
2. Not, without just cause, deny to the students access to varying points of view in the classroom
3. Present subject matter for which they bear responsibility without deliberate suppression or distortion;
4. Make a reasonable effort to maintain discipline and order in the classroom and the school system to protect the students from conditions harmful to learning, physical and emotional well-being, health, and safety
5. Conduct professional business in such a way that they do not expose the students to unnecessary intimidation, embarrassment, or disparagement;
6. Accord just and equitable treatment to every student, regardless of race, color, creed, sex, sexual preference, age, marital status, handicapping condition, national origin, or ethnic background;
7. Maintain professional relationships with students without exploitation of a student for personal gain or advantage;
8. Keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
9. Maintain professional relationships with students in a manner which is free of vindictiveness, recrimination, and harassment.

24:08:03:02 Obligations to the public. In fulfilling their obligations to the public, educators shall act as follows:

1. Take precautions to distinguish between their personal views and those of the local school district or governing body;
2. Not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions;
3. Not interfere with a colleague's exercise of political and citizenship rights and responsibilities;
4. Not exploit the local school district or governing body for public or personal gain;
5. Not exploit the local school district or governing body to promote political candidates or partisan political activities;
6. Neither accept nor offer any gratuities, gifts, services, or things of value that impair professional judgment, offer special advantage, or provide personal benefit;
7. Engage in no act that results in a conviction;
8. Commit no act of moral turpitude or gross immorality; and
9. Not misuse or abuse school equipment or property.

24:08:03:03 Obligations to the profession. In fulfilling their obligations to the profession, educators shall act as follows:

1. Accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
2. Maintain confidentiality of professional information acquired about colleagues in the course of employment, unless disclosure serves professional purposes;
3. Discuss professional matters concerning colleagues in a professional manner;
4. Accept a position or responsibility only on the basis of professional preparation and legal qualifications;
5. Adhere to the terms of a contract or appointment unless the contract has been altered without the consent of the affected parties, except as provided by law, legally terminated, or legally voided;
6. Use sound professional judgment in delegating professional responsibilities to others;
7. Not interfere with the free participation of colleagues in the affairs of their associations;

8. Not use coercive or threatening means in order to influence professional decisions of colleagues;
9. Not knowingly misrepresent their professional qualifications;
10. Not knowingly distort evaluation of colleagues;
11. Not criticize a colleague before students, except as unavoidably related to an administrative or judicial proceeding;
12. Cooperate with authorities and the commissions regarding violations of the codes of ethics of the South Dakota Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission;
13. Perform duties in accordance with local, state, and federal rules and laws.

Pahin Sinte Owayawa 2020-2021

Pahin Sinte Owayawa

Policy on Social Media:

1. School Board, Administration and Employees personal account or statements (personal opinions) are not a representation of the Pahin Sinte Owayawa
2. Disregarding job responsibilities and deadlines to use social media
3. Disclosing confidential information through personal or school accounts
4. Directing offensive comments towards the Pahin Sinte Owayawa, School Board Members, Administration or other Employees of the School
5. School Board members, Administration and Employees should avoid any defamatory, offensive or derogatory content this will be considered as a violation of the schools harassment policy and/or confidentiality policy

The Pahin Sinte Owayawa Board and Administration may take disciplinary action leading up to and including termination.

_____ Employee Signature	_____ Date
_____ Principal	_____ Date
_____ School Board Chair	_____ Date

Facilities Use Contract
Pahin Sinte Owayawa

The Pahin Sinte Owayawa Gym may only be rented when operations of the school are not interrupted.

The Pahin Sinte Owayawa, Porcupine, South Dakota hereinafter referred to as the "Lesser" Agrees to permit the use of;

Located on the Pahin Sinte Owayawa Campus to the following;

Hereinafter referred to as the "Lessee". The "Lessee" agrees to use the Pahin Sinte Owayawa Facilities for the purpose of;

(Event) _____

Date _____

Arrival Time: _____ Departure Time: _____

Out of respect to our community members, Memorials and Funerals will have a facility use fee deposit of \$200.00 two hundred dollars, and will be returned upon inspection of the facilities.

School events will be a priority.

Basketball tournaments are allowed, as long as the deposits and fees are meet.

Pahin Sinte Owayawa will assume concessions at all tournaments and events.

\$30.00 Thirty Dollar Fee must be paid for concessions on school grounds.

Funding will go back into school funds.

Events	Deposits	Youth	Adult	Total
Tournaments	\$200.00+	\$50.00	\$100.00=	
Baseball Field	\$150.00+	\$40.00	\$80.00=	
		Daily Fee	Daily Fee	
Dining Hall	\$100.00+	\$35.00	\$35.00=	
		Daily Fee	Daily Fee	
Kitchen	Funeral/Memorial Rental Only			

A complete Facility Agreement and Fees will be completed prior to event.

Cash or Money Order's only.

No Personal Checks.

Need to be received within Five (5) business days prior to event.

The "Lessee" will be responsible for the said items or will be charged a replacement fee:

Microphone	\$180.00 Each
Chairs	\$40.00 Each
Tables	\$300.00 Each
Stage	TBD
Bleachers	TBD
Floor Mats	TBD

1. The Lessee shall make no assumptions as to further use of the facilities on the Pahin Sinte Owayawa campus beyond the dates stated.
2. The Lessee shall assume all liability for accidents and tort claims occurring due to the Lessee use of the facility.
3. The Lessee shall be responsible for all clean ups necessary to the facilities and grounds as a result of use of Lessee.
4. The Lessee shall be responsible for payments to repair any damage caused by the use of the facilities by the Lessee.
5. The Lessee shall be responsible for providing all security necessary to protect the Pahin Sinte Owayawa Facilities and grounds during use.
6. Deposits will be returned upon inspections and if all listed Facility Use Requirements are completed and no damages have occurred of the facility.

7. By signing this Permit the Lessee is granting wavier of liability and tort claims against Pahin Sinte Owayawa and the representatives thereof.

8. This permit shall terminate upon breach of any conditions herein, at the discretion of Pahin Sinte Owayawa.

9. NO GANG ACTIVITY

10. Any breech of the agreement will negate the Lessee from future use if the Pahin Sinte Owayawa Facilities or grounds

11. The Facilities must be returned back to the school in working ready order, Pahin Sinte Owayawa events will take precedence to any event. Out of respect Porcupine Community funerals will also take first precedence to any scheduled event.

12. False Fire Alarms area crime and against the Law. For every False Fire Alarm Activated twenty-five (\$25.00) dollars will be removed from your deposit.

Garbage Bags, Toilet Paper, Cleaning Supplies and Batteries for the Microphone must be provided by the Lessee. Pahin Sinte Owayawa DOES NOT Provide these items.

Facility Use Equipment and Inspection List

- | | | |
|---|-----|----|
| 1. Tables and Chairs wiped and returned to proper locations | Yes | No |
| 2. Sweep and Mop all used including: | Yes | No |
| • Main Entry | | |
| • Halls | | |
| • Loading dock hall | | |
| • Black Stairs | | |
| 3. Trash removed and taken to dumpsters outside | Yes | No |
| 4. Bleachers: | Yes | No |
| • Trash picked up | | |
| • Swept | | |
| • Mopped | | |
| 5. Gymnasium-Cafeteria: | Yes | No |
| • Chairs-Stacked and returned to proper location | | |
| • Tables returned to proper location | | |
| • Floor mats swept | | |
| • Floor mats mopped | | |
| (Gymnasium floor mats maybe left down must swept and mopped) | | |
| 6. Restrooms: | Yes | No |
| • Swept | | |
| • Mopped | | |
| • Sinks cleaned | | |
| • Toilets cleaned | | |
| • Walls and stalls cleaned | | |

- Mirrors cleaned
- Sanitary Napkins bins emptied
- Trash Removed

7. Parking Lot:

Yes No

- Cigarette butts picked up
- All trash picked up

8. Field:

Yes No

- All trash picked up and removed

9. Kitchen:

Yes No

- Counters Cleaned
- Take out what you brought in
- Stoves/Ovens/Soup Kettles/Steamer Cleaned
- Sinks Cleaned
- Dish room cleaned
- Swept/mopped
- Trash removed

Lessee Signature

Date

Lessee Address

Cell/Phone Number

Deposits Received on _____ **in the Amount of \$** _____

Principal Signature

Business Manager Signature

Facilities Manager Signature

Inspection Date _____

Deposit Returned On _____

Principal Signature

Business Manager Signature

Facilities Manager Signature

Deposit Not Returned Because:

**Deposits if returned will be issued from Pahin Sinte Owayawa in the form of a check only.
Please allow 3-4 Business working days after event for processing.
Thank you**

Pahin Sinte Owayawa 2020-2021

Pahin Sinte Owayawa Housing Policy

A. Housing Assignments: Only Pahin Sinte Owayawa employees will qualify for Pahin Sinte Owayawa housing. Placement of Pahin Sinte Owayawa employees in Pahin Sinte Owayawa housing is at the discretion of the Pahin Sinte Owayawa Housing Committee.

1. The Principal has the authority to assign employees to quarters, in consultation with the Facilities Manager.
2. Rent will be deducted on pro rata from no more than two salary checks per month of employees leasing school quarters. Tenants are required to execute a housing agreement form or "Lease" as a condition of their continued housing in Pahin Sinte Owayawa Housing. Failure to sign this lease agreement within thirty (30) days shall constitute grounds for immediate eviction from employee's house or quarters.
3. Quarters are reserved for Principal, Business Manager, Certified Personnel, and other positions recommended by the Pahin Sinte Owayawa Board. There are no temporary assigned quarters.
4. If in the event housing is not available for the categories indicated below and either a Principal, Business Manager and Certified staff need housing then the tenant that is in category #3, #4 and #5 will be given twenty-four (24) days to vacate.

B. Assignment Priority: The following is a list of priority categories which shall be used to place Pahin Sinte Owayawa employees in Pahin Sinte Owayawa Housing, in descending order from the highest priority to the lowest priority:

Category # 1: Principal and Business Manager

Category # 2: All Certified Teachers

Category # 3: Other Certified Personnel

Category # 4: Other key administrators who do not have residence within 40 miles of Pahin Sinte Owayawa.

Category # 5: Key Personnel (Department Managers)

Category # 6: Any other Pahin Sinte Owayawa employees

Within each category houses will be assigned on a first come, first serve basis. If a vacancy occurs in any one of the above employment categories, the Pahin Sinte Owayawa shall reserve a house for that employee category, until such time as the employment vacancy is filled by an employee. In other words, a house will be reserved for a particular position within a category regardless of whether the category position is filled or not.

The following criteria shall be followed in assigning quarters:

1. Quarters shall be assigned only to Pahin Sinte Owayawa employees on the basis if number of dependents for which bedrooms are required. Larger houses shall be assigned to larger families.
2. Married employees without children shall be assigned to suitable efficiency apartments before being assigned to multi-bedroom units.
3. Consideration shall be given to assigning quarters having the highest rental rates to higher salaried personnel.
4. Quarters shall not be assigned to employees for the use of relatives who are not members of the employee's immediate family, except in unusual or justifiable circumstances approved in advance by the board.
5. Employees who originate from or intend to remain in the local area should provide their own quarters with the exception of personnel who are on 24 hour call for emergencies. Local area is defined as all lands within the boundaries of the Pine Ridge Reservation.
6. There shall be no summer time or temporary assignment of quarters.

C. Tenant Rights and Obligations: The Board expects tenants to exercise reasonable care in the use of the quarters as is ordinarily expected of any tenant.

1. An inspection of the quarters shall be made **quarterly** by the Maintenance and Facilities Manager. The Facilities Manager and the tenant prior to and at the termination of the tenant's occupancy will be inspected. Further, interim inspections shall be at the discretion of the Facilities Manager and the Principal.

D. Deposit: A \$_____ deposit shall be made to the school prior to moving into assigned quarters. The deposit will be returned to the tenant upon vacancy if there is no damage to the quarters other than normal wear and tear.

E. Damage: Damage to school property or equipment shall be reported promptly. Tenants are responsible for damage caused by negligence or misuse and shall promptly reimburse the school in the amount determined by the board. Pahin Sinte Owayawa reserves the right to set off any funds in the possession of Pahin Sinte Owayawa, or to file a claim in Oglala Sioux Tribal Court or any other court of competent jurisdiction, to recover for damages to Pahin Sinte Owayawa Property by a tenant.

1. Tenants will be assessed and are expected to promptly reimburse the school for the rehabilitation or repair of the quarters or equipment for damages noted during maintenance or safety inspections or "check-out" inspections when vacating quarters. Such damages shall include deterioration beyond normal wear caused by misuse or negligence in the care and use of quarters or equipment. The tenant shall be responsible for making minor repairs to his/her dwelling.

2. Tenants leaving quarters unoccupied for an extended period of time shall arrange to have the quarters checked to insure proper functioning of the heating systems, hot water heater, etc. Any maintenance or repair cost arising from neglect during unoccupied periods shall be assessed to the tenant. Tenants shall be billed for repairs due to negligence through payroll deduction. Failure on the part of the tenant to keep fuel supply in the tanks or payment of utility bills constitutes breach of agreement. The fuel tank shall be filled by the tenant before a final salary report is made, and salary used. The tenant agrees that any outstanding fuel bills shall be retained by the school as liquidated damages for such breach. Tenant also agrees to pay fifty \$50.00 dollars for replacement of lost keys to their quarters.

