

LUMMI NATION EDUCATION BOARD

LUMMI NATION SCHOOLS K-12

POLICIES AND PROCEDURES



*All amendments to the Lummi Nation Education Board Policies and Procedures must go before the Lummi Nation Education Board for approval. Upon approval, the amendments will be added as necessary.
This is a work in progress.*

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MISSION STATEMENT

At Lummi Nation School, all students learn through our Schelangen: academics, community, and culture.



PARENT ADVISORY COMMITTEE:

The Parent Advisory Committee consists of 7 members elected by the parents of the school to represent them. The PAC meets monthly with the principal and serves in an advisory capacity relative to the programs and procedures at the school. All parents of Lummi Nation School students are encouraged to become involved in their students' education. Monthly meetings will be held to review and advise school policies, learn about school programs, give community input regarding school programs (including cultural expectations), plan parental involvement opportunities (volunteering for classroom support, chaperoning events, supporting activities, etc.), solicit community support for the school, publicize school programs, etc. It is hoped that all parents will become active members of the Parent Advisory Committee so that the school program will reflect the needs and desires of the Lummi Nation. Meetings are held the first Wednesday of each month on campus, beginning at 5:00 p.m. Dinner is served.



COUNSELING SERVICES

The Counseling Department, K-12, seeks to work closely with students, parents and their families. Our counselor has background skills and training for problem solving and interventions with a wide range of student and family problems. Students may seek help from our counselor for personal issues and for assistance in college and career planning. Group and individual counseling is available upon request. Appointments can be made in the counseling center.

Special assessments are also available at school and through outside agencies in special circumstances. These referrals are typically made by the counselor with parents/family approval. Students with attendance and/or significant school adjustment problems may receive counselor assistance in developing behavior management plans. Counselors maintain a continuing working relationship with other helping agencies such as Children's Services Division, Juvenile Department, etc. Referrals are made by teachers, students, parents, administrators and our counselor.

Small groups can be organized for group counseling on an "as needed" basis addressing identified student problem areas.

The Counseling Department can organize and facilitate, by request, conferences involving students, teachers and parents. The Counseling Department assists with the monitoring and updating of individualized educational programs (IEP's) for students with learning disabilities.



CO-CURRICULAR ACTIVITIES PROGRAM POLICY

The Lummi Nation Education School Board recognizes the value of the School Co-Curricular Program and affirms its importance in assisting students in developing their skills, qualities, and knowledge required to become successful in our diverse society. Lummi Nations co-curricular activities program shall include but is not limited to the following: ALL WIAA sanctioned activities, interscholastic activities, debate groups, Kwenangetel: Youth Empowering Youth Peer Mediation mentors, performing drama groups, performing music groups, student body officers, drill/dance team member, cheerleading, leadership groups, and those other activity organizations recognized by the ASB and who represent the school and the Lummi Nation School Board.

Lummi Nation Schools co-curricular program is an integral part of the total educational school program. The co-curricular activity program will be offered to all students at Lummi Nation School and will provide its school participants every opportunity for participation.

Because co-curricular activity participants are representatives of Lummi Nation Education School when they perform in public, students are expected to conduct themselves at all times in a manner that will reflect the high standards and ideals of their team, activity group, school, school board, and community. As a result, co-curricular activity participants shall be required to follow the procedures written into policy by the Lummi Nation School Board and the Code of High School Co-Curricular Activities Program Administrative Procedures.

DEFINITION OF CO-CURRICULAR ACTIVITY

The co-curricular activities are those activities which are in addition to classroom instruction and are sponsored activities outside of standard regular curriculum.

SCOPE OF CO-CURRICULAR ACTIVITY CODE

The rules and regulations contained in the Co-Curricular Activities Code shall apply to any violation occurring on school premises, at any school sponsored event or activity, or off school grounds during the one calendar year following the date of signing.



CO-CURRICULAR CODE PROCEDURES

CODE OF CONDUCT AND VERIFICATION OF UNDERSTANDING

Participation in the Lummi Nation High School activities program is a privilege, not a right. All participants are expected to demonstrate high levels of citizenship and academic performance in order to represent Lummi Nation School as a member of a team or club activity.

Life is full of choices; some are easy, and some are hard. As participants, students from Lummi Nation School will be faced with these life choices. If the choices they make impedes, interferes, or hinders their personal or group performance, or renders them unfit to serve as representatives of Lummi Nation School, they may forfeit their privilege to participate. If a participant is found to be in violation with any of the rules set forth in this policy, they will be subject to corrective action as specified in the code.

Activities exemplify the philosophy that dedication, drive, and determination bring individual and most importantly team success. Some form of award ceremony will be held at the conclusion of every activity season to honor successful participants.

The Code of Conduct must be signed each year and will be in effect for one calendar year from the date of signing. The appropriate sanctions, as described in this procedure, will be applied for violations that occur during the one calendar year following the date of signing.

A co-curricular activity season shall be that portion of a school and/or calendar year during which regularly scheduled practices, turnouts, rehearsals, meetings, games, events, or concerts for the specific activity are held under the direct supervision of Lummi Nation School employees.

GENERAL REGULATIONS

All students who participate in the athletic/activity program of Lummi Nation School will comply with the rules and regulations and will submit to the reasonable discipline of school authorities. This Code of Conduct represents high standards set forth by the Lummi Nation School Board. Individual head coaches, mentors, or staff members who are in charge of a co-curricular activity at Lummi Nation School have the right to add additional written standards for their participants. These standards must be submitted to the principal of Lummi Nation School and pre-approved by the Lummi Nation School Board prior to implementation.



1. A student who quits a sport/activity during the season or is released from the team by the head coach/advisor during that season for violation(s) of the Code of Conduct will be restricted from playing another sport/activity for the remaining school year. In the case of this occurring during a spring sport, the succeeding sports season (fall) will be restricted from participation. Only with mutual consent of the principal, athletic director, and both head coaches involved can restriction be removed. In addition, completion of the co-curricular activity's season is required in order for the student to be eligible for letter or other team or individual awards. No awards will be given to any student who has been suspended for the remainder of the season due to violations of this code.
2. Any athlete who is injured and has had medical treatment cannot participate in any sport/activity until a signed release form from the doctor is presented to the head coach and/or Athletic Director. The release form will be kept on file by school administration in the student's student file.
3. Any display of un-sportsman like conduct toward an opponent or official or the use of profane, obscene, or vulgar languages or gestures during a practice or contest will result in counseling by the head coach/advisor and/or other corrective action, including possible exclusion.
4. School owned equipment checked out is property of Lummi Nation School and is the student's responsibility to keep in good condition, besides normal wear and tear, during their activity season. All uniforms must be turned in to the Athletic Director to receive credit and/or awards. In addition, no student will be allowed to participate in any other activity season until all outstanding equipment is returned. If the student has lost any checked-out equipment, the student will be subject to fines. Again, all fines will need to be paid in full in order to participate in any other activity season.
5. All students who are participating in co-curricular activities must meet the dress standards deemed appropriate by the advisor/coach and school administration. Coaches and advisors of activities will notify participants as to the standards they expect.
6. All students are required to attend all scheduled practices, meetings, contests, and performances, whether or not school is in session. If it is necessary to be absent, prior notification must be provided to the advisor / coach no less than 48 hours prior to the planned absence. Exceptions to the 48-hour requirement may be made at the discretion of the principal for good cause.
7. All participants shall not engage in conduct detrimental to the school or group.
8. A participant shall not steal or use another's property without permission.
9. A participant shall not participate in any form of harassment, intimidation, and/or bullying, also known as HIB. Possible termination of eligibility could occur for this offense.
10. Any participant who has been charged with a crime during an athletic season will automatically be in violation of the code. The participant will be subject to the violation section of this policy.



11. A participant shall not use, consume, possess, transmit or sell alcoholic beverages, drugs, narcotics or tobacco (including smokeless, vaping or tobacco products in any form). In addition, participant shall NOT use or possess drug paraphernalia. Participants who are cited by the law enforcement with a DWI/Minor in Possession will automatically constitute a violation of the code. The participant will be subject to the violation section of this policy.
12. Participants must travel to and from all functions away from Lummi Nation in transportation required by the school. The only exceptions permitted are:
 1. Injury to a participant which required alternate transportation; or
 2. Prior arrangement between the participant's parent/guardian and the coach/advisor for the student to ride with parent/guardian.

STUDENT ATTENDANCE REQUIREMENTS

A student must be in school the entire day in order to participate in a practice or co-curricular activity on that day. The only regular exceptions to this requirement are funerals, pre-planned medical/legal appointments, or school sponsored events.

If a student is absent the last day of the week and the competition is on a non-school day, the student must bring to the coach/advisor a signed statement from the parent/guardian granting permission for the student to participate. Failure to bring in a note on the day of the competition will result in failure to participate in the activity. There will be NO exception to this rule.

Truancy is not acceptable at Lummi Nation School. Students are expected to be in school and attending classes on a regular basis. Unexcused absences from any class, portion of a class or practice, will be dealt with as follows:

1. **First Offense:** Exclusion for one event.
2. **Second Offense:** Exclusion for one two events; and referred to the principal or designee for services.
3. **Third Offense:** Exclusion for three events; and referred to the principal or designee for services.
4. **Fourth Offense:** Exclusion for the remainder of the season; and referred to the principal or designee for services.

ACADEMIC STANDARDS

Participants at Lummi Nation School who are involved in a co-curricular activity program are required to successfully perform and advance in their academics. The academic standards place proper emphasis upon student achievement in the classroom to maintain eligibility.



If a student desires to participate in a school sponsored athletic activity, he or she must be in good standing with both attendance and grades not only for the current sports season, but also for the previous sports season. Therefore, to be eligible for a fall sport, the student must be in good standing in current fall season and the pervious spring season. For a student to be eligible for winter sports, the student must be in good standing in the current winter season and the previous fall season. For a student to be eligible for spring sports, the student must be in good standing in the current spring season and the previous winter season.

Academic eligibility is established at least every two weeks during the co-curricular activity season. In order to be eligible to participate in an activity, a student must be registered, attending, and passing all assigned classes. All students will be required to hold a minimum of a 2.0 average to be able to participate in co-curricular activities. Students who do not have passing grades may be excluded as previously discussed. The student and parent/guardian will be notified of this exclusion. Students who raise their grades to Passing (2.0, C or higher) during the exclusion week remain ineligible until the following Monday. A student with two or more failing grades during a grading period will be ineligible to participate until the next grading period which is two weeks. Clerical errors made by teachers may be corrected by mutual agreement between the teacher, the principal, and the Athletic Director.

Academic assessments will begin, no later than three weeks into any activity season. Grade checks will be disbursed on Wednesday and returned on Friday by noon (12:00 pm). The week will start on the Monday and following grade check will include the entire week, ending on Sunday.

Forging of a signature or grade will result in an automatic exclusion for the season.

Eligibility Option: *Student athletes receiving a failing mark on their progress report will have an opportunity to remain eligible by attending an after-school program at Lummi Nation School for a minimum of 3 days per week until the athletic director is notified by the teacher/s that the student is passing all classes.*

Extended Season: In the event that an activity season is extended, grades will continue to be monitored every two weeks and the academic requirement will apply until the season has ended.

CITIZENSHIP STANDARDS

All participants of Lummi Nation School must demonstrate good citizenship in the school building, classroom, and co-curricular activity program. Conduct that materially and substantially interferes with the educational process is prohibited.



Any participant referred to the administration for disruptive behavior will be made aware of the possible consequences of his/her behavior and actions and may be subject to appropriate corrective actions.

Students who are referred to administration for disruptive behavior will be disciplined according to the following actions:

1. Upon a second referral that requires administrative action, the participant will be declared ineligible for the following week; including games.
2. If there is a third referral requiring administrative action, the participant will be excluded from the co-curricular activity for the remainder of the season.

USE OF ALCOHOL, ILLEGAL DRUGS AND CONTROLLED SUBSTANCES

Lummi Nation School recognizes that chemical dependency is a serious illness that not only plagues today's students but also violates the law. It is the belief that in order to instill the importance of abstinence from these substances, Lummi Nation needs to enforce a **NO-TOLERANCE** policy on the use of such substances.

Definitions:

Proximity Offense: In the absence of physical possession, if there is knowledge that alcohol, tobacco, drugs or other illegal substances are present and/or being used by others who are present – all students have a responsibility to remove themselves from the situation. If participants are in a location, on or off campus, where they come in contact of any of the above being used the participant has ten (10) minutes to remove themselves from the location. Failure to remove themselves from the location where participation of alcohol, drugs, tobacco, or other illegal substances are present will place the participant in violation of the code. This rule does not apply in any event where alcohol or specified drug is permitted by law, such as at religious ceremonies or where alcohol use is restricted to adults.

Exclusion: Athletic/activity exclusion means to complete denial of the privileges to participate in the athletic/activity program for an indefinite or defined period of time.

Self-Referral: Self-referral of a violation means that the student admits to the infraction before an investigation or inquiry by any school staff occurs.

Self-Admittance: Self admittance of a violation means that, when questioned as part of an investigation, a student responds honestly and is cooperative.



Violation Procedure

Violation of Drug and Alcohol Rule

First Violation: Suspension from an activity for fifteen (15) school days. If the suspension does not include a major activity, the participant will be denied the right to participate in the next major performance, game, contest, completion, or event. In addition, a drug/alcohol evaluation by an approved community agency or individual is MANDATORY and must be completed within ten (10) school days from the date of the incident. Cost of the evaluation will be at the student and/or parent/guardian expense. Students will attend practices during suspensions.

The participant will be immediately ineligible for all activities or athletic completion. Ineligibility shall continue unless the student accesses the assistance program outlined below:

The student must meet with administration, School Board, Athletic Director, and coaches to request approval to participate. The board will recommend to the principal appropriate action to be taken in each individual case. The school principal will then have the final authority as to the student's participation in the activity program.

Second Violation: Suspension from a co-curricular activity for forty-five (45) school days and completion of a new evaluation by an approved community agency or individual within ten (10) days from the date of the incident. Compliance of the evaluation recommendation is required before the participant can return to the activity. Written verification of completion is required must be submitted to the principal and/or Athletic Director. Drug and alcohol compliance is mandatory prior to reinstatement. Students will attend practices during suspensions.

Third Violation: A third violation will result in exclusion from all sports and/or activities in the Lummi Nation Schools for a period of one calendar year.

USE OF TOBACCO

Lummi Nation School recognizes that the use of tobacco, including smokeless, vape, or any tobacco products, is a health hazard and is addictive in nature. Lummi Nation will **NOT** tolerate the use or possession of tobacco in any form by any participant. Participants who violate this regulation will be subject to the following action:

First Violation: Participant will be restricted from participation in the activity for one game, event, performance, contest, or competition. Counseling will be offered to aid in support to encourage stopping.

Second Violation: Participant will be restricted from participation in the activity for two games, event, performance, contest, or competition. Counseling will be offered to aid in support to encourage stopping. If the participant fails to attend the class offered for the addiction, further participation in any co-curricular activity will be terminated until she/he has done so.



Third Violation: A third violation will exclude the participant for the remainder of the co-curricular activity season.

Fourth Violation: Exclusion from all sports and/or activities in the Lummi Nation School Schools for one (1) calendar year from fourth violation.

IMPLEMENTATION PROCEDURES

Whenever the corrective action includes suspension, the advisor/coach will adhere to the following procedures:

1. Report the incident immediately to the building administrator and Athletic Director.
2. The building administrator will document the offense and call the participants parent/guardian.
3. If the law has been broken, Lummi Law and Order will be called. If the law has been broken off the Lummi Nation Campus, 911 will be called and the appropriate Law Enforcement will be called.

SCHOOL SPONSORED DANCES

It is the decision of the Lummi Nation School that students that are eligible to attend these school sponsored dances must in be grades 9-12.

OTHER REQUIREMENTS FOR PARTICIPATION AT LUMMI NATION

Requirements for Participation: As a participant in any activity, students are required to complete the following and/or turn in the following:

1. Students must have an Associated Student Body Card (ASB card).
2. Students must be in regular school attendance the previous semester.
3. Students must have met the WIAA and Lummi Nation School Co-Curricular eligibility requirements pursuant to rule (18.0).
4. Students must be passing all classes with a C or higher.
5. In the event that the student is not passing all classes, the student will be required to attend after school tutoring sessions until they successfully are passing their classes.
6. School Insurance Form or Insurance Waiver Form completed and signed.
7. Students must be 20 years of age or younger during the course of the season.
8. Medical Emergency Release Form completed and signed.
9. Code of Conduct Signed by Student and Parent
10. Physical Examination or Physical Evaluation update and approved.
11. Previous Sports Equipment Returned
12. Acknowledge of Risk Form signed.

WIAA Requirements: The participant must abide by all WIAA rules and regulations found in the WIAA Handbook with specific exceptions as allowed by WIAA related to academic standards and student conduct as noted in this Code.



The WIAA Handbook is accessible for your review through the High School Athletic Director:

1. Age Limit-Students must be 20 years or younger on the following dates:

September 1 for fall sports

December 1 for winter sports

March 1 for spring sports

2. Residence Rule: Students must reside within areas where the Lummi Nation School provides transportation with either one or both parents, or with a legal guardian. There are exceptions to this rule, and any questionable situation must be brought to the attention of the Athletic Director.

3. Enrollment Rule –An student shall be enrolled in school no later than October 1st (the first term) and February 15th (the second term) to fulfill the previous semester requirements on attendance. He/she shall have been in regular attendance from the time of enrollment to the date of the contest.

4. Physical Examination- Every student who participates in interscholastic athletics/activities must have passed a physical examination from a licensed medical physician or surgeon during the 13-month period prior to participation. Written evidence of having passed the physical exam must be on file in the office before the student will be permitted to turn out for the first practice. It is emphasized that this exam is only valid for 13 months and must be updated at the end of this period, even though it might occur in the middle of a sport season. To resume participation following an illness and/. Or injury serious enough to require medical care, a participating student must present to his/her coach a “Return to Play” form signed by a physician.

5. Attendance- WIAA Handbook attendance rules apply subject to exceptions found in this Code.

6. WIAA Eligibility Rules-above are listed several of the WIAA eligibility rules, which are the most commonly troublesome ones for some students. Others must include: (1) Students must be a member of their school; (b) students must meet special requirements if they have transferred between schools; (c) students must meet the season limitation standard; (d) student must get special permission if they are a foreign exchange student and (3) students must meet amateur standing criteria, etc.

GRIEVANCE / HEARING APPEALS

Any student who has been suspended/excluded from athletic competition (participation) by the Athletic Director/ principal as a result of violating the co-curricular code, has a right to appeal the penalty and/or the violation or both.



SPECIAL EDUCATION AND RELATED SERVICES FOR ELIGIBLE STUDENTS

The Lummi Nation Schools recognizes that students whose disabilities adversely impact educational performance and who require specially designed instruction can improve their educational performance when they receive special education and related services tailored to fit their needs. The Lummi Nation Schools adopts the full educational opportunity goal to provide students in need of special education services with a free appropriate public education.

Special education programs for students eligible for special education shall be an integral part of the general educational programs of this Lummi Nation Schools, and shall be operated in compliance with federal requirements governing special education. The Lummi Nation Schools will provide a continuum of placement options which may include services within and outside the Lummi Nation Schools depending on the student's needs.

Not all students with disabilities are eligible for special education services. The needs of those students will be addressed individually and if, appropriate, the student will be provided accommodations or modifications required under Section 504 of the Rehabilitation Act in accordance with Lummi Nation Schools policy and procedures.

Mediation or Resolution Agreements

The board authorizes the education director or designee to bind the Lummi Nation Schools to a mediation or resolution agreement.

Certificate of Attendance

In order to participate in commencement exercises, students must have met the minimum criteria for graduation prior to the date of the exercise and otherwise be in good standing with their school through the commencement date. Minimum criteria for participation may be adjusted for students with an IEP whose disabilities have impacted their opportunity to accumulate credits. Each student's IEP team will determine the student's graduation plan, including graduation date. IEP students who have attended four years of high school and need additional time to complete IEP goals and/or credits may request participation in commencement exercises. IEP students will receive a certificate of attendance until they complete their credits for graduation.

The Lummi Nation Schools Education Director shall develop and maintain special education procedures necessary to implement this policy. This policy and the procedures shall be available to the public.



(Optional: The Lummi Nation Schools may list the categories discussed in the procedure such as requirements for: Free appropriate public education (FAPE); Least restrictive environment (LRE); Procedural safeguards (including confidentiality procedures); and students receiving services in private schools.)

Legal References:	20 U.S.C. 1400 et seq.	Individuals with Disabilities Education Improvement Act of 2004
	42 U.S.C. 12131-12133 34 CFR Part 99	Americans with Disabilities Act of 1990 Family Education Rights and Privacy Act (FERPA)
	29 U.S.C. 794	Section 504 of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794
	34 CFR Part 104	Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance
	34 CFR Part 300	Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities
	34 CFR Part 303	Early Intervention Program for Infants and Toddlers with Disabilities



SPECIAL EDUCATION AND RELATED SERVICES FOR ELIGIBLE STUDENTS

The purpose of these procedures is to address program areas where federal regulations require specific local procedures or permit local discretionary choices. These procedures describe how the school implements its special education program under the Individuals with Disabilities Education Improvement Act (IDEA) of 2004. School personnel who are not familiar with the federal and Lummi Nation School requirements need to contact the special education department director or designee if there are questions regarding special education.

