

TITLE 1 - ORGANIZATION, PHILOSOPHY AND COMPREHENSIVE PLAN

CHAPTER 1000 - ORGANIZATION AND LEGAL STATUS

Section 1001 Establishment of unified Hopi School System

- A. After much research, consultation and analysis, on August 7, 2019, the Hopi Tribal Council enacted the Hopi Education Code (“Code”) by Tribal Resolution #H-061-2019, as the Tribe’s new comprehensive law for education services on the Hopi Reservation.
- B. The Code unifies all seven Tribally Controlled Schools into the Hopi School System (“HSS”).
- C. The Code established the HSS as the collective organization of all Tribally Controlled Schools within the exterior boundaries of the Hopi Reservation, including:

First Mesa Elementary School
Hopi Day School
Hotevilla Bacavi Community School
Keams Canyon Elementary School
Moencopi Day School
Second Mesa Day School
Hopi Junior Senior High School.

Section 1002 Legal Status under Single, Tribally Controlled Schools Act Grant

- A. As required by the Code, the HSS shall be administered under a single P.L. 100-297, Tribally Controlled Schools Act grant, and shall have all rights and responsibilities as a Tribally Controlled Schools Act grant school. Legal Ref.: Code, sec. 3.4.
- B. All powers and duties conferred and imposed by law respecting Tribally Controlled Schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed by law upon the Hopi Board of Education (“HBE”).
- C. The official name of the school system shall be: Hopi School System.
- D. The governing body of the Hopi School System shall be: Hopi Board of Education.

Section 1003 Delegation to the Hopi Board of Education as the Grantee

- A. The Hopi Tribal Council delegated all governance authorities and oversight of the HSS and the seven Tribally Controlled Schools on the Hopi Reservation to the HBE as a Hopi Tribal Regulated Entity. Legal Ref.: Code, secs. 2.1, 4.1.A.
- B. The HBE shall serve as the Grantee and school board for the administration and management of all schools and all federal and other funds of Hopi schools.

- C. The HBE shall provide oversight of the schools, effective governance and administrative and educational support. The HBE shall determine all policies and procedures, make all hiring decisions, and oversee operations of all schools within the Hopi Reservation.
- D. HBE's governance, drafting of policies and procedures, hiring decisions and performance of specific duties shall be in keeping with the needs of students, the Tribally Controlled Schools Act, and all applicable federal, state and Tribal laws.
- E. The HBE membership shall include one representative for each Hopi school and two At-Large members representing the entire Hopi Reservation. The Hopi Tribal Council has appointed the first interim HBE to lead the transition process to the HSS and serve as the first HBE for the HSS until elections are held to fill all positions.
- F. Additional policies and procedures related to the HBE's authority and governance are located in Title 8 (Hopi Board of Education and Administration).

Section 1004 Central Administration Office and Chief School Administrator

- A. The administrative services for the schools shall largely be provided by the "Central Administration Office" as is required by the Code. The Central Administration Office shall contain twenty to thirty HSS staff who shall provide administrative services and support to the schools. This will allow the school's administrative leaders and staff to focus on supporting and providing the school's educational services.
- B. The Central Administration Office shall be overseen by the Chief School Administrator ("CSA") who shall serve as the Chief Operating Officer (superintendent) of the entire HSS and the schools. The CSA shall supervise and manage the Central Administration Office, and shall conduct annual evaluations of the school Principals.

Section 1005 Local Schools Administration

- A. The school Principals shall have day-to-day management authority over their local schools and shall implement education policies established by the HBE.
- B. A local school board shall be elected by each local school attendance area to implement education policies established by the HBE and to advise their local school on hiring recommendations, community and parental engagement, and other local school matters. Local school boards shall not have access to any confidential or personnel data protected by applicable law. The local school boards shall operate under the rules established in Chapter 6 of the Hopi Education Code.

Section 1010 Hopi School System Organizational Chart

After careful analysis and consultation with Hopi education stakeholders, the HBE adopted and approved the Organizational Charts for the Hopi School System at a duly called meeting on May 17, 2023, by Action Item #08-2023. See Appendix A. The HBE may review and revise the Organizational Charts as future needs are identified.

CHAPTER 1100 - PHILOSOPHY, MISSION AND VISION

Section 1101 Mission Statement

The HBE has adopted the following Mission Statement which was developed by Hopi school Principals, teachers, and education stakeholders to guide Hopi schools in providing education services for students of Hopi schools:

Hopituy öqalankyàakyangw puhupöhut ang itamuy tsaami'yma
“Encouraging the Hopi people and guiding (leading) them on a new path.”

Section 1102 Vision Statement

The HBE has adopted the following Vision Statement which was developed by Hopi school Principals, teachers, and education stakeholders to guide Hopi schools in providing education services for students of Hopi schools:

To create an environment in which every individual is cared for intellectually,
socially and culturally.

Whose people are connected and exposed to the best educational
experiences and resources.

To enrich the lives of people through the integration of language, culture, and
the Hopi principles.

Section 1103 Affirmation of Commitment

HBE hereby adopts the following “Affirmation of Commitment” to uphold and affirm the Hopi School System’s commitment to Hopi children and all HSS students. HSS staff and stakeholders may state this affirmation as part of their meetings and other HSS events.

Itàatuptsiwni:

Itam Hopisinom qa paysoq yeese.