F. Rent: Rent shall be charged according to the Pahin Sinte Owayawa Housing Rate schedule, which shall be published whenever changes are made, prior to the issue of the housing agreements or "lease". It is an accepted pre condition of obtaining housing with the Pahin Sinte Owayawa that each tenant understands that rent adjustments shall be made annually by the Pahin Sinte Owayawa Board. Persons who are granted the use of quarters in the Pahin Sinte Owayawa housing shall be charged rent for the quarters to which they have been assigned from the day following their receipt of notice of approval of their housing applications, to the day they turn over control of their quarters by handing in the keys

G. Subletting: Subletting or subleasing of any portion of quarters assigned to a tenant shall not be permitted. Exchange of money is not required to constitute subletting/subleasing.

H. Business: Conducting a business enterprise of any kind in quarters is not permitted, with the exception if those ventures which may occur periodically, and which have a duration of only a few hours, including, but limited to, the following: food sales, rummage sales, lawn mowing and snow removal.

I. Care of Lawn and Sidewalks: the tenant shall be responsible for the maintenance of the lawn and sidewalks within the lot boundaries at all times (including vacations and other extended absences). Tenants will be expected to furnish their own maintenance equipment. Fences will not be permitted on front lawns except where unusual circumstances warrant such for an individual occupant. Playground equipment, swimming pools, sand boxes, etc. will not be permitted on the front lawns. With permission from management, equipment of this type maybe placed in the backyard.

J. Maintenance: Maintenance shall be performed in accordance with the guidelines and applicable regulations.

K. Alterations: Alterations of any kind (including electrical and plumbing) will not be permitted, without the advance approval of the Pahin Sinte Owayawa

L. Parking: Tenant vehicles shall be parked in such a manner not to inconvenience tenants in other quarters. Parking on lawns is prohibited. Vehicles parked at residence must be able to move under their power, or the maintenance department shall have the right to remove the vehicle at the expense of the tenant.

M. Pets: Pets will be permitted if kept under control by owner, subject to tribal regulations or ordinances. Tenants shall control pets while maintenance services or inspections are being performed. Tenants shall not have more than two pets.

N. Safety and Maintenance Inspections:

1. The Pahin Sinte Owayawa Board shall authorize personnel to enter quarters for the purpose of making safety and maintenance inspections and to conduct equipment inventory. Failure to authorize inspection shall be grounds for eviction proceedings.

2. Tenant owned and used appliances including extension cords shall be U.L approved types and shall be maintained in such condition that they will not present hazards. Tenants should take care not to overload electrical circuits.

3. No materials or goods shall be stored within two feet of furnaces, water heaters, chimneys or smoke pipes. Continual violation shall be subject to penalty or eviction.

4. Tenants shall not allow debris to accumulate in or around quarters and shall keep their quarters free of hazard which would cause fires, and injuries. Noncompliance shall be grounds for penalty or eviction.

O. Loss or Damage to Personal Property: The school responsible for loss or damage to personal property of the tenant maintained in quarters. Such loss or damage shall include but limited to fire, wind, water, theft, etc. it shall be the responsibility of each tenant to properly insure their property against such loss.

P. Conduct: Employees/tenants and their families will be expected to conduct themselves in an orderly and respectful manner. Conduct unbecoming and employee of his dependents and violations of other people's rights shall be grounds for removal from quarters. Tenants are responsible for the actions of children and are expected to have children inside by 10:00 pm.

Q. Distribution: A copy of this policy shall be permanently displayed on bulletin boards and a copy will be attached to each quarters assignment form when initially issued to an employee/tenant.

R. Minutes of Meetings: Written minutes of each meeting of the Pahin Sinte Owayawa Board shall be maintained for future reference when it pertains to quarters.

S. Housing Committee: The Pahin Sinte Owayawa Board is the final authority on all matters relating to the Pahin Sinte Owayawa Housing and this policy, but it has granted executive authority and policy making authority to the Pahin Sinte Owayawa Housing Committee, subject to review and approval by the Pahin Sinte Owayawa Board. The Pahin Sinte Owayawa Housing Committee shall consist of the following:

A designated Pahin Sinte Owayawa Board Member,
Principal,
Business Manager,

Facilities Manager,

A tenant of the Pahin Sinte Owayawa Housing (designated by the Pahin Sinte Owayawa Board, unless an earlier vacancy occurs).

T. Termination of Assignment: Inspection of quarters will be made at this time of termination of assignment of quarters to determine condition of quarters and to ensure all school owned equipment is on the premises. This will be done before final salary is disbursed.

U. No Alcohol, Drugs, or Inhalants: No alcohol, drugs, or inhalants shall be allowed to be used, sold or possessed by tenants, their families, and guest of Pahin Sinte Owayawa Housing.

V. Change in Policy: The tenants shall be advised of any changes to the Pahin Sinte Owayawa housing Policy by periodic written notice released at the discretion of the school board.

Please list all family members that will be residing in the home:

Self

Member

Member

Member

STUDENT POLICIES

The Mission of Pahin Sinte Owayawa is to provide a quality education for the children of the Lakota Nation which promotes the culture and prepares them for success in the future,

6.01 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.

Lakota *Who read, write and speak the Lakota Language.*
Who demonstrate knowledge of the Lakota history and culture.
Who practice traditional Lakota values including respect, courage, honesty, generosity, and wisdom.
Who are proud to be Lakota and strive to be Wolakotakiciye.

Lifelong Learners
Effective Communicators
Positive Individuals
Nurturing Family Members
Contributing Community Members
Transforming Oglala Sioux Tribal Members

6.02 EQUAL EDUCATIONAL OPPORTUNITIES

Every student shall have equal educational opportunities and support services regardless of race, color, creed, gender, religion, national origin, or disability.

6.03 STUDENT RESPONSIBILITIES

1. To obtain an education, Students must regard the opportunity of obtaining an education is one of their duties to the community.
2. To follow school rules, the student must obey recognized rules and procedures developed by the school.
3. To practice self-control, the student must refrain from inflicting bullying (verbal and physical) and/or bodily harm on other individuals and respect the privacy of their person and property.
4. The know the grievance procedure, the student must inform

himself/herself of the proper methods and channels of complaints and make use of them when necessary

6.04 STUDENT SAFETY/SUPERVISION

The administration shall develop safety rules including ways in which student safety requires special supervision and protection, precautions at dismissal, and instruction for safety on the way home from school.

Teachers have the primary responsibility for the supervision of students under their care.

1. Student shall be supervised at all times during the school day and at all school-related
2. Maintenance and security shall inspect the physical condition of all buildings, grounds, and playground equipment quarterly.
3. Observation and instruction of safe practices on the part of school personnel and students, particularly in those areas of instruction or extra-curricular activities offering special hazards. At no time are students to be left unsupervised.

6.05 COMPULSORY SCHOOL ATTENDANCE

The Board shall adhere to Oglala Sioux Tribe's compulsory 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, and not necessarily enrolled at *Pahin Sinte Owayawa*, and that a child is still considered to be enrolled under tribal law, even if such child has been dropped or expelled from *Pahin Sinte Owayawa*.

The Board shall warn parents, guardians, or custodians of children of the Oglala Sioux Tribe's compulsory attendance laws if a child is caught violating the law and may appoint a Truant Officer to enforce compulsory school attendance law.

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

Attendance shall be in accordance with the State of South Dakota (or current) school accreditation standards and the Oglala Sioux Tribe's mandatory school attendance policies and procedures.

6.05 (a) ABSENCES

Upon receipt of a signed written request from the parents, the Principal may grant the student an excused absence from school for:

- Illness of the student two (2) days maybe excused by phone; after three (3) days a doctor's statement is required
- Death of a member of the student's immediate family. For death in immediate family, up to five (5) days excused absence. Immediate family shall be interpreted to mean Parents, Step-parents, Brother, Sister, Step-siblings, Grandparents. One

- day maybe granted for extended family members at the discretion of the Principal.
- Doctor or dental appointments that cannot be met on non-school time.
- Emergency road conditions that limit the safety of transporting students to school
- Attendance at school-related activities when school authorities request such attendance.
- Emergencies at the school that endanger the life, health, or safety of the students.
- Other justifiable reasons authorized by the respective Principal or his/her designee.

The consequences for unexcused absences are listed below:

3 Days:

After three (3) days of total unexcused absences per quarter by the student, a letter will be sent by the attendance clerk to the parent(s)/guardian(s) notifying them of the situation. A copy of the letter will also be sent to the Social Worker.

6 Days:

After six (6) days of unexcused absences per quarter by the student, a letter will be sent by the Attendance Clerk to the parent(s)/guardian(s) notifying them of the situation. The attendance Clerk will notify the school counselor to help enable him/her to provide dropout preventive services. A copy of the letter will also be sent to the Principal, Teacher, Social Worker, OST Juvenile Court.

9 Days:

After nine (9) days of unexcused absences per quarter by the student, another letter will be sent by the Attendance Clerk to the parent(s)/guardian(s) notifying them of the situation and a conference will be held with the parent(s), guardians(s), the student, teacher, and the Principal. A copy of the letter will also be sent to the Principal, Teacher, Social Worker, OST Juvenile Court

10 Days:

After ten (10) days of unexcused absences in one semester the student will be dropped and cannot enroll until the next semester.

(6.05 b) ATTENDANCE

1. A student shall be considered TARDY if he/she comes to school after 8:30
2. A student shall be considered ABSENT ALL DAY if he/she is checked out before 11:30 a.m. This absent will be considered unexcused unless a doctor statement is sent or brought in, then the absent will be considered excused.
3. A student shall be considered to have PERFECT ATTENDANCE if he/she has no tardies and no absences.

6. A student shall be considered to have FAITHFUL ATTENDANCE if he/she is absent for 1 day.
7. A student shall be considered to have GOOD ATTENDANCE if he/she is absent for 2 days.
8. Eight (8) tardies shall constitute one (1) absence.

(6.05 c)

10 Days unexcused absences a semester or 20 days in a year, student's may be retained.

6.06 NASIS-NATIVE AMERICAN STUDENT INFORMATION SYSTEM

Teachers will be responsible for taking attendance with the Native American Student Information System (NASIS) by 8:30 am

Teachers are required for entering assignments into the NASIS Grade Book and for using the planner.

6.07 ENTRANCE AGE

Children five (5) years of age December 31 of the ensuing school term at Pahin Sinte Owayawa shall be eligible to enroll in Kindergarten. (25 CFR Part 39 ISEP Section 39.11)

6.08 SCHOOL ADMISSIONS

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

1. Students must present appropriate verification of current educational level if previously enrolled in another educational system and parents or legal guardian shall sign a Request for Records form.
2. The parent(s)/guardian(s) enrolling a student must be present and complete all required forms prior to finalization of admission of the student.
3. Students may be eligible for School services if they are fit within the categories set forth in 25 C.F.R. 31.1. However, special education services are also limited by applicable law, regulation and policy of the United States government, and its departments, agencies, bureaus and services.
4. Prior to admittance, students and their parent(s)/guardian(s) must furnish the school with:

- Enrollment Form (Emergency Information)
- Immunizations from IHS
- Tribal Enrollment Certificate or Certificate of Indian Blood Degree.
- Certified Birth Certificate
- Title VII Form

- Transportation Form
 - Request for records
 - Proof of legal guardianship, if not one of the biological parents.
 - Medical Authorization to treat
 - Dental Prevention Program Form
5. Any student who has not completed 8th Grade graduation requirements by the student's 15th birthday must petition the Board for re-admittance, unless the student is a special education enrollee.
 6. Students who have reached their 16th birthday shall not be admitted to the school.
 7. No individual is authorized to check a student out from school, pick students up after school activities, call to change bus assignments, unless the person is on the check out list no exceptions unless we have it in writing or a phone call by parent/legal guardian. Students are not allowed to receive phone call unless it is an emergency and the individual is on the student's *Pahin Sinte Owayawa* enrollment application as an emergency contact person. It would be appreciated if there is a family emergency you also inform the administrator
 8. Students transferring in from another school within the local area or dropped from another school will be allowed to enroll at the beginning of the next quarter only. Exceptions will be made at the discretion of the Principal, following the ordinances of the Oglala Sioux Tribe.

6.09 ASSIGNMENT TO CLASSES

In order to assure student assignment to the class level best suited to her/his academic and social needs, placement shall be at the discretion of the Principal working in cooperation with school Social Workers, the student's parent(s), and teacher(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.

6.10 TRANSFER AND WITHDRAWAL

Students may transfer to another school at the request and authorization of the parent(s)/guardian(s). The *Pahin Sinte Owayawa* Board may participate in any pilot program regarding intra-reservation transfer of student funds along with transfer of students that may be developed by the Oglala Sioux Tribe's Department of Education or the Bureau of Indian Affairs Department of Education, or other institutions. The school administration has the authority to deny transfers into *Pahin Sinte Owayawa*.

The Attendance Clerk and Home School Liaison are responsible for providing the following 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.

6.11 ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES

Students are encouraged to be involved in school related activities. In order for students to participate in any school activity, they must meet the eligibility criteria as set forth by the School Board.

To participate in extra-curricular, the student must:

1. Receive passing grades in all subjects and no behavior write-ups;
2. Each student participating in extra-curricular activities must be in school the day BEFORE, the day OF, and the day AFTER that activity. If not, they WILL NOT be allowed to play in the game scheduled that day.
3. Being ineligible to participate in an activity does not constitute ineligibility to practice.
4. Attendance: Students who are absent from school for more than ten (10) days per semester and twenty (20) days total in the current school year shall lose their eligibility. Illness of the student or death in the immediate family shall be an exception with documentation.
5. All students and parents shall sign interscholastic rules and comply with the rules.
6. All students must have a physical examination in order to be eligible.