1. Free Appropriate Public Education (FAPE)

- a. Lummi Nation School will apply annually through the Bureau of Indian Education (BIE) for Federal Part B special education funding to assist in the provision of special education and any necessary related services.
- b. The director of special education or his/her designee, in consultation with building administration, shall annually determine whether to use Coordinated Early Intervening Services (CEIS) funding for students who have not been identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.
- c. The school shall annually report to the Bureau of Indian Education (BIE) the number of students receiving CEIS; and the number of students who received CEIS and subsequently received special education and related services under Part B of IDEA during the preceding two-year period.
- d. Services to eligible Lummi Nation School special education students will be provided without charge to the student. This does not include incidental fees that are normally charged to all students. Special education services will include elementary and secondary education and are provided in conformance with the student's Individual Education Program (IEP).
- e. Lummi Nation School provides a continuum of services for students, regardless of the funding source. Where the school is unable to provide all or part of the special education or necessary related services, it will make arrangements through contracts with other public or non-public sources, inter-local agreements or interagency coordination.

2. Early Intervention

In collaboration with local service agents, Lummi Nation School participates in the provision of early intervention services to eligible children with a disability, consistent with the regulations implementing Part C of the IDEA.



3. Students Covered by Public or Private Insurance

- a. The school in collaboration with local service agencies may use Medicaid or other public insurance benefits programs in which a student participates to provide or pay for services required to provide a FAPE, as permitted by the public insurance program.
- b. In providing or paying for services under this section, the school shall not:
 - i. Require parents to sign up for or enroll in public benefits or insurance programs in order for their student to receive FAPE under Part B of the IDEA;
 - ii. Require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim;
 - iii. Use a student's benefits under a public insurance program if that use would:
 1. Decrease available lifetime coverage or any other insured benefit;
 2. Result in the family paying for services required after school hours that would otherwise be covered by the public insurance program;
 3. Increase premiums or result in discontinuation of insurance; or
 4. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
- c. Lummi Nation School may access a parent's public or private insurance proceeds to provide FAPE to an eligible student only if the parent provides informed consent to the school. Whenever the school proposes to access the parent's public benefits or private insurance proceeds, the school shall:
 - i. Obtain parent consent each time the school uses benefits for a new procedure; and
 - ii. Inform the parents that their refusal to permit the school to access their insurance does not relieve the school of its responsibility to ensure that all required services are provided at no cost to the parents.
- d. To avoid financial cost to parents who would otherwise consent to use private insurance or public benefits if the parent would incur a cost such as a deductible or co-pay, the school may use its Part B funds to pay the cost the parents would incur.

4. Parent Participation in Meetings and Activities

- a. Lummi Nation School encourages parental involvement and sharing of information between the school and parents to support the provision of appropriate services to its students. As used in these procedures, the term "parent" includes biological and adoptive parents, legal guardians, persons acting in the place of a parent, such as relatives and stepparents, foster parents, persons appointed as surrogate parents and adult students.



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- b. Parents (and as appropriate, students) will be provided the opportunity to participate in any meetings with respect to the identification, evaluation, educational placement and provision of a FAPE.
 - c. When a meeting is scheduled parents will be:
 - i. Notified of the meeting early enough that they will have an opportunity to attend; and
 - ii. Notified of the purpose, time, and location of the meeting and who will be in attendance.
 - d. When the meeting is to address the IEP or placement, the parent will be:
 - i. Notified that the school or the parent may invite others who have knowledge or special expertise of the student; and
 - ii. Meetings shall be scheduled at a mutually agreeable time and place.
 - e. The school shall take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. The school shall also take whatever reasonable action necessary to ensure that equitable, multi-disciplinary and culturally sensitive practices are in place in such meetings.
 - f. The staff member responsible for inviting the parents to meetings will keep documentation of the information provided and the methods used to notify the parents of the meeting. The school may proceed with the IEP or placement meeting if the school is not able to convince the parent to attend. In this case, the school will document its attempts to arrange the meeting. This documentation will include records of telephone calls and the results, copies of correspondence sent to the parent and/or other means used to contact the parent. This documentation will be kept in the student's special education file and in the Native American Student Information System (NASIS). The case manager is responsible for ensuring notification occurs, proper forms are used and other relevant arrangements are made.
 - g. If the parent cannot attend the IEP or placement meeting but wishes to participate, the school will arrange for other means to participate. This can include individual or conference phone calls, re-scheduling of meeting or other means of conferencing. No initial placement for services will occur without parent consent.
 - h. A meeting does not include informal or unscheduled conversations involving school personnel; conversations on issues such as teaching methodology, lesson plans, coordination of service provisions; or preparatory activities that school personnel engage in to develop a proposal or a response to a parent proposal to be discussed at a later meeting.



- i. The school will assist parents when appropriate to have access to their child's classroom and school sponsored activities for purposes of observing class procedure, teaching material and class conduct. Such access must not disrupt the classroom procedure or learning activities.

5. Identification and Referral (Child Find)

a. Identification

- i. The purpose of child find is to locate, evaluate and identify children with suspected disabilities in need of special education services including those who are not currently receiving special education and related services and who may be eligible for those services. Activities are to reach all children residing within the school boundaries including the following:
 1. Pre-school aged children
 2. Children attending private elementary and secondary schools located within the school boundaries. Elementary or secondary schools includes public schools, nonprofit institutional day or residential schools and private schools;
 3. Highly mobile children (such as homeless, foster care and migrant children);
 4. Children who have a suspected disability and may need special education services even though they are advancing from grade to grade; and
 5. Children at home or home schooled.
- ii. Lummi Nation School will consult with parents and representatives of private school students described above to ensure its child find activities are comparable to private schools located within school boundaries. These consultations will occur formally at least on an annual basis and more frequently if needed/requested via meetings, phone calls, or any other arrangement that serves the needs of the local school representatives.
- iii. The school reaches students who may be eligible for special education services through:
 1. Notification to parents through local papers or other media;
 2. Notification to local schools located in Lummi Nation School's boundaries;
 3. School informational mailings;
 4. Posting notices regarding screening and referral in the school building and public locations within the Lummi Indian Reservation Boundaries;
 5. Early childhood screenings conducted by Lummi Nation Head Start and Lummi Nation School;
 6. Coordination with other public and private agencies and practitioners;
 7. Written information provided to school staff on referral procedures;
 8. Training teachers and administrators on referral/evaluation/identification procedures;



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9. Review of student behavior, discipline and absentee information and information gathered from school-wide assessment activities.
- iv. When school staff share concerns that a student may have a suspected disability which could result in eligibility for special education services, they will notify that school's Student Intervention Team (SIT). The school's special education department in cooperation with the Lummi Head Start Program conducts early childhood screenings for ages three to five and coordinates with Lummi Indian Health Clinic for screening of children aged birth to three. When parents or other inquire about screenings, the person inquiring will be referred to the school's special education department for follow up. The screening process involves the following:
 1. Parents are asked to provide information to assist in assessing their child; and
 2. Children are screened to assess cognitive, communication, physical, social-emotional and adaptive development and the possible impact of cultural, linguistic, socio-economic factors.
 3. Parents will be notified following the screening of the results and the parents will also be provided written notice of the results within ten days of the screening. If the screening supports evaluation, the school obtains written consent for evaluation at the exit interview if possible, or includes consent forms with the written notice notifying the parents of the results. If the screening results indicate that the child does not need an evaluation, written notice shall be sent to the parents within 10 days of the screening explaining the basis for the school's decision not to evaluate. Evaluation occurs in accordance with evaluation procedures. Following the evaluation, the school's psychologist also schedules an in-person meeting(s) or phone conference(s) to further review results and provide support to the family to link with other appropriate community resources.
- b. Referral
 - i. A student whether or not enrolled in school, may be referred for a special education evaluation by parents, school staff or other persons knowledgeable about the student. The special education director or his/her designee will designate a person responsible for ensuring that school staff understands the referral process. Referrals are required to be in writing unless the person referring is unable to write. A person who makes a referral orally should be asked to either make the referral in writing or go to the school's administrative office for assistance in making the referral.
 - ii. When a referral is made, the school must act within a 25 school-day timeline to make a decision about whether or not the student will receive an evaluation for eligibility for special education services.



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- iii. All certificated employees will document referrals immediately upon a referral being made to or by them. All other staff receiving a referral from another person shall notify the school's special education director. The director: (a) records the referral; (b) provides written notice of the referral to the parent; and (c) advises the school psychologist to collect and review data and information provided by the parent to determine whether evaluation is warranted.
 - iv. During the referral period, the special education director and team will collect and review existing information from all sources, including parents. Examples may include:
 - Child's history, including developmental milestones;
 - Report cards and progress reports;
 - Individual teacher's or other provider information regarding the child including observations;
 - School-wide and Classroom based assessment data;
 - Medical information, if provided;
 - Other information that may be relevant to assist in determining whether the child should be evaluated.
 - v. If the review of data occurs at a meeting, the parent will be invited. The case manager provides written notice to the parents of the decision regarding whether to evaluate regardless of whether the parents attend the meeting.
 - vi. Recommendations regarding decision to evaluate are forwarded to the special education director. After the special education director reviews the request for evaluation and supporting data and does not suspect that the child has a disability, the school may deny the request. In this case written notice, including the reason for the denial and the information used as the basis for the denial, must be given to the parent.
 - vii. If the determination is that the child should be evaluated, the reviewers shall include information about the recommended areas of evaluation, including the possible need for further medical evaluation of the student. This information will assist the school in providing parents prior written notice and will assist the school in selecting appropriate evaluation group members. The case manager and school psychologist are responsible for notifying parents of the results using prior written notice. When the determination is that the child will be evaluated, parent consent for evaluation and consent for release of appropriate records will be sent with the notice.
 - viii. The parent liaison will seek parental consent to conduct the evaluation. The school is not required to obtain consent from the biological parent if:
 - 1. The student is a ward of the Lummi Nation or the state and does not reside with a parent;
 - 2. The parent cannot be located, or their rights have been terminated; or
 - 3. Consent for an evaluation is given by an individual appointed to represent the student.
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- ix. When the parent provides consent, the school shall select an evaluation group. This evaluation group will include parents/guardians, staff and others familiar with special culturally, linguistic, and socio-economic factors. The evaluation group is to complete the evaluation with 60 calendar days after parent consent, unless:
 - 1. The parents and school agree in writing to extending the timeline;
 - 2. The parent fails or refuses to make the student available for the evaluation; or
 - 3. The student enrolls in another school district after the evaluation is begun but before completion and the parent and new district have an agreement for completion of the evaluation.
 - x. If a parent does not provide consent, the parent liaison notifies the special education director. School staff will make a determination as to whether it wishes to use mediation to seek agreement to evaluate or file a due process hearing to override the parent's refusal to consent. The school may not override a parent's refusal to consent for an evaluation if the student is home schooled or is unilaterally placed in a private school.

6. Part C students-Eligibility & Evaluation Requirements

Students turning three, who were previously determined eligible for early intervention services under Part C of IDEA, must be evaluated for initial eligibility for special education services. The evaluation must be completed in enough time to develop an initial IEP by the date of the student's third birthday.

The purpose of the evaluation is to collect information about a student's functional, developmental and pre-academic skills and achievements from a variety of sources, to determine whether a student qualifies for special education and related services, and to develop an IEP. This includes information provided by the parent. All information gathered in this process is reviewed by the IEP team or other group of qualified professionals. Evaluation requirements include the following:

- a. The evaluation must be an individualized assessment designed to determine:
 - i. Whether the student is eligible for special education and any necessary related services; and,
 - ii. The nature and extent of special education and related services needed by the student, including information related to enabling the child to be involved in and progress in the general education curriculum.



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- b. The school's special education director shall select the members of the evaluation group. Members selected must be knowledgeable about the student and the areas of suspected disabilities. Qualifications of a group member include having the appropriate professional license or certification and may include outside practitioners when necessary. When assessing for specific learning disabilities, the parent and qualified professionals must be part of the group. If the student requires a medical evaluation in order to determine eligibility, the school will coordinate with the parents to arrange for the evaluation at the school's expense or through the use of public or private insurance if the parent consents to the use of the insurance.
 - c. There are many legal requirements for conducting evaluations. Evaluation procedures or materials must be free of racial, cultural, linguistic, sexual/gender or other possible biasing factors, and they must be used for the purpose for which they are valid and reliable. Tests must be appropriate for the student's age and stage of developmental level. Tests should be administered in the native language of the student or conducted in the mode of communication most familiar to the student. If it appears to be clearly not feasible to conduct a procedure or test in the mode of communication most frequently used by the student, the IEP team will contact the special education director and school psychologist to develop an individualized strategy for valid evaluation of the student's skills. The inclusion of parents in this collaboration is desirable and strongly encouraged.
 - d. Specific areas to be included in the evaluation are determined by the special education director and other qualified professionals, as appropriate, as part of a review of existing data concerning the student. The evaluation does not rely on one source or procedure as the sole criterion for determination of eligibility and should include:
 - i. Review of existing data, including corresponding responses to educational interventions;
 - ii. Relevant functional and developmental information;
 - iii. Information from parents/guardians;
 - iv. Information from other providers;
 - v. Information related to enabling access to and progress within the general education curriculum and assisting in determining whether there is a disability and the content of the IEP;
 - vi. Current classroom-based evaluations, using criterion-referenced and curriculum-based methods, anecdotal records and observations;
 - vii. Teacher and related service providers' observations;
 - viii. Testing and other evaluation materials (variety of measures, and culturally and age appropriate), which may include medical or other evaluations when necessary.



- e. All current evaluation data as well as data previously reviewed by the team must be considered. Professional members of the evaluation team need to be familiar with qualifying disability definitions and criteria in federal rules.
- f. This review of existing data may be in the form of a meeting of IEP team members, or may be conducted without a meeting. It could include data provided by parents/guardians, data gathered in the general education classroom or from state and Lummi Nation School level assessments. The data may provide information about the student's physical condition, social or cultural background and adaptive behavior.
- g. When additional assessments are necessary, the group members have the responsibility of selecting, administering, interpreting and making judgments about evaluation methods and results, and ensuring that the tests and assessments are administered by qualified personnel in accordance with the instructions of the test producer. The gathering of additional data in combination with existing data must be sufficiently comprehensive to address all areas of the suspected disability and any special education needs, whether linked to the disability category or not. If the IEP Team determines that no additional data is needed, the IEP team will notify the student's parent of that determination and the reasons for it, and inform them of their right to request additional assessments.
- h. Parents and school staff are encouraged to work towards consensus, but the school has the ultimate responsibility to determine whether the student has a disability or not. The school will provide the parent with prior written notice of the eligibility decision, as well as a copy of the evaluation report. If the parent disagrees with the eligibility decision they need to be informed of their dispute resolution options described in the procedural safeguards. Additionally, a parent/guardian may choose to revoke the consent for an evaluation. It may also be the case that a parent/guardian revokes consent for services and the student will stop receiving services. Additionally, after the parent provides written revocation of consent, the school must provide written notice before actually stopping special education and related services. Receipt of a written revocation eliminates all of the responsibilities of the school to provide an individualized program to the student. Furthermore, the school will not continue to provide services after the effective date of the written notice.

7. Specific Learning Disability (SLD)

- a. Lummi Nation School continues to use the discrepancy approach for identifying students with a SLD; and in appropriate situations, may also address a variety of key factors such as how the student has responded to educational interventions.



- b. The evaluation will also include whether the child performs adequately to meet the grade-level standards in the general curriculum and a determination that the failure to make progress is not the result of:
 - i. A physical, mental, emotional, cultural or environmental factor or limited English proficiency; or
 - ii. Inadequate instruction in reading/ written language or mathematics.

8. Evaluation of Transfer Students

If a student transfers into the Lummi Nation School while an evaluation process is pending from another district, the special education director and school psychologist are responsible for determining the status of evaluations conducted to date and making a determination as to whether the evaluation can be completed within the 60 calendar days timeline from the date the parent provided consent. If the determination is that additional time will be needed, the parents will be provided prior written notice of the timeline needed to complete the evaluation and the reasons for the additional time needed.

9. Eligibility

- a. The evaluation group and the parent will determine whether or not the student is a special education student.
- b. A student is not eligible if the determinant factor is lack of appropriate instruction in reading, writing or math, based upon the state's grade level expectations or limited English proficiency.
- c. Eligibility may be determined by documented professional judgment when:
 - i. Properly validated tests are unavailable; or
 - ii. Corroborating evidence indicates that results were influenced due to measuring a disability.
- d. The parent will be provided with a copy of the evaluation report and the documentation of determination of eligibility.
- e. Parents will also be provided with prior written notice of the eligibility decision within ten school days of the decision. The case manager is responsible for sending the notice.
- f. Students remain eligible for special education services until one of four events occur:
 - i. The student is determined through a reevaluation to no longer be eligible for special education;
 - ii. The student has met the school's high school graduation requirements; or
 - iii. The student has reached age 21. A special education student whose 21st birthday occurs after August 31, shall continue to be eligible for special education and any necessary related services for the remainder of the school year; or



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- iv. The student no longer receives special education services based upon a parent/guardian's written revocation of services.
 - g. When a special education student is expected to graduate prior to age 21, or when graduation is part of the transition plan, the IEP team will document a student's progress towards achieving course credits towards graduation on the transition portion of the IEP. The school will provide prior written notice to parents and adult students that the student is expected to graduate and will no longer be eligible for special education services. The school will also provide the parents and student with a summary of academic achievement and functional performance and recommendations to assist the student with postsecondary goals.

10. Certificate of Attendance

In order to participate in commencement exercises, students must have met the minimum criteria for graduation prior to the date of the exercise and otherwise be in good standing with their school through the commencement date. Minimum criteria for participation may be adjusted for students with an IEP whose disabilities have impacted their opportunity to accumulate credits. Each student's IEP team will determine the student's graduation plan, including graduation date. IEP students who have attended four years of high school and need additional time to complete IEP goals and/or credits may request participation in commencement exercises. IEP students will receive a certificate of attendance until they complete their credits for graduation.

11. Evaluation Report

- a. Each person conducting an assessment of the student will specify the procedures and instruments used and their results and the significance of findings related to the student's instructional program, including a specification of the factors interfering with performance and the special education and related services needed.
- b. The evaluation group will determine who is most appropriate to develop the evaluation report reflecting the evaluation information. This will be completed before the conclusion of the evaluation period and will, at a minimum:
 - i. Identify the disability which requires special education and related services, if a disability exists;
 - ii. Discuss assessments and review data supporting conclusions regarding eligibility;
 - iii. Include the additional information required for the specific learning disability eligibility category;
 - iv. Describe how the disability or disabilities affect the student's involvement and progress in the general curriculum;



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- v. Make recommendations to the IEP team with respect to special education and related services needed, materials or equipment, instructional and curricular practices, student management strategies, the need for extended school year services beyond 180 school days and location of services;
 - vi. Include other information, as determined through the evaluation process and parent input;
 - vii. Provide any necessary professional judgments and the facts or reasons in support of the judgments; and
 - viii. Be signed and dated by the evaluation group members certifying their agreement. Any group member who disagrees with the conclusions shall prepare a statement presenting the conclusion.
- c. The case manager is responsible for notifying parents of the date, time and location of evaluation meetings by following the procedures in the parent participation section for inviting parents to meetings. Methods include but are not limited to: written communication, telephone communication, and home visits from the parent liaison.

12. Reevaluations

- a. A reevaluation of a student receiving special education or related services is conducted if academic achievement and functional performance has improved to warrant a reevaluation, if the IEP team suspects that the student may no longer be a student with a disability or if the child's parent or teacher requests a reevaluation. A reevaluation does not occur more than once per year, unless parent and school agree otherwise. A reevaluation must occur at least once every three years, unless parent and school staff agree that a reevaluation is unnecessary. An agreement that an evaluation is unnecessary shall be confirmed in writing to the parent. The school's psychologist will schedule a review of this determination and notify the special education director and case manager
- b. Students who were previously eligible under the category "Developmentally Delayed" must be reevaluated before age nine to determine eligibility within another category.
- c. As part of any reevaluation, the IEP team members and other professionals the school determines appropriate will review existing data that includes:
 - i. Evaluations and information provided by the parents;
 - ii. Current classroom-based assessment, local or state assessments and classroom based observations; and
 - iii. Observations by other teachers and related services and data from providers' data.