Itàatim:

Itàatim itamuy tsaami'ywisni.

Itàatim itàaqatsiy àapi'ytotani.

Itàatunatya:

Oovi itam pumuy matö'angwisni;
yan itam wuwantotakyang tumala'yyungni

Askwali, Kwakwhà

Our Truth (Belief)

We, the Hopi People, do not merely exist.

Our Children (truth we hold about them)

Our children will lead us forward (future)

Our children will continue our way of life.

Our Responsibility (vision-mission-work)

Therefore, we will support them; and in this way of thinking (mindset) attend to/carry out our work.

Section 1104 Archiving Mission and Vision Statement records

The Chief School Administrator or designee shall archive development documents from the process of drafting and revising the HSS Mission and Vision statements in HSS Central Administration Office records.

Section 1110 Philosophy of the Hopi School System

- A. The philosophy of the HSS is to be dedicated to teaching the “whole child.” This entails a holistic approach that is inclusive of academics as well as the cultural, physical, social and emotional development of Hopi students.
- B. The HSS shall strive to create positive and supportive learning environments and shall prioritize the long-term and overall development of HSS students as well as providing support and inclusiveness for our teachers, families, community members and administrative leaders.

Section 1111 Governing Principles of the Hopi School System

- A. As part of its responsibility to establish a guiding vision for the HSS, the HBE shall develop and regularly review a set of governing principles which describes the HSS’s beliefs, values and goals. The HBE and HSS staff shall incorporate these governing principles in all HSS programs and activities.
- B. The HSS’s primary responsibility is to provide a quality educational program that will prepare students for all stages of learning from pre-school to college, vocational education, and career readiness.
- C. The HBE is further guided by governing principles it considers critical to meet this responsibility by providing a system of excellent schools where students can succeed. These governing principles are set forth below:
 - 1. Student success. As its top priority, HSS schools will provide opportunities for individual students to succeed and overall student performance to improve, while integrating Hopi culture, language and history throughout the HSS.
 - 2. Family involvement. HSS schools will involve parents, guardians and families in decisions regarding their children, the educational programs, and HSS schools.
 - 3. Safe, orderly and inviting environment. HSS schools will create and maintain a safe and orderly environment where staff and students are focused on and excited about learning.
 - 4. School initiatives. In HSS schools, each school will initiate improvements to the educational program and services for students, including providing for specialized needs and involving staff, parents/guardians and students in school-level decision-making processes.

5. Professional development. HSS schools will provide continuous professional development and training to help teachers and staff gain the skills and knowledge, including cultural knowledge, needed to meet HSS goals, especially as they relate to improving student performance.
6. Removal of barriers. HSS schools will prohibit illegal discrimination and harassment of staff and students, encourage tolerance and respect, and seek to eliminate or lessen other barriers that may impede a student's ability or opportunity to learn, including economic disadvantages, poor nutrition, mental/emotional and physical ill-health, and lack of transportation.
7. Stewardship of resources. HSS schools will conserve financial and environmental resources and operate in an efficient manner.

Section 1112 Educational Goals of the Hopi School System

- A. The educational goals of the Hopi School System are to:
 1. Provide an educational foundation that will prepare students for all stages of learning from pre-school to college, vocational education, and career readiness while being rooted in Hopi language, culture, history and values; and
 2. Create a learning environment in which HSS students:
 - a. Are self-motivated, enthusiastic and excited to learn;
 - b. Freely explore their inherent gifts, talents and interests;
 - c. Exercise their imaginations, problem-solving skills, and creative learning spirit with care and compassion to their fellow students, teachers and staff;
 - d. Become life-long learners; and
 - e. Reach their full potential with a foundation to confidently contribute to their communities in any area they wish, e.g. career, technical, college, military, etc.
- B. As these goals are developed into policies and procedures, each goal shall include measurable standards, performance indicators, and benchmarks that can be used to determine the HSS's progress toward meeting each goal.

Section 1113 Culturally Responsive, Place-Based Learning Model

To create a positive, effective and supportive learning environment, the HSS shall adopt a culturally responsive and place-based learning model which shall be centered on Hopi language, culture, history and homelands.

CHAPTER 1200 - HSS POLICIES AND PROCEDURES

Section 1201 Adoption of HSS Policies and Procedures Manual

- A. The Hopi School System Policies and Procedures Manual (hereinafter “HSS Manual”) shall be effective only upon its adoption by the HBE as the official policy of the Hopi School System. The HSS Manual shall be distributed to all HBE members, HSS employees and made available to the public.
- B. All employees are expected to follow the policies and procedures in the HSS Manual and any amendments thereto as soon as they become effective.
- C. In construing the provisions of the HSS Manual, all references to a “school” shall mean any of the HSS Tribally Controlled Schools, and all references to the “HBE” or “Board” shall mean the duly elected or appointed Hopi Board of Education. All references to “days” in the HSS Manual shall be “calendar days” unless expressly stated otherwise.
- D. The policies and procedures of the HSS Manual and any amendments thereto which would be in violation of the Hopi Education Code shall be considered void.