6.12 STUDENT ABSENCES AND EXCUSES

Pahin Sinte Owayawa shall provide students and their parents/guardians with established attendance policy and policies at the beginning of each school year.

6.13 SKIPPING CLASS(ES)

Any unauthorized absence from class(s) 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 a major offense.

6.14 PASSES

Any student without a pass while out of the classroom will be considered to be skipping class and will be sent to the and must present a reentry slip to their teacher.

Any student found off the Pahin Sinte Owayawa campus, during school hours, shall be considered truant and subject to disciplinary action.

6.15 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), guardian(s) or Principal. Disciplinary action will follow the procedures as outlined for major offense of The Oglala Sioux Tribal Law and Order Code which shall be followed regard trancies, Law enforcement shall be notified.

6.16 STUDENT RIGHTS AND RESPONSIBILITIES

In order to improve 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 Pahin Sinte Owayawa, students have agreed to abide by the rules and regulations which govern this institution.

Students have and shall be accorded 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 right to a free and appropriate education.
2. The right to be free from unreasonable search and seizure of their person and property, to a reasonable degree of privacy and to ensure a safe and secure environment.
3. The right to make their own decisions where applicable.
4. The right to freedom and culture.
5. The right to freedom of speech and expression, including symbolic expression (such as display of buttons, posters, choice of dress, and length of hair) so long as the symbolic expressions does not unreasonably and in fact disrupt the educational process or endanger the health and safety of others, or does not promote gang affiliation/use of alcohol, tobacco, or illegal drugs.
6. The right to freedom of the press, except where the material in student publications is libelous, slanderous, obscene or prejudicial.
7. The right to peaceably assemble and to petition the redness of grievances.
8. The right to be free of discrimination.
9. The right to be free of cruel and unusual punishment.
10. The right to be due process. Every student is entitled to due process in every instance of disciplinary action for alleged violation of school regulations for which the student may be subject to penalties, suspension, expulsion and /or transfer.

6.17 DUE PROCESS

Every student is entitled to due process in every instance of disciplinary action for alleged violation of school regulations for which they may be subjected to penalties of expulsion. Due process is defined as the right to notice of the allegations or charges against the student and a meaningful opportunity for the student and his/her parents to be heard by decision-making

authorities.

6.18 INTERVIEWS AND SEARCHES

The School may notify parent(s) of any pending searches or interviews of students by school officials, to permit their involvement, unless such search is necessary to the immediate safety of staff and students or is based upon a reasonable suspicion that a student is in possession of a weapon or contraband, including but not limited to drugs and alcohol.

School administrators and teachers have the right to interrogate students regarding their conduct and/or the conduct of others. Except where the alleged action would constitute a criminal offense, the right against self-incrimination does not exist. Every effort shall be made to notify parent(s) or Legal Guardian(s) of any pending searches or interrogations. If unable to reach a parent or legal guardian, the office will notify parents of the search in writing.

6.19 SEARCHES

Students have the right to privacy and security of their person against arbitrary invasion of their personal property by school officials. Personal property includes backpacks. The school must maintain an atmosphere conducive to the pursuit of educational goals. 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, and the school always has the right to search school property, including lockers, desks. The Principal shall oversee and be responsible for all searches.

Lockers or any other property of Pahin Sinté Owayawa may be opened, or other searches conducted, including canine searches, by the respective Principal and one member of the professional staff. The student to whom the locker belongs should be present if possible.

6.20 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. Student Council elections will be held annually. All students enrolled in 5th through 8th grades will participate in the election process. Student Council officers will be comprised of a President, Vice President, Secretary, and Treasurer. Additionally a Representative and Alternative Representative will be elected from each 5th through 8th grade class.

Students are welcome at Board meetings and will be granted the same privilege of speaking extended to the general public.

6.21 STUDENT CONDUCT/DISCIPLINE

Any serious offense such as fighting; the use of abusive or obscene language; the use, possession or distribution of illegal drugs or alcohol; the possession of any weapon; the use possession or distribution of any form of tobacco by a minor; or other unlawful or felonious acts not

specifically outlined must be brought to the attention of the Principal immediately. These may result in in-school suspension, suspension or expulsion from School.

The Principal and/or designee reserves the right to immediately suspend any student when, in its judgment, the student knowingly and deliberately exhibits behavior that endangers the life, health and safety of the student or others, or that causes serious damage to school or others personal property.

- Step 1. Call Parent/Guardians all effort's will be made to contact parents/guardians
- Step 2. Call Local Authorities
- Step 3. Call Local Social Services
- Step 4. Social Worker follow up

6.22 SCHOOL RULES

Students are expected to adhere to reasonable standards of behavior and conduct themselves in an acceptable manner while at school or school related activities. Any deviation from acceptable behavior by the student may result in immediate disciplinary action by the respective Principal. The student is responsible for learning the following rules that govern the activities of the school environment.

Classroom Rules Be Responsible/Be safe

- Follow all building rules
- Listen and always follow direction the First time they are given
- Do your assigned work
- Don't distract other
- Keep your work space clean
- Pick up after yourself
- Share and take turns
- Keep hands, feet, and objects to yourself
- Always do your best
- Use your time wisely
- Come prepared
- Be Respectful:
- Follow the Four Lakota Values: generosity, Courage, Respect, and Fortitude
- Respect yourself and other: students, teachers, and the environment
- Use positive words
- Be polite and help others
- Be nice and have appositve attitude

Lunchroom Rules

- Sit with your class
- Clean up after yourself, respect the custodians
- Bottoms on benches
- Bodies facing forward

- Dump tray on person at a time
- Food and trays stay on the table
- Use quiet voices
- Keep hands, bodies, and objects to yourself
- Walk everywhere you go
- Ask permission for restroom, drinks, to get out of your seat, and for seconds
- No seconds until you have eaten everything on your tray, respect the cooks
- One trip to the salad bar (get all you want the first time)

Hallway

- Face Forward
- Stay in your space
- Walk silently as other classes are in session
- Quiet mouths (no talking)
- Hands in pocket or clasped in front or back
- Do not lean on or touch the walls
- Keep feet on the floor
- Stay in class groups in single file order
- Keep all body parts to yourself
- Walk respect to and from your destination

Bathroom

- Hands and pocket empty
- Keep the bathroom clean
- No playing around
- Three second drinks
- Always wash your hands with soap and water

Playground/outside

- Stay on the playground-Do not play on building ramps or stairs
- Leave animals, dirt, and insects alone
- Only one person on the slide and swings
- Listen to all adults
- Come when your teacher calls
- Line up quietly and immediately
- No climbing up the slide
- No twisting, jumping off or sideways swinging
- No climbing on the tress
- Keep hands and feet to yourself
- No personal toys on the playground
- Share playground & equipment with other

Computer-Lab Rules

- THE COMPUTERS IN THIS ROOM ARE TO BE USED FOR ACADEMIC PURPOSES ONLY
- ASSIGNED INTERVENTION SOFTWARE IS THE ONLY PROGRAMS TO BE USED DURING LAB TIME
- LOADING OR DOWNLOADING ANY SOFTWARE OF ANY KIND IS STRICKLY PROHIBITED
- DO NOT MAKE ANY CHANGES TO THE DESKTOP OF TO INSTALLED SOFTWARE

- PLAYING COMPUTER GAMES OR MUSIC IS STRICKLY PROHIBITED
- REPORT HARDWARE OR SOFTWARE PROBLEMS TO YOUR TEACHER. PLEASE DO NOT TROUBLESHOOT
- FOOD AND DRINKS OF ANY KIND ARE STRICKLY PROHIBITED
- REMEMBER TO LOG OFF THE NETWORK WHEN YOU LEAVE
- BE AWARE OF YOUR ASSIGNED TIME, OTHER CLASSES ARE SCHEDULED AND EXPECTED TO BE ON TIME
- VIOLATION OF THESE RULES WILL RESULT IN IMMEDIATE SUSPENSION OF COMPUTING PRIVILAGES AND USE OF THIS ROOM

These school rules are separated into three sections; minor rules, major rules and violations that may result in immediate suspension or expulsion.

Discipline

Types of Offenses

Level 1 Minor Offenses: Minor Offenses, non-Compliant (breaking basic school rules). These offenses are to be handled according to the “classroom discipline plan” asset by the teacher and any staff member.

Level 2 offenses: Major offenses

All level 2 offenses are handled by the principal or the person designated by the Principal. The following offenses are handled according to the schools policy and the parent/guardian is contacted. The principal will initiate this contact.

Other situations

Unique situations

Discipline situations that arise that are not covered by these guidelines will be handled on a case by case basis. At any time, any discipline situation can be altered due to the severity of the situation and pursuant to due process.

In school suspension

The student reports to the In school suspension for the amount of days required.

Unnecessary Items

Cell phones, and other electronic devices are not allowed in the school. If it is determined that a student has an electronic device, it will be confiscated and the parent/guardian will need to come to the school and speak with the teacher in order for it to be returned. The school is not responsible for lost or stolen items.

Level I: Minor Behavior Infractions

Definition: These are minor offenses, non-compliant actions within the school setting. Minor offenses are when students break basic school rules.

Persons Responsible: All staff who encounter students within the school setting. This includes teachers, paraprofessionals, office staff, custodians, and other school professionals.

Process:

Step 1: Staff will document the minor offense. The teacher will develop their own documentation book, to record minor infractions. The primary purpose in this step is to teach new behaviors, so student will learn the expected behavior, and not continue to repeat the behavior which can possibly lead them to Level II: “Major Offenses”. The secondary purpose in this level is to teach the student the desired positive behavior in the moment when the behavior occurs. All behaviors start with minor infractions.

Step 2: Staff will set up a reflection area in or outside of their classroom based upon the Lakota values. It is here that the student will reflect upon their behavior. The student will meet with the teacher who will determine if they need to apologize, write a letter, etc... The goal is to have the student return to the group, so they can continue with their academics.

Step 3: After the 4th time the student engages in the same minor behavior, the teacher will contact the parent and refer the student to the school counselor. The teacher will attach all necessary documentation which they will give to the school counselor. The teacher will also complete a school referral form, attaching all documentation and give the form to the principle.

Incomplete work	Refusal to do academic work	Throwing objects at others	Vandalism: Minor, example writing on the wall.	Lying to staff	Not taking responsibility for actions
Horse playing	Minor hitting/shoving/pushing	Calling names to staff and students	Cheating on work/tests	Minor intimidation	Sleeping in class
Interrupting the class by yelling or screaming/ Impeding the learning of others	Running in the halls/Safety	Making a choice not to listen to directions/Safety	Violation of dress code	Not taking hoods off	Chewing gum
Bullying: Beginning stages	Not following the rules at recess, lunch, playground	Insubordination to staff/talking over staff.	Temper Tantrums/kicking screaming/disrupting the class	Leaving the classroom without permission	General Inappropriate behavior/

Level 2: Major Behavior Infractions

Definition: Major offenses that require the intervention of the principal, parent and law enforcement. Behaviors that place student, staff and others at risk.

Persons Responsible: Teacher starts the referral process. Referrals moves to the principal who will determine the next course of action. Parents, Counselors, In school suspension (LVR) and Law Enforcement are involved at this level.

Process: Teacher writes a referral. Referral is sent to the Principal along with the student. All staff are responsible for writing a referral. If a person observes the behavior, they are the primary person responsible for writing the referral.

Level 2.1

1. Blatant Disrespect
2. Non-Sexual Harassment
3. Inappropriate Sexual Behavior: Hickies
4. Impeding the learning of other in the classroom: Due to yelling, screaming, etc. at the teacher, staff or other students.
5. Theft
6. Vandalism
7. Misuse of Technology: Breaking computer equipment
8. Bullying
9. Instigating
10. Leaving the classroom, sneaking around
11. Skipping class

Level 2.2 (Generally Law Enforcement and parents are involved in this)

1. Arson/Fire
2. Alcohol/Drugs, Chemicals, Prescription Drugs (no prescription by a doctor), Tobacco
3. Bomb Threat
4. Gun Threat
5. Burglary/Robbery
6. Explosives-Possession and or Use
7. False Reporting/Falsification of Records
8. Physical Fighting resulting in injury
9. Fire Alarm/Fire Extinguisher-Unauthorized Use
10. Sexual Harassment
11. Leaving School Grounds
12. False Accusations (Against staff and students)
13. Weapons
14. Technology: Pornography and Harassment on social media, inappropriate emails
15. Retaliation

Each level of the Major Infractions will have a step procedure

Level 2.1

Blatant Disrespect: Includes cussing at students, and staff, throwing objects (snowballs), stopping classroom instruction, arguing with staff or students, and insubordination.

1 st offense	2 nd Offense	3 rd Offense	4 th Offense
<ul style="list-style-type: none">• 1 day In school suspension• Parent Meeting	<ul style="list-style-type: none">• 3 day In school suspension• Counseling	<ul style="list-style-type: none">• Principals Meeting• 3-5 Day Out of School Suspension	<ul style="list-style-type: none">• School Board Hearing

Non-Sexual Harassment: Unwelcome conducts include any comment, verbal, or other electronic communication device, action, or type of behavior that is threatening, insulting, intimidating, intimidation toward another because of race or discriminatory and upsets the students or employee.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none">• Parent Notification• Counseling Referral	<ul style="list-style-type: none">• Principals Meeting• 5-10 Day Out of School Suspension	School Board Hearing for expulsion

	until investigations is complete	
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Inappropriate Behavior: Inappropriate behavior is defined as a student who conducts themselves in such a manner as to disrupt the educational process and impede the learning of themselves or other students and when told to cease the behavior they are disobedient and continue such behavior.