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- d. Based on this review the team will determine whether any additional data is necessary to determine:
 - i. Whether the student continues to be eligible for special education and any necessary related services;
 - ii. The present levels of performance and educational needs; and
 - iii. Whether any additions or modifications to the student's program are needed.
 - e. This review can occur with or without a meeting or through individual review. If the IEP team members and any other persons reviewing the data determine that no further testing is necessary, the school will notify the parents of this determination, using written prior notice and will inform parents that they have the right to request assessments if they disagree with the determination that additional testing is not necessary. Parent consent is not required if the reevaluation does not require additional testing:
 - i. If additional testing is needed, the school will request written parental consent for reevaluation;
 - ii. If the parents do not return the signed consent form, the school shall send another letter with the parent liaison in which the parent liaison will explain the need for reevaluation and parent consent and will provide another consent form and a copy of the prior written notice;
 - iii. If the parents do not respond to the request for consent, the school can proceed with the reevaluation through review of records only;
 - iv. If the parents refuse to consent to the reevaluation, the evaluation group will notify the special education director so that the school can determine whether it will seek mediation in order to obtain consent or request a due process hearing to ask an administrative judge to override the parent's refusal to consent.
 - f. After the reevaluation is completed, the school will invite parents/guardian to the eligibility meeting and will provide prior written notice of the results of reevaluation to parents in their primary language, indicating one or more of the following:
 - i. Whether the student continues to be eligible and in need of special education;
 - ii. Present levels of performance and educational needs of the student; and
 - iii. Whether any additions or modifications to the special education and related services are needed to enable the student to meet IEP annual goals and to participate, as appropriate, in the general curriculum.
 - g. In the event that the qualifying disability is Specific Learning Disability (SLD) eligibility does require discrepancy to qualify for special education services.
 - h. This notice will occur within ten school days of the eligibility decision. The case manager is responsible for sending the notice.

13. Reevaluation and Graduation

No reevaluation is required when special education eligibility terminates due to graduation from high school with a regular diploma or due to reaching the end of the school year during which the student turned 21. Instead, the school will provide prior written notice and the IEP team will provide the student with a summary of academic achievement and functional performance including recommendations on how to assist the student in meeting post-secondary goals.

14. Independent Educational Evaluations (IEE)

- a. Parents of students eligible for special education, students referred for special education and determined to not be eligible, and students determined not to need an evaluation, have a right to obtain an IEE at public expense each time the school conducts an evaluation of the student.
- b. When parents request an IEE the school must decide within 15 calendar days whether or not it agrees to provide it. Any parent request for an IEE should be immediately referred to the special education director. The special education director and the school psychologist shall review the request and determine whether or not the request is warranted. If the school agrees to provide an IEE, arrangements will be made promptly without unnecessary delay. If the school denies the request to pay for an IEE, it must file for a due process hearing within 15 calendar days of the parent's request. The school may request mediation as an option after filing the due process hearing. If the parents withdraw their request for an IEE the due process hearing can be dismissed.
- c. When a parent requests an IEE, the school must provide parents a list of school approved criteria and evaluators. If Lummi Nation School initiates a hearing and a decision is made that the school's evaluation is appropriate, the parent still has the right to an IEE but not a public expense. A parent is only entitled to one IEE at public expense each time the school conducts an evaluation with which the parent disagrees.
- d. If the parent obtains an IEE at either public or private expense, any results of the IEE must be considered by the school in providing FAPE. The IEE may also be presented as evidence at a hearing regarding the student.
- e. The following criteria are established for the selection of an individual to conduct an IEE at public expense. These criteria are established in order to identify the knowledge, experience and qualifications of individuals selected to conduct the evaluations. Any individual selected to conduct either a school evaluation or an IEE must be:
 - i. Licensed, credentialed or otherwise qualified within the state of Washington;
 - ii. Knowledgeable and experienced in evaluating children with similar disabilities and also sensitive to cultural, linguistic, racial, ethnic and gender factors;



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- iii. Geographically located within Northwest Washington; and
 - iv. Available to the school at a maximum fee which does not exceed by more than 25% the prevailing average for similar evaluations within Northwest Washington.
- f. Exceptions to the criteria will be granted only when it can be shown that the unique circumstances of the child or the disability:
- i. Make it impossible to identify anyone within the state of Washington who holds the appropriate credentials or experience necessary to conduct the evaluation; or
 - ii. Require a specialized evaluator whose fee exceeds the prevailing average by more than 25%; or
 - iii. Include factors which would warrant an exception in order to obtain an appropriate evaluation.

15. Individualized Education Programs (IEP)

- a. Transitions of Birth-to-Three Students to Preschool
Lummi Nation School will participate in transition planning conferences, arranged by the designated Part C lead agency, for each student who may be eligible for preschool services. Transition plans will be designed to promote uninterrupted provision of appropriate services to the child
 - i. Participants will review the child's program options for the period from the child's third birthday through the remainder of the school year;
 - ii. If a student is determined eligible for special education services, an IEP will be developed and implemented by the student's third birthday. If the third birthday is not during the school year and when appropriate, the IEP may set a start date of the beginning of the school year.
 - iii. Lummi Nation School will work in collaboration with Lummi Indian Head Start to ensure a timely execution of transition planning occur and that planning conferences are arranged at least ninety days before the student's third birthday.
- b. IEP Development
 - i. The IEP is the written statement reflecting the implementation of instructional programs and other services for special education students based on the evaluation and student needs.
 - ii. An IEP must be in effect before initiation of special education services. The IEP must be developed within 30 calendar days after the student's initial determination of eligibility for special services. IEPs must be updated annually, or revised more frequently if needed to adjust the program and services.



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- iii. Parent/guardian consent is required before the initial provision of special education services. If a parent refuses to consent to the provision of special education services, the school may not use mediation or due process to override a parent's refusal. When a parent refuses to provide consent the special services director will notify that parent that the school does not have a FAPE obligation to the student. The notification will be documented in the student's file.
 - iv. The school will maintain a copy of the current IEP which is accessible to all staff members responsible for providing education, other services or implementation of the IEP. All staff members will be informed of their responsibilities for its implementation. This includes not only teachers and other service providers, but also bus drivers, playground and lunchroom supervisors, nursing staff and others who may be responsible for the proper implementation. The case manager is responsible for ensuring that staff members are knowledgeable about their responsibilities.
 - v. IEPs will be implemented without undue delay following IEP meetings, regardless of the payment source for special education and or related services.
 - vi. Parents/Guardians are members of the IEP team and shall have the opportunity to fully participate. The school will make sure that the parents understand the proceedings, including arranging for an interpreter for parents who are deaf or whose native language is other than English. The school will also ensure that meeting locations are accessible. The special education program assistant is responsible for coordinating interpreters and making arrangements for the meeting location.
 - vii. The IEP team includes:
 - 1. The parents of the student;
 - 2. Not less than one general education teacher (or preschool teacher) of the student if the student is, or will be, participating in the general education environment;
 - 3. Not less than one special education teacher, or if appropriate, not less than one special education provider of the student;
 - 4. A representative of the school, who is qualified to provide or supervise the provision of special education and related services, is knowledgeable about general education curriculum, and is knowledgeable about the availability of resources;
 - 5. An individual who can interpret the instructional implications of the evaluation results;
 - 6. Any other individuals who have knowledge or special expertise about the student. These individuals may be invited by both the school and the parents, at the discretion of the person making the invitation;
 - 7. The student, when appropriate, or when required;
 - 8. Students must be invited when the purpose of the meeting includes discussion of transition needs or services;



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9. If another agency is or may be responsible for payment or provision of transition services, an agency representative will be invited, with the parent's consent. If the agency representative can not attend the meeting, school personnel shall keep the representative informed of the meeting and obtain agency information that will assist in the service provision;
 10. Parents will be notified of the participation of the Part C service coordinator or other designated representatives of the Part C system as specified by the BIE for Part C at the initial IEP meeting for a child previously served under Part C of IDEA.
- viii. The parents/guardians and school representatives must agree in writing before any of the above team members are excused from all or part of a meeting. If a team member's area of the IEP is being discussed or modified, then the parent and school must consent on the school excusal form to their excusal; and that specific team member must provide advance written input for their part of the IEP prior to the meeting. The written agreement to excuse a team member will also list the reason(s) why such an excusal is appropriate and not detrimental to the student's IEP process. Existing team members may fill more than one of these roles if they meet the criteria for the role.
- ix. These individuals will sign the IEP separately for each role they assume in the IEP meeting.
- Sometimes parents do not attend IEP meetings. There will also be times the parents do not agree with the IEP as proposed, and despite attempts to reach agreement on IEP content, the team does not reach agreement. If a parent attends the IEP meeting and agreement is not reached on the IEP, the team shall determine whether another IEP meeting should be scheduled as soon as mutually possible, or whether there is enough information to complete the IEP. When the decision is made that the IEP will be implemented the school must send prior written notice of the decisions reached to the parent, including the date the IEP will be implemented.
- x. When the parents/guardians do not attend the IEP meeting, despite the school's efforts to ensure participation, or if the team does not reach agreement, it is the school's obligation to offer an appropriate educational program:
1. Have IEP members present document their participation by signing the IEP.
 2. Send a copy to the parent/guardian, and provide the parent prior written notice that the Lummi Nation School intends to implement the IEP.
 3. Forward the documentation of actual or attempted contacts to the special services department for processing when parents do not attend the meeting.



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- xi. When making changes to an IEP after the annual IEP meeting for a school year, the parent and the school may agree not to convene an IEP meeting for the purpose of making changes. The parent and the school must complete a written document indicating the changes and inform IEP team members and appropriate individuals of the changes. Each student's IEP case manager is responsible for facilitating any requested IEP amendments. If the parent requests that the school revise the IEP to include the amendments, the IEP case manager and IEP team will revise the IEP.
 - c. IEP Preparation and Content:
 - i. IEP teams will consider the recommendations in the most recent evaluation to develop the IEP. In developing the IEP, the team should consider:
 1. The strengths of the student including the academic, developmental and functional needs of the student and the concerns of the parents/guardians for enhancing the education of their child;
 2. Whether a behavior plan, including positive supports and possible aversive interventions should be considered;
 3. Whether the student with limited English proficiency has language needs;
 4. Whether Braille instruction is appropriate for a student who is blind or visually impaired;
 5. Whether a student has other language and communication needs; and
 6. Whether assistive technology devices or services are needed.
 - ii. IEP content includes:
 1. The student's present levels of academic and functional performance with a description of how the disability(ies) affect the student's involvement and progress in the general curriculum or preschool activities;
 2. Measurable academic and functional annual goals for the student (including benchmarks or short term objectives if the student is participating in alternate assessments) that will meet the student's needs resulting from the disability(ies) to enable involvement and progress in the general curriculum or in preschool activities, and will meet the student's other educational needs;
 3. A statement of special education services, any necessary related services, and supplementary aids and services based on peer-reviewed research to the extent practicable, to be provided to the student. Program modifications or supports for personnel so that the student may advance towards annual goals, and progress in the general curriculum.
 4. A statement of services that will allow the student to be educated with other special education students and non-disabled students and to participate in extracurricular and other nonacademic activities;
 5. A statement of the extent, if any, that the student will not participate with non-disabled students in general classroom, extra-curricular and non-academic activities;



6. A statement of any individual appropriate accommodations in the administration of state or school-wide assessments of student achievement that are needed to measure academic achievement and functional performance of the child on state assessments. If the team determines that the student will not participate in a particular assessment, the IEP will address why the student cannot participate in the regular assessment(s) and why the particular alternative assessment is appropriate for the child;
7. The date for the beginning of services and the anticipated frequency, location and duration of services and modifications;
8. A statement of how the student's progress towards goals will be measured, how the student's parents will be regularly informed of their child's progress towards the annual goals and whether the progress is sufficient to enable the student to achieve the goal by the end of the year. Measurement of the student's progress will be based on data. Information to the parents can be provided through the use of progress reports or report cards or other agreed upon means, but the information must be provided at least as often as information is provided to students without disabilities;
9. The projected beginning date for the special education and related services;
10. With an IEP that is in effect when the child turns 16, or sooner if the IEP team determines it is appropriate, a statement of needed transition services and any interagency responsibilities or needed linkages. Transition services description must include appropriate measurable postsecondary goals based on age appropriate transition and assessments related to training, education, employment, independent living skills where appropriate; and transition services (including course of study) needed to assist the child in reaching those goals;
11. Aversive interventions, if required. Any interventions considered must be provided by trained staff and only considered after the determination has been made that positive interventions alone are not effective. Any questions about the need for or use of aversive interventions should be referred to the special education director. When aversive interventions are considered, the IEP team will include a certificated employee who understands the appropriate use of interventions and concurs with the need, and shall include a person who works directly with the student. The school will establish a process for evaluating the effects of the use of aversive interventions at least every three months during the school year.
12. A statement regarding transfer of rights at the age of majority. The student's IEP case manager will provide prior written notice to the student one year prior to student turning 18 years of age;



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13. Extended school year (ESY) services. The consideration for ESY services is a team decision, based on information provided in the evaluation report and based on the individual needs of a student. ESY services are not limited by categories of disability, or limited by type amount or duration of the services. If the need for ESY services is not addressed in the IEP and ESY services may be appropriate for the student, the IEP team will meet by April 30 whenever possible to address the need for ESY. Factors for the team to consider when determining the need for ESY may include, but are not limited to: 1) Evidence of regression or recoupment time based on documented evidence; or 2) A documented determination based on the professional judgment of the IEP team including consideration of the nature and severity of the student's disability, the rate of progress and emerging skills.

16. Transfer Students

- a. When a student previously identified as eligible for special education transfers to Lummi Nation School, the building registrar or designee will notify the special education department as soon as possible. The school psychologist and special education director will review the evaluation, eligibility documentation and IEP to determine whether or not the student meets BIE eligibility criteria. If the student meets the eligibility criteria, the special education director and case manager in consultation with parents will review the student's IEP to ensure the school provides services comparable to those in the previous IEP until the school adopts the previous IEP or develops, adopts and implements a new IEP. If the student needs to be evaluated to determine eligibility in at Lummi Nation School, the case manager and school psychologist will notify the parents, obtain consent and evaluate the student for eligibility within 35 school days. Lummi Nation School, in consultation with the parents, will continue to provide special education services comparable to the services on the student's IEP, pending the results of the evaluation.
- b. The school must take reasonable steps to promptly obtain records, including IEP supporting documents and any other records related to special education or related services from the previous school.



17. Placement

- a. No student may receive special education and related services without being determined eligible for services, and thus the evaluation process and IEP development precedes a special education placement. When a student has been evaluated and the evaluation team and parent have determined student eligibility and the need for special education and related services, programming decisions must occur. These decisions are made on the basis of information generated through the evaluation and IEP processes. The actual program is considered within the context of least restrictive environment (LRE) and the continuum of placement alternatives (reviewed below). When determining initial eligibility for special education, including determination of the appropriate placement, the parent or adult student must provide written consent for services before the student receives special education services. If the parents do not consent to the provision of special education and related services, the school will not provide special education services to the student. The school will notify the parents that the student is eligible for services and that the school is willing to provide the services when the parent provides written consent. The notification will also inform parents that the school has no FAPE obligation to the student when parents refuse to provide consent.
- b. When program decisions are addressed by the IEP team, proper consideration must be given to the LRE. Within the educational setting, the student should be placed, whenever possible:
 - i. In the school the disabled student would normally attend; and,
 - ii. With non-disabled students in the general educational setting to the maximum extent possible.
- c. Special classes, separate schools or removal of students with disabilities from the general education environment occurs only when the nature or severity of the disability is such that education in the general education classroom with use of supplementary aids and services cannot be satisfactorily achieved.
- d. If the IEP team believes that the student will not be successful within the general education classroom, the team will consider:
 - i. The educational benefits of full-time placement in a regular classroom;
 - ii. The non-academic benefits of such a placement;
 - iii. The effect the student will have on the teacher and other students in the regular classroom; and
 - iv. The costs of placing the student in the regular classroom.
- e. The degree to which the student is to be integrated into the general classroom setting is dependent upon the identified needs of the student. This placement is to occur unless the nature of the needs are so severe that this cannot be satisfactorily achieved, even with supplementary aids and services. If the placement is in another building, the appropriate educational placement will be as close to the student's home as reasonably possible.



- f. Within the nonacademic setting, students will be provided nonacademic and extracurricular activities with non-disabled students. This includes but is not limited to: counseling services, athletics, transportation, health services, recreational activities, and clubs. Limits on participation or conditions of participation must be designated in the IEP.
- g. The school will also make opportunities available for students eligible for special education to participate with non-disabled students in a wide range of course offerings such as art, music, industrial arts, computer, consumer classes and home economics classes.
- h. At Lummi Nation School, a continuum of alternative placement options exists spanning within a class, resource room, self-contained, home-bound and out-of-Lummi Nation School system provisions. Placement options include, but are not limited to: general education classes with special education staff consultation/support/supervision; resource services; a combination of the first two options; self-contained services at Lummi Nation School; a combination of the first, second, and/or third options; and out-of-Lummi Nation School system options. All of these options are considered with FAPE and LRE concerns and with a goal of teaching the student to succeed in a less restrictive setting as soon as possible. These options are intended to address the individual needs of students and they are considered according to the following process:
 - i. The placement of each student with a disability will be determined annually, or sooner if appropriate, by the IEP team.
 - j. The appropriateness of placement options will be based upon various decisions including:
 - i. Data-based judgments in IEP development;
 - ii. Judgments (data-based) in determining LRE;
 - iii. The reasonable probability of the placement option(s) assisting the student to attain annual goals and objectives and the quality of services needed; and
 - iv. The consideration of potentially harmful effects upon the student or on the quality of services needed.
 - v. The effect of the student on the learning of other students in a less restrictive placement.
 - k. Placement options along the continuum must include alternative placement options identified in the definition of special education and make provisions for supplementary services such as resource room or behavior room to be provided in concert with the general education placement.



18. Procedural Safeguards

- a. Consent
 - i. Lummi Nation School will obtain informed, written parental consent before:
 - 1. Conducting an initial evaluation;
 - 2. Providing initial special education and related services to a student; and
 - 3. Conducting a reevaluation if the reevaluation includes administration of additional assessments.
 - ii. Parental consent is not required to review existing data as part of an evaluation or reevaluation, or to administer a test or other evaluation that is administered to all students unless consent is required of all students' parents.
 - iii. Informed consent means that the parent or adult student:
 - 1. Has been fully informed of all information that is relevant to the activity for which the school is asking consent, and that the information is provided in his or her native language or other mode of communication;
 - 2. Understands and agrees in writing to the activity for which consent is sought and the consent describes the activity and lists any records which will be released and to whom; and
 - 3. Understands that the granting of consent is voluntary and may be revoked at any time. If consent is revoked, the revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.
 - iv. The school may not use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit or activity of the school.
 - v. If the school is unable to obtain a parent's consent, the school may use mediation procedures to obtain a parent's consent or request a due process hearing asking the administrative law judge to override the parent's refusal to consent to an evaluation or reevaluation. The school may not request a due process hearing to override a parent's refusal to consent to initial special education services. The school may not use mediation or due process procedures to override a parent's refusal to consent to an evaluation or reevaluation if the student is home-schooled or enrolled in a private school.
- b. Revocation of Consent
 - i. If a parent revokes consent after the school has provided special education and related services, the school will not amend the student's education records to remove any references to the student's receipt of special education and related services.
 - ii. Upon receipt of the parent's written notice of revocation, the school:
 - 1. Will provide prior written notice before ceasing services;
 - 2. Stop providing SE and related services after the effective date contained in the schools' prior written notice;
 - 3. Will not use mediation or the due process procedure to obtain agreement.



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- c. Discontinuation of special education and related services in response to the parent's written revocation will not be in violation of FAPE and eliminates the school's requirement to convene an IEP meeting or develop an IEP.

19. Notice of Procedural Safeguards

- a. The school shall provide a copy of the BIE procedural safeguards notice to the parents of eligible special education students and students referred for special education and adult students one time a year and:
 - i. Upon initial referral or parent request for evaluation;
 - ii. Upon receipt of the parent's first BIE complaint and first request for due process hearing in a school year;
 - iii. Upon a disciplinary action that will result in a disciplinary change of placement; and
 - iv. Upon request by the parent.
- b. The BIE procedural safeguard notice used by the school includes a full explanation of all the procedural safeguards relating to independent educational evaluation, prior written notice, parental consent, access to educational records, discipline procedures for students who are subject to placement in an interim alternative educational setting, requirements for unilateral placement by parents of children in private schools at public expense, BIE complaint procedures, mediation, the child's placement during pendency of due process proceedings including requirements for disclosure of evidence, due process hearings, civil actions and attorney's fees. Copies of the school's special education procedural safeguards are available in the special education director's office, and the parent liaison's office, upon request at any time, through an annual mailing to all families with students in special education, and at all required meetings.
- c. Prior Written Notice
 - i. Prior written notices are provided to parents when the school makes a decision relating to a student's identification, evaluation, placement or provision of a FAPE. Prior written notices document the decisions made by the IEP teams and evaluation group.
 - ii. The school will provide prior written notice to the parent of an eligible student or of a student referred for a special education evaluation whenever the school proposes or refuses to initiate or change the identification, evaluation, educational placement or provision of a FAPE to the student.
 - iii. The prior written notice will include:
 - 1. A statement that the parents of a special education student have procedural safeguard protections and if a copy of the procedural safeguards do not accompany the notice, a statement that describes how a copy of the statement of procedural safeguards may be obtained;



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2. A description of the action proposed or refused by the school;
 3. An explanation of why the school proposes or refuses to take the action and a description of other options that the school considered and the reasons why the options were rejected;
 4. A description of any other factors which are relevant to the school's proposal or refusal;
 5. A description of each evaluation procedure, test, record or report the school used as a basis for the proposal or refusal;
 6. A description of any evaluation procedures the school proposes to conduct and sources for parents to contact to obtain assistance in understanding the procedural safeguards provision of this chapter.
- d. Prior written notice and the notice of the BIE procedural safeguards must be provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the school will take steps to ensure that the notice is translated orally or by other means to the parent. This may involve:
- i. Arranging for an interpreter if English is not the native language of the parent or if the parent has a hearing impairment; or
 - ii. Providing notice orally if the written language is not a native language.
- e. The school will document in writing how this information was provided and that the parent understands the content of the notice. The case manager's are responsible for sending prior written notices after evaluation, eligibility, IEP team and placement decisions.