Section 1202 Effective Date of the HSS Policies and Procedures Manual

- A. Once the Bureau of Indian Education approves the HSS P.L. 100-297 grant, the effective date of the HSS Manual shall be July 1 st following the date of approval, 2023, or as may be otherwise notified by the HBE.
- B. Upon the effective date of the HSS Manual, HSS schools shall discontinue use of their local school’s policies and procedures and shall utilize the HSS Manual as their school’s policies and procedures. If school administration identifies any policy or procedure need of their school which is not contained in the HSS Manual, the school Principal shall immediately notify the HBE of the need.
- C. For the school year following the approval of the HSS P.L. 100-297 grant~~During the 2023-2024 school year:~~
 1. HSS schools shall utilize their existing administrative staff to implement the financial, personnel, administrative and other policies and procedures of the HSS Manual; and
 2. HSS schools’ administrative staff shall assist with the implementation and training of the Central Administration Office staff as they are hired to ensure a smooth transition to the unified Hopi School System.

Section 1203 Forms Available Online and in HSS Manual Appendix

All Forms and Notices referenced in or relevant to the HSS Manual shall be available electronically through the HSS’s financial and personnel management software and/or HSS

website and by hardcopy in the HSS Manual's Appendix B (Hopi School System Forms and Notices).

Section 1210 Amendments to HSS Policies and Procedures Manual

- A. Duly enacted amendments shall replace former policies and procedures. The new amendments shall be considered part of the employee's employment contract with the HSS as soon as they are enacted.
- B. The CSA, Principals and other staff, as directed by the HBE, shall review proposed amendments as necessary.
- C. HBE shall obtain a legal opinion from the HSS legal counsel regarding said proposed amendments.
- D. The HBE may publish the text of the proposed amendments in its minutes and by posting notice of said amendments. The HBE shall set a date and time for final consideration of said amendment not less than ten (10) calendar days after said publication. Staff and other persons may submit comments upon proposed amendments prior to final adoption by the HBE. If, in the HBE's opinion an emergency circumstance exists that limits the time available for public posting, the HBE may enact an amendment to the HSS Manual without the ten (10) day posting period and declare the amended policy effective immediately.
- E. An amendment to the HSS Manual adopted by the HBE shall become effective immediately upon the HBE enacting an amendment. Copies of the amendments shall be thereafter distributed to all staff members and shall be posted at all HSS schools, HSS website(s), and other facilities, such as post offices, cultural centers, and village offices to notify all employees and the general public of the policy change.

Section 1220 Jurisdiction

- A. Any legal matters and employment agreement disputes shall be determined according to and in accordance with the laws of the Hopi Tribe. The Hopi Tribal Courts shall have sole jurisdiction over any such disputes.
- B. Any employee aggrieved shall exhaust the administrative remedies provided in the HSS Manual prior to seeking any relief in Hopi Tribal Courts.

CHAPTER 1300 - THREE-PART HOPI ACHIEVEMENT SYSTEM

Section 1301 Purpose

- A. To provide students with the most effective, accountable, and consistent education, the HBE shall establish a Three-part Hopi Achievement System as required by the Hopi Education Code. Legal Ref.: Code, Chapter 9.
- B. The Three-part Hopi Achievement System shall set goals for Hopi students, measure student achievement levels, and acknowledge school successes and provide support for improvement where necessary.
- C. Until the HSS develops its own education standards, assessments, and accountability measures, the HSS shall follow Bureau of Indian Education (“BIE”) requirements for standards, assessments and accountability measures, and may include additional measures that are culturally relevant for the HSS.

Section 1302 Structure of Three-part Hopi Achievement System

Applying the Elementary and Secondary Education Act, Pub. L. No. 89-10 (1965), as amended, the HBE shall consult with stakeholders and oversee the creation of the following Three-part Hopi Achievement System:

A. Education Standards.

- 1. The HBE shall approve and implement rigorous education standards that specify what students need to know and be able to do in order to be prepared for post-secondary life on or off the Hopi Reservation, including but not limited to college, vocational school, military service, apprenticeships, and career and life readiness.
- 2. The HBE has determined to adopt the BIE’s College and Career Readiness Standards, and State of Arizona standards in content areas for which the BIE has not adopted standards.

B. Assessments.

- 1. The HBE shall oversee the development of a comprehensive assessments to include assessments aligned with the education standards to measure whether students are on track to meet the education standards.
- 2. The HBE has determined to adopt the BIE’s Assessments aligned to BIE’s academic standards, and Arizona State assessments in content areas for which the BIE has not adopted standards and assessments, including the Arizona Department of Education Civic Assessment.

C. Accountability.

1. An accountability system shall be established as follows:
 - a. The HBE shall develop and implement a set of policies and procedures designed to evaluate local schools' and students' performance based on a broad set of outcome indicators, e.g. academic achievement and progress, graduation rates, and career readiness;
 - b. The accountability system shall set goals and compare local schools' and student performance to those goals. This comparison shall reveal the areas of academic success and where the HSS needs to improve students' skills and knowledge; and
 - c. To support continuous improvement, the CSA, in collaboration with local schools and local school boards, shall identify accountability results to include, but not be limited to rewards or recognition for high-performing schools, and resources, support, and interventions for schools that are struggling to meet education standards.
2. The HBE has determined to adopt the BIE's Accountability System.

Section 1303 Curriculum

The HBE shall approve a uniform curriculum for all Hopi schools that is aligned with the Three-part Hopi Achievement System to provide quality and effective formal education and to foster the learning spirit within HSS students.