1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
<ul style="list-style-type: none"> 1 Day in the In school suspension 	<ul style="list-style-type: none"> 3-5 Days Out of School Suspension 	<ul style="list-style-type: none"> Principal Meeting Behavior Plan 	<ul style="list-style-type: none"> School Board Hearing

Theft: Taking property from another person or place without permission is prohibited.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> 5 Days Out of School Suspension Pending Investigation Local Law Enforcement Referral 	<ul style="list-style-type: none"> Principal Meeting 	<ul style="list-style-type: none"> School Board Hearing

Vandalism: Defacing, cutting, or damaging school property, technology or other equipment that belongs to the school, staff members or other individuals is prohibited.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> 3 Days in the In school suspension Parent Meeting Possible Restitution 	<ul style="list-style-type: none"> Principal Meeting 	<ul style="list-style-type: none"> School Board Hearing

Bullying: Bullying is when someone repeatedly and on purpose says or does mean or hurtful things to another person who has a hard time defending himself or herself.

1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
<ul style="list-style-type: none"> Reflection papers must be completed and signed by a parent/guardian and returned to complete the 5 days reflection Parent Contact 	<ul style="list-style-type: none"> 3 days In school suspension Counselor Referral 	<ul style="list-style-type: none"> 3 day Out of School Suspension Parent meeting upon reentry with a team plan to assist with behavior Mandatory Counseling 	<ul style="list-style-type: none"> Out of School Suspension until Principal Meeting

Instigating: Spreading rumors, agitating a conflict, note passing, or any behavior that may escalate conflict between other is prohibited.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> Parent Notification Counseling Mediation 	<ul style="list-style-type: none"> Parent Meeting Counseling 3 Days in the In school suspension 	<ul style="list-style-type: none"> Principal Meeting Behavior Contract

Conflict: Two people with a balance of power that have a fight, argument or disagreement.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> Parent Contact Mediation 	<ul style="list-style-type: none"> 3 -5 Days Out of School Suspension Parent Meeting Counseling Behavior Plan 	<ul style="list-style-type: none"> Principal Meeting and or School Board Hearing

Technology or Telecommunications Misuse: Misuse of computer equipment, data or files, inappropriate accessing of files, including the internet. Using email to send inappropriate messages. The use of social media sites. The use of pornography sites. Using the phone without permission.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> 1 Day in In school suspension 	<ul style="list-style-type: none"> 3 -5 Days Out of School Suspension Parent Meeting 	<ul style="list-style-type: none"> Principal Meeting

	• Behavior Plan	
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Leaving the Classroom, Sneaking Around, Skipping: Leaving the classroom without permission of the teacher, sneaking around, skipping classes, hiding in any room facilities of the school is prohibited.

1 st Offense <ul style="list-style-type: none"> • Parent Notification • 1 Day in the In school suspension 	2 nd Offense <ul style="list-style-type: none"> • 3-5 Days in school suspension • Counseling • Behavior Plan 	3 rd Offense <ul style="list-style-type: none"> • Principal Meeting
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Provocation: Coercing another student to break school rules that gets the primary student.

1 st Offense <ul style="list-style-type: none"> • 1 Day of In school suspension • Counseling • Parent Meeting 	2 nd Offense <ul style="list-style-type: none"> • Parent Meeting • 3-5 Days in school suspension • Counseling • Behavior Plan 	3 rd Offense <ul style="list-style-type: none"> • Principal Meeting
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Level 2.2 (Generally Law Enforcement and parents are involved in this)

Disciplinary Procedures

When a student is suspended Out of School, upon return they must be accompanied by a parent/guardian. The student and family must meet with the Principal, and review the consequences of the action. When students are suspended, they cannot be on school property or attend any school functions.

Arson-Fire: Intentional destruction or damage to school property or other property by means of fire is prohibited.

1 st Offense <ul style="list-style-type: none"> • 5 Day out of School Suspension • Referral to local Law Enforcement • Parent Meeting • Counseling • In school suspension 	2 nd Offense <ul style="list-style-type: none"> • Principal Meeting 	3 rd Offense <ul style="list-style-type: none"> • School Board Hearing
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Alcohol, Drugs, Chemicals, Prescription Drugs, Tobacco, Marijuana, Nicotine. And any other controlled substance in possession or use: Possessing, delivering, dispensing, distributing, transfer or sale and use of any alcohol, narcotics or any controlled substance, cigarettes, vape, or drugs paraphernalia is prohibited. Any reports will undergo the appropriate procedures and will be subjected to a Police Report.

Procedures:

- I. Parent contact/notify
- II. Undergo test
 1. Substance test
 - a. Drug Test
 - b. Alcohol Test
 2. Search and seizures
 - Search and Homogeneous search
 - a. K9
 - b. Personal locker, bag, body search
 3. Referral to local Law Enforcement and Police Report

1 st Offense <ul style="list-style-type: none"> • Parent Meeting • 3 Days in In school suspension • Assessment by Counselor 	2 nd Offense <ul style="list-style-type: none"> • 5-10 Days out of school suspension pending investigation • Parent meeting • Counseling • Referral • Treatment 	3 rd Offense <ul style="list-style-type: none"> • Principal Meeting and or • School Board hearing for long term Suspension
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Bomb and Gun Threat: Possession, transporting, receiving, selling, exchanging, distributing, use for threatening, or look-alike, toys and using gun in school is prohibited. Intentionally making, publishing or conveying in any manner of threat pertaining to the school is subjected to local Law Enforcement.

1 st Offense	2 nd Offense
<ul style="list-style-type: none"> • Parent Meeting • Counseling • 5 days Out of School Suspension 	<ul style="list-style-type: none"> • Referral to Local Law Enforcement • Principal Meeting • School Board Meeting

Burglary/Robbery: Entering any school location classroom, offices including staff housing without consent and with intent to commit a crime (vandalism or theft) taking property from another person or place is prohibited

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • Local Law Enforcement Referral • Parent Meeting 	<ul style="list-style-type: none"> • 5-10 days out of School Suspension pending investigation • Counseling 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

Explosives-Possession and or Use: Possessing or using any compound or mixture which can cause an explosion is prohibited.

1 st Offense	2 nd Offense
<ul style="list-style-type: none"> • 5-10 days Out of School Suspension • Local Law Enforcement Referral • Parent Meeting 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

False Reporting-Falsification of Records: Deliberately reporting false information about an incident or behavior of a student or staff member or falsifying signatures or data and identification is prohibited.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • 1 Day In school suspension • Counseling 	<ul style="list-style-type: none"> • 3-5 Days out of school suspension pending investigation • Parent Meeting 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

Fighting: Engaging in any form of physical altercation where hitting or fist fighting are exchanged. This does not include pushing, shoving, or tripping.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • 3 Days in school suspension • Parent Call • Mediation 	<ul style="list-style-type: none"> • 3-5 Days out of school suspension • Parent Meeting • Behavior Plan • Counseling 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

Fire Alarm/Fire Extinguisher-Unauthorized Use: Intentionally giving a false alarm of a fire, tampering or interfering with any alarm or handling a fire extinguisher is prohibited.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • 3 Days In school suspension • Parent Meeting 	<ul style="list-style-type: none"> • 3-5 Days of School Suspension • Counseling 	<ul style="list-style-type: none"> • Principal Meeting • Behavior Plan

Sexual Harassment: Unwelcome sexual advances, request for sexual favors, sexual discrimination and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive at school environment.

1 st Offense	2 nd Offense
<ul style="list-style-type: none"> • Parent Meeting • Counseling • 5-10 Days out of school suspension pending investigation 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

Leaving School Grounds: Leaving school grounds without permission of the teacher or staff member will immediately referred to the Local Law Enforcement.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • Parent Notification • 3 Days In school suspension 	<ul style="list-style-type: none"> • Counseling • Mediation • 1 Day Out of School Suspension 	<ul style="list-style-type: none"> • Principal Meeting

False Accusations: Stating a false accusation which could damage the reputation of a staff member or a student

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • 3 Days Out of School Suspension • Counseling • Parent Meeting 	<ul style="list-style-type: none"> • 5 Days Out of School Suspension • Counseling • Parent Meeting 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

Weapons: Weapons include objects not commonly considered as such, but modified for use as a weapon or replicas and toys that look like weapons. Students will not possess, buy, sell, or use weapons of any kind while on school property or while participating in a school sponsored event. Possible expulsion pursuant to due process can happen at any offense due to the severity of the situation.

1 st Offense	2 nd Offense
<ul style="list-style-type: none"> • 3 Days Out of School Suspension pending investigation • Law Enforcement • Parent Meeting • Counseling 	<ul style="list-style-type: none"> • Principal Meeting • School Board Hearing

Technology or Telecommunications Misuse: Misuse of computer equipment, data or files, inappropriate accessing of files, including the internet. Using email to send inappropriate messages. The use of social media sites. The use of pornography sites. Using the phone without permission.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • 3-5 Days in In school suspension • Parent Meeting 	<ul style="list-style-type: none"> • 3 Days Out of School Suspension pending investigation • Parent Meeting 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

Intimidation/Retaliation: Frightening someone into submission, compliance, or agreement, or seeking revenge upon others is prohibited.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • 3 Days of t In school suspension • Counseling • Parent Meeting 	<ul style="list-style-type: none"> • 5 Days Out of School Suspension 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

Conflict: Two people with a balance of power that have a fight, argument or disagreement.

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • 1 Day In school suspension • Counseling • Parent Contact 	<ul style="list-style-type: none"> • 3 Days in the In school suspension • Parent Meeting • Behavior Plan 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

Gang/Threat Group Activity: Gang/Threat group related activity, the use of graffiti, emblems, symbolism, hand signs, slang, tattoos, jewelry, clothing, hair styles, rags, gloves, discussion, etc. are prohibited

1 st Offense	2 nd Offense	3 rd Offense
<ul style="list-style-type: none"> • In school suspension • Parent Meeting • Counseling 	<ul style="list-style-type: none"> • 3 Days Out of School Suspension • Local Law Enforcement Gang Referral • Behavior Plan 	<ul style="list-style-type: none"> • Principal Meeting and or • School Board Hearing

6.23 COMPLAINTS AND GRIEVANCES

There may be times when students or parents have a grievance about the Pahin Sinte Owayawa. Such grievances are separate from student discipline procedures.

The purpose of this grievance procedure is to resolve complaint(s) from student(s) and/or her/his parent(s) informally within the framework of the Pahin Sinte Owayawa and to ensure fairness and justice to all.

Any student and/or her/his parent(s) who feel s/he has been discriminated against, believes her/his 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 Principal within 72 hours of the incident.
2. The Principal must complete her/his efforts to resolve the grievance within five (5) school days of the date of the grievance, unless there is good cause for a continuance.
 - a. S/he shall meet with all involved parties to discuss the issue(s).
 - b. S/he shall keep a written record of her/his activities and findings.
 - c. S/he shall provide a written response to the issues with her/his decision.
3. If the Principal is unable to resolve the issue, the grievance may be brought to the School Board within three (3) school days. The School Board will hear the grievance at the next Pahin Sinte Owayawa Board meeting unless the Board shows good cause for a continuance, and render a written decision to the complainant within a reasonable time.

6.24 HEARING PROCEDURES

The Principal shall oversee the selection and convening of the hearing panel is responsible for providing a hearing for any student and his/her parent or legal guardian who requests a hearing following a proposed expulsion. A hearing shall be held within ten (10) school 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:

Written notice of the hearing date, time, place, and procedural hearing rights will be made to the student and his/her parent or legal guardian at least five (5) calendar days prior to the hearing.
2. Right to a fair and impartial hearing:
 - a. Participants at the hearing shall be limited to involved parties.
 - b. All hearings shall be closed to the public. The school has the right to sequester witnesses.
 - c. The Principal shall appoint a hearing panel consisting of a student, a teacher and an administrator who are not familiar with the incident.
3. Right to counsel:
 - a. The student and his/her parent or legal guardian may be represented by a personal representative or an attorney of her/his choosing at his/her own expense.

- b. At all times during the hearing, the student has the right to have her/his parent(s) or their designee present.

4. Right to cross-examine:

- a. The student or his/her representative has the right to confront and cross-examine any witness(es) against her/him and to produce witness(es) on her/his 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 him/her as a result of testifying against the student. No student will be compelled to testify against herself/himself. The school reserves the right to protect student witnesses from harsh, threatening, or intimidating cross-examination.
- b. The student and/or her/his parent(s)/legal guardian or legal counselor must be given enough time to examine all the evidence to be used against her/him to allow him/her to adequately prepare for defense. If the student and/or her/his parent(s) legal guardian or legal counsel feel 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 his/her parent or legal guardian with three (3) calendar days of the end of the hearing. The 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 his/her parent or legal guardian fails to appear at a hearing on the appointed date, s/he forfeits by default and the Principal's recommendation for expulsion will become effective.

5. Record of the hearing:

- a. Upon written request, the student and her/his parent(s)/legal guardian or legal counsel must be provided with an accurate transcription or tape recording 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.

6. Right to appeal:

- a. If the student and his/her 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 Principal within five (5)

- calendar days of the date of the decision of the hearing panel or the student and his/her 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 his/her parent or legal guardian may be represented by a personal representative or an attorney of her/his choosing at their own expense. The student and his/her 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 Pahin Sinte Owayawa shall be represented by the Pahin Sinte Owayawa 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 his/her parent or legal guardian within three (3) school 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 his/her parent or legal guardian fails to appear at an appeal hearing on the appointed date, s/he forfeits by default and the decision of the hearing panel will stand.

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

6.25 STUDENT ADMITTED BY COURT ORDER

A representative of the School has a right to be present at a hearing before the Court where a student is seeking to be readmitted to the School pursuant to a Court order. The School has a right to waive its right to be present at this hearing.