20. Transfer of Educational Rights to an Adult Student

- a. When a student eligible for special education reaches the age of 18, all educational rights under Part B of the IDEA, previously exercised by the parent, transfer to the student, unless the student is determined incapacitated in a guardianship proceeding or the school has appointed an educational representative for the student. When the student turns 18, the school will notify the parent and student that the educational rights have transferred to the student and will send any required notices to both the parent and the adult student. The student's IEP case manager is responsible for providing the notice.
- b. At an IEP meeting occurring one year before the student turns 18, the school will inform the parents and the student that educational rights will transfer to the student and the school will inform the student about those educational rights. This information will be documented on the IEP.



21. Appointment of an Educational Representative

- a. The school may determine that a student over the age of eighteen and not legally incapacitated is unable to provide informed consent or to make educational decisions and appoint an educational representative. This determination will only be made if two separate professionals state that they conducted an examination and interviewed the student, and conclude the student is incapable of providing informed consent. The school will inform the student of the decision and appoint either, the spouse, the student's parents, another adult or a surrogate educational representative to represent the student. The appointment of the educational representative will continue for one year.
- b. The student or other adult may challenge the certification at any time. If a challenge occurs, the school will not rely on the education representative, until the representative is recertified.

22. Confidentiality and Records Management

- a. The special services director is responsible for maintaining the confidentiality of personally identifiable information pertaining to special education and all other students. The special education director will maintain, for public inspection, a current list of the names and positions of school employees who have access to personally identifiable information of special education students. The school will provide parent and adult students, upon request, a list of the types and locations of educational records collected, maintained or used by the Lummi Nation School.
- b. The School will provide instruction annually to all school employees collecting or using personally identifiable information on the procedures to protect the confidentiality of personally identifiable information. The training will address the protections outlined in federal regulations implementing the Family Educational Rights and Privacy Act, FERPA, (34 CFR Part 99).



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- c. Upon request, the parent(s) of a special education student or adult student will be afforded an opportunity to inspect, review and challenge all educational records which shall include, but not be limited to, the identification, evaluation, delivery of educational services and provision of FAPE to the student. The school shall comply with the request promptly and before any meeting regarding an IEP or hearing relating to the identification, evaluation, educational placement of the student or provision of FAPE to the student, including disciplinary proceedings. In any case, the school shall respond no more than 45-calendar days after the date the school received the request. If an educational record includes information on more than one student, the parents (and/or adult student) may only inspect and review information relating to their child. School personnel receiving requests for educational records will immediately forward the request to the special education program assistant.
 - d. If parents believe that information in an education record is inaccurate or misleading or violates the privacy or rights of the student, they may request that the school amend the information.
 - e. The school follows the guidelines for records retention required by BIE. The school shall inform parents or adult students when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the student. The information shall be destroyed at the request of the parent(s) or adult student, or will be provided to the parent or adult student upon their request. However, a permanent record of the student's name, address and phone number, his or her grades, attendance, record, classes attended, grade level completed and year completed will be maintained without time limitation.

23 . Surrogate Parents

- a. A surrogate parent is a person appointed by a local agency to act on behalf of a student to help ensure the rights of the student to a FAPE when a parent cannot be identified, the whereabouts of the parent are unknown or the student is a ward of the Lummi Nation or state and does not have a foster parent.
- b. The Student Intervention Team (SIT) is responsible for determining the need for appointment of a surrogate parent.
- c. Natural or adoptive parents, foster parents, persons acting in the place of a parent such as stepparents or relatives and persons with legal custody or guardianship are considered parents. Students who are homeless and not living with a parent may need a surrogate parent.
- d. The following is guidance for the school to follow to assist in determining the status of the parent's rights to make educational decisions:



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- e. In cases where the student is in out of home care the school must determine the legal custodial status of the child.
 - i. Parents who have voluntarily placed their child in Lummi Nation or state placement still retain legal custody of the child and retain the right to make educational decisions. In this situation the student is not a ward of the Lummi Nation or the state.
 - ii. Parents whose children are placed in group care, pending a determination of “dependency” may still retain rights to make educational decisions unless otherwise ordered by the court.
 - iii. When a disposition order and order of dependency is issued, the Lummi Nation or the state becomes the legal as well as physical custodian of the child. Parents may no longer have the right to make educational decisions during this stage of dependency.
 - iv. Parents whose parental rights are terminated no longer have the right to make educational decisions on behalf their child.
 - f. When a student is placed in foster care the foster parent may act as the parent. When a student is placed in group care, the school will work with the parents, case-worker(s), foster parents and others who have knowledge of the student’s legal status in order to determine the need for appointment of a surrogate.
 - g. When selecting a surrogate parent the school will select a person willing to participate in making decisions regarding the student’s educational program, including participation in the identification, evaluation, placement of and provisions of FAPE to the student.
 - h. If a student is referred for special education or a special education student transfers into Lummi Nation School who may require a surrogate parent, the special education director will be notified of the potential need. The special education director will then work with local agencies to locate someone who can adequately represent the student to ensure that all student rights are observed.
 - i. The person selected as a surrogate:
 - i. Must have no interest that conflicts with the interests of the student he or she represents;
 - ii. Must have knowledge and skills that assure adequate representation of the student; and
 - iii. May not be an employee of a school and/or other agency which is involved in the education or care of the student. This includes Lummi Children Services, school employees and group care providers.



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- j. The school will at a minimum, review with the surrogate parent procedural safeguards, parent involvement in the special education process, parent education publications and special education regulations. The school will also cooperate with Lummi Indian Business Council Departments in training surrogate parents and in establishing a list of persons willing and able to serve as surrogate parents.

24. Mediation

- a. The purpose of mediation is to offer both the parent and the school an alternative to a formal due process hearing. Mediation is voluntary and requires the consent and agreement of both parties. Mediation cannot be used to deny or delay access by a parent to a due process hearing. Mediation is used to resolve disagreements concerning the identification, evaluation and delivery of educational services or provision of a FAPE to a special education student. Mediation may be terminated by either party at any time during the process.
- b. The primary participants are the parents, school representatives and mediator. The process is voluntary, confidential and informal. It is a collaborative process, conducted in a non-adversarial manner. Mediation services will be provided by the Bureau of Indian Education (BIE) no cost to either party.
- c. The special education director is responsible for coordinating requests for mediation. If a parent requests mediation, notify the director and the director will respond to the parent and coordinate with BIE's contracted agent. Staff members are reminded that discussions that occur during the mediation process are confidential.
- d. One person designated by the school to attend the mediation must have authority to bind the school in any agreement reached through mediation.

25. Due Process Hearing

- a. Both parents and the school may file due process hearings involving the identification, evaluation, placement or provision of FAPE to a student. IDEA requires that specific information be provided as part of a due process hearing request. The requirements are identified in the notice of procedural safeguards. If parents request information about how to file a due process hearing, the Lummi Nation School will provide the parent with a due process hearing request that contains the required information. Due process hearing request forms are available at the special education department and on the BIE website.



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- b. If any staff receives a request for a due process hearing, a copy of the request should be immediately forwarded to the special education director. If the parent has not filed the request for hearing with the BIE, the school will forward the parent request to the Education Line Officer (ELO) at the BIE. The school may not delay or deny a parent's due process hearing request. Parents are entitled to a copy of the notice of procedural safeguards if this is the first due process hearing in a school year. The school's special education parent liaison is responsible for providing the parents a copy of the procedural safeguards in this situation and documenting that the safeguards were provided to the parent.
 - c. When a parent files a due process hearing, the student remains in the placement at the time of the request for hearing unless the parents and school agree to a different placement. See the discipline section below for placements when a disciplinary action is challenged.
 - d. When parents file a request for a due process hearing, the special education director will immediately schedule a resolution meeting. The meeting must occur within 15 days after a parent request for hearing or seven days if the hearing request involves an expedited hearing regarding discipline. The special education director will determine the appropriate school staff that will attend the resolution meeting. The school will ensure that one of the school representatives attending the resolution meeting has authority to bind the school in any resolution agreement. The school will not bring school counsel to a resolution meeting unless the parent is bringing an attorney to the meeting.
 - e. Any resolution agreement reached will be documented in writing and is binding on the parties. The document will inform the parent of their right to void the agreement within three business days of signing the agreement.

26. Discipline

- a. Students eligible for special education may be disciplined consistent with the disciplinary rules that apply to all students. The school shall determine on a case by case basis whether discipline that is permitted under these policies and procedures should occur. However, students eligible for special education must not be improperly excluded from school for disciplinary reasons that are related to their disability or related to the school's failure to implement a student's IEP. The school shall take steps to ensure that each employee, contractor and other agents of the school responsible for education or care of a student is knowledgeable of special education disciplinary rules.



b. Removal Up to Ten Days

The school administrator may order the removal of a special education student from a current placement. The school need not provide services to a special education student removed from the current placement for ten school days or less in any school year, if services are not provided to a student without disabilities.

c. Removal for More than Ten Days

Once a student has been removed from placement for a total of ten school days in the same school year, the school must, during subsequent days of removal, provide appropriate services to the extent necessary to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student's IEP case manager in consultation with one or more of the student's teachers, shall make the determination of such necessary services.

d. If the IEP team members described in the manifestation determination section determine that the behavior is not a manifestation of the student's disability and the removal is a change of placement, the school may apply the same disciplinary measures that apply to students without disabilities. However, the student must continue to receive services to the extent necessary to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The relevant IEP team members, selected by the school and the parent(s), shall determine appropriate services.

e. Change in Placement

i. A change of placement occurs when a special education student is:

1. Removed from current placement for more than ten consecutive school days in a school year; or
2. Subjected to a series of removals in a school year and which constitute a pattern of removal because: 1) the series of removals total more than ten school days in a year; 2) the student behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and 3) because of factors such as the length of each removal, the total amount of time a student is removed, and the proximity of the removals to one another.

ii. Whether a pattern of removal constitutes a change in placement is determined on a case-by-case basis by the building principal, assistant principal and special education director and is subject to review through due process and judicial proceedings. School administrators are required to notify the special education department of any removals that are approaching or at ten days.



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- f. Manifestation Determination
- i. Within ten school days after the date on which the decision to change the placement is made the school shall conduct a “manifestation determination” of the relationship between the student’s disability and the behavior subject to the disciplinary action.
 - ii. The review of the relationship between a student’s disability and the behavior subject to the disciplinary action shall be done in a meeting by the parent and relevant members of the IEP team who are selected by the parent and the school. The student’s IEP case manager is responsible for contacting the parent in order to determine relevant IEP team members and providing notice of the meeting. The team shall review all relevant information in the student’s file, including the IEP, teacher observations and information provided by the parent to determine:
 1. If the conduct was caused by or had a direct and substantial relationship to the child’s disability; or
 2. If the conduct in question was the direct result of the Lummi Nation School’s failure to implement the student’s IEP.
 - iii. If the team determines that the behavior resulted from any of the above, the behavior must be considered a manifestation of the student’s disability and the contemplated disciplinary action shall not proceed.
 - iv. If the team determines, specifically, that the conduct was the direct result of the school’s failure to implement the IEP, the school must take immediate action to remedy the deficiencies.
 - v. If the IEP team determines that the conduct was a manifestation of the student’s disability, the team must:
 1. Conduct a functional behavioral assessment (unless already completed) and implement a behavioral intervention plan; or
 2. Review the existing behavioral intervention plan and modify it to address the behavior; and
 3. Return the child to the placement removed from unless the parents and the school agree a change is necessary as part of the behavioral intervention plan, or unless the infraction involves drugs, weapons or bodily harm.
- g. Special Circumstances
- i. School personnel may order a change in placement to an appropriate interim alternative educational setting for the same amount of time that a student without disabilities would be subject to discipline, but for not more than 45 school days, if a special education student:
 1. Possesses a “dangerous weapon” or carries such a weapon to school or to a school function; or
 2. Knowingly possesses or uses “illegal drugs” while at school or a school function;
or



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3. Sells or solicits the sale of a “controlled substance” while at school or a school function; or
 4. Inflicts serious bodily injury upon another person while at school or a school function. Serious bodily injury means a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
- ii. Any interim alternative educational setting in which the student is placed is determined by the student’s IEP team and will:
 1. Be selected so as to enable the student to participate in the general curriculum, although in another setting and to progress toward meeting the goals set out in the student’s IEP; and
 2. Include services and modifications designed to address the behavior or to prevent the behavior from recurring.
 - iii. The school may ask an administrative law judge, or seek injunctive relief through a court having jurisdiction of the parties, to order a change in placement to an appropriate interim alternative educational setting for not more than 45 school days or seek injunctive relief through a court having jurisdiction of the parties when:
 1. The school can demonstrate beyond a preponderance of the evidence that maintaining said student’s current placement is substantially likely to result in injury to the student or others;
 2. The school has made reasonable efforts to minimize the risk of harm in the current placement, including the use of supplementary aids and services; and
 3. The proposed interim alternative educational setting has been proposed by school personnel in consultation with the student’s special education teacher and meets the requirements of these policies and 34 CFR Part 300.
 - iv. Unless the parent and the school agree otherwise, if a parent requests a hearing to challenge either the manifestation determination or the interim alternative educational setting, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45 day period, whichever occurs first.
- h. Basis of Knowledge
- i. A student who has not been determined eligible for special education services may assert the protections if the school had knowledge that the student was eligible for special education before the behavior that precipitated disciplinary action occurred.
 - ii. The school is deemed to have knowledge if:
 1. The parent expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to school administrative personnel or a teacher that the student is in need of special education and related services;



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2. The parent requested that the student be evaluated for special education services;
or
 3. The teacher or other school personnel has expressed specific concern about a pattern of behavior demonstrated by the student to the director of the special education department or to other administrative staff.
- iii. If instituting disciplinary action that would exceed ten days and the principal believes that one or more of these events applies to the student, the principal will notify the special education department to determine the appropriate disciplinary procedures.
 - iv. The school is not deemed to have knowledge if, as a result of receiving the information described above, the school either:
 1. Conducted a special education evaluation of the student and determined that the student was not eligible for services; or
 2. The parent of the student has not allowed an evaluation of the child or has refused services.
 - v. If the school is not deemed to have knowledge that a student is a special education student, the student may be disciplined as a student without disabilities who engages in comparable behaviors. The school shall conduct an evaluation, which is requested during the time period such a student is subjected to disciplinary measures, in an expedited manner. Until the evaluation is completed, such a student shall remain in the educational placement determined by the school, which can include suspension or expulsion without educational services.
 - vi. Notwithstanding the foregoing, the school may report a crime committed by a special education student to appropriate authorities. In the event of such a report, the school shall ensure that copies of the student's special education and disciplinary records are transmitted for consideration by the appropriate authorities to whom the crime is reported, to the extent transmission of the records is permitted by the Family Educational Rights and Privacy Act (FERPA).

27. Staff Qualifications

- a. All employees of the school funded in whole or part with federal excess special education funds will meet the standards established by the BIE.
- b. All employees will hold such credentials, certificates or permits as are now or hereafter required for the particular position of employment and shall meet such supplemental standards established by the school. Additionally, the school will make positive efforts to employ and advance qualified individuals with disabilities in employment.



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- c. All special education teachers providing, designing, supervising, evaluating or monitoring the provision of special education shall possess “substantial professional training.” This shall be shown by the issuance of an appropriate special education endorsement on an individual teaching certificate issued by the superintendent of public instruction.
 - d. In the event a special education teacher does not have a certificate endorsed in special education, a school may apply for a pre-endorsement waiver through the special education section of the OSPI. To qualify for the special education pre-endorsement waiver, the teacher must meet Washington State Board of Education criteria.
 - e. If the school must temporarily assign a classroom teacher without a special education endorsement to a special education position, the school's principal will document in writing that:
 - i. The school is unable to recruit a teacher with the proper endorsement who was qualified for the position; and/or
 - ii. The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practical; and/or
 - iii. The reassignment of another teacher within the school would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned to the other teacher.
 - f. If one or more of these criteria can be documented and the school determines that a teacher has the competencies to be an effective special education teacher and the teacher has completed six-semester hours or nine-quarter hours of course work which are applicable to the special education endorsement.
 - g. Classified staff will present evidence of skills and knowledge necessary to meet the needs of students with disabilities. The school will provide training to classified staff to meet the BIE recommended core competencies.

28. Personnel Development

In order to provide a staff development program to improve the quality of instructional programs, the following procedures will be employed:

- a. Special education concerns will be identified through a staff needs assessment completed by administrators, teachers, and educational staff associates. In alternate years, input on a special education needs assessment will also be sought from Para educators and parents.
- b. Training must be provided annually to all personnel who may be providing aversive interventions under a student’s IEP.



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- c. In-service training schedules will be developed based upon the results of the school assessment and in support of needs identified. The school increasingly provides training for combined groups of general and special education teachers on key issues/skills appropriate for all such staff (e.g., research-based educational interventions for lower-quartile students; effective teaming strategies for a tiered literacy model in schools; universal assistive technology applications that serve lower-quartile students).
 - d. Training activities will be conducted for regular general and special education staff, staff of other agencies and organizations.
 - e. Training for classified staff in the recommended core competencies will occur through tracking the individual classified staff members progress in these competencies. Based on what the staff member still needs training in, that individual is provided appropriate training experiences. When possible, training is done within the school. If that is not possible, outside (e.g., ESD) training options are used.

29. Conflict of Law

To the extent that any conflict arises between these policies and procedures and any applicable federal law or the BIE's "Notice of Procedural Safeguards," such conflict(s) shall be resolved in favor of first the applicable federal law, then the "Notice of Procedural Safeguards," and then the Lummi Nation Special Education Policies and Procedures.



GRADUATION REQUIREMENTS

The State of Washington and the Bureau of Indian Affairs has established the following graduation requirements.

A minimum of 23 credits must be earned. Students earn .25 credits per quarter for each class passed. Courses are classified as REQUIRED or ELECTIVE by State Legislature, the State Board of Education or the Lummi Education Commission. All students must pass the REQUIRED courses before graduation; ELECTIVE courses are chosen to meet individual need of students.

REQUIRED CLASSES	MINIMUM CREDITS
Language	4
Science	2.5
General Science	
Health	
Mathematics	3
Social Studies	3
World History	
US History	
Native American History	
WA State History	
Culture	2
Art	1
Vocational	2
Physical Education	2
Health	.5
Electives	3
TOTAL CREDITS REQUIRED	23

*Applies to High School students only.



GRADING SYSTEM:

Lummi Nation School is following the standard Washington State transcript format.

A = 4.0

B = 3.0

C = 2.0

D = 1.0

F = 0.0

Incompletes need to be made up within 2 weeks of new semester start

NC (No Credit): excessive absences

D (Pass): no effect on GPA non-fail



STUDENT PERFORMANCE AND PROGRESS REPORTS:

Lummi Nation School operates on a quarterly schedule with reports being sent home on a quarterly basis and at the end of the year (see calendar). Teachers also have the option of sending home mid-quarter progress reports. It is important for the home and school to be in regular communication to monitor student's progress. Communicate with your child's teacher often and/or whenever you expect a potential problem. Early intervention can avoid many larger problems which may surface later on if not dealt with immediately.



REPORT CARDS:

Report cards will be issued quarterly; see school calendar for specific dates. Parents are encouraged to contact teachers frequently with questions and/or concerns.

HOMEWORK EXPECTATIONS:

At Lummi Nation School, we will be assigning homework for a variety of purposes and / or to enhance student learning.

Why Assign Homework?

Homework is assigned for a variety of purposes to include:

- Enhancing student achievement and bring forward prior learning.
- Helping students become self-directed, independent learners.
- Developing strong work habits.
- Checking for understanding to assess teaching and learning.
- Practicing key learnings and to provide reinforcement.
- Mastering specific skills which have been presented in class.
- Gaining the maximum benefits from future lessons.
- Applying specific skills or concepts to new situations.
- Requiring students to integrate many skills and concepts in order to set the stage for the next day's learning.

How Much Homework Should Be Assigned?

A general guideline to answer the question of how much homework is approximately ten (10) minutes multiplied by the student's grade in school. For example, forty (40) minutes for a 4th grader is a reasonable expectation.

To be effective, homework should be directly related to classroom learning and appropriate for the individual student. Students need to know the purpose of homework. Ideally, homework would be a link between the current day's and the next day's lesson. Teachers will clearly define how homework will be used in the next day's lesson and teach and re-teach the expectation for the completion of homework. Completion of homework should be part of the grading system.

The suggested average time length for homework by specific grade levels:

- Primary Grades (K-3) – occasional assignments in kindergarten; an average of fifteen (15) minutes per day for grades 1 and 2; and an average for grade 3 of thirty (30) minutes per day (Monday through Thursday).
- Immediate Grades (4-6) – an average of thirty to sixty (30-60) minutes per day (Monday through Thursday).
- Middle School Grades (7-8) – an average of sixty to ninety (60-90) minutes per day.
- High School Grades (9-12) – an average of sixty to one hundred twenty (60-120) minutes per day.
- In the absence of assigned homework, students should read for the same length of time.