Section 1304 Hopi Education Information System

- A. The HBE shall establish and maintain a Hopi Education Information System ("HEIS") to create an uniform system of records and comprehensive database from pre-school to post-secondary activities across all Hopi schools. Legal Ref.: Code, sec. 9.4. Through the HEIS database, the HSS will be able to track students' academic performance, pre-academic skills, educational achievement, graduation, and post-secondary activities.
- B. The collection of this educational information in the HEIS will assist the HSS, HBE, CSA, local school boards, pre-schools, and local schools in identifying those teaching methods, curriculum, and policies which are most effective in improving student achievement, academic results, and post-secondary success.
- C. In establishing the HEIS, the HBE shall collaborate with all educational entities of the Hopi Reservation, including pre-schools and post-secondary programs, and use and incorporate all available tools, for example, Native Star and the Native American Student Information System ("NASIS").

Section 1305 Records Reporting

- A. To ensure an effective educational accountability system, each HSS school shall provide academic test scores on each individual student to the CSA or designee.
- B. The CSA shall oversee use of student test data to create Hopi achievement profiles. The achievement profiles shall be shared with each school to assist them in improving academic achievement.
- C. On an annual basis, the HBE shall publish an Accountability Report, including each local school's rating, student achievement data, and related information for public dissemination.

Section 1306 Privacy of Student Records

The HBE shall oversee development of a student records privacy policy. The Hopi School System shall comply with this student records privacy policy and with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, in the use of student information for reports and research purposes.

CHAPTER 1400 - COMPREHENSIVE PLAN

Section 1401 Purpose

The HSS believes that careful planning is essential to effective implementation of HSS programs and policies. Comprehensive plans shall identify cohesive strategies for school improvement, provide stability in HSS operations, and be aligned to ensure consistency among HSS approaches for student academic growth and achievement.

Section 1402 Comprehensive 5-year and 10-year Hopi Education Plan

- A. As required by the Code, the HBE shall appoint a “Strategic Planning Committee” to assist in strategic planning and with the creation of a Comprehensive 5-year and 10-year Hopi Education Plan for the HSS. Legal Ref.: Code, sec. 4.9.D(2). The HBE may also adopt additional comprehensive plans as needed and appropriate for local school and HSS needs.
- B. The Comprehensive 5-year and 10-year Hopi Education Plan shall evaluate the mission of the HSS and shall address the significance of education for HSS students, desired educational outcomes for students, and the role of the Tribe’s sovereignty and jurisdiction over the schools within the Hopi Reservation.
- C. As part of the Comprehensive 5-year and 10-year Hopi Education Plan, the HBE and the Hopilavayi Committee shall undertake the creation of a comprehensive Hopi values, cultural, and language program and model for all Hopi schools that is also reflective of local community needs. Legal Ref.: Code, sec. 13.4.A.

Section 1403 Developing Comprehensive Plans

- A. As appropriate, comprehensive plans may describe, but not be limited to, anticipated short- and long-term needs, measurable outcomes, priorities, activities, available resources, timelines, staff responsibilities, and strategies for internal and external communications regarding the plan.
- B. The process for developing comprehensive plans shall include broad participation of school and community stakeholders. Comprehensive plans shall be available to the public and shall be reviewed at regular intervals as specified within the plan or as required by law.
- C. All HSS comprehensive plans shall be reviewed and approved by the HBE.

CHAPTER 1500 - EMPLOYEE ACKNOWLEDGEMENT

Section 1501 New Employees to receive HSS Policies and Procedures Manual

All employees of the Hopi School System, shall, as part of their new employee orientation, receive a copy of the Hopi School System Policies and Procedures Manual.

Section 1502 Employee Acknowledgment Form

Upon receiving a copy of the HSS Manual, all new employees shall sign the Employee Acknowledgement Form. See Appendix B.

TITLE 5 - PERSONNEL

CHAPTER 5000 - PERSONNEL ADMINISTRATION

Section 5001 Purposes and Roles of HSS Personnel Policies

- A. The success of Hopi School System (“HSS”) students and programs hinges on effective personnel. The Hopi Board of Education (“HBE”) desires to establish safe and supportive working conditions that attract and retain staff members who are highly qualified and dedicated to the education and welfare of HSS students.
- B. The HBE hereby establishes a “Personnel Department” within the HSS Central Administration Office which shall be led by a “Personnel Director” to implement personnel services for the HSS and HSS schools. The Chief School Administrator (“CSA”) shall oversee the HSS’s personnel system, and the HBE shall approve a framework for sound hiring, retention and accountability practices.
- C. The HSS is dedicated to creating a workplace that integrates and reflects Hopi cultural values of cooperation, collaboration and humility to create a professional, positive climate in which HSS employees can help students attain a quality, foundational education. Above all, employees shall be respectful of each other, students, parents, and other stakeholders. Specifically, employees shall strive to fulfill the meaning of *Kyaptsi* by maintaining the highest degree of respect for and obedience to moral standards and ethics, so as not to knowingly abuse, alter or oppose the progressive order and cycle of nature and the sacred manifestations of the creator’s teachings. See Hopi Dictionary: A Hopi English Dictionary of the Third Mesa Dialect, Hopiikwa Laváytutuveni, p. 842 (1998). The HBE has also adopted a Code of Ethics in Chapter 8500 of the HSS Manual applicable to all HSS employees, HBE and local school board members to guide them in the performance of their official duties and responsibilities.
- D. All HSS employees are encouraged to express their ideas, concerns and proposals related to the improvement of working conditions and the HSS educational services and programs. As the legal representative of the HSS, the HBE shall hear employee complaints and appeals when such hearings are in accordance with HBE policy.
- E. The HBE shall adopt salary schedules and shall commit budget funds for staff development so that staff members may continue developing their skills.
- F. The CSA shall have oversight and supervise the work of all employees and ensure their work is conducted in accordance with effective accountability systems approved by the HBE.
- G. The Principals and/or designee shall conduct the evaluations of all staff at their local school. Once the local school evaluations are completed, the Principals shall provide the evaluations to the CSA for review and concurrence.