6.26 TOBACCO USE

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

6.27 DRESS CODE

The ultimate responsibility for dress and appearance of students rests with the individual student and her/his parent(s). Student dress should meet standards of health and safety, not be obscene or disrupt the educational process, not promote illegal substances or/and alcohol or gang activity, not inappropriate, including but not limited to the following: halter tops, tube tops, bare midriffs, no shoes, no shirt, attire of a sexual nature

6.28 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 violate this right.

6.29 CORPORAL PUNISHMENT

The use of corporal punishment is not permitted at any time at *Pahin Sinte Owayawa*.

Corporal Punishment is defined as physical punishment as distinguished from pecuniary punishment or a fine; or any kind of punishment inflicted on the body. Staff and teachers shall be allowed to physically restrain students for the safety of the student and others.

6.30 DETENTION OF STUDENTS

Students may be detained by their teacher(s) only when a definite and productive purpose will be achieved through its use.

Any teacher who wishes to detain a student after school must notify the Principal the day of such detention and on or after such detention shall submit a signed written statement of the reason(s). The Principal shall notify the parent(s) orally or in writing concerning the reason(s) for the detention and make any necessary arrangements.

After-school detention shall be applied equitably to all students, shall be no longer than one hour per day and the school shall return the student home.

6.31 EXPULSION OF STUDENTS

Through established procedures outlined in this section, a student may be expelled from school for conduct that disrupts the educational process or endangers the health or safety of the student, her/his classmates, or school personnel. Any student found on *Pahin Sinte Owayawa* property with a weapon of any kind, including but not limited to knives, guns or explosives, may be immediately removed from school. However, in the event a student threatens harm only to himself/herself with such weapon, the School may defer to the recommendations of qualified mental health professionals with regard to discipline or expulsion. A student who has been removed from school as a result of being found with a weapon will be expelled for not less than one year from the date of the expulsion.

All student's that have been expelled from *Pahin Sinte Owayawa* may not enroll for one full year from the date of the expulsion.

6.32 PHYSICAL EXAMINATIONS

The *Pahin Sinte Owayawa* shall provide a voluntary health and developmental screening program organized for students in the areas of vision, speech, hearing, and dental.

Students are will be required to have a physical for sports.

6.33 INOCULATIONS

The parent(s) of each child admitted to school shall annually present certification from a licensed physician or authorized representative of the Indian Health Service that the child has been immunized against polio myelitis, diphtheria, pertussis, rubella, mumps, and tetanus, unless the parent or guardian is willing to certify that the child adheres to a religious doctrine whose teachings are opposed to such test and immunization (See South Dakota Department of Health - Certificate of Immunization form). The School shall follow the requirements of the accrediting authority with regard to inoculating.

6.34 COMMUNICABLE DISEASES/BODILY INFESTATIONS

The School recognizes its responsibility to provide a safe and healthy environment for students and staff. No child having a contagious or infectious disease may attend school until permitted to do so by a licensed physician. A contagious or infectious disease includes, but is not limited to: impetigo, chicken pox, scabies, streptococcal infections, conjunctivitis (pink-eye).

Timely head checks will be administered to all students by appointed staff. Parents will be responsible for administering appropriate medicated shampoo provided by *Pahin Sinte Owayawa*. The school counselor or school nurse his/her designee shall offer assistance to families of such students with lice or bodily infestations if the problem persists. Students may return to school after their heads have been cleaned and infectious diseases have been treated by a physician documentation required.

6.35 STUDENT HEALTH SERVICE - MEDICINES

Students shall not take medications, prescription or other drugs while at school unless such medicine is dispensed by the Principal or their designee, and/or Nurse acting under specific written request of the parent(s) and under the written directive of the student's personal physician. The Principal or designee may dispense medication in the absence of the Nurse.

6.36 STUDENT HEALTH SERVICE - ACCIDENTS

The Principal or his/her designee 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. The school reserves the right to immediately provide for emergency medical treatment and mental health services if, in the opinion of school administrators, a student's life, health or physical safety is at risk.

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.

6.37 STUDENT SAFETY SUPERVISION

Student safety shall be assured by close supervision of students in all school buildings, grounds,

and offsite activities, through:

1. maintaining a safe school environment,
2. observation of safe practices on the part of school personnel and students,
3. offering safety education to students,
4. providing the first-aid care for children in case of accident or sudden illness,
5. development of structures for supervisors of students and activities.

6.38 EMERGENCY DRILLS

The Principal shall conduct fire and disaster drills monthly according to the disaster plan adopted by the Board in accordance with the laws of the accrediting authority.

6.39 DISMISSAL PRECAUTIONS

The following procedures shall be utilized for student dismissal to ensure they are released for proper reasons and into proper hands. The school shall require an annually updated sign-out/release of student to authorized individuals which indicates who children may be released to.

1. The person requesting release of the student must obtain signed written permission from the respective Principal or her/his designee.
2. No student will be released from school or class(es) on the basis of only a telephone call.
3. Children of estranged parents may be released only upon the written request of the parent whom the court has indicated, by permanent or temporary court order, is responsible for the student and who is the person registered on the school record.
4. A parent 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.

6.40 BICYCLE USE

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

Bicycles will not be allowed to be parked, ridden, or stored in school facilities during the school day.

6.41 STUDENT CLUBS & FUND RAISING

The Board encourages establishment of school clubs which shall be organized with the approval of the respective Principal.

All funds raised by organizations or clubs will be deposited into individual custodial accounts through the Business Office with expenditures authorized by the sponsor. However, in all cases,

the money raised shall remain in the ultimate control of the School and shall be expended for the benefit of the students, and may not be returned to the donors/fundraisers/individuals.

Any funds raised will be immediately turned into the business office.

Any donations, such as desks, books, field trip and any other items will be the property of Pahin Sinte Owayawa.

No fundraising such as, (pay-pal, go-fund me) or any other on-line sites will be prohibited

6.42 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 and assistance.

6.43 STUDENT VOLUNTEERS

To promote the concept and value of Generosity, students may participate in the design and implementation of Student Volunteer/Service Learning activities in the school and community to demonstrate their competence 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 should be able to carry the additional work load without interfering with their academic achievement.

6.44 SOLICITATIONS

Solicitation for donations and contributions from students is restricted to drives sponsored by student organizations.

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.

6.45 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.

6.46 DISCONTINUED-(drop-out)

Teachers shall notify the respective Counselor and Principal of any students showing drop-out tendencies so that resources become immediately available to the student. Every student should be counseled as soon as s/he is detected to be a potential drop-out and every effort made to

improve the holding power of Pahin Sinte Owayawa.

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.

6.47 PROMOTION AND RETENTION OF STUDENTS

Students shall be promoted based upon successful achievement in basic subject areas and the professional judgment of the class (room) teacher.

Students will be recommended for retention if they missed 10 days unexcused absences a semester or 20 days in a year.

K-8 students will not be retained at the same grade level for more than one year.

Teachers must confer with the student and her/his parent(s) by mid-term of the semester when retention of a student is being considered. Retention shall be used only when advantageous to the student.

The retention of students in the elementary and middle schools is recommended by the teacher(s) with the final assignment made by the Principal following a review of each case with the parent(s).

6.48 STUDENT RECORDS

Pahin Sinte Owayawa shall maintain complete permanent records on all students who are currently enrolled. These records shall be confidential.

Student records may contain, but are not limited to: identifying data, academic work completed, attendance data, standardized achievement test scores, health data, level of academic achievement, scores on standardized, intelligence, aptitude, psychological test, inventory results, and family background information. These records shall be housed in an effort to prevent them from fire and theft.

Student records shall be made available to the Principal and Counselors. Teachers may have access to student records only with the permission of the respective Principal. Principal 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 the School, without having a second Pahin Sinte Owayawa administrator or employee present at all times as a witness to such access or change of records. All personnel who have access to the student records shall keep the information contained in the records confidential.

School personnel will regard parents and guardians of students as having every right to access the information in the student files, within reasonable limitations. A student has a right to inspect his/her academic record and is entitled to an explanation of information contained in the record.

Students, guardians, or parents wishing to inspect the records shall make a written request.

Records concerning an individual student shall be used for promotion of student welfare. Student records 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.
2. A written request is received by school officials in the form of a specific request from the court or a court order and other federal laws have been complied with.
3. A written request is received by school officials from a receiving school. 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, the Principal has given his/her approval, and the School has complied with federal law.
4. Instances where request for information might come from an outside agency, the agency will be required to 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 evaluation 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 parent may be released.

All access to records must be in compliance with the provisions set forth in the Family Education Rights and Privacy Act provision of the Manual.

6.49 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) afford parents and students more than 18 years of age ("eligible students") certain rights with respect to the student's education records. The rights are as follows:

- (1) The right to inspect and review the student's education records within 45 days of the day the *Pahin Sinte Owayawa* receives a request for access. Parents or eligible students should submit a written request to the building Principal (or appropriate school official) that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- (2) The right to request the amendment of students' education records that the parent or eligible student believes is inaccurate or misleading.
 - a. The parents or eligible students may ask the *Pahin Sinte Owayawa* to amend a record that they believe is inaccurate or misleading. They should write

the building Principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

b. If the *Pahin Sinte Owayawa* decides not to amend the record as requested by the parent or eligible student, the *Pahin Sinte Owayawa* will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- (3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- a. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the *Pahin Sinte Owayawa* as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement personnel); a person serving on the *Pahin Sinte Owayawa* Board; a person or company with whom the school district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, or assisting another school official in performing his or her tasks.
- b. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities.
- c. Upon request, the *Pahin Sinte Owayawa* discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

6.50 RECORDS OF ACCESS

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.

6.51 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 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 requested 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 the Principal and of each individual who carries out procedures relative to this policy.

6.52 DAMAGE TO SCHOOL PROPERTY

Students and their parents or guardian shall be responsible for payment to the School for damage whether negligent or intentionally inflicted on school property by the student.

6.53 GUIDANCE COUNSELING

Guidance and counseling services will be provided pursuant to the plan adopted by the School. Counseling services will be provided by the appropriate School, Community, and Tribal counselors to fulfill the requirements of tribal, federal, and state law. Guidance counseling records may not be released to parents, without consent of the student.

6.54 TESTING PROGRAMS

Certified personnel will administer tests designed to yield information as to student's achievement and ability. The School will administer standardized tests to students which are required by federal and state regulations.

6.55 RESEARCH AND EXPERIMENTAL PROGRAMS, TESTING

All instructional material including teachers' manuals, films, tapes, or other supplementary instructional material, which will be used in connection with any research or experimentation program or project shall be available for inspection by the parents or guardians of the children engaged in such program or project.

No student shall be required to submit without prior consent to psychiatric examination, testing, or treatment, in which the primary purpose is to reveal information concerning one or more of the following:

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student or his or her family;
3. Sex behavior and attitudes;
4. Illegal, anti-social, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom the student has close family relationships;
6. Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; and

7. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program.

6.56 FOOD SERVICES

All eligible students will be provided free of charge a daily breakfast and lunch meal pursuant to the adopted food services plan.

6.57 TRANSPORTATION

Within the requirements of federal law, students will be provided free transportation on the established bus route to and from school daily.

1. The school shall not be required to provide transportation which exceeds the identified boundaries.
2. Bus Drivers are required to wait 3 minutes
3. If a student misses his or her bus ride or other school transportation, the parent is responsible to providing transportation to the school on that day.
4. Students are not to be dropped off at any area of the school, only the front entrance and the student will be accompany by an adult to check the student in.
5. Students will be transported home during an emergency or early closing of the School.
6. If a parent or guardian does not want their student transported home in either of these situations, the parent/guardian must make alternative arrangements and notify the School and the School shall notify the student's teacher as to the parent's alternative arrangements.

6.58 BUS RIDING RULES

1. Obey the instructions of the driver.
2. Stay in your seat.
3. Keep all parts of your body in the bus.
4. If behavior endangers the occupants of the vehicle, the driver will stop the bus and call law enforcement to remove the student(s) that are causing disruption.
5. Bus drivers has full authority to reprimand and write up student's behavior and will follow the bus rules
6. Be courteous, no profane language allowed
7. No eating or drinking on the bus
8. Keep the bus clean
9. Do not damage or tamper with the bus equipment
10. Absolutely no fighting, pushing or shoving on the bus
11. Do not bring pets on the bus
12. Parents and students are not allowed to physically or verbally abuse students or staff members while on the bus

13. Any personal items brought on the bus are not the responsibility of Pahin Sinte Owayawa or staff
14. No alcohol, tobacco, or illegal drugs are to be brought on the bus. If violated local authorities will be notified
15. A safe trip for all students is a MUST

Violation of the above rules may result in students losing their bus riding privileges and parents will be responsible for transporting their students to and from school. Please levels of Disciplinary Consequences and Support.

6.59 SEXUAL HARASSMENT

It is the policy of Pahin Sinte Owayawa, in accordance with providing a positive 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 an employee or student which causes a student to submit to unwelcome sexual words, conduct, behavior, or activity of any kind, or to fear that he or she 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.

Pahin Sinte Owayawa will, in the event of an alleged student perpetrator, treat sexual harassment as a form of serious misconduct and/or a major rule infraction, or in the event of an employee, grounds for suspension and dismissal. Employees or students who engage in harassing behavior will be disciplined appropriately. Students who are sexually harassed are encouraged to discuss the situation with their teacher, counselor, or any administrator or School Board member.