How Can Parents Help With Homework?

- Ask your student about homework.
- Provide encouragement and support.
- Show interest in your child's work.
- Assist students to develop good study habits by providing a comfortable, well-lit area free from distractions.
- Ask to see your student's daily planner.
- Make studying a habit and be consistent with your expectations for completion. Set aside a time for homework each day.
- Eliminate interruptions; no phone or TV until homework is completed.
- Evaluate your student's activities to be sure there is sufficient time to study and to participate in family or other activities.
- Praise the finished product and your student's efforts to get there.
- Confer with teachers regarding homework concerns.
- Follow-up on homework assignments by asking to see homework once it has been returned by the teacher.
- Don't expect to know all the content, but do make sure the work has been completed.
- Don't do the homework for your student.
- Encourage your student to read, in the absence of assigned homework.

Developed by Math Curriculum Alignment Committee, August 2004

HOMEWORK REQUEST PROCEDURES:

If your student is going to be absent for 2 or more days, please call the appropriate school office and request homework. We need at least 12 hours notice. Please tell the office when you will pick up the homework assignment.

HOW TO CONTACT A TEACHER:

Please call Lummi Nation School and request your student's teacher's voice mail. Leave the time, date of your call and a phone number where you can be reached. Classrooms will not be interrupted during instructional time for phone calls.

REQUEST FOR HOMEWORK:

If your student is going to be absent for 2 or more days, please call the appropriate school office and request homework. We need at least 12 hours notice so that homework will be available to you. Please tell the office when you will pick up the homework assignment.



ADMISSIONS POLICY

AGE REQUIREMENTS:

In accordance with Washington State Law (RCW 28A.225) and the Lummi Truancy Code, all children between 5 and 18 years of age are required to attend school. Once a child turns 18 years of age, it is at the discretion of the superintendent or designee to continue enrollment. Students receiving special education services may attend school until the child reaches 22 years of age (RCW28A.155.020).

ADOPTED: March 23, 2005

ENTRANCE QUALIFICATIONS:

To be admitted to a kindergarten program which commences in the fall of the year, a child must be five years of age as of midnight on September 1 of that school year. Five year old students may be advanced to higher grade levels if, in the principal's judgment, and with parent agreement, such advancement will best serve the needs of the student.

To be admitted to a first grade program which commences in the fall of the year, a child must be six years of age as of midnight on September 1 of that school year. However, five year old students may enter first grade if they have successfully completed either a public or private kindergarten program which has basic education program standards equal to or exceeding the requirements of Lummi Nation School District; excepting that LNS has the option of placing the child in either kindergarten or the first grade for evaluation if it has reason to believe that a child may not succeed in the first grade. A final determination of grade placement shall be made no later than thirty calendar days following the child's first day of attendance.

PLACEMENT

The decision of where to place a student seeking admission to the district rests with the principal. Generally students meeting the age of admission requirements or transferring from a public or private school shall be placed in kindergarten or first grade, or the grade from which they transferred. The principal shall evaluate the educational record and assessments of all other students to determine their appropriate placement.

References: Lummi Code of Laws, Title 8.04.025(b) Definition of "Child"
Interlocal Agreement, p. 5

ADOPTED: April 18, 2011



ATTENDANCE POLICY

Regular attendance is critical for the mastery of the educational program provided to students of Lummi Nation School. Lummi Nation realizes that students may at times be absent from class. This policy shall govern the development and administration of attendance procedures within Lummi Nation.

For the purpose of these procedures, the term "parent" means a custodial parent, legal guardian, or other person having legal custody of a child, or, in the case of adult students (those 18 or older) and emancipated students (those over 16 who have been emancipated by court action), the student himself or herself.

EXCUSED ABSENCES

Students may be temporarily excused from school attendance due to:

1. Illness or health condition;
2. A religious or cultural event, when requested by the student's parents;
3. Family emergencies, including funerals and bereavement;
4. School sponsored event or pre-arranged planned travel;
5. Court appointments; or
6. Disciplinary exclusion from class, short-term and long-term suspensions.

In addition, the principal may temporarily excuse a student for agreed reasons upon the request of a parent provided that the absence will not adversely affect the student's educational progress. Under this authority, the principal or designee may excuse a student from a portion of a school day to participate in off-campus functions, such as cultural or religious events. If a student is not sound academically the principal or designee has the right to deny the parent's request and look at other possible options.

If an absence is excused, the student should be permitted to make up missing assignments and tests outside of class and under reasonable conditions and time limits based on teacher discretion. An excused absence shall be verified by the parent or school authority responsible for the absence.



UNEXCUSED ABSENCES

As a means of instilling values of responsibility and personal accountability, a student whose absence is not excused shall experience the consequences of his/her absences. A student's academic grade or credit in a particular subject or course may be greatly affected by reason of absence or tardiness, and disciplinary action may be imposed.

The school will notify a student's parent about unexcused absences, and where required by law or otherwise appropriate. Lummi Nation School will also document all contact with parents and keep copies of all mailed letters. It is the goal of Lummi Nation to work with both parent and student to eliminate academic failure through excessive attendance issues. Attendance conferences and attendance contracts will be created. In addition, all avenues to ensure academic success will be made on behalf of the staff at Lummi Nation School.

ESTABLISHMENT OF SCHOOL PROCEDURES

The principal or designee, Education Director and Lummi Nation School Board shall develop procedures to implement this policy. In addition, the building K-12 shall develop guidelines to ensure the consistent enforcement of this policy and the administrative procedures appropriate to students at Lummi Nation.

DISSEMINATION OF INFORMATION

Because the full knowledge and cooperation of students and parents are necessary for academic success at Lummi Nation School and to enforce this policy, a description of the policy and implementing procedures shall be disseminated to all students and parents annually.

ATTENDANCE MANAGER

The K-12 principal or designee shall appoint an attendance manager to aid in the enforcement of attendance law and this policy. The attendance manager of the school district through its attorney may take appropriate legal action to enforce the compulsory attendance laws.

Reference: Lummi Code of Laws, Title 8.04 School Truancy
Interlocal Agreement, p. 7-9



ATTENDANCE PROCEDURE

EXCUSED AND UNEXCUSED ABSENCES PROCEDURE

Students are expected to attend all assigned classes and programs. Teachers will keep a record of all absences and tardies. The teachers' attendance records will be the official record. High school students are required to have seventy-five (75) hours of seat time per semester in every class to receive credit for that particular class.

Students are only allowed to miss a total of twelve (12) days per semester and twenty-four (24) days per academic school year. **Absences include both excused and unexcused.** At the high school level (grades 9-12), students who have twelve (12) or more absences in ANY class period for the semester will be automatically dropped and receive zero credit, unless the student has been placed as inactive. Tardies will be accumulated and included into student absences. Three tardies (excused and/or unexcused) will result in one absence. When a student is at least ten (10) minutes late to class, they will receive a tardy. The following types of excused absences will not be included when applying this rule: (1) absences resulting from school-sponsored activities; and (2) absences resulting from a disability protected under the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act.

EXCUSED ABSENCES

Written or verbal notice of the absence by the parent or guardian to the school within three (3) school days of an absence will be used to establish the absence as excused.

The following are valid excuses for absences and tardiness.

A. Participation in a school-approved activity.

- To be excused, an absence must be authorized by the principal or designee.
- Letters will be sent home to parents authorizing appropriate school-approved activity and signature must be obtained prior to the school's approval.
- Teaching staff will also be informed of absences.

B. Absences due to illness, health condition, family emergency.

C. Temporary absences for agreed activities upon parental request and verification.

Upon parental request, the principal or designee and/or his/her designee may temporarily excuse a student for agreed upon reasons. To request a pre-approved absence, the request must be in writing in advance and should state the reason and duration of the requested absence. If the absence is likely to cause a serious adverse effect on the student's educational progress at Lummi Nation School, then the request for absence will be denied. A notification letter of the approval or denial for a pre-approved absence will be sent home.



D. Temporary absences for agreed Cultural and/or religious activities upon parental request and verification.

Upon parental request, the principal and/or his/her designee may temporarily excuse a student for agreed reasons. The request **MUST** be submitted in writing in advance and should state the reason and duration of the requested absence. If a student is initiated into Seowyn for cultural purposes for an extended length of time, students will be withdrawn from Lummi Nation School and placed as inactive. When a student has been released from the winter ceremony, at the parents request in writing, Lummi Nation School will re-enroll and activate the student.

E. Absences resulting from disciplinary actions or suspensions.

Absences due to the temporary exclusion of a disruptive student from a class or activity, short-term suspension, or long-term suspension are deemed “excused” for the attendance purposes.

Assignments and/or activities not completed because of an excused absence other than a long-term suspension maybe made up in a timely manner, per teacher discretion. In a participation-type class (e.g. music, shop, drama, or physical education) the student may not be able to achieve the objectives for the unit of instruction as a result of the absence. In such a case, an excused absence will have an adverse effect on the student’s educational progress which would ultimately reflect in the grade for the course.

EXTENDED ILLNESS

If a student is confined to home or hospital for an extended period of time, the school shall arrange for the accomplishment of assignments at their location of confinement whenever possible. The parent can also contact the Director of Student Services and/or principal or designee to determine whether the student qualifies for Home and Hospital Instruction. If the student is unable to do his/her school work, or if there are major requirements of a particular course that cannot be accomplished outside of class, the student may be required to withdraw from the course without penalty.

CHRONIC HEALTH CONDITIONS

Students who are not in Special Education and who have a chronic health condition that interrupts regular attendance may qualify for placement in a limited attendance and participation program. The student and his/her parent shall apply to the Director of Student Services and/or principal or designee with legitimate documentation from the student’s medical advisor. Documentation must be in writing and must specify the chronic health condition(s) and recommendations for Lummi Nation School. Approval by the principal and Director of Student Services is required.



UNEXCUSED ABSENCES

Any absences where a legitimate excuse, as defined above, is not adequately documented shall be deemed unexcused.

One (1) Unexcused absences within any month: The school will notify the parents by a phone call.

Two (2) Unexcused absences within any month: The school will notify the parents by a phone call.

Three (3) Unexcused absences within any month: The school will notify the parents by a phone call.

Four (4) Unexcused absences within any month: A conference shall be held between the parent, student and principal or his/her designee at a time and place reasonably convenient to all persons. The purpose of this conference shall be to analyze the causes of the student's absences and take the appropriate steps to eliminate or reduce the student's absences. There is a phone call to schedule the conference and letter sent home.

Five (5) Unexcused absences within any month: If a student has five (5), unexcused absences in a month in which he/she has failed to attend the majority of hours or periods in an average school day, the principal and/or his/her designee shall either establish an attendance contract agreement with the student and parents which sets requirements for school attendance, or refer the student to the district's attendance officer who shall file an appropriate petition with the juvenile court. Parents will be notified by a phone call.

Seven (7) Unexcused absences: If a student has seven (7) unexcused absences in a month or ten (10) in a semester, in which he/she has failed to attend the majority of hours or periods in an average school day and the corrective action to correct the attendance problem is not successful, the principal and/or his/her designee shall forward to the district's attendance manager the following information on the student for truancy court and/or petition.

- Students name, birth date, address, and phone number.
- Parent or guardian's name, address, and phone number.
- Attendance records.
- Summary of contacts with parent.
- Summary of all meetings held with the student and parent regarding attendance concerns.
- Summary of all corrective actions taken and their results.
- Copies of all letters sent to parents.
- Copy of the student's Individual Educational Plan, if in Special Education.
- Summary of the student's current educational status, and
- Any other information the principal and/or his/her designee considers relevant.



The attendance manager shall file an appropriate petition with the juvenile court system for any student with seven (7), unexcused absences in a month or ten (10) in a semester school year. The attendance manager shall also review the information on students with the other attendance issues and determine on an individual basis what action, if any, shall be taken. All parents will be notified by phone. A certified letter will be mailed home documenting the request of petition with the court system. The parent liaison will hand deliver letters informing parents what the next steps are or will be.

If a student has been withdrawn from Lummi Nation School and placed as in-active due to excessive attendance, students and family have the right to set up a conference with the attendance manager and principal or designee to discuss the appeal process. If an appeal seems necessary, the student and his or her parent or guardian may appeal the decision under the Lummi Nation School Appeals Procedure.

SCHOOL PROCEDURES

Principal and/or his/her designees shall meet annually with the school board to review the building attendance guidelines to assure that they are effective and consistent across Lummi Nation and with Lummi Nation policy and procedures.

ATTENDANCE MANGER

The attendance manager shall assist in the enforcement of these procedures.

Reference: Lummi Code of Laws, Title 8.04 School Truancy
Interlocal Agreement, p. 7-9



NON LUMMI NATION SCHOOL STUDENTS

Any student who attended a school other than the Lummi Nation School in the previous year may apply to attend Lummi Nation Schools. All applications for non Lummi Nation School students will be considered on an equal basis. The Lummi Nation Schools will accept qualified non Lummi Nation School students in each school year so long as such acceptance does not constitute a financial hardship for the Lummi Nation Schools.

A parent or guardian shall apply for admission on behalf of his or her child by completing the appropriate Lummi Nation School application. The education director shall develop an application form which contains information including, but not limited to, the current legal residence of the child and the school district/school system in which he or she is currently enrolled or receiving home-based instruction, the basis for requesting release from the resident district and the specific building and grade level (elementary) or course offerings (secondary) in which the student desires to be enrolled if accepted by the Lummi Nation Schools.

The Lummi Nation Schools will accept or reject an application for a non Lummi Nation School student admission based upon the following standards:

- A. Whether space is available in the grade level or classes at the building in which the student desires to be enrolled;
- B. Whether appropriate educational programs or services are available to improve the student's condition as stated in requesting release from his or her prior school district/school system; and
- C. Whether the student's attendance at the Lummi Nation School is likely to create a risk to the health or safety of other students or staff.
- D. Whether the Lummi Nation Schools has already accepted as many non Lummi Nation School students for the school year as permitted by this policy.
- E. Whether the student's disciplinary records indicate a history of violent or disruptive behavior; gang membership (a gang means a group of three or more persons with identifiable leadership that on an ongoing basis regularly conspires and acts in concert mainly for criminal purposes); or truancy.



- F. Whether the student has been expelled or suspended from another school for more than ten consecutive days, in which case the student may apply for admission under the Lummi Nation School's policy for readmission of expelled students.

The principal shall make the initial decision as to whether to accept or deny the student. The education director in a timely manner shall provide all applicants with written notification of the approval or denial of the application. If the student is to be admitted, the education director shall notify the student's prior school district/school system and make necessary arrangements for the transfer of student records.

If the applicant is denied, the education director will notify the parent or guardian of the right to request the board review the denial of admission. The parent or guardian must provide written notice of their request for board review within ten school days of receipt of the denial letter. The board shall meet within five school days of the receipt of the parent or guardian's written request and make a recommendation to the education director for acceptance or denial of the student's admission. The education director shall make the final decision regarding admission no later than two school days after the recommendation of the board has been made.

During the admissions process, the Lummi Nation School administration shall encourage the student to remain in his or her current school until a final decision regarding admissions has been made.



MEDICAL – DENTAL APPOINTMENTS:

Please make every effort to schedule appointments around regularly scheduled classes. When an appointment must be scheduled during school hours, the student should bring evidence of the appointment to the office on the day of the appointment and must check out when their parent/guardian picks them up. If a student returns to school the same day, he/she must check back in to the office immediately upon arrival back to school. When several appointments must be scheduled during school hours, times should vary to avoid continually missing the same instruction/class.

Our closed campus policy requires that students always check in and out of the office to account for all classes missed. Failure to comply will result in unexcused absences for all time/classes missed and disciplinary action.

For security purposes, a one-day in-school suspension may occur and the student and his/her belongings may be searched by an administrator when a student has left campus without parent approval and/or checking out and in with the office. Students are not to leave campus during the school day without following attendance guidelines.



HALL PASSES

Any student out of class for any reason must have a hall pass signed by the teacher who excused that student to travel to a specific location. This pass must be dated, state student's destination, and indicate the time the student left class and when they return to class. Hall passes are valid for no more than 5 minutes. Students who are out of class without a hall pass will be considered truant.



STUDENT'S RIGHTS AND RESPONSIBILITIES

Students have the right to:

- Appropriate instruction daily at the correct level of difficulty by highly qualified, dedicated and caring faculty members.
- A meaningful education that will be of value to them now and in the future.
- A physically safe environment that is free from bullying, harassment, intimidation, and with the protection of personal property.
- A culturally sensitive and rich experience.
- Expect assistance and consultation from professional and highly qualified special services staff.
- Expect fair and just treatment from school authorities, and freedom from mistreatment and physical abuse.
- Consistent disciplinary action with due process

Students have the responsibility to:

- Arrive to school and class on time on a daily basis
- Bring necessary supplies to be academically successful.
- Come with proper rest, appropriate dress, and cleanliness.
- Be aware of all rules and student expectations for appropriate behavior.
- Conduct themselves in a manner which will not disturb their education or the education of others.
- Respect the rights of others and exercise good judgment in self-discipline.
- Do their personal best to complete daily assignments and homework.
- Treat teachers, staff and fellow students with respect.
- Express their opinions and ideas in a positive and respectful manner.



HARASSMENT, INTIMIDATION, AND BULLYING:

“Harassment, Intimidation or Bullying” means any intentional written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), (race, color, religion, ancestry, national origin, gender, sexual orientation or mental or physical disability), or other distinguishing characteristics when the intentional written, verbal or physical act brings physical harm to a student or damages student’s property, interferes with a student’s education, or is so severe, persistent, or pervasive that it creates an intimidating and/or threatening educational environment. In addition to traditional means of Harassment, Intimidation or Bullying, Cyber Bullying is also prohibited. Cyberbullying occurs when someone harasses, torments, threatens or humiliates someone else using technology — including text messages, social media sites, email, instant messages and websites. Harassment, intimidation, bullying and cyber Bullying will not be tolerated at the Lummi Nation School.

SEXUAL HARASSMENT:

LNS students can report discrimination and discriminatory harassment to any school staff member or to the district's Civil Rights Coordinator, listed below. You also have the right to file a complaint (see below). For a copy of your district's nondiscrimination policy and procedure, contact your school or district office or view it online here:

<https://www.lnsonlinelearning.org/>

Dr. Kevin Villars / Title IX Coordinator and Civil Rights Coordinator (360-758-4318) Dr. William Hill / Gender Inclusive School Coordinator (360-758-4497) Willetta George / 504 Coordinator (360-758 4319)

SEXUAL HARASSMENT

Students are protected against sexual harassment by anyone in any school program or activity, including on the school campus, on the school bus, or off-campus during a school-sponsored activity.

Sexual harassment is unwelcome behavior or communication that is sexual in nature when:

- A student or employee is led to believe that he or she must submit to unwelcome sexual conduct or communications. In order to gain something in return, such as a grade, a promotion, a place on a sports team, or any educational or employment decision.
- The conduct substantially interferes with a student's educational performance or creates an intimidating or hostile educational or employment environment.

Examples of Sexual Harassment:

- Pressuring a person for sexual favors
- Unwelcome touching of a sexual nature
- Writing graffiti of a sexual nature
- Distributing sexually explicit texts, e-mails, or pictures
- Making sexual Jokes, rumors, or suggestive remarks
- Physical violence, including rape and sexual assault.

SEXUAL HARASSMENT:

You can report sexual harassment to any school staff member or to the district's Title IX Officer, who is listed above. You also have the right to file a complaint (see below). For a copy of LNS district's sexual harassment policy and procedure, contact your school or district office, or view it online here: <https://www.lns-onlinelearning.org>

COMPLAINT OPTIONS: DISCRIMINATION AND SEXUAL HARASSMENT

If you believe that you or your child have experienced unlawful discrimination, discriminatory harassment, or sexual harassment at school, you have the right to file a complaint. Before filing a complaint, you can discuss your concerns with your child's principal or with the school district's Section 504 Coordinator, Title IX Officer, or Civil Rights Coordinator who are listed above. This is often the fastest way to resolve your concerns.

Dr. Kevin Villars / Title IX Coordinator and Civil Rights Coordinator (360-758-4318)
Dr. William Hill / Gender Inclusive School Coordinator (360-758-4497)
Willetta George / 504 Coordinator (360-758 4319)

Complaint to the School

Step I. Write Our Your Complaint

In most cases, complaints must be filed within one year of the date of the incident or conduct that is the subject of the complaint. A complaint must be in writing. Be sure to describe the conduct or incident, explain why you believe discrimination, discriminatory harassment, or sexual harassment has taken place, and describe what actions you believe the district should take to resolve the problem. Send your written complaint- by mail, fax, email, or hand delivery- to the district superintendent or civil rights compliance coordinator.

Step 2: Lummi Nation School: Investigates Your Complaint Once the district receives your written complaint, the coordinator will give you a copy of 'the complaint procedure' and make sure a prompt and thorough investigation takes place. The Education Director or designee will respond to you in writing within 30 calendar days- unless you agree on a different time period. If your complaint involves exceptional circumstances that demand a lengthier investigation, the district will notify you in writing to explain why staff need a time extension and the new date for their written response.



SEXUAL HARASSMENT:

Step 3: School District Responds to Your Complaint

In its written response, Lum mi Nation School: will include a summary of the results of the investigation, a determination of whether or not the district failed to comply with civil rights laws, notification that you can appeal this determination, and any measures necessary to bring the district into compliance with civil rights laws. Corrective measures will be put into effect within 30 calendar days after this written response unless you agree to a different time period.