- H. The CSA and/or designee shall conduct evaluations of all Principals, Central Administration Office Department Directors, and other employees for which the CSA has direct supervision.
- I. Disciplinary actions in regards to employees shall follow the disciplinary policies and procedures set forth in Chapter 5600 of the HSS Manual. The HBE may take appropriate action when warranted pursuant to HSS policy, administrative procedures, and/or applicable law.

Section 5002 Nature of Employment

- A. The HSS Manual is intended to provide employees with a general understanding of the HSS's personnel policies. Employees are required to familiarize themselves with the contents of the HSS Manual, for it shall answer many common questions concerning employment with the HSS.
- B. The HSS Manual cannot anticipate every situation or answer every question about employment. This, however, is intended to be the guide to the HBE and the employee and is to be considered a part of the employment contract. It is understood by employees and employer that the HSS Manual may be amended from time to time by the HBE. The employee shall be notified of any modifications to the HSS Manual and is expected to follow the modification to the HSS Manual as adopted by the HBE. Any modifications to the HSS Manual shall become part of the employment contract.
- C. In order to retain necessary flexibility in the administration of policies and procedures, the HBE reserves the right to change, revise, or eliminate any of the policies and/or benefits described in the HSS Manual. The only recognized deviations from the stated policies are those authorized by HBE action.
- D. The HBE may look to federal and state employment laws for guidance, but these laws are not binding nor is the HBE waiving the Hopi Tribe's inherent sovereign immunity by agreeing to implement all or any part of these laws.
- E. Specific duty assignments (i.e., grade level, subject matter area, etc.) shall be made based upon the needs of the HSS and the schools as those needs are determined by the CSA and Principals. If needs change, assignments may be changed as follows:
 - 1. Principals have the discretion to make assignment changes in consultation and collaboration with the CSA to meet the HSS and schools' needs;
 - 2. The CSA has the discretion to make assignment changes of administrative staff to meet the HSS and schools' needs;
 - 3. The HBE shall be notified of any such assignment changes and approve any changes to a contract or addendums or other changes required by the HSS Manual; and

4. This provision applies to all positions including, but not limited to, teachers, teacher assistants, and administrative staff.

Section 5003 Employee Relations

- A. The HSS believes that the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area.
- B. If employees have concerns about working conditions or compensation, they are strongly encouraged to voice these concerns directly to their immediate supervisors. We encourage all employees to resolve internal disputes within the HSS.
- C. All employees, the HBE, and local school board members are further required to conform to the compliance and complaint procedures set forth in Chapter 18 of the Hopi Education Code (“Code”).

Section 5004 Providing Recommendations for Employment to the HBE

- A. School Principals shall consult with their respective local school boards on hiring needs, and the Principal shall provide recommended applicants to the Personnel Department for background checks. Once the Personnel Department concludes their review, the Personnel Director shall provide the applicants who successfully completed their background checks to the CSA by a due date determined by the HBE.
- B. After this due date, the CSA shall nominate all personnel for employment to the HBE. The HBE shall approve only those persons so recommended. Individuals who approach HBE members regarding prospective employment shall be referred to the CSA.
- C. If the school Principal does not provide a recommendation to the CSA to fill a vacant position by the due date, the CSA may submit a recommendation to the HBE for approval.

Section 5010 Staff Designations as Professional or Support Staff

- A. Professional staff members are employees of the HSS who are required by HSS policy, regulation, or position description to possess teaching certificates, including provisional certificates, from the Arizona Department of Education for the purpose of performing their jobs or are expressly designated as professional staff members in notices of employment or contracts executed by the HBE.
- B. All other employees are support staff members.

Section 5011 Compensation

- A. The CSA shall provide recommendations to the HBE on the salaries and benefits of employees in conjunction with the development of the HSS’s annual budget.

B. The Finance Director shall develop and maintain a uniform Salary Schedule for all employee positions of the HSS which shall be approved by the HBE.