6.60 ANTI-BULLYING POLICY AND PROCEDURE

6.61 HOMEBOUND INSTRUCTION

The School shall provide appropriate instruction for students confined to home or hospitalized for periods exceeding five (5) consecutive school days (or whatever legal minimum is required by applicable law) upon the written request of the parent(s)/guardian(s) and with the approval of a licensed physician.

The physician must certify that the student is unable to attend school for the length of time specified and that he/she is capable of receiving home instruction and shall give an estimate of the probably length of student's convalescence. Should student's illness exceed the period, a parent should request that homebound instruction be extended prior to the end.

Homebound instruction, although correlated with what the student is missing in the classroom shall be geared to the student's needs and capabilities during his/her convalescence. Text books and supporting materials shall be provided by the school.

6.62 8th GRADE GRADUATION REQUIREMENTS

The graduation requirements shall meet or exceed the South Dakota Department of Education and Cultural Affairs, Oglala Sioux Tribe, and Bureau of Indian Affairs requirements.

8th grade graduation will be conducted at the end of the fourth quarter of the school year.

6.63 INTERNET USE

This policy applies to all Pahin Sinte Owayawa students who are accessing the Internet using Pahin Sinte Owayawa equipment and/or telephone lines. The primary goals are to:

1. Protect the information assets of the Pahin Sinte Owayawa.
2. Establish student accountability and responsibility for the acceptable use of the Internet.
3. Protect the Pahin Sinte Owayawa from liability resulting from illegal use of the Internet.

Pahin Sinte Owayawa students, and other affiliated persons who use Pahin Sinte Owayawa computing facilities to access the Internet are expected to exercise responsible and ethical behavior and will be held accountable for ensuring that such use:

1. Is consistent with Pahin Sinte Owayawa values and policies.
2. Protects the integrity and confidentiality of Pahin Sinte Owayawa records and computer and electronic assets.
3. Does not violate any tribal, state, or federal laws.

Failure to abide by this policy shall result in cancellation of Internet access privileges, disciplinary review, and/or legal action by the School, including but not limited to reporting of violations of the law to the appropriate criminal or regulatory authorities.

The following procedure shall be followed:

1. Each applicant requesting Internet access will read and sign the "Acceptable Use Policy" and is responsible for knowing and understanding this policy. A copy of the "Acceptable Use Policy" will be kept on file in the records office.
2. Students who use the Internet shall be informed of their responsibility to use the Services of the Internet in a manner which is consistent with the service, quality, and education goals of Pahin Sinte Owayawa before being granted access privileges.

3. Abuse of the use of the Internet by Pahin Sinte Owayawa students, including committing violations of tribal, federal, or state law and/or the use of Pahin Sinte Owayawa equipment or telephone lines to engage in procurement, storage, dissemination, or transfer in any fashion of pornography or lewd materials, visual depictions, or materials capable of being converted into visual depictions, shall make that student subject to immediate discipline as a major rules infraction.

6.64 SPECIAL EDUCATION AND CHILD FIND POLICY

The Pahin Sinte Owayawa has adopted a Special Education Policy and Child Find Policy to meet all requirements of the federal, state and tribal regulations regarding the instruction of special education. The Special Education Policy, as well as the Child Find Policy, are on file in the Special Education office and may be reviewed by any parent/guardian. A copy will be provided to parents/guardians upon written request.

6.65 EMERGENCY CLOSING OF SCHOOL

The Principal may close school for emergencies which threaten the life, health, or safety of the students and staff.

The Principal shall notify students and parents that they will receive instructions from radio and television stations as to the operation of the school during an emergency.

The Principal shall contact local radio and television stations to notify parents and students if school is dismissed prior to the school day beginning. If the school is dismissed during the school day, the students will be transported to their home accompanied by employees to make sure parents are home to provide safety and supervision.

6.66 CHILD ABUSE REPORTING REQUIREMENTS

The first and foremost mission must be to protect the students whose health or welfare are threatened through non-accidental injury or neglect by parents, guardians, and caretakers including school personnel.

It is the policy of the Pahin Sinte Owayawa System that any teacher or other school employee who suspects that a child under 18 years of age has been neglected or physically abused (including sexual or emotional abuse) by any person including parent or other person, shall report immediately orally or in writing to the building Principal who shall then immediately report to the proper authorities, local law enforcement agencies or local child protection agency, or the employee may go directly to the local law enforcement agencies or local child protection agency, if he or she chooses. The employee also has the option of reporting the alleged abuse to the BIA Hotline at 1-800-633-5155. If the employee goes to the proper authorities first, the employee should then inform the Principal.

If the alleged perpetrator is an employee of the school, the law enforcement officer shall notify the school Principal if the employee reporting the incident has not already notified the Principal.

The Principal shall immediately notify the Line Officer, who is responsible for Central Office notification.

All suspected and actual incidents of child abuse (i.e. physical, sexual, and/or emotional abuse) and neglect (simple, serious neglect) must be reported on the same day the incident is discovered.

To assist receiving agency, the Principal or officer in charge shall prepare a written report within twenty-four hours (24) after the incident was reported containing the following information, if possible: (1) date, time, and location of incident; (2) a detailed account of the incident; (3) name (s) of the informant(s) (if available) or witness (es); (4) name of individual (s) completing the report; (5) explain involvement and assistance of the local protection team; (6) name, address, and age of child; (7) name and address of parent or caretaker; (8) nature and extent of injuries or description of neglect; and (9) any other information that might help establish the cause of injuries or condition. The Principal shall notify the Line Officer once this report has been prepared and the employee who reported the abuse.

School employees, including administrators, shall not contact the child's family or any other persons.

Failure to make a report of suspected abuse or neglect may also result in a fine or incarceration or both.

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 proven to be unfounded. Retaliation against an employee for reporting suspected child abuse in good faith is prohibited.

Copies of this policy shall be distributed by the school Principal or his designee 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 in making the report.

Failure to report incidents or to properly comply with the procedures set forth above may result in disciplinary action and/or termination.

6.67 PARENT INVOLVEMENT POLICY

The Pahin Sinte Owayawa Board will develop strong partnership with the home. Parents and schools working as partners increase student achievement and help develop positive attitudes about self and school. The key factor in the home-school partnership is the relationship between the teacher and the parent. Teachers are professional who manage a variety of instructional resources. Parents are an essential resource in the learning process of their children.

Organizational support from the School Board and administration enables teachers to effectively develop the partnership.

1. Pahin Sinte Owayawa will design effective forms of school-home communications with all families each year about school programs and their children's progress.
 - Home Visits
 - Parent-Teacher conferences
 - Annual Report to the Board and Community
 - School Policies
2. Pahin Sinte Owayawa will provide information and ideas to families about how to help students at home with curricular related activities, decisions and planning.
 - Monthly calendar of events/activities
 - Monthly Parent Newsletter
3. Pahin Sinte Owayawa will include parents in school decisions, developing parent leaders and representatives.
 - Parent participation on committees-O.A.O (school improvement team), Strategic School Plan.

6.68 HOMELESS STUDENT REGULATIONS REQUIRED by Federal and State Law

US Department of Education Definition of a Student Experiencing Homelessness

As defined by McKinney-Vento Homeless Education Assistance Act of 2002, Subtitle B of Title VII, Section 725. The term "homeless children and youths"

- means individuals who lack a fixed, regular, and adequate nighttime residence; and
- includes
 - Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - migratory children (as such is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (1) through (3).

Rights of Children

You have certain rights or protections under the McKinney-Vento Homeless Education Assistance Act of 2001. You have the right to:

- Go to school, no matter where you live or how long you have lived there. You must be given access to the same public education provided to other students.
- Continue in the school you attended before you became homeless or the school you last

attended, if that is your choice and is feasible. The school district's local liaison for homeless education must assist you, if needed, and offer you the right to appeal a decision regarding your choice of school if it goes against your wishes.

- Receive transportation to the school you attended before you became homeless, or the school you last attended, if you request such transportation.
- Attend a school and participate in school programs with students who are not homeless. Students cannot be separated from the regular school program because they are homeless.
- Enroll in school without giving a permanent address. Schools cannot require proof of residency that might prevent or delay school enrollment.
- Enroll and attend classes while the school arranges for the transfer of school and immunization records or other documents required for enrollment.
- Enroll and attend classes in the school of your choice even while the school and you seek to resolve a dispute over enrollment.
- Receive the same special programs and services, if needed, as provided to all other students served in these programs.
- Receive transportation to school and to school programs.

6.69 INSTRUCTIONAL GOALS

A committee consisting of staff, student, parent and community representatives will be organized by the Principal or designee no later than December 1st each year to insure review and update of student outcomes in the current curriculum.

Instructional goals shall be incorporated in curriculum as student exit outcomes.

6.70 INSTRUCTIONAL ARRANGEMENTS

Class size - No class shall exceed the limitations for size as described by federal, state, and tribal law and regulations.

Grouping- Students will generally not be grouped according to ability. Individualized instructional techniques will be used.

Schedules and Planning- The Board shall annually adopt a calendar for the school term specifying the opening date. The School day for students shall at least equal the time required by state of South Dakota requirements. In the event school closings result in providing less than is required, the Board shall adopt plans to bring the School into compliance when needed.

6.71 LAKOTA LANGUAGE

The Board recognizes the importance of maintaining the Lakota language and may develop a plan to implement this goal. The board will direct the School administration to prioritize Lakota Language and insure instructional schedules will include Lakota Language instruction for students daily.

6.72 HEALTH EDUCATION

The Board is committed to a sound comprehensive education program which may include Sex Education, Drug and Alcohol Education. Lakota traditional values shall be incorporated as much as possible

As a parent/guardian you may request for your student to not participate and make alternative arrangements with the principal.

6.73 CURRICULUM PLANNING AND DEVELOPMENT

A committee consisting of staff, students, parent and community members will be organized by the Principal at the beginning of each school year. This committee will meet on a regular basis and investigate new curricular ideas, propose improved programs, and evaluate the results as needed.

The committee will ensure the curriculum is aligned in accordance with tribal and federal standards, and the standards of the accreditation agency.

School programs shall include those courses required by law as well as those established by the Board. The Pahin Sinte Owayawa curriculum shall be reviewed by the Curriculum Committee at least every two years.

On a regular basis the Curriculum and Planning Committee will recommend which:

1. Enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of students;
2. Stimulate growth in factual knowledge, literacy appreciation, aesthetic values and ethical standards;
3. Bring forth opposing sides of controversial issues so that young citizens may develop, under guidance the practice of analytical reading and thinking;
4. Represent the many religions, ethnic, and cultural groups, with emphasis on the Native American culture, heritage and language.

6.74 PILOT PROJECTS

The Board must approve all pilot projects before a pilot project may be implemented. If the school implements educational programs designed to explore or develop new or unproven methods or techniques, the parent(s) of children involved in such programs shall be notified in writing by the Principal and shall:

1. have the right to inspect all instructional materials to be used in connection with such program;
2. make their written request to review material to be used to the personnel in charge of the program;
3. be notified in writing by the personnel in charge of the program about a time and place for inspection of such material within ten (10) working days.

4. Any entity or individuals offering approved pilot programs within the school will provide the Board with an update at the conclusion of each academic year.

6.75 CURRICULUM GUIDES AND COURSE OUTLINES

Teachers will be provided with curriculum guides (teacher guides) and/or course outlines designed to assist users in strengthening and clarifying teaching of subject matter, and which suggest a variety of possibilities for instruction, variations of approaches and materials to be used.

6.76 INSTRUCTIONAL PERSONNEL/TEACHERS RECORDS

Instructional personnel, classroom teachers, are required to keep the following records:

1. Attendance registers must be kept daily and input by 8:30 in to NASIS,
2. Necessary additions to the students' permanent cumulative record,
3. Textbook record for each student,
4. Progress reports (formal and informal),
5. Other reports as required by Administration.
6. Gradebook in NASIS
7. Report Cards in NASIS
6. All required reporting components of the Native American Student Information System (NASIS).

6.77 GIFTED AND TALENTED STUDENTS

Pahin Sinte Owayawa is dedicated to providing learning experiences that will respond to the unique needs of students who qualify as "gifted and talented" under federal regulations and/or guidelines. Accomplishment of this mission will be through the identification of appropriate curriculum modification procedures, supplying age and level appropriate enrichment materials, teacher training in curricula enrichment, and appropriate curricula development. In implementing these goals, the School shall follow the Gifted and Talented Program established by Pahin Sinte Owayawa. This program shall be managed by a certified employee.

6.78 GROUPING FOR INSTRUCTION

Grouping for instruction shall be conducted so as not to discriminate against students based upon race, sex or national origin.

6.79 ADVANCED MAKE UP WORK

Advanced make up work can be requested by a students' parents(s)/guardians(s) and is granted at the discretion of the Principal

Parent(s) of any student(s) who will be absent in excess of three (3) consecutive school days should request advanced make up from the respective Principal. In case of out of state travel, the parent(s) should make such request in writing to the respective Principal two (2) weeks in advance or at the discretion of the Principal.

Failure to complete school work may result in failing grade(s).

6.80 FIELD TRIPS AND EXCURSION

The Board recognizes that first-hand learning experiences provided by field trips are an effective and worthwhile means of learning.

Special events, projects, field trips, or excursions will be allowed upon approval by the Principal. No individual, class, or group will organize these types of events without first receiving authorization from the immediate supervisor. Once the immediate supervisor has granted his/her approval, the request must be submitted to the Principal for approval at least two weeks prior to the event. All events, projects, field trips, or excursions will have a chaperone/supervisor. To participate in any activity away from school a student must provide his teacher with written permission form from a parent or guardian. This written permission shall include authorization for the chaperone/supervisor to seek medical treatment for the student if necessary. If a parent does not wish his child to participate in a school organized activity, an alternative activity will be provided at the discretion of the School.