Appeal to the school Board

If you disagree with the school decision, you may appeal to the Lummi Education Board. You must file a notice of appeal in writing to the secretary of the school board within 10 calendar days after you receive Lum mi Nation Schools response to your complaint. The school board will schedule a hearing within 20 calendar days after they receive your appeal unless you agree on a different timeline. The Lum mi school board will send you a written decision within 30 calendar days after the district receives your notice of appeal. The school board's decision is final.



STUDENT DRESS

Students are expected to wear clothing that is not offensive to anyone and that does not distract from the education process. Personnel appearance guidelines are difficult to interpret because clothing decisions may be a result of fashion trends, individual needs and taste and personal dictates. Community groups may vary in the way they view dress guidelines. So that we can concentrate on improving student achievement and focus our efforts on that direction, the following guidelines are in effect:

1. Clothing that disrupts learning is not appropriate for school and students will be asked to change their clothes. Provocative clothing is inappropriate as well.
2. Parents will be encouraged to monitor appropriate student dress to support, in collaboration with the school, a learning environment without distraction or disruption.
3. Apparel items posing a threat to safety of the school, and/or community are not to be worn in school (i.e. chains, studded accessories, etc.)
4. Generally, recesses will be outside except during extremely inclement weather. Students should be dressed appropriately for the weather conditions of the day. If you wish for your child to remain indoors or to limit participation in outside activities because of recuperation from an illness, please send a written request.
5. Clothing that advertises tobacco, drugs, alcohol, gangs, or profanity is **ABSOLUTELY UNACCEPTABLE**. Those students will be instructed to change or will be sent home until proper clothing is worn.
6. Students are **NOT** allowed to wear revealing clothing of any kind. Students wearing ripped jeans should not have any rips that reveal any private areas. Skirts and shorts, when worn should be at the length that does not show any private area. Students found to be in violation of the above policy will be sent to the office and will be required to change clothing or sent home with a parent.
7. Bandanas of any color are not allowed at school, with the exception of one being related to cultural ceremonies.
8. Colors worn to signify gang affiliation will not be tolerated. This could include, but not be limited to, predominately dress in red, red/black, blue, or blue/black. Any group, which sets itself apart by a unique or specific mode of dress, could be questioned. It is the role of the staff and administration to determine the safety of an issue. Symbols such as "CK", "BK", or marijuana or other drug symbols on shirts, hats, shoes, jewelry, or other clothing are not acceptable.
9. Sponsors of athletic and extracurricular activities will also be expected to have students adhere to the above guidelines.

SEARCH AND SEIZURE

Lummi Nation School seeks to ensure a school climate which promotes learning and assumes the safety and welfare of students and school personnel. To assist in attaining these goals, school officials may search the person and personal property including school desks and storage areas, student vehicles, and seize property decided injurious or detrimental to the safety and welfare of students and personnel if school officials have reason to believe that an illegal act or a violation of school rules and regulations is being committed or is about to be committed.

The following definitions are provided to assist in the implementation of search and seizure guidelines:

1. “Reasonable Suspicion” means sufficient knowledge possessed by the school official at the time the search is authorized and/or conducted. The districts representative’s knowledge may be based on relevant past experience, observation and/or credible information from another person.
2. “Past Experience” may provide the school representative with information relevant to the possibility of violation as well as information which enables the school official to evaluate the credibility of information from another person.
3. “Credible Information from Another Person” may include information which the school official reasonably believes to be true provided by another employee, a student, a law enforcement or other government official, a parent or some other person.
4. “Reasonable in Scope” means that the manner, frequency and extent of the search are reasonably related to the objectives of the search, limited to the student or students most likely to be involved in the infraction, and not excessively intrusive in light of the student’s age, sex, maturity and the nature of the infraction.

Before making a search, the school representative should ordinarily ask the student to empty the contents of the desk, storage area, clothing, vehicle or personal property.

If a student refuses consent, the school representative may search for the evidence after evaluating student and staff safety using the least intrusive search methods available. Refusal to consent may be considered defiance and may result in discipline. The school representative may elect to contact the student’s parents or contact law enforcement officials to assist with the search.



SEARCH FOR EVIDENCE

1. A search may be conducted of an individual student or the personal property of a student. Personal property of a student includes but is not limited to wallets, purses, lunch boxes/sacks, book and/or athletic bags, back packs, or other containers used to carry belongings and a car brought by the student to campus and parked, as required, on school property.
2. All searches shall be based on reasonable suspicion and shall be reasonable in scope.
3. Searches will generally be conducted by the building principal. In certain circumstances, Lummi Tribal Police may assist the principal.
4. The student will generally be permitted to be present during the search of a student's personal property. The student's presence is not required.
5. Search of a student will be limited to the student's clothing. A search of the clothing may include the search of a container inside the clothing.
6. A school official of the same sex as the student will conduct the search of a student, except in emergency / dangerous circumstances.
7. Searches of a student will be conducted in privacy, out of the view of other students, staff, etc. and in the presence of an adult witness of the same sex as the student, except in emergency / dangerous circumstances.
8. The school will attempt to notify parents of students involved in a search.

STUDENT RECORDS / CONFIDENTIALITY:

A student's parents or an eligible student has the right to:

- Inspect and review the student's educational needs
- Request the amendment of a student's educational needs to ensure that they are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights.
- Consent to disclosure of personally identifiable information contained in the student's education needs, except to the extent that the applicable state or federal law authorities disclosure with consent.

The district will forward requested information within 10 days of receiving the request.

When a student transfers from the district to another school, all the student's cumulative record shall be sent to the new school.

The school may, without the consent of the student or his or her parents, release records to officials other than the student's own school or school district in which the student intends to enroll. Prior to the release, the student's records, parents shall receive a copy of the records and notification of an opportunity for a hearing to challenge the content of the records.

No other person, agency, or organization may have access to a student's records, except under the following conditions:

- By the student or his or her parents, upon proper request to the appropriate district official. Access to the records must be made available no later than 20 days after the request is made. A district official competent in interpreting student records must be present to explain the records to be examined.
- By any other person, upon the written consent of the student's parents, specifying the records to be released, the reasons for such release, and to whom. A copy of the records to be released shall be sent to the student's parents, if requested.
- By any other person, in compliance with a judicial order or pursuant to any lawfully subpoena. Parents and the student shall be notified of all such orders or subpoenas in advance of compliance.

All persons, agencies or organizations desiring access to the records of a student shall be required to sign a form to be kept permanently with the file of the student, but only for inspection by the parents or student, indicating specifically the legitimate educational or other interest that the person, agency, or organization has in reviewing the records. The form shall be available to parents and to the district official responsible for record maintenance as a means of auditing the operation of the system. When a student reaches 18 years of age or is attending an institution of post-secondary education, the permission or consent required of and the rights afforded to the parents of the student shall thereafter be accorded only to the student.



STUDENT CODE OF CONDUCT

It is our desire to establish a safe and orderly learning environment with an atmosphere that is conducive to learning and where students respect each other as well as adults. Lummi Nation School K-12 expectations:

- **I am respectful of myself and others**
- **I treat personal and school property with respect**
- **I create and maintain a safe and positive environment**
- **I act responsibly and accept consequences for my actions**
- **I am prepared to learn**
- **I am taking responsibility for my learning**

Developed and approved by Lummi Nation School Staff
August 2004



GENERAL RULES

- Respect and common courtesy are the expectations for all staff and students.
- Students are not to be in classrooms or the library without adult supervision and/or staff permission.
- Students will be considered truant if they leave school without written permission from an administrator.
- Fighting is not tolerated; disagreements need to be resolved in a respectful manner. Staff are available to assist with problem solving and conflict resolution.
- Pets are not allowed at school unless the bus driver and teacher request their presence for special projects with written permission.
- Dependent children are not allowed in the classroom without written permission from a principal.
- All students are expected to respect and care for all property. Any student found damaging or writing on school property will be expected to pay for damage. Willful destruction or defacement of school property is cause for suspension, and Lummi Law and Order will levy financial charges for vandalism.
- Degrading statements are offensive and inappropriate. They will not be tolerated on assignments, chalkboards, and bulletin boards, or as decorations on notebooks, book bags, clothing, etc. Examples of such offensive material include but are not limited to any gang related symbols, nick names, abbreviations, racist or other prejudicial material, or anything that promotes violence, substance abuse, or the degradation of human beings.
- Students are not to remain on school grounds after school unless they are attending an extracurricular activity or have written permission from staff supervising student.
- Illegal substances, firearms, knives and other weapons, explosives, poisons, or other dangerous substances are not allowed on campus. Violation of this rule is a serious offense and likely will result in immediate expulsion under Lummi Nation Zero Tolerance Policy.
- Adhere to electronics use policy.
- Teachers, bus drivers, and other staff will establish specific policies for their classrooms and programs in accordance with the Lummi Nation Student Code of Conduct. Students are expected to comply with these expectations.
- Daily class attendance is the expectation for students to be academically successful.
- No smoking will be permitted on the campus, on school transportation, or at school sponsored events.
- Gang related signing is not permitted.



ACADEMIC HONESTY

It is the responsibility of Lummi Nation School to strongly promote academic honesty and integrity on the part of all students grades K-12. Cheating will not be tolerated. Any student caught cheating will receive a grade of zero on the assignment or exam.

Furthermore, in the event of a second offense, a conference with the student's parents will be held and may result in the student being removed from class with loss of credit and further disciplinary action.

Cheating includes all counts of academic dishonesty such as supplying or receiving information during a test, copying tests or homework, allowing others to copy your work, obtaining test answers or questions beforehand, using unauthorized materials, including telecommunication devices and cameras during a test, using a project or paper in a second class without teacher permission, using the ideas or writing of others as your own (plagiarism) including materials retrieved electronically (articles, papers, projects, encyclopedia sources, magazine / newspaper articles and other similar materials).



**NO PERSONAL MUSIC IN THE BUILDING OR ON SCHOOL GROUNDS /
TRANSPORTATION:**

Follow electronics use policy.



GANG RELATED POLICY:

NO STUDENT

Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other thing which evidence of membership or affiliation with any gang.

Shall draw gang graffiti or distribute gang-related literature.

Shall use any speech or act in furtherance of gang activity.

Shall solicit others for membership in any gang.

Shall request any person to pay protection or otherwise act to extort any person.

Shall commit any other illegal act or other violation of school district policies.

Shall incite other persons to act with physical violence upon any other person.

Shall attend any activity that could be interpreted as relating to gangs or gang activity.



SCRIPT/GRAFFITI:

Graffiti is not to be written on walls, desks or any other school property. Gang graffiti cannot be written on personal property at school, and schoolwork will not be accepted with gang graffiti or other inappropriate comments, remarks on it.



WEAPONS:

Certain actions damaging to people, property, or the educational process are classified as serious student misconduct and have significant consequences. Parents will be notified, and consequences will be imposed. When appropriate, students may be referred to the police.

Weapons, Dangerous Instruments, or Explosives:

Possession or use of firearms, a dangerous instrument, or explosives (fireworks are considered explosives and by state law fall into this rule): *A student shall not knowingly possess, handle, or transmit an object that can reasonably be considered a weapon:*

- a. On the school grounds at ANY TIME;
- b. Off the school grounds at any school activity, function, or event while en route between home and school

It **does apply** to any firearm (whether real or toy), air or pellet gun, any explosives (including firecrackers), any knife, and other dangerous objects. **Penalty includes SUSPENSION or EXPULSION for a least a year and notification of the police. RCW 28A.600.420.** Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, state school for the deaf, or state school for the blind may modify the expulsion of a student on a case-by-case basis.

POSSESSION OF WEAPONS/CONTROLLED SUBSTANCES/PARAPHERNALIA:

If a student is found to be in possession of a weapon (firearm, knife or bladed weapon of any size, explosive, etc.), the student will be required to give up the weapon to a staff member immediately. Lummi Law and Order and the student's parent/guardian will be called immediately. Violators will be suspended out-of-school indefinitely pending a thorough review. Permanent action will be determined on an individual basis, though students will be readmitted only upon guarantee of safety for other students and staff.



BUS EXPECTATIONS

GOAL

Safely transport students to and from school and on field trips. Students will follow rules and procedures to keep them safe and not interfere with the safe operation of the bus.

General

Bus changes will only be made in case of an emergency and need to be made before 2:30 p.m. with the written permission of the principal.

DO NOT make changes through the bus driver. It is important to have a permanent pick up and drop off point for your child (ren). When in doubt about a drop off point for any student, we will resort to the address you listed on your registration form. It is important for you to notify the office of any change of address.

GUIDELINES FOR STUDENTS RIDING BUS

Prior to loading the bus:

- Be at your designated bus stop five minutes before the scheduled time. The bus will not wait for tardy students.
- When it is necessary to walk along the roadway, walk on the left side of the road facing traffic. If there is a shoulder or sidewalk, use it.
- When crossing the roadway, walk Do not run. Before stepping into the oncoming traffic lane, look in both directions. If the bus has arrived, cross at least 10 feet in front of it, never behind it.
- While waiting for the bus, stay off the traveled portion of the roadway. Stand on the sidewalk, if there is one. Do not engage in horseplay. Respect the property of homeowners in the area. Do not run beside the bus when it is moving.
- When loading, wait until the bus has come to a complete stop before moving toward it.
- Do not push or crowd.
- Upon entering the bus, go directly to a seat, sit down, and remain seated.
- If you miss the bus, go directly home and immediately seek a ride to school.



On the bus:

- Follow the directions of the driver and other personnel on the bus.
- Do not stand or sit on the step well or driver's seat. Be seated at all times while the bus is in motion, facing forward with feet under your seat.
- Do not distract the driver or disturb other riders.
- Do not talk to the driver except for important matters or emergencies.
- Be quiet while the bus is approaching and crossing railroad tracks so the driver can listen for approaching trains.
- Ride only on your regularly assigned bus and leave the bus at your regular destination. Give written permission of your parent and principal, or designee, to the driver to ride another bus or get off at a different stop arranged 24 hours in advance.
- Report bus damage to the driver.
- No personal music is allowed on the bus at any time.
- No student use of the driver's cellular phone will be permitted.
- Obtain driver permission before opening a window. Keep hands, legs, etc. inside the bus at all times. Do not throw or pass object(s) through open windows.
- Do not bring knives, sharp items, fire arms, tobacco, alcoholic beverages, matches, or live animals on the bus.
- Do not use profane language on the bus.
- Deposit paper, food containers, and other unwanted objects in the trash container provided.
- Keep the aisle and front step well clear of books, lunches, coats, packages, and musical instruments. When departing, remove all items which were brought onto the bus.
- Use the fire extinguisher, first aid kit, and emergency door only in an emergency and with the permission of the driver or other authorized person.
- Do not stand up until the bus has come to a complete stop. Leave the bus in an orderly manner with students in the front unloading first.
- Bus drivers have the option of assigned seating for all or any student.

Leaving the bus:

- When it is necessary to cross the road after unloading, cross at least 10 feet in front of the bus. Before stepping into the lane used by oncoming traffic, look both ways to be sure no traffic is approaching from either direction. Glance at the driver, who will signal if it is not safe to cross. Walk, do not run, when crossing the roadway.
- Do not loiter around the bus or run beside it when it is moving.
- Do not throw balls, rocks, objects of any kind in the area of a school bus stop
- If there is a shoulder or sidewalk, use it. When it is necessary to walk along the roadway, walk on the left facing traffic.
- After leaving the bus, go directly home.



LUMMI NATION SCHOOL DISTRICT BUS CONSEQUENCES

First bus referral:

Copy home with student. Parent/guardian must sign and return.

Second bus referral:

Copy home with student and mailed. Parent/guardian must sign and return. Phone contact is made by school office. Referral to TAT (teacher assistance team) for intervention.

Third bus referral:

Copy mailed home to parent/guardian. Principal contacts parent/guardian, 1-3 day bus suspension. Referral to TAT to revise intervention plan. It will be the parents responsibility to drive students to school

Fourth bus referral:

Copy mailed home to parent/guardian. Automatic bus suspension for 3-5 days. Conference must be held with principal, drivers, student and parent/guardian before student is allowed to resume riding the bus.

Fifth bus referral:

Student is expelled from riding the bus for the remainder of the school year.

***Note: Any action which endangers or jeopardizes the safety of the bus will result in an automatic suspension of the student from bus riding privileges. Parent/guardian, student, driver, and principal must conference before the student may resume riding the bus.**



PLAYGROUND EXPECTATIONS

GOAL

Students will play safely in all games and on all equipment.

Responsible Playground Behavior:

Students will:

- Not engage in rough play (i.e. play wrestling or play fighting).
- Stop what they are doing and go to their designated area when the whistle is blown.
- Settle differences peacefully using Conflict Managers whenever possible.
- Show respect for others and follow instructions given by staff.
- Not use any object found on the playground in any way and/or in a dangerous manner.
- Play only in designated playground areas.
- Show pride in their school by keeping the grounds free of litter and graffiti.
- Take turns on play equipment.
- Not chew gum, eat food or drink beverages on the playground.
- Stay on the playground an/or in designated school areas during recess periods.

There are to be no public displays of affection (i.e. hugging, kissing, and arms around one another.)

In case of an emergency, the student selected to take a Red Card to the office must go directly to the office and get the attention of an adult.



CAFETERIA EXPECTATIONS

GOAL

The lunch/breakfast line and cafeteria of the Lummi Nation School will be a safe, orderly and clean environment where people interact with courtesy and respect (see page 8). Students will:

- Use quiet voices when talking.
- Keep hands, feet and objects to themselves.
- Stay in their seats until dismissed by school personnel.
- Eat quietly and use good manners.
- Walk in the cafeteria.
- Clean their own areas (i.e. bus own trays, pick up garbage and wash tables).
- Treat others with dignity and respect at all times.

BEFORE AND AFTER SCHOOL EXPECTATIONS

GOAL

Students will arrive and depart school in a safe and orderly manner.

Before School

- Students may not arrive before 7:30 a.m. There is no supervision of students prior to 7:30 a.m. Any exceptions to arrival time must be cleared by the parent/ guardian with the principal in advance. Lack of supervision prior to 7:30 a.m. is a safety issue.
- Students are to go directly to the cafeteria.
- Students must remain seated in the cafeteria until school personnel dismiss them to their classrooms.
- Once students enter the cafeteria, they must stay out of the gym and hallways unless they receive permission and a hall pass from school personnel.

After School

- Students are to go directly to the buses following their class dismissal time.
- Students are to board their buses and remain on their buses until they reach their destination. Students may not get on and off the buses in the parking lot. Once a student boards a bus, he/she must remain on the bus until the bus reaches the assigned stop.
- Students who walk are to go home immediately after school.
- Students being picked up by parents/guardians must remain with the classroom teacher until the parent arrives. If the parent does not arrive and the buses have left, after a reasonable amount of time, the teacher will escort the student to the office to wait until the parent arrives.
- Students may not remain after school without permission from the teacher who will supervise them
- Permission will be granted only for organized, supervised activities (i.e. Girl Scouts, sports, etc.). Parents must request permission in writing or by phone.
- Students must stay out of the gym unless they have permission from school district personnel. It is the responsibility of the person granting permission to supervise that student.
- Students may not return to the school grounds until 3:30 p.m. There is no supervision of students at school after 3:30 unless they have returned for a regular scheduled activity (i.e. Girl Scouts, sports, etc.).
- Student may not disembark the bus at other than their assigned stop without obtaining a bus pass from the office 24 hours in advance to include a parent note of permission.

DRUG/ALCOHOL POLICY:

If a student is suspected of being under the influence of drugs, including alcohol, Lummi Law and Order and the student's parent/guardian will be called immediately. If a violation is confirmed, the student will be suspended immediately and may return to school only after arrangements have been made with Lummi Family Services for a drug/alcohol assessment. These arrangements are to be made by the student or parent/guardian if the student is under 18 years of age. The student may return only if accompanied by a parent/guardian for a re-entry meeting with the Principal or Intervention Team. Failure to comply with the recommendation of Lummi Court and Lummi Family Services will result in suspension pending completion of all recommended action. Students involved in athletics and other co-curricular activities are subject to additional stipulations.

SUBSTANCE ABUSE POLICY

The school substance abuse policy applies to alcohol, tobacco or other drug/use possession, possession of drug paraphernalia, any type of vape pen etc. on school grounds, before or during school hours or during school functions such as sports events, or other extra-curricular activities. As in any case where laws are violated, appropriate law enforcement agencies will be notified, and students may face legal sanctions in addition to any school disciplinary actions. Students who are involved in extra-curricular activities such as sports or SB, etc., will also face consequences as outlined in the extra-curricular/athletic substance abuse policy.

1st Offense-Minimum 5-day school suspension; up to 3 days of which may be in-school supervised suspension when available. Student must complete a chemical dependency evaluation/assessment* and follow all resulting recommendations. Student must meet with school intervention specialist or intervention team and have verified evaluation appointment scheduled before being allowed on school grounds. First offense for vaping tobacco is a minimum 3 day out of school suspension.

Failure to attend evaluation appointment, or to follow through on assessment recommendations or termination from treatment due to on-compliance or aborting treatment will result in sanction reverting to 45 days out of school suspension. This may be waived during the 45-day period if student completes assessment and/or enters an approved treatment facility or program that meets or exceeds the recommendations of assessment.