C. Professional Staff Salary policy.

1. Administrators: The HBE will enter into an individual contract with each member of the administrative staff commensurate with the requirements of the position. This contract shall describe the general services to be rendered by the employee in return for financial and other considerations. Additionally, the employee's position description, detailing the more specific performance responsibilities of the contracted position and the mode of evaluating performance, shall be incorporated into the contract by reference. All terms and conditions of contracts with administrative staff members are to conform with the requirements of the HSS Manual, the Code, and applicable federal and Arizona state laws and regulations.
2. Other Certified Personnel:
 - a. The salary schedule pertains to personnel holding provisional, basic, or standard certificates at the elementary or secondary levels;
 - b. Previous verified experience recognized for the purpose of placement on the salary schedule is defined as any previous full-time certified teaching in a school. For a teacher to receive credit for previous teaching experience, the teacher must furnish the office of the CSA full information concerning the previous teaching records. When the experience has been verified, credit will be given by the HSS.
3. Substitutes: Pay for substitute teaching shall be established by the HBE.
4. Advancement on Salary Schedule:
 - a. Vertical and horizontal advancement on the salary schedule will be in accordance with the salary schedule currently in effect.
 - b. Vertical advancement is limited to one (1) step per year; and
 - c. Reasons for denial of vertical advancement on the salary schedule include but are not limited to:
 - i. Lack of adequate disciplinary control;
 - ii. Insufficient effort and time given to assigned duties or failure to engage in a reasonable amount of extracurricular activity;
 - iii. Lack of cooperation with the administration in carrying out adopted policies of the HSS; and

iv. Unprofessional conduct.

5. Other Contract Provisions.

- a. If an employee will not work the full term as set up by salary schedule, he/she shall be paid on a prorated basis for the number of days to be worked for the remainder of the school year; this shall include school days taught plus the number of days required for orientation; and
- b. For newly hired certified personnel placed on the teachers' salary schedule, differentials above the stated schedule may be paid as approved by the Principal, CSA and HBE.

D. Support Staff Salary Schedules policy.

1. The HBE will determine salaries and benefits of all employees annually, differentiated on the basis of duties and responsibilities.
 2. The initial placement on the salary schedule for all new personnel and for all currently employed personnel selected for another position in the HSS shall be recommended by the CSA and approved by the HBE at the time of employment. The CSA's recommendation will be based on consideration of the candidate's qualifications, relevant job experience, and years of HSS employment, if applicable.
 3. Salary advancements for regular twelve (12) month employees are granted only at the beginning of each fiscal year. Annual step increases may be withheld if it is determined the employee does not perform at the expected level or does not meet standards for the job. An employee must work one (1) day more than one-half (1/2) of the year to receive a step advancement in salary.
- E. The HBE, in consultation with the CSA, shall develop salary schedules for the following employee categories:
1. Certified Salary Schedule for the following positions: Teacher, Special Teacher, Counselor, Lead Teacher, Special Education Teacher, and Intervention Educator;
 2. Classified Salary Schedule for the following positions: Library Technician, Parent Liaison, Para Professional, One-on-One, Food Services Worker, Bus Driver, Receptionist, Registrar, Technical positions and hourly positions;
 3. Facility Salary Schedule for the following positions: Maintenance, Custodian, and Residential Maintenance;
 4. Administrative Salary Schedule for the following positions: Chief School Administrator, Principal, Assistant Principal, and Teacher Supervisor; and

5. Administrative Support Staff Salary Schedule for the following positions: Finance Director, Finance Technician, Personnel Director, Facilities Director, Information Technology Director, Food and Nutrition Services Director, Curriculum and Instruction Director, Hopi Language and Culture Director, Exceptional Education Director, Transportation Director and Supervisors, Nurse, and Administrative Assistant.

Section 5012 Non-Discrimination/Hopi/Indian Preference

- A. The HSS is committed to a policy of non-discrimination relative to race, sex, age, religion, disability, and national and/or ethnic backgrounds. The HSS shall be free to select the best qualified individual for any given position.
- B. The HBE disclaims federal jurisdiction in personnel matters, including but not limited to the Equal Employment Opportunity Commission (“EEOC”), state, and other federal jurisdiction in any such related matters.
- C. As recognized under federal and Tribal law, the HBE, as a Hopi Tribal Regulated Entity, has the authority and hereby implements a Hopi and Indian preference in employment of all school, educational, and administrative personnel within the HSS as set forth in Section 1.6 of the Code.
- D. The Hopi and Indian preference policy shall only apply to an employment decision when all the candidates for a particular position are equally qualified. If the candidates are not equally qualified, the position shall be offered to the most qualified candidate, irrespective of the Hopi and Indian preference policy. Legal Ref.: Code, sec. 1.6.C.

Section 5013 Veterans Preference

- A. The HSS does provide a hiring preference to veterans. The term veteran means any person who has served at least 181 consecutive days active duty in the armed forces, and who has received an honorable discharge. Active duty for training or inactive duty by National Guard or Reserve members of the military does not qualify as “active duty” for this preference and shall not be considered active duty for purposes of this policy. As defined in 5 U.S.C. § 2101(2) as it may be modified, “armed forces” means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.
- B. The purpose of this policy is to aid veterans in making a transition into civilian employment and is, in part, recognition of the veterans’ sacrifice and to prevent veterans seeking employment from being penalized for their time in military service. This policy recognizes the economic loss suffered by citizens who have served their country in uniform, restores veterans to a favorable, competitive position for employment and acknowledges the larger obligation owed to veterans.
- C. Veterans requesting preference relative to employment with the HSS shall indicate they are requesting the preference in their employment application and attach a copy of their DD214 or other discharge papers at the time of submitting their employment application. Veterans who have successfully completed all phases of the application

process and who otherwise qualify for a position for which they are applying shall be given a veterans preference in the selection process by adding five (5) additional points to their application score. The additional five (5) points is the extent of the veterans preference that is to be given by the HSS.