If the event goes beyond school hours, the permission slip must contain a person to contact in case of emergency. Before leaving on the event or trip, the front office must have a list of names of all students going on the trip, the names of all the trip supervisors, and the destination, the phone number of the destination, and expected arrival and departure times.

The person arranging the trip is responsible for arranging for necessary food, transportation, and money, and for submitting receipts immediately following pursuant to the Manual. Student rates for meals shall be as follows:

Breakfast	\$9.00
Lunch	\$9.00
Dinner	\$11.00

The Board will designate the authority to approve overnight, in-state, field trips to the Administrator. All overnight out-of-state field trips must be approved by the Board.

If a school vehicle breaks down or the return from the event or trip has been delayed, during school hours the supervisor should call the school. During non-school hours, the supervisor should call an emergency contact person.

School vehicles must be cleaned by the event organizers following the activity.

6.81 GRADING SYSTEM

Grading will be on a Quarterly basis. Grading may consist of

E=excellent, S=satisfactory, IS=improvement shown, NI=needs improvement and or Standard A-F grading system

The mastery of prescribed course objectives shall be the primary measure of academic attainment for reporting student grades on report cards. The Principal is responsible for protecting students from prejudice, unjust, and inconsistent academic or personal evaluation.

6.82 REPORT CARDS

A written report card of student progress will be provided to the parent(s) by the teacher(s) at least four (4) times each school year. Each teacher will prepare a mid-**quarter** interim report of a student academic/disciplinary progress in order to notify parents of potential problems or positive student achievement.

6.83 CONFERENCES

The teacher shall arrange for at least one (1) conference per student for each grading period to report on the overall progress of the student. Pertinent information concerning the student will be mailed to parent(s) who are unable to attend scheduled Parent-Teacher Conferences.

If a parent wishes to meet with a teacher other than during the scheduled Parent-Teacher Conference, the parent may call and schedule an appointment.

6.84 HOMEWORK

Homework is based upon what the student has demonstrated to the teacher they know and can successfully complete on their own and is in addition to the regular classroom assignment. The type, frequency and quantity of homework should be assigned according to the needs of individual students and at the discretion of the student's teacher.

Students are expected to complete assigned homework on time when required by the classroom teacher. Failure to do assigned homework may result in disciplinary action.

6.85 MAKE-UP WORK

Students who have an excused absence from school have the number of days missed plus one (1) to complete any missed assignments. Teachers will have work available for make-up when needed by the student

6.86 TEACHING METHODS

The Board requires the best teaching strategies be used to bring about learning at the school. Instructional staff shall be aware of innovative instructional methods, ideas, and practices developed in school systems and apply those which have the potential for improving the learning at the school

6.87 TEACHING CONTROVERSIAL ISSUES

Controversial issues shall be presented in a fair and unbiased manner and teachers should consult with the Principal when planning to discuss controversial issues with students

Free inquiry in a democratic society requires controversial issues arising in the classroom be handled as a regular aspect of instruction and learning in such a way as to not inhibit dignity, personality, or intellectual integrity of either the teacher or the student.

Controversial issues provide stimulation to learning by creating intellectual excitement and are thus an important part of the classroom environment. Teachers only serve as a facilitator and shall not discuss their personal preference.

6.88 CONTROVERSIAL SPEAKERS

When correctly handled, the use of controversial speakers becomes an invaluable component in

accomplishing goals of citizenship education. However, a serious responsibility is placed on professional staff members to correctly structure learning situations involving a speaker.

All speakers must be invited through the Principal, who shall endeavor to engage speakers for both sides of the issues. Any speaker who advocates unconstitutional or illegal acts or procedures shall not be permitted to address students.

6.89 LESSON PLANS

Teachers shall prepare lesson plans and provide the Principal with a copy of their weekly lesson plans by the end of the day on the Friday proceeding each week when they will be implemented.

The Principal shall monitor teacher lesson plans to ensure the daily instructional objectives are referenced to the basic curriculum content, objectives, and competency.

Failure to prepare and turn in lesson plans will result in disciplinary action as per School policy.

6.90 LEADERSHIP TEAM

The Leadership Team is to act as an advisory team to the school administration concerning curriculum, assessment, parental involvement, Comprehensive School Plan development and monitoring, school policy/procedures, and professional development planning. The team will consist of the Principal, and one certified teacher and parent representative from the K-2 Tiospaye, 3-5 Tiospaye, and 6-8 Tiospaye. The Native Star is a program that contains 99 indicators that must be implemented structurally to create a turnaround school. This assists with the Comprehensive School Plan in keeping timelines to measure growth and accountability.

6.91 ELECTRONIC SURVEILLANCE

The Pahin Sinte Owayawa recognizes the responsibility to maintain a safe learning environment for all students, visitors and staff on school property, including but not limited to, the offices, school buildings, classrooms, school grounds, and school vehicles. The school also recognizes confidentiality of students and staff.

Students who enroll at Pahin Sinte Owayawa consent to the recording associated with the security camera system.

Staff who are employed by Pahin Sinte Owayawa consent to the recording associated with the security camera system.

Accordingly, the district authorizes the use of electronic surveillance as follows:

1. Video cameras shall be placed in public locations including but not limited to staff workrooms, and breakrooms deemed appropriate by the Principal or designee and shall not be placed in areas where there is reasonable expectation of privacy.
2. The use and maintenance of electronic surveillance equipment shall be supervised and controlled by the school Principal or designee. Tampering or interfering of video camera equipment is not allowed.

3. Surveillance systems and all resulting recordings shall be located in a secured area and access to the system shall be strictly limited. Recordings may be viewed as authorized by the Principal and designee.
4. The Principal or designee may utilize classroom recordings for educational purposes.
5. Viewing of recordings will be permitted only at school-related sites, including the school buildings or essential administrative offices. Video recordings will remain the property of Pahin Sinte Owayawa. Parents will not be shown surveillance footage due to the FERPA law.
6. Law enforcement related agencies that request a copy of any recording must do so through a Subpoena or Court Order from a competent jurisdiction. Only the portion of the video recording concerning the related specific incident will be made available for viewing.

Appendix B: Internet Acceptable Use Policy Agreement

Students, Faculty, Staff and administrators at Pahin Sinte Owayawa have access to the Internet. Internet access will help promote educational excellence in schools by facilitating student research, resource sharing, searching and technology techniques and utilization, and internal and external communication. The internet is an electronic network of computer networks connecting millions of computers and hundreds of millions of people all over the world. The following services are available to our students, faculty, staff and administrators.

1. Electronic mail (email)
2. World Wide Web Access

Pahin Sinte Owayawa has taken precautions to restrict access to conversational materials. However, it is impossible to control all materials and block materials that may be inappropriate for school use. Pahin Sinte Owayawa believes that valuable information and communications accessible through the Internet far outweighs the possibility that users may come across inappropriate information. The following guidelines are provided as a framework for proper Internet use in Pahin Sinte Owayawa. Any violation of any of the provisions stated here may cause the Pahin Sinte Owayawa Administration to terminate or restrict the user's account and access may be permanently denied.

The signature(s) on this document is (are) legally binding and indicates the party (parties) who signed has (have) read and understood the terms and conditions herein.

Internet: Terms and Conditions of Use:

1. Privileges- The use of the Internet is a privilege, not a right, and inappropriate use will result in a cancellation of this privilege.

2. Acceptable Use- The use of the Internet privileges must be in support of education and research and consistent with the educational objectives of the Pahin Sinte Owayawa.

Transmission of any material in violation of any national or state regulation is prohibited. This includes, but is not limited to: copyrighted material; threatening, harassing or obscene email, social media or material; or material protected by trade secret or other laws.

3. Network Etiquette-You are expected to follow generally accepted rules of Internet etiquette. General rules include (but are not limited) to the following:

- Do not reveal your personal address or phone numbers of students or colleagues.
- Do not give out your password to anyone.
- Use appropriate language. Remember that the Internet is not private and anything you say may be resent and reposted.
- Do not participate in illegal activities.
- Be polite in all your writing. Remember that words are easily misunderstood.
- Email is private. System operators and authorities have access to all communications.
- Do not forward other email without their express permission.
- Use your email and web privileges for the benefit of your education and the mission of Pahin Sinte Owayawa only.

4. Pahin Sinte Owayawa makes no direct or implied warranties for any of the services it may provide. Pahin Sinte Owayawa will not be responsible for any damages suffered directly or indirectly by the user. This will include access or lack of access to email, material, or data and/or loss of service or electronic data and communications.

5. Security-Security is of vital importance to Pahin Sinte Owayawa. We will do everything in our power to make sure that the network is secure. Since technology and humans are not perfect, lapses in security may occur; Pahin Sinte Owayawa is in no way responsible for this and shall be held harmless.

6. Vandalism-Vandalism will not be tolerate and is a reason for immediate suspension of privileges.

Appendix C: Parent Compact

The Pahin Sinte Owayawa and the parents of the students participating in activities, services and programs funded by Title I, Part A of the Elementary and Secondary Act (ESEA), (Participating Children), agree that this compact outlines how parents, the entire school staff, and the students will share the responsibility for improves students academic achievement and the means by which the school and parents will build and develop a partnership that will help children achieve the State's high standards/core curriculum. This school-parent compact is in affect during school year 2019-2020.

REQUIRED SCHOOL-PARENT COMPACT PROVISIONS

(PROVISIONS BOLDDED IN THIS SECTION ARE REQUIRED TO BE TITLE I , PART A SCHOOL-PARENT COMPACT)

School Responsibilities

Pahin Sinte Owayawa Will,

1. Provide high-quality curriculum and instruction in a supportive and affective learning environment that enables the participating student to meet the state's student academic achievement standards as follows:

Elementary: Core Reading, Math and Science Standards

Reading: Journeys

Math: Go Math

Science: State Standards

Middle School: Core Reading, Math and Science Standards

Reading:

Math: Go Math

Science:

2. Hold Parent-Teacher conferences during which this compact will be discussed as it relate to the individual student achievement.

1st Quarter

2nd Quarter

3rd Quarter

4th Quarter will be sent via mail

3. Provide parents with frequent reports on their student's progress. Specifically, the school will provide reports as follows:

Report cards will be handled out during parent/teacher conferences

Progress reports may be mailed every two weeks to parents with

Students who are at risk of failing a class and or a grade

4. Provide parents reasonable access to staff Instructional Staff will be available Monday-Friday from 3:00-4:00pm

Parent Responsibilities

We, as parents will support our children's learning in the following ways.

- Monitoring attendance
- Making sure that homework is completed
- Monitoring amount of television their children watch
- Volunteering in my child's classroom
- Participating, as appropriate, in decisions relating to my
- Child/Children's education
- Promoting positive use of my child's extra-curricular time
- Staying informed about my child's educational and communicating with the school by promptly reading all notices from the school or the school district either received by my child or by mail and responding
- as appropriate.
- Serving, to extent possible, on policy advisory groups, such as being the Title I Policy Advisory Committee of Practitioners, the School Support team or other school advisory or policy groups.

Student Responsibilities

- Do my homework every day and ask for help when I need to
- Read at least 30 minutes everyday outside of school time
- Give to my parents or the adult who is responsible for my welfare all notices and information received by me from my school everyday

APPENDIX D: ANTI-BULLYING POLICY

AKA PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING

The Pahin Sinte Owayawa is committed to maintaining a constructive, safe school climate that is conducive to student learning and fostering an environment in which all students are treated with respect and dignity. A goal of Pahin Sinte Owayawa is to align its policy and procedures with the Four Lakota Values: Generosity-Wacantognaka, Courage-Woohitika, Respect-Wowacintanka and Wisdom-Woksape.

Persistent bullying can severely inhibit a student's ability to learn and may have lasting negative effects on a student's life and does not align with the Four Lakota Values. The bullying of students by students, staff, or third parties is strictly prohibited and will not be tolerated.

Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct directed toward a student that is so pervasive, severe, and objectively offensive that it:

- 1) Has the purpose of creating or resulting in an intimidating, hostile, or offensive academic environment; or
- 2) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance which deprives the student access to educational opportunities.

Any staff member observing or suspecting bullying toward another individual is required to report the issue to the Principal, this also includes instances of cyber-bullying on social media outlets (Facebook, twitter, Instagram, etc.).

This policy is in effect while students are on property within the jurisdiction of the School Board; while students are in school-owned or school-operated vehicles; and while students are attending or engaged in school-sponsored activities. Students involved in cyber-bullying, violent acts against other students within the tribal community, may face consequences within the school setting if it impacts student learning and the educational environment.

The PAHIN SINTE OWAYAWA will act to investigate all complaints (formal or informal, verbal or written) of bullying. A formal complaint may be submitted to the Principal. Any student engaging in an act of bullying is subject to discipline pursuant to the PAHIN SINTE OWAYAWA's student discipline procedure.

This policy may not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

I. Policy Statement

The school board of Pahin Sinte Owayawa prohibits acts of bullying of a student. The school board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior; treating others with civility and respect; and refusing to tolerate harassment, intimidation or bullying.

II. Definitions

13-32-15. Bullying defined. Bullying is a pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking

as defined in chapter 22-19A, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

- 1) Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either
- 2) Substantially interferes with a student's educational performance; or
- 3) Substantially disrupts the orderly operation of a school.