2nd Offense-minimum 10-day school suspension (7 days of which may be in school supervised when available) and student completes a chemical dependency evaluation/assessment and follows all resulting recommendations. Students must meet with school intervention specialist or intervention team and have verified evaluation appointment scheduled before being allowed back on school grounds or to any school activity. Second offense for vaping tobacco is a minimum 5 day out of school suspension.



Failure to attend evaluation appointment, or to follow through on recommendations or termination due to non-compliance or aborting treatment, will result in 60 days out of school suspension. This may be waived during the 60-day period if student completes assessment and/or enters an approved treatment facility or program that meets or exceeds recommendations of assessment.

3rd Offense-student will be suspended from school and will neither be allowed on school grounds nor participation or attend school functions until completing an assessment and COMPLETION of assessment recommendations. If treatment is recommended, primary phase must be completed and enrolled in aftercare before re-entry is permitted. Third offense for vaping tobacco is a minimum 7 day out of school.

*Assessments must be from a state certified chemical dependency professional (CDP) working in a Department of Alcohol and Substance Abuse (DASA) certified chemical dependency treatment agency. Any assessment from a non-certified CD counselor (such as CD intern, mental health counselor, MSW, MD, etc) will be considered invalid for the purpose of meeting assessment requirements of the school disciplinary policy. Consent for the release of information must be signed prior to the assessment and evaluating agency will be provided with any available information regarding the infraction or student's history regarding substance abuse. If the student (or his/her family) does not agree with results or terms of the assessment, they may get another assessment from another agency if they sign a release of confidentiality allowing information from the first evaluation to be provided to any subsequent CDP performing an assessment.

Students are expected to be completely truthful during the assessment interviews. The school intervention specialist will review the assessment. If discrepancies are noted, the school intervention team may determine the assessment to be invalid and another assessment required.



CLASSROOM MANAGEMENT, CORRECTIVE ACTIONS OR PUNISHMENT 4230

The discipline plan for the Lummi Nation Schools is designed to promote an effective, positive learning and teaching environment by empowering students to make appropriate choices. All students shall submit to the reasonable rules of Lummi Nation Schools. Specific policies and procedures may apply for certain types of violations such as drug and alcohol. Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension or expulsion. Corrective action and/or punishment for misconduct must reflect good faith effort on the part of the staff.

No student shall be expelled, suspended, or disciplined in any manner for the performance of or failure to perform any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

The education director shall have the authority to discipline, suspend or expel students. The Education Director shall identify the conditions under which a teacher may exclude a student from his or her class and shall also designate which staff members have the authority to initiate or to impose discipline, suspensions or expulsions.

Parents and students shall be given notice of the standard of conduct Lummi Nation Schools requires regarding drug and alcohol use and a statement of the disciplinary sanctions for violations of that standard.

1. Discipline

“Discipline” constitutes all other forms of corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period, including exclusion from any other type of activity conducted by or for the Lummi Nation Schools. Discipline shall not adversely affect specific academic grade, subject, or graduation requirements, so long as all required work is performed.

The teacher is ultimately responsible for all discipline in the classroom. Student conduct expectations will be taught the first two to three weeks of school, re-taught, and reinforced throughout the school year.

A. Classroom Discipline for Minor Offenses

Minor offenses are problems that can be dealt with in the classroom and usually will not result in a referral to the office unless students will not cooperate with teachers or other staff members. When possible, the teacher shall make a record for future reference and take immediate action which may include parental contact, conferences, student counseling or verbal warnings prior to making a referral.

Examples of minor offenses include:

1. Teasing/name calling/disrespect of others
2. Running in classrooms, cafeteria, or other school rooms
3. Being in OFF limit areas
4. Tardiness

5. Inappropriate conduct which disturbs others
6. Being off task, being unprepared for class work, not bringing materials
7. Wearing sunglasses or inappropriate clothes (clothing that distracts from the learning process or promotes inappropriate or illegal activities)
8. Use of cell phones, pagers, electronic games or personal stereos
9. Use of inappropriate language
10. Failure to be in assigned areas during instructional sessions
11. Sleeping in class

B. Student Discipline Referrals

If intervention steps have failed or if the seriousness of the violation warrants immediate action, a referral will be written in a timely manner and sent to the principal or his or her designee's office. The student will be allowed to present his/her side of the situation without interruption to the principal or designee. Parents may be notified by telephone or in writing of the school problem concerning the student. In all instances, a copy of the referral will be sent by mail to the parents. Depending on the severity of the violation, in-school suspension or other consequences may be assigned.

2. Detention

For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students after school hours for not more than ninety minutes on any given day.

Preceding the assignment of such corrective action, the staff member shall inform the student of the nature of the offense charged and of the specific conduct which allegedly constitutes the violation. The student shall be afforded an opportunity to explain or justify his/her actions to the staff member.

Detention shall not begin until the parent has been notified (except in the case of the adult student) for the purpose of informing him/her of the basis and reason for the detention and to permit him/her to make arrangements for the necessary transportation of the student when he/she has been detained after school hours for corrective action.

Students detained for corrective action shall be under the direct supervision of the staff member or another member of the professional staff.

The principal shall be responsible for seeing that the time which the student spends for corrective action shall be used constructively.

3. In-School Suspension

The in-school suspension program (I.S.S.) temporarily removes the student from the regular environment but permits the student to maintain his/her educational process. Students assigned to I.S.S. will be required to attend school in the designated in-school suspension room. Class work and/or supplementary assignments will be given to students to work on while in I.S.S., and they will work throughout their time there under close supervision of the I.S.S. monitor. They will have no association with other students while there, and eat their meals separately. While in I.S.S., students may receive counseling to assist them to make better decisions in future situations. Proper use of I.S.S. time may result in lessening the time required to stay there. Attendance in I.S.S. is mandatory if assigned. Students who choose not to attend ISS will receive an out-of-school suspension and must report to the principal or his or her designee within one (1) day with their parent/guardian or they will be considered truant.

4. Suspension

“Suspension” is the exclusion from school, or individual classes for a specific period of time, after which the student has a right to return after the parent/guardian meets with the principal/designee. Suspended students will not be allowed on the Lummi Nation Schools campus during the school day or in attendance at Lummi Nation Schools extracurricular or athletic activities.

- A. A suspension is “short term” if it is for a period of 10 consecutive school days or less. Students’ grades shall not be affected substantially as a result of a short-term suspension so long as the student completes assignments.
- B. Suspensions which exceed 10 consecutive school days are long-term suspensions.
- C. The principal and/or his or her designee shall notify special education staff of any suspensions to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. To the extent that suspensions may cumulatively or consecutively exceed ten days, the principal will notify relevant special education staff so that Lummi Nations Schools can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

5. Expulsion

“Expulsion” is the exclusion from school or individual classes for an indefinite period. Expelled students will not be allowed on the Lummi Nation School campus during the school day or in attendance at Lummi Nation Schools extracurricular or athletic activities. Students will be expelled only after committing major infractions threatening the health and safety of students and/or staff at Lummi Nation School, or other intervention and lesser disciplinary actions (e.g. In and Out-of School Suspension, Behavioral Contracts, etc.) have been exhausted in attempting to improve student behavior.

The principal and/or his or her designee shall notify special education staff of any expulsions to be imposed for a student who is currently eligible for special education services or those who might be deemed eligible for special education. The principal and/or his or her designee will notify relevant special education staff so that Lummi Nations Schools can ensure that special education discipline procedures are in place, in addition to general education discipline procedures.

Once a student is expelled in compliance with Lummi Nation School policy, the expulsion shall be brought to the attention of appropriate Lummi authorities, including, but not limited to, the local juvenile authorities acting pursuant to the Lummi Code of Laws, in order that such authorities may address the student’s educational needs.

6. Emergency Expulsion

A student may be excluded from school prior to a hearing without other forms of corrective action if the principal or his or her designee reasonably believes the student is an immediate and continuing danger to himself/herself, other students, staff, or administrators or is a substantial disruption to the educational process. Such emergency expulsion shall continue until the student is reinstated by the principal or until a fair hearing is held and a final determination reached pursuant to Student Appeals Procedure 4280P.

7. Emergency Removal

A student may be removed immediately from a class or subject by a teacher or administrator without other forms of corrective action and sent to the principal or a designated school official, without first attempting corrective action, provided that the teacher or administrator has good and

sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students or staff or an immediate and continuing threat of substantial disruption of the class, subject, or educational process of the student's school. The removal shall continue only until:

- A. The danger or threat ceases, or
- B. The principal acts to impose discipline, impose a short-term or long-term suspension or expulsion or to impose an emergency expulsion.

The principal shall meet with the student as soon as reasonably possible following the student's removal and take or initiate appropriate corrective action or punishment. In no case shall the student's opportunity for such meeting be delayed beyond commencement of the next school day.

The teacher or administrator who removed the student shall be notified of the action which has been taken or initiated.

8. Readmission Application Process for Expelled Students

Any student who has been expelled shall be allowed to make application for readmission for the following school year. If a student desires to be readmitted to Lummi Nation Schools and has previously been expelled from the Lummi Nation Schools, the student shall submit a written application to the principal, who shall recommend admission or non-admission. The application shall include:

- A. Reasons the student wants to return and why the request should be considered;
- B. A supporting statement from the parent or others who may have assisted the student.

The education director shall, in writing, advise the parent and student of the decision within seven (7) school days of the receipt of such application.



EXCEPTIONAL MISCONDUCT CORRECTIVE ACTION PROCEDURE 4240P

The following guidelines are in effect for students to establish a range of corrective actions which may be imposed as a consequence of exceptional misconduct. Student Appeals Procedure 4280P applies.

Exceptional Misconduct	Range of Corrective Action	Action That May Be Taken
Possessing and/or using alcohol, illegal chemical substances/drug paraphernalia	Minimum Maximum	Short-term suspension, notification to law enforcement Expulsion, notification to law enforcement
Threatening or verbal abuse, fighting or fighting words, harassment, battery, extortion, coercion, blackmail	Minimum Maximum	Short-term suspension Expulsion
Setting fire, defacing, misusing damaging school property	Minimum Maximum	Short-term suspension Expulsion
Vulgar or Lewd Conduct	Minimum Maximum	Short-term suspension, notification to law enforcement Expulsion, notification to law enforcement
Possessing and/or using weapons/explosive devices		Expulsion, notification to law enforcement
Possessing/Using Tobacco products	Minimum Maximum	Short-term suspension Long-term suspension (11-90 days)
Disruptive Conduct	Minimum Maximum	Short-term suspension Expulsion
Disrespect or Insubordination to Staff or Volunteers	Minimum Maximum	Short-term suspension Expulsion
Repeated Violations	Minimum Maximum	Short-term suspension Expulsion
Tardiness	Minimum Maximum	Short Term Suspension Long-term suspension (11-90 days)
Truancy: 12 th unexcused absence within a semester	Minimum Maximum	Short Term Suspension Expulsion
Theft	Minimum Maximum	Short Term Suspension Expulsion
Cheating	Minimum Maximum	Short Term Suspension Expulsion
Encouraging or assisting others to commit violations of the Student Code of Conduct	Minimum Maximum	Short Term Suspension Expulsion
Gangs	Minimum Maximum	Short Term Suspension Expulsion
Criminal Acts as Defined by Law: Refer to Lummi Code of Laws, United States Code, and State of Washington Criminal Code, R.C.W. if applicable	Minimum Maximum	Short Term Suspension Expulsion



STUDENT APPEALS PROCEDURE

A student may be denied the right of school attendance from any single or portion of a class, activity, or any full schedule of classes, for failure to comply with school rules, board policy, or refusal to submit to reasonable disciplinary action by the appropriate school authority. Students who participate in co-curricular activities will also be subject to the co-curricular code.

Any discipline or corrective action of a student who has violated rules must be administered fairly and for good and just cause. Students have the right to tell their side of the incident and receive a fair punishment for their behavior. School officials will take corrective action after a thorough examination of the facts surrounding the violation. Students and/or parents/guardians have the right to appeal corrective action that they feel is unjust or unjustly administered. Due process procedures have been established in order to provide an opportunity for corrective actions to be reviewed by someone in authority and to instill confidence among students and parents/guardians as to the essential fairness of the Lummi Nation Schools.

1. DISCIPLINE/SHORT-TERM SUSPENSIONS

A short-term suspension is a suspension from school for ten (10) or fewer consecutive school days. A student receiving a short-term suspension must begin his or her suspension immediately. The exclusion continues even if the parent/guardian or student appeals, unless the principal waives this requirement.

a. NOTICE:

- i. Prior to the short-term suspension of any student, a student is entitled to a conference with the principal/designee.
- ii. During the conference, the principal/designee shall provide the student
 1. an explanation of the alleged misconduct or the school rule that was allegedly violated;
 2. a review of the evidence that supports the allegations;
 3. an explanation of the corrective action that will occur; and
 4. an opportunity to explain him or herself.
- iii. Even though the student is entitled to have a conference prior to being short-term suspended, a student may be short-term suspended without a conference if the student refuses to participate in or has made himself or herself unavailable for a conference.



- b. STEP ONE: Right to Informal Grievance Conference with the Principal**
- i. This procedure applies to any student, parent, or guardian who is aggrieved by the imposition of short-term suspension. Students, parents, or guardians shall have the right to an informal grievance conference with the principal/designee for the purpose of resolving such a grievance. The school employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible.
 - ii. During such conference the student, parent(s), or guardian(s) shall be subject to questioning by the principal/designee and shall be entitled to question school personnel involved in the matter being grieved. Grounds for the grievance shall be fully set forth. The scope of the grievance thereafter will be confined to matters raised at the initial level of the grievance.
- c. STEP TWO: Right to a Grievance with the Education Director**
- After the informal conference with the principal/designee, the student, parent(s) or guardian(s) have the right upon two (2) school business days notice to present their oral or written grievance to the Education Director or his or her designee.
- d. STEP THREE: Right to a Grievance with the Lummi Nation Education Board**
- i. The Lummi Nation Education School Board has chosen to delegate all appeals to the Disciplinary Appeals Committee. The Disciplinary Appeals Committee shall consist of three school board members and two Lummi Nation School administrators and/or teachers. Committee decisions will be made only by those who have not acted as a witness in the matter, and only at a meeting at which a quorum of three is present and by a majority vote.
 - ii. If the grievance is not resolved, the student, parent(s)/guardian(s), upon two (2) school business days prior notice, shall have the right to present a written and/or oral grievance to the Disciplinary Appeals Committee within five (5) to ten (10) days of the parent/guardian's notice.
 - iii. The Disciplinary Appeals Committee shall notify the student, parent(s)/guardian(s), of its response to the grievance within ten (10) school business days after the date of the meeting.

2. LONG-TERM SUSPENSION OR EXPULSIONS FROM SCHOOL

A long-term suspension is a suspension that is longer than 10 days and generally less than 90 days. Expulsion is the formal exclusion for misbehavior of a student from returning to Lummi Nation Schools.



a. Notice

- i. Before a student can be long-term suspended or expelled, the student and his/her parent(s) or guardian(s) must receive a written notice via personal delivery or certified mail that includes information about their right to appeal the long-term suspension or expulsion and the opportunity for a hearing.
- ii. The notice must
 1. Explain the alleged misconduct and the school rule(s) alleged to have been violated;
 2. Identify the corrective action or discipline being proposed;
 3. Explain the rights of the student and/or his/her parent(s) or guardian(s) to a hearing to appeal the allegation(s), and tell them how to make an appeal; and
 4. Explain the timeline by which the request for a hearing must be received.

b. Right to a Hearing with the Education Director.

- i. The student or parents receiving the suspension or expulsion must file a written request for a hearing within three (3) school business days after receipt of notice. The request shall be filed with the Education Director's office.
- ii. If the request for hearing is received within the required three (3) school business days, the Education Director or his or her designee shall schedule a hearing within three (3) school business days after the date upon which the request for a hearing was received.
- iii. The student and his/her parent(s)/guardian(s) shall have the right to the following:
 1. Inspect in advance of the hearing any documentary and other physical evidence which the school intends to introduce at the hearing;
 2. Be represented by an attorney or tribal spokesperson;
 3. Question and confront witnesses. This right is limited when Lummi Nation schools has made a reasonable effort to produce a witness and is unable to do so or when there is an expectation and fear on the part of the principal that the student will be retaliated against if she or he appears as a witness.
 4. Present his/her explanation of the alleged misconduct; and
 5. Make relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he/she desires.
- iv. The Principal shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his/her parent(s)/guardian(s) intend to introduce at the hearing.
- v. The Education Director or his or her designee shall not be a witness in the case. If he or she is a witness, the hearing will be sent immediately to the Disciplinary Appeals Committee.



- vi. The guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.
- vii. Either a tape recorded or verbatim record of the hearing shall be made at the option of the Education Director or his or her designee.
- viii. A written decision setting forth the findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form of corrective action or punishment to be imposed, if any, shall be provided to the student's attorney or tribal spokesperson, or if none, to the student and his/her parent(s)/guardian within ten (10) school business days of the hearing.
- ix. During the hearing process, the student remains in school.
- x. If no appeal to the Education Director is taken, the corrective action or sanction will take effect after the expiration of the appeal period of three (3) school business days.

c. Right to Appeal to the School Disciplinary Appeals Committee

- i. The Lummi Nation Education School Board has chosen to delegate all appeals to the Disciplinary Appeals Committee. The Disciplinary Appeals Committee shall consist of three school board members and two Lummi Nation School administrators and/or teachers. Committee decisions will be made only by those who have not acted as a witness in the matter, and only at a meeting at which a quorum of three is present and by a majority vote.
- ii. If the student, parent and/or his/her guardian files a written notice of appeal with the Education Director within three (3) school business days, the Disciplinary Appeals Committee will schedule and hold a meeting to review the matter within ten (10) school business days after receiving the notice. The purpose of the meeting is to meet with the student and/or his or her parent/guardian and a representative of the school to review the decision of the Education Director and determine whether there is additional information that should have been considered that would change the Education Director's decision.
- iii. Prior to the meeting, members of the Disciplinary Appeals Committee will review the written decision of the Education Director.
- iv. At the meeting, the student or his or her parent/guardian (or attorney/tribal spokesperson) has the right to be heard and provide additional information that the Disciplinary Appeals Committee deems relevant.
- v. The Disciplinary Appeals Committee may affirm, reverse, or modify the imposition of discipline, suspension, or expulsion. The Disciplinary Appeals Committee will send a written decision to the parent or guardian and student within ten (10) school business days of the date of the hearing.
- vi. A long-term suspension or expulsion may be imposed while the decision is appealed for no more than ten (10) consecutive school days or until the appeal is decided, whichever is shorter.



- vii. Any days that the student is temporarily suspended or expelled before the appeal is decided will be applied to the student's suspension or expulsion and will not limit or extend the term of the suspension or expulsion.

d. Right to Appeal to Lummi Tribal Court

The parent/guardian may appeal the decision of the Disciplinary Appeals Committee to the Lummi Tribal Court.

3. EMERGENCY EXPULSION PROCEDURE

A student may be immediately removed from a class, subject or activity by a staff person and sent to the principal or other administrators in authority, if those individuals reasonably believe the student is an immediate and continuing danger to himself/herself, other students, staff or administrators or is a substantial disruption to the educational process of the school. Such emergency expulsion shall continue so long as (1) the student continues to pose an immediate and continuing danger to himself/herself, other students, staff or administrators or is a substantial disruption to the educational process of the school or (2) the principal/designee acts to impose the appropriate corrective action. The provisions governing notice and hearing of regular long-term suspension or expulsions shall apply except for the following:

- a. Written notice of the emergency expulsion shall be sent by certified letter deposited in the U.S. mail within twenty-four hours of the expulsion or by hand delivery to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery;
- b. The parent and student shall have ten (10) school business days after receipt of the notice during which to request a hearing;
- c. The Education Director or his or her designee shall provide the parent with a decision in writing via certified mail within one (1) school business day of the hearing. The decision shall include the following:
 - i. A conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues; and
 - ii. Whether or not the emergency expulsion shall be continued or a lesser form of corrective action or punishment is to be imposed.

4. DISCIPLINE OF SPECIAL EDUCATION STUDENTS

The discipline of special education students is generally subject to the same rules under the Lummi Nation Student Handbook as applied to nondisabled students with modifications required by the federal Individuals with Disabilities and Education Act (IDEA), the BIE Special Education Procedural Safeguards Brochure and any Lummi Nation School's special education programming policies and procedures.



READMISSION APPLICATION PROCESS FOR EXPELLED STUDENTS

Any student who has been expelled shall be allowed to make application for readmission for the following school year. If a student desires to be readmitted to Lummi Nation Schools and has previously been expelled from the Lummi Nation Schools, the student shall submit a written application to the principal, who shall recommend admission or non-admission. The application shall include:

- C. Reasons the student wants to return and why the request should be considered;
- D. Evidence which supports the request; and
- E. A supporting statement from the parent or others who may have assisted the student.

The education director shall, in writing, advise the parent and student of the decision within seven (7) school days of the receipt of such application.