- D. Notwithstanding the foregoing, the HSS retains the right and discretion to hire the candidate it deems most beneficial to the HSS.

Section 5014 Immigration Law Compliance

- A. The HSS is committed to employing only individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.
- B. In compliance with the Immigration Reform and Control Act of 1986, P.L. 99-603, each new employee, as a condition of employment, shall complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired shall also complete the form if they have not completed an I-9 with the HSS within the past three (3) years, or if their previous I-9 is no longer retained or valid.
- C. Employees with questions or seeking more information on immigration law issues are encouraged to contact the CSA. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

Section 5015 Employee Medical Examinations and Testing

- A. Medical examinations and testing are required for certain job categories within thirty (30) days of an offer of employment. After an offer has been made to an applicant in designated job categories, a medical examination shall be performed by a health professional of the HSS's choice, at the HSS's expense. The offer of employment and assignment to duties is contingent upon the results of the medical examination. Information on an employee's medical history or resulting from a physical examination shall be filed and maintained separately from the employee's personnel file.
- B. The HSS may require an employee to undergo a medical examination or testing at any time that the HSS questions the employee's ability to perform his or her assigned duties, or questions whether the employee may be a threat to the health or safety of the employee or others.
- C. For additional employee health policies and requirements, see Section 5212 of the HSS Manual.

Section 5016 Anti-Nepotism

- A. As required by Section 4.11.F(4) of the Code, the HSS hereby adopts the following anti-nepotism policy in hiring and staffing decisions. See also HSS Manual, sec. 5017 (Conflicts of Interest).

- B. The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.
- C. Relatives of persons employed by the HSS may be hired only if they shall not be working directly for or supervising a relative. HSS employees cannot be transferred into such a reporting relationship.
- D. If the relative relationship is established after employment, the individuals concerned shall decide who is to be transferred or resign. If that decision is not made within 30 calendar days:
 - 1. When a relative relationship concerns Central Administration Office employees, the CSA shall decide who shall be reassigned, transferred, or terminated; or
 - 2. When a relative relationship concerns a local school, the CSA shall decide who shall be reassigned, transferred, or terminated in consultation with the local school Principal.
- E. In other cases where a conflict or the potential for a conflict arises, even if there is no supervisory relationship involved, the parties shall enter a conflict resolution process, and if the conflict or potential conflict continues, the parties may be separated by reassignment or terminated from employment.
- F. No person shall participate in the consideration of any application for employment or promotion which involves the possible selection of a relative (as that term is defined herein) of such person.
- G. For the purposes of this policy, a “relative” is defined as immediate family members which includes spouses, parents, children, step-children, brothers and sisters. This policy also applies to individuals, and their relatives and children, who are not legally related but who reside with an employee or HBE member. (For example, common law relationships, foster care, guardianships, etc.).

Section 5017 Conflicts of Interest

- A. Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of this policy is to provide employees with clarification on issues of acceptable standards of conduct regarding relatives and transactions with outside firms and individuals. See also HSS Manual, sec. 5016 (Anti-Nepotism).
- B. Actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or a relative of that employee. For the purposes of this policy, a relative is person who is defined as a “relative” in Section 5016(G).

- C. No person employed by the HSS may be directly supervised by a relative. This policy shall apply for summer or part-time work as well as for full-time employment.
- D. ~~For~~ HBE members:
1. ~~For the seven (7) HBE members elected from an attendance area, a direct relative of a HBE member cannot be hired by the HSS for employment in the attendance area school for which the HBE member represents. Legal Ref.: Code, sec. 4.2.D(6). A dependent of a HBE member (a person for whom more than half of whose support is obtained from a HBE member) cannot be hired by the HSS except upon consent of the HBE, unless the dependent is otherwise prohibited from employment under section 5017(D)(2) of the HSS Manual.~~
 2. HBE members shall not participate in or be present for discussion or decisions involving their direct relatives, business interests or possible conflicts of interest. Legal Ref.: Code, sec. 4.12.B.
 3. A “Direct relative” of a HBE member may not be hired or retained by the HSS or pre-school of the HSS. Code, secs. 4.2.D(6), 4.2.E(6). A “direct relative of an employee” means an employee’s parent, sibling, child, or spouse through legal or traditional Hopi marriage, and includes a domestic live-in partner and a non-biological child through adoption or legal guardianship. Legal Ref.: Code, sec. 1.5.A(11).
- E. HSS business dealings with outside firms shall not result in personal financial gains for any employee or his or her relatives. An employee who has, or whose relative has a substantial personal interest in any decision of the HSS, shall submit a written and detailed disclosure of the interest to the CSA. This employee shall refrain from participating in or influencing the HSS’s position on any matter as an employee in such a decision. Personal gain may result not only in cases where an employee or relative has a significant ownership of a firm with which the HSS does business but also when an employee or relative receives any kick-back, bribe, substantial gift, or special consideration as a result of any transaction or dealings involving the HSS.
- F. No employee of the HSS shall accept gifts from any persons, group, or entity doing, or desiring to do, business with the HSS. The acceptance of any business related gratuity is specifically prohibited, except for widely distributed, advertising items of nominal value.

Section 5020 Filing Vacancies

- A. Determination of need. Principals shall evaluate their school's employment vacancies and advise the CSA of such. Prior to filling any vacancy, the Finance Director shall certify, in writing, to the CSA that funds are available for the vacancy. The HBE, in consultation with the CSA, shall determine whether or not any vacancy should be filled and the timeline for filling the vacancy.
- B. Recruitment. The Personnel Department shall be responsible for the recruitment of all vacant positions in the Hopi School System and attend and participate in recruitment job fairs and related events. This recruitment shall include, but not be limited to:
1. Assessing and addressing housing shortages;
 2. Shortages of substitute educators;
 3. Other limitations to recruiting and retaining quality educators; and
 4. Development of "Grow Your Own" program and partnerships to identify and assist Hopi high school students who are interested in entering the teaching profession and encouraging them to teach in Hopi schools.
- C. Vacancy announcements. Vacancy announcements and job applications shall include notice that a criminal history record check is a condition of employment/volunteering and shall require the applicant, volunteer, or employee to consent, in writing, to a background check. Legal Ref.: 25 C.F.R. § 63.15(d), and 25 C.F.R. § 63.17.
- D. Reassignment. The CSA is authorized to make in-house reassignments not to exceed one hundred twenty (120) days based upon an employee request or for administrative convenience. Reassignment does not require compliance with other provisions in the HSS Manual.
- E. Consultants/Trainers. The CSA shall, with the approval of the HBE, have authority to hire consultants and/or professional development trainers in accordance with the procurement policies of Chapters 4400 and 4800 of the HSS Manual. Consultants or trainers shall receive no fringe benefits. Consultants or trainers shall be evaluated and selected by the CSA without regard to other provisions of this Chapter and shall be certified or have recognized expertise in their respective fields. This procedure shall not be used to circumvent regular hiring practices.
- F. Foreign Teachers. The HSS may employ foreign teachers through the J-1 Visa Teacher Program and any other foreign teacher program authorized by the federal government. The HSS shall follow all applicable laws and regulations when hiring teachers through these programs. The CSA shall develop procedures to implement this policy, which shall be approved by the HBE.

Section 5021 Pre-Selection Procedure

When a vacancy occurs, or a new position is authorized by the HBE, the Personnel Director or designee in conjunction with the CSA shall take the following steps:

- A. Obtain or develop a Position Description which has been approved by the HBE for use in the advertising and hiring for that position.
- B. Establish opening and closing dates for submission of resumes/applications and a timeline for the hiring procedure (i.e., interviews, reports, etc.).
- C. Identify and consider in-house employees qualified for promotional opportunity in the event of any job openings.
- D. Identify any qualified, former employees whose employment with the HSS was terminated due to a reduction in force. Reinstatement of such employees may occur only within the contract year in which the lay-off or reduction in force occurred.
- E. Post vacancy notices in HSS buildings at locations designated for in-house announcement(s) for at least five (5) working days after the opening date for submission of resumes and applications as set forth in HSS Manual, sec. 5020.
- F. Advertise job vacancies outside and within the community, in Hopi Tribal employment offices, other areas in the community designated for such public notices, websites, newspapers and other publications where appropriate. The advertising shall be done as widely as reasonably possible to attract qualified applicants, and specifically to attract Hopi/Indian applicants.
- G. Screen or examine applications on file and create a list of qualified applicants. Qualified applicants are those meeting the minimal requirements set forth in the Position Description and the HSS Policies and Procedures Manual. A record of all applications for each vacancy shall be kept for twelve (12) months from the date the position is filled, or if not filled, from the date of advertising.
- H. Applicants for certified teacher and paraprofessional positions shall submit their certification showing that they have met state qualification requirements. Legal Ref.: 25 C.F.R. § 38.5(a).
- I. Interview applicants and make recommendations to the HBE relative to hiring.
- J. The CSA shall make contract offer(s) to selected applicant(s) when directed by the HBE.
- K. Perform fingerprinting and background checks as set forth below:
 1. The Personnel Director or designee shall make inquiries to all applicable federal, State, Tribal, and local law enforcement and other agencies to conduct background checks of all applicants, contractors and volunteers having significant or

unsupervised access to students, which includes physical, psychological, academic and administrative access and control, who must successfully complete the required fingerprint and background check prior to employment, contract, and/or control over students by a volunteer. Legal Ref.: Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. §§ 3201, et seq.; 25 C.F.R. §§ 63.1 et seq.; Crime Control Act of 1990, 34 U.S.C. § 20351; Hopi Education Code, sec. 3.8.D.

2. Applicants for certified teaching positions shall present a current fingerprint clearance card. All employees and volunteers shall complete fingerprint/background checks every five (5) years. Employment with the HSS is contingent upon the results of the fingerprint check or maintenance of the certificate or license which satisfies the fingerprinting requirement.
3. Criminal standards. All applicants shall sign, under oath, an acknowledgement that they have not been arrested, convicted of or are awaiting trial on the crimes identified in this section and/or the laws noted therein. This document shall be signed under oath and under penalty of perjury. Prospective employees/volunteers shall certify in a sworn statement that they are not awaiting trial on and have never been convicted of or admitted in open court or pursuant to a plea agreement of committing any crime of violence, sexual assault, sexual molestation, child exploitation, sexual contact, prostitution, or crimes against persons in tribal, state, federal or any other jurisdiction as