For the purposes of §§ 13-32-14 to 13-32-19, inclusive, bullying also includes retaliation against a student for asserting or alleging an act of bullying. As defined bullying means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment that:

- 1) Places the targeted student in reasonable fear of harm to the targeted student's person or property;
- 2) Has a substantially detrimental effect on the targeted student's physical or mental health;
- 3) Has the effect of substantially interfering with the targeted student's academic performance; or
- 4) Has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

This term may not be interpreted to impose any burden or sanction on, or include in the definition of the term, the following:

- 1) Participating in a spiritual/religious event.
- 2) Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.
- 3) Participating in an activity consisting of the exercise of a student's rights protected under the First Amendment to the United States Constitution or Constitution of the State of South Dakota, or both.
- 4) Participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.
- 5) Participating in an activity undertaken at the prior written direction of the student's parent.
- 6) Engaging in interstate or international travel from a location outside South Dakota to another location outside South Dakota.

III. Policy Provisions

- 1) PAHIN SINTE OWAYAWA shall adopt discipline rules in compliance with IC 20-33-8-13.5 that prohibit bullying and include provisions concerning education, parental involvement and intervention. These discipline rules shall apply regardless of the location in which the bullying occurred, when the bully and the targeted student are students at a school within the PAHIN SINTE OWAYAWA Campus, or disciplinary action is reasonably necessary to

avoid substantial interferences with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

- 2) The Principal at PAHIN SINTE OWAYAWA shall implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of bullying, consistent with the code of student conduct, as well as the consequences and remedial responses for staff members who commit one or more acts of bullying. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses and consider both the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the code of student conduct.
- 3) The Principal at PAHIN SINTE OWAYAWA shall be responsible for designating a member of his/her staff to receive all complaints alleging violations of this policy.
- 4) All PAHIN SINTE OWAYAWA employees, volunteers and contracted service providers who have contact with students are required to verbally report alleged violations of this policy to the Principal or the Principal's designee on the same day that an incident was witnessed or reliable information regarding the occurrence of an incident was received. A written report of the incident shall also be submitted to the school Principal or Principal's designee within one (1) school day of submitting the verbal report.
- 5) Students, parents and visitors of PAHIN SINTE OWAYAWA are encouraged to submit a written report of alleged violations of this policy to the Principal (or Principal's designee) on the same day that an incident was witnessed or reliable information regarding the occurrence of an incident was received. Such a report may be made anonymously. Formal action for violations of the code of student conduct may not be taken solely on the basis of an anonymous report.
- 6) Any PAHIN SINTE OWAYAWA employee, volunteer or contracted service provider who promptly reports an incident of harassment, intimidation or bullying, and who makes this report in compliance with the procedures of this policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.
- 7) The Principal or designee shall conduct a thorough and complete investigation for each report of an alleged incident of bullying received. The investigation shall be initiated by the Principal or the Principal's designee within one school day of the report of the incident. The Principal may appoint additional personnel to assist in the investigation. The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than five school days from the date of the report of the alleged incident of harassment, intimidation, or bullying. The Principal shall report the results of each investigation to the School Board on a quarterly basis during regularly scheduled board meetings.
- 8) PAHIN SINTE OWAYAWA shall record the frequency of bullying incidents in the following categories: verbal bullying, physical bullying, social/relational bullying and electronic or written communication bullying.

- 9) The Principal shall provide the parents of the students who are parties to the investigation with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents includes the nature of the investigation, whether the corporation found evidence of bullying, and whether consequences were imposed or services provided to address the bullying incident if the evidence of bullying was substantiated. This information is to be provided in an expedited manner.
- 10) Any PAHIN SINTE OWAYAWA employee, volunteer or contracted service provider who receives a report of harassment, intimidation, or bullying from a student, parent, visitor or colleague, and fails to initiate or conduct an investigation, or who witnesses or observes a bullying incident and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.
- 11) The Principal or the Principal's designee of PAHIN SINTE OWAYAWA is authorized to define the range of ways in which school staff shall respond once an incident of bullying is confirmed, according to the parameters described in the PAHIN SINTE OWAYAWA's code of student conduct. The school board recognizes that some acts of bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts. Other acts may be so serious that they require a response either at the PAHIN SINTE OWAYAWA level or by Bureau law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of bullying may range from positive behavioral interventions up to and including suspension or expulsion.
- 12) The Principal shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings. As appropriate to the investigation findings, the Principal shall ensure the code of student conduct has been implemented, and provide intervention and/or relevant support services (i.e., refer to counseling, establish training programs to reduce bullying and enhance school climate, enlist parent corporation and involvement or take other appropriate action). Intervention and support implemented by the Principal or his/her designee should include follow up services to both the targeted student and the bully. The Principal shall inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services.
- 13) The Principal of PAHIN SINTE OWAYAWA is authorized to acknowledge and respond to instances of false reporting of alleged bullying incidents. The Principal is expected to respond with consequences and remedial actions regarding any person found to have falsely accused another as a means of bullying as permitted under P.L. 285-2013 for:
 - a. Students – Consequences and appropriate remedial action for a student could range from positive behavioral interventions up to and including suspension or expulsion.
 - b. School Employees – Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students could entail discipline in accordance with corporation policies, procedures and agreements.
 - c. Visitors or Volunteers – Consequences and appropriate remedial action for a visitor or volunteer could be determined by the school administrator after consideration of

the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of building or grounds privileges, or prohibiting contact with students or the provision of student services.

- 14) The Principal of PAHIN SINTE OWAYAWA shall annually disseminate this policy to all parents who have children enrolled in PAHIN SINTE OWAYAWA. The Principal shall post a link to the policy that is prominently displayed on the home page of the school corporation's website. The Principal shall ensure that notice of the PAHIN SINTE OWAYAWA's policy appears in the student handbooks and all other publications of the school that set forth the comprehensive rules, procedures and standards for schools within the school corporation.
- 15) PAHIN SINTE OWAYAWA shall disseminate the anti-bullying policy and bullying prevention instruction to all students in grades K-8th within the school no later than October 15th of each school year. It is expected that anti-bullying information will be part of a more comprehensive bully prevention effort communicated to the students throughout the school year, and that the age appropriate, research based instruction for all students in grades K-8th be delivered by a school safety specialist, school counselor or other person with training and expertise in the area of bullying prevention and intervention.
- 16) PAHIN SINTE OWAYAWA shall provide annual training on this policy and bullying prevention and intervention instruction to school employees, volunteers and contracted service providers who have direct and on-going contact with students.
- 17) The school board of PAHIN SINTE OWAYAWA understands that the characteristics and resultant needs will continue to evolve, and that the existing base of knowledge regarding bullying prevention and intervention will continue to grow. Research on bullying prevention practices will continue to emerge, and the date on the nature of bullying behaviors will continuously change. It is essential that PAHIN SINTE OWAYAWA administrators and school officials regularly review available bullying prevention and intervention data.

Source: This document is modeled, in part, on information provided through the following website:
www.state.nj.us/education/parents/bully.htm

FOLLOW-UP SERVICES

This section provides options for intervention strategies for students who have been the target of bullying as well as intervention strategies for students who have exhibited bullying behaviors. It also includes strategies that PAHIN SINTE OWAYAWA should avoid.

I. Intervention Strategies Appropriate for Targets

- 1) Ongoing individual support (school counselor/school social worker)
 - a. Resiliency skill development
 - b. Self-Esteem development
- 2) Outreach to parents to provide resources/information: Encourage a team approach to support

- 3) Increase School Connectedness
 - a. Involvement in after-school programs: Assist in helping student to find clubs/groups/activities
- 4) Provide resources for community organizations or community resources (i.e., additional counseling)
- 5) Referral to a mentoring program (peer or adult mentoring)

II. Intervention Strategies Appropriate for Bullies (students exhibiting bullying behaviors)

- 1) Psycho-educational Individual Support
 - a. Empathy Building/Training
 - b. Focus on increasing emotional intelligence
 - c. Communication Skills Development
 - d. Knowledge of Impact of Bullying on Others
- 2) Provide clear and consistent consequences to all student bullies
- 3) Increase School Connectedness
 - a. Involvement in after-school programs: assist in helping student finding clubs/groups/activities
- 4) Positive Behavioral Interventions and Supports (PBIS); for more information visit: <http://www.pbis.org/>
- 5) Referral to a mentoring program (peer or adult mentoring)

III. Strategies to AVOID

- 1) Group Counseling: Do not provide group counseling to targets or bullies
- 2) Peer Mediation: Peer mediation programs are a wonderful school resource to assist in conflict resolution, but it should never be used in a bullying situation.
- 3) Inconsistent Responses: It is critical to provide fidelity regarding your school's policy on bullying prevention and intervention.
- 4) Zero Tolerance Policy: please see "[Multiple Responses, Promising Results: Evidence-based, Nonpunitive Alternatives to Zero Tolerance](#)," for more information.

STUDENT BEHAVIORAL CONTRACT

Pahin Sinte Owayawa

TO: PARENT/GUARDIAN AND STUDENT

_____ will begin this contract on this date _____ to help in assuring his/her success. This contract will be used to assist in determining their future at Pahin Sinte Owayawa.

GOALS FOR STUDENT:

I will follow all school rules and behavior expectations at PAHIN SINTE OWAYAWA:

- 1.
- 2.
- 3.

REWARDS IF GOALS ARE MET:

- 1.
- 2.
- 3.
- 4.

CONSEQUENCES IF GOALS ARE NOT MET:

- 1.
- 2.
- 3.

Special Note: The rewards and consequences mentioned above are null and void if student commits an act that would require a suspension and/or expulsion. This will be determined by school policy and the school administration.

By signing this contract all parties agree to the stipulations in the document and will following accordingly.

The following contract will be reviewed by the student, parent/guardian, counselor and Principal on the following date and time: _____.

Student	Date	Parent/Guardian	Date
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Principal	Date	Counselor	Date
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FAMILY CONTRACT

Pahin Sinte Owayawa

The following is a contract that can be revised based on the specifics of any bullying situation. It can be implemented by the school Principal, designee or other neutral parties for those families involved.

I. Acknowledgement and Purpose

1. Bullying is defined by state law [and school policy] as any severe or pervasive physical or verbal act or conduct (including written and electronic communications) directed toward a student or students, that has or can be reasonably predicted to have the effect of one or more of the following: placing the student or students in reasonable fear of harm to their person or property; causing a substantially detrimental effect on the student's or students' physical or mental health; substantially interfering with the student's or students' academic performance; or substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.
2. Bullying includes: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.
3. [Offender] and [Offender's Parent(s)/Guardian(s)] acknowledge that [Offender] has engaged in inappropriate conduct toward [Victim] that rises to the level of bullying, as defined above.
4. [Offender's Parent(s)/Guardian(s)] and [Victim's Parent(s)/Guardian(s)] wish to avoid further incidents of bullying, as well as further disciplinary or legal action due to [Offender's] bullying and therefore have come together to commit to take immediate action to stop any and all bullying of [Victim], or any other students.
5. [Offender's Parent(s)/Guardian(s)] and [Victim's Parent(s)/Guardian(s)] further commit to taking all steps necessary to create a positive environment for their children's personal growth and development and to ensure that all students feel safe and respected at school.

II. [Offender's] Commitment and Agreement

1. [Offender] acknowledges and understands that if he/she engages in further acts of bullying, he/she will be subject to further disciplinary action, including suspension or expulsion from school, and could face criminal charges or a civil lawsuit.
2. 7. [Offender] agrees and commits to (a) stop all bullying activity immediately and permanently, including online, in-person, or other media or electronic-based bullying; (b) only communicate with [Victim] if it is directly related to

a school assignment, program, or activity; (c) never talk about [Victim] with other students; (d) treat all students with respect; (e) review and comply with the school's policies with regard to bullying, including reporting any acts of bullying committed by other students; and (f) keep this agreement and the discussions regarding this agreement confidential.

III. [Victim's] Commitment and Agreement

1. [Victim] agrees to (a) never talk about the Offender with other students; (b) treat all students with respect; (c) review and comply with the school's policies and support system with regard to bullying, including reporting any acts of bullying committed by other students; and (d) keep this agreement and the discussions regarding this agreement confidential.

IV. [Offender's Parent(s)/Guardian(s)] Commitment and Agreement

1. [Name(s)] agree to (a) encourage [Offender] to always respect others; (b) instruct [Offender] to immediately and permanently stop engaging in any acts of bullying and to take all necessary steps to ensure [Offender] does not engage in bullying toward [Victim] or anyone else; (c) instruct [Offender] to report any bullying to the school; (d) to report any bullying to the school; and (e) keep this contract and the discussions regarding this contract confidential, except as necessary to communicate with the school regarding the limitations on communications between [Offender] and [Victim].

V. The Victim's Parent(s)/Guardian(s) Commitment and Agreement

1. [Names] agree to (a) encourage [Victim] to always respect others; (b) to instruct [Victim] not to bully; and (c) instruct [Victim] to report and/or assist [Victim] in promptly reporting any bullying to the school; (c) keep this contract and the discussions regarding this contract confidential, except as necessary to communicate with the school regarding the limitations on communications between [Offender] and [Victim].

VI. Violations of this Agreement and the Anti-Bullying Commitment

1. If these commitments and agreements are violated, all parties consent and agree to promptly reconvene and meet with a group of professionals, including, but not limited to, school officials, law enforcement, and/or attorneys.

[Offender]

Date

[Victim]

Date

[Offender's Parent(s)/Guardian(s)]

Date

[Victim's Parent(s)/Guardian(s)]

Date

I have received the 2020-2021 Pahin Sinte Owayawa Student/Parent Handbook. I/We have read and understand the Student/Parent Handbook 2020/2021, I/we understand the educational objectives and the disciplinary practices as stated in the handbook and I/we agree to all policies/procedures.

Student Signature

Date

Parent/Guardian Signature

Date

Pahin Sinte Owayawa 2020-2021