TELEPHONE USE:

Student use of telephone during the school day is discouraged so that students can and will focus on learning. Students may use the phone only with permission of the office staff and should receive written permission from their teacher. Students are encouraged to make arrangements prior to coming to school for changes in their normal routine. Parent/guardians should send a note or phone the school with any changes in their children's schedule that could not be arranged prior to the student learning school. Students will not be able to use the phone for arrangements for bus changes to another student's house. Students may only use the phone before school, at lunch, or after school. Phone calls are limited to 3 minutes because of limited access to outside lines.



CHILD ABUSE REPORTING

According to Washington State Law RCW 26.44 and Lummi Law & Order, all school personnel are required to report suspected cases of child abuse (physical, emotional, sexual, neglect, etc.). Our responsibility is to keep children safe from harm and support parent's efforts toward developing and maintaining positive interaction with their children.

Child abuse and/or neglect have a disastrous and long-lasting effect on a child's development and academic performance. According to state law, certain individuals are considered to be "mandated reporters" of child abuse and neglect. This includes teachers, administrators and other employees of a school. When school personnel suspect for any reason that a child has been a possible recipient of abuse or neglect by family members or others, they are required by law to file a report with Child Protective Services. Failure of school personnel to initiate a report when suspicion exists is a crime.

The major reason of reporting incidents is to ensure that children can feel safe in their homes, communities and schools. A secondary purpose of mandated reporting is to provide early home intervention in situations that need professional assistance. Mandated reporting is for the protection of our children. For further information about child abuse reporting, please contact your school principal, counselor or nurse.



CIVILITY TOWARD LUMMI NATION SCHOOL EMPLOYEES

Anyone having interactions with Lummi Nation School Employees shall treat them with professionalism, courtesy, dignity and respect. Uncivil behaviors are prohibited. Uncivil behaviors are defined as any behaviors that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Examples of uncivil behaviors include, but are not limited to, use of profanity, personally insulting remarks, attacks on a person's race, gender, nationality, religion or behavior that is out of control. Such interactions could occur in telephone conversations, voice mail messages, face to face conversations, written letters and/or e-mail messages.

Any uncivil behavior should be immediately reported to the employee's supervisor. A record will be made of the alleged incident and the action taken. Confidentiality will be observed whenever possible to protect the complainant and the alleged offending person. Employees may be subject to addition action. Retaliation against a person who reports a claim of uncivil behavior is prohibited.



CLOSED CAMPUS

Lummi Nation School has a closed campus. This means that once a student arrives on campus, he/she must remain on campus until the end of the school day. Students who leave school during the school day must have written permission from the office. Students who violate our closed campus policy will be subject to disciplinary action. To ensure the safety of our students, parents are asked to come to the office and sign their student in and out of school for medical appointments, etc.



CONTACTING LUMMI NATION SCHOOL

Communication between home and school is essential to ensure student academic and behavioral success. We encourage you to contact your child's teacher if you have questions.

We ask that you read thoroughly all communications from your child's teacher and from the office. We plan to use bright yellow colored paper for all notices sent home from the office to alert you to the importance of reading the information provided.

Parents, teachers and para educators are encouraged to use the phone frequently to keep each other informed. One of the ways that we keep students and parents informed about progress of students is through report cards. We are on a quarterly grading system so report cards come home 4 times per year (see calendar). Parent/teacher conferences take place in the fall and the spring (See Calendar). These are very important for parents to attend so we can work as a collaborative team to ensure your students success.

If you have a questions or a potential conflict, we ask you to communicate directly with that person rather than talking with your friends and colleagues. If you are unable to do so, or feel uncomfortable communicating directly with that person, please contact the elementary or high school principal regarding your concerns.



IMMUNIZATIONS:

In order to protect children against a number of childhood diseases, Washington State Law (RCW 28.A.210.060-170) requires that all children admitted to public or nonpublic schools be immunized against the following:

- Diphtheria, Tetanus, Pertussis, Polio, Measles, Mumps, Rubella and Hepatitis B.

Students may be excluded from school if they do not meet the requirements of the law. Every student attending school must have documentation of immunizations on file at school. This includes:

- Full immunization
- Initiation of and compliance with scheduled immunizations
- A certificate of exemption (if necessary)

IMMUNIZATIONS FOR STUDENT ENROLLMENT:

Students entering school for the first time (grades K-12) must present certification from a physician or local health department that the student has received the tests and immunizations required. Students who have begun but who have not completed the required immunizations may enroll and remain in school while getting the required immunizations if a physician or local health department certifies that the student has received the most recent appropriate immunizations in all required areas.

Failure to be current in immunizations or to provide the school with the state-approved alternative to immunizations shall result in the student's removal from school until proper immunization information is furnished.



MEDICATIONS AT SCHOOL:

Every effort should be made to schedule the administration of medication outside of school hours. Even medications requiring doses three times a day can generally be administered while the student is at home (prior to school, after school and at bedtime). If this is not possible, the school nurse, or a trained staff member will administer medications in the absence of the school nurse.

Students requiring medication during the school day **MUST** have authorization from their parent/guardian and written instructions from the doctor prior to dispensing medication at school. Under Washington State Law, the school cannot and will not dispense medication without proper consent (RCW 28A.210.260-270). Insulin will be treated as a prescription medication even though it may be obtained over the counter.

Physician's order for medication must be reviewed and updated at the beginning of each school year. All changes in dosage require a new written order.

Over-the-counter medications (such as Tylenol) will not be dispensed at school without written parent or guardian permission. Non-prescription medications from home must be in the original packaging, clearly showing the dosage by age, the ingredients and the expiration date. A **WRITTEN REQUEST** with specific instructions from a parent/guardian must accompany the medication. Only FDA approved substances will be given and only for the purpose for which they are approved.

Controlled substances, such as those medications used to treat ADD, ADHD or psychiatric behavioral disorders, should be delivered to the school nurse by the parent/guardian. These medications will be counted and the count noted. Unused portions of these substances will not be sent home with students. These must be obtained from the school nurse by the parent/guardian. Consent forms for prescription and over-the-counter medications can be obtained from the school office.

Medication is to be brought to the school office by a parent or guardian only. Our trained office staff must verify all medication and its proper authorization. The child or the school bus driver may **NOT** deliver medication. Medication must be delivered to the school office in its original container from the pharmacy with the student's name, the amount and frequency of dosage, the doctor's name, and the name of the drug on it. We are allowed to only have enough medication on hand for thirty (30) days at a time. The medication must be stored in the office and will be locked in a safe place. Refrigeration is available.



In accordance with the recommendation from the American Academy of Pediatrics and Professionals in School Nursing, epinephrine (EpiPens) will be stored and available for emergency use in the health room. If necessary, it will be administered but only by a licensed registered nurse. Safe storage, monitoring of expiration dates, and disseminating information about anaphylaxis symptoms will be the responsibility of the school nurse. Use of epinephrine requires an immediate 911 call and notification of the parent/guardian. For students with a known life-threatening allergy, parents need to supply the school with EpiPen(s). In the case of a previously identified allergy, the nurse may delegate others in the building to administer this injection in her absence or delayed arrival.



ILLNESS PROCEDURES

From time to time, students come to school with various illnesses. In an effort to protect children from communicable diseases, it will be necessary to notify the parents when their child is suspected of a contagious illness. If parents cannot be contacted, our office will attempt to contact the person designated as “Emergency Contact” given at the time of registration to attend to the child. In case of a child becoming ill at school, the student will be sent to the office by the teacher or adult on duty. The student will be allowed to lie down for a short period of time and his/her temperature will be taken. If the illness remains, the parent will be notified.



HEAD LICE PROCEDURE

All students will be checked on a regular basis for head lice by our staff because of the contagious nature. If nits are found, the student will be sent home immediately to have the situation taken care of. Lummi Nation School can participate in helping student/family get services for this condition.



EARLY DISMISSAL

In order for any student to be dismissed early and to ensure the safety of all of our student the parent/guardian need to come to the office and sign students out on the sign in/out sheet; students are only released to people listed as a contact on their registration. These requirements are necessary and are practiced for the best interest of the student. NOTE: Any notes sent to school need to include the date written, date applicable, explanation, and signature.



EMERGENCY SCHOOL CLOSURE

Student and parents should listen to the local radio stations in cases of severe weather or other emergency conditions to determine if school and / or busses will operate on a regular basis, on a delayed schedule, or closed for the day. When the superintendent closes school due to such conditions, the closure will be announced on the following radio stations:

KISM 92.9 FM or KPUG 1170 AM or KGMI 790 AM or KAFE 104.3 FM

In the event of an emergency at school, the above named stations will again be notified of the procedures being followed. Parents and students should talk about this possibility and designate a neighbor or friend's house for where they should go if parents are not home.



FIRE DRILLS / EMERGENCY PROCEDURE

Students will be taught procedures for fire drills, earthquakes drills and other emergency procedures. Teachers will teach the expectations and monthly drills will be scheduled by the school principals. Teachers will account for all students and immediately report any student discrepancies to the building principals.

The Lummi Nation Emergency Plan will be activated. If phone lines are intact, a voice mail message will be provided on the school line. Because of the possible need for fire and emergency vehicles to respond to a given situation, parents are asked not to come to the school. If needed, students will be evacuated to a pre-identified site.

Fire drills will be held monthly. Students will be asked to move to the designated area with their teacher. Teachers will take attendance. When all clear signal sounds, students will return to class with their teacher in an orderly fashion.

For possible earthquake situations, students will remain with the teacher in their classroom and seek cover under a desk or table away from windows. When the earthquake stops, students will follow staff directions.

The term “containment” is used to signal the beginning of an emergency situation where close student supervision and communication are essential.

To ensure the safety of your child and so you have advance information about our procedures, teachers and students are expected to remain in the classroom and:

- Lock the doors
- Ignore all bells
- Keep the classroom door closed until given the agreed upon signal
- Take attendance
- Stay ways from windows
- Remain quite and stay as close to the floor as possible
- Turn off lights
- Don't use telephones



EMERGENCY / DANGEROUS SITUATIONS

1. When a school representative has knowledge, which would lead a reasonable person to believe that either dangerous or emergency situation exists and that it is necessary to act to protect the safety of any person or property, the school representative may make a search to the extent necessary to relieve the emergency or dangerous circumstance.
2. In responding to an emergency and/or dangerous situation, the actions of the school representatives, the actions of the official shall be reasonably effective and no more intrusive than necessary.
3. If a student or parent refuses to allow access to a vehicle when requested, the student's privilege of bringing a vehicle onto campus will be immediately terminated. A refusal will subject the student to discipline up to and including expulsion; law enforcement officials may be notified.

Gender-Inclusive Schools

Lummi Nation Schools believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of gender expression, gender identity, or sex. To that end, the board recognizes the importance of an inclusive approach toward transgender and gender-expansive students with regard to key terms, communication and the use of names and pronouns, student records, confidential health and education information, communication, restroom, and locker room use and accessibility, sports and physical education, dress codes, and other school activities, in order to provide these students with an equal opportunity for learning and achievement.

This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful, and inclusive learning community and will be implemented in conjunction with comprehensive training of staff and volunteers. Specific training requirements are included in the accompanying procedure. The superintendent will appoint a primary contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be, communicated throughout the district. The district compliance officer will participate in at least one mandatory training opportunity offered by OSPI.

This policy and its procedure will support that effort by facilitating district compliance with local, state and federal laws concerning harassment, intimidation, bullying, and discrimination.

Dr. William Hill / Gender Inclusive School Coordinator (360-758-4497)

Academic Acceleration for High School Students Policy

(1) By the 2021-22 school year, each school district board of directors shall adopt an academic acceleration policy for high school students as provided under this section.

(2) Under an academic acceleration policy:

(a) Lummi Nation School may enroll any student who meets or exceeds the state standard on the eighth grade or high school English language arts or mathematics statewide student assessment in the next most rigorous level of advanced courses or program offered by Lummi Nation School that aligns with the student's high school and beyond plan goals.

(b) Lummi Nation School may include additional eligibility criteria for students to participate in the academic acceleration policy so long as it does not create inequities among student groups in the advanced course or program.

(3)(a) The subject matter of the advanced courses or program in which a student is enrolled in depends on the content area or areas of the assessments where the student has met or exceeded the state standard under subsection (2) of this section.

(b) Students who meet or exceed the state standard on the English language arts statewide student assessment are eligible for enrollment in advanced courses in English, social studies, humanities, and other related subjects.

(c) Students who meet or exceed the state standard on the mathematics statewide student assessment are eligible for enrollment in advanced courses in mathematics.

(d) Beginning in the 2021-22 school year, students who meet or exceed the state standard on the Washington comprehensive assessment of science are eligible for enrollment in advanced courses in science.

(4)(a) Students who successfully complete an advanced course in accordance with subsection (3) of this section are then enrolled in the next most rigorous level of advanced course that aligns with the student's high school and beyond plan.



Academic Acceleration for High School Students Policy

(b) Students who successfully complete the advanced course in accordance with this subsection are then enrolled in the next most rigorous level of advanced course with the objective that students may be enrolled in courses that offer the opportunity to earn dual credit for high school and college.

(5) Lummi Nation School must notify students and parents or guardians regarding the academic acceleration policy and the advanced courses or programs available to students, including dual credit courses or programs.

(6) Lummi Nation School must provide a parent or guardian of a high school student with an opportunity to opt the student out of the academic acceleration policy and enroll the student in an alternative course or program that aligns with the student's high school and beyond plan goals.



TOBACCO FREE CAMPUS:

To protect children from exposure to the addictive substance of nicotine, Washington State law (RCW 28A.210.310) requires a no tobacco policy. Lummi Nation School is a Tobacco Free Campus. No individual may be in possession of tobacco paraphernalia, or tobacco in any form; including cigarette, cigar, pipe, vape, or tobacco paraphernalia, nor shall students chew or snuff tobacco products at school or school sponsored events, or while passenger in school vehicles, or on school property. Those individuals who violate this rule will be subject to progressive disciplinary action.

1. **First Offense:** Student will review material provided by the nnc1 al on the dangers of smoking. Student will then go to ISO Room to reflect on material reviewed and write a
2. **Second Offense:** Student will serve 2 days of in school suspension.
3. **Third Offense:** Student will serve 3 days of out of school suspension.



SCHOOL VISITORS

Parents and other adults are always welcome in our school. We require that they inform the office when they arrive on campus, obtain a visitor badge and allow us to meet them and determine if we can be of any assistance. As a courtesy to staff, we ask that parents give us notification if they wish to visit classes. As a matter of building security, teachers are asked not to allow visitors into the classrooms unless they have first made their visit known to the administration. Young adults or students from other schools are not allowed on campus at any time. We do not issue student guest passes.



CONVICTED SEX OFFENDER POLICY

Individuals who are convicted sex offenders with the Lummi Nation or any jurisdiction are prohibited from being on the premises of the Lummi Nation School (LNS), except for the limited circumstances stated in this policy.

Presence on the School Property

No convicted sex offender whose victim was under the age of 16 at the time of the offense shall be present on any LNS property, including school buildings, athletic fields, playgrounds, parking lots, school buses, activity buses or any other property except as provided below.

No convicted sex offender who is employed and/or contracted by any person, corporation, or other entity who enters into or renews a contract with LNS shall have direct contact with students or have access to the school grounds during the course of permitted contracted duties when students are present.

If any employee of LNS becomes aware of any convicted sex offender's presence on school property, he/she shall immediately inform the principal, who shall direct the individual to leave the premises immediately. The principal shall request assistance from local law enforcement authorities if an offender does not immediately follow the principal's directives. If the convicted sex offender violates this restriction of coming on to school property, the principal shall confer with the Office of the Reservation Attorney to take appropriate legal action.

Neither this policy nor the Lummi Code of Laws imposes any duty upon a principal or any other employee of LNS to review the sex offender registry for individuals who may come upon the property. ***This policy shall apply only when principals/designees have actual knowledge that the person in question is a convicted sex offender.***

Parents Who are Convicted Sex Offenders

It is the responsibility of the parent/legal guardian who is a convicted sex offender to provide written notice to the school's principal of his/her offender status upon his/her child(ren)'s enrollment. Principals shall speak with the parent upon learning of his/her status as a sex offender to communicate the restrictions of this policy and to establish open dialogue with the parent as much as is possible or reasonable. The principal shall take all appropriate measures to protect the privacy of the sex offender's child.

It is the responsibility of the parent/legal guardian who is a convicted sex offender to request, in writing, permission to enter LNS premises. The parent/legal guardian may come to the school for the stated business only. Further, when coming in the building, the parent/legal guardian must come to the front office only and present his/her copy of the principal's written permission to be on the premises. Parent/legal guardians who are sex offenders and wish to come to the school for events other than child drop-off/pick up or parent/teacher conferences must seek special written permission from the Lummi Nation Education Board.



Child Drop-off and Pick-up

A parent/legal guardian who is a convicted sex offender may drop-off and pick-up his/her child from school provided that he/she submits a written request to the school principal, and the principal has given the parent/legal guardian written permission. The parent/legal guardian may stay on school grounds no longer than necessary to pick-up or drop-off his or her child.

Parent/Teacher Conferences

A parent/legal guardian who is a convicted sex offender may enter campus for his/her child's parent/teacher conferences provided that he/she has submitted a written request and that the principal has given the parent/legal guardian written permission. The parent/legal guardian may stay on school grounds no longer than necessary to attend the parent/teacher conference.

Students Who are Convicted Sex Offenders

Convicted juvenile sex offenders shall not attend Lummi Nation Schools if their adjudicated victim(s) or victim's sibling(s) also attends Lummi Nation Schools.

The Education Director is responsible for determining if this policy has been followed.

Legal References: Chapter 5.09C.06, Title 5, Lummi Code of Laws



CAFETERIA

Breakfast and lunch are served in the school cafeteria. Families are welcome to join their child(ren) at any time. To encourage parent/family participation, the Lummi Education Office will provide lunches to parents and families wishing to join their child(ren) for lunch. Parents can pick up a lunch ticket in the Education Office free of charge. Please stop at the office to sign in and receive visitor pass.

Please encourage your child to eat breakfast at school if they do not eat breakfast at home. Students learn better and behavior problems are reduced when children start the day with a balanced breakfast. Breakfast is served daily.

Our kitchen staff works hard to prepare nutritious food for your children. Information regarding the free and reduced meal program is mailed home prior to the start of the school year. Applications are also available in the elementary and high school offices.



PRIVATE TRANSPORTATION

All drivers are required to check in with security located at the entrance of school campus. Students possessing a valid Driver's License and automobile insurance may drive their cars to school and park in the school parking lot. Proof of both Driver's License and insurance must be supplied to the school prior to driving to school and parking on school grounds. The privilege of driving private transportation on school grounds between 7:30 a.m. and 4:00 p.m. will be revoked in the event of any dangerous vehicle operation (e.g. exceeding 10 mph), or if the vehicle interferes with education process in any way (e.g. noise, students using it during class time, dangerous or illegal substances or items are found in it, etc.).

Any individuals dropping off or picking up students in the parking lot must also follow these same rules regarding safe operation of vehicles and not interfering with the education of your students. A reminder that the Lummi Nation School has a closed campus. Students who violate our closed campus policy will be subject to disciplinary action. They are requested to not come to school in the afternoon until after school is dismissed (see bell schedule page 5) and not to linger in the parking lot at any time during school hours. Violators will be reported to Lummi Law and Order.



AWARD CEREMONIES

You will be notified of award ceremonies taking place when scheduled and are encouraged to attend.



CHANGE OF ADDRESS / PHONE CHANGE

The school is responsible for your child(ren) during school hours. Please recognize the importance of needing UP-TO-DATE addresses, telephone numbers and emergency information on file. If information needs to be changed or updated, send a note or call the office. **BE SURE TO HAVE AN UPDATED NAME AND PHONE NUMBER OF AN EMERGENCY CONTACT PERSON IF YOU ARE UNAVAILABLE.** In an emergency or when your student becomes ill, we must be able to contact you.



LOST AND FOUND

All lost and found items of any kind will be brought to the office and kept until claimed within the school calendar quarter they were turned in. Parents are encouraged to check Lost and Found when they visit school; many items go unclaimed. Monetary items will be given to the finder after two-week waiting period. Unclaimed items will be donated to various families or organizations on a quarterly basis.



SCHOOL PICTURES

Individual school pictures are taken in the fall and group class pictures are taken in the spring (see calendar of important dates). The school also publishes a yearbook which is distributed in the spring.



SCHOOL TRANSPORTATION SCHEDULE

Lummi Nation School provides bus transportation for our students. Bus rules are outlined in the Courtesy, Conduct, and Consequences section of this handbook. We encourage students and parents to take the time to review these rules as they are designed with the safety and protection of our students in mind. It is also important to keep in mind that our drivers are on a tight schedule and they need assistance in maintaining that schedule by having your child ready and waiting at the appropriate time.



RELEASE OF STUDENT INFORMATION:

As family situations may change, we ask that you let us know if there are any new changes or restrictions regarding you child. We will try to accommodate all of your instructions, provided that all necessary or required documents/information are given. ALL STUDENT INFORMATION MUST BE UPDATED EACH SCHOOL YEAR AND THROUGHOUT THE YEAR.



STUDENT MESSAGES

The cooperation of both students and parents in minimizing messages to students during the school day is necessary to avoid disruptions to learning and to maximize the efforts of staff in working directly with students. Emergency telephone messages for students will be accepted from parents/guardians only. Students will be informed of emergency messages at the end of class and asked to return the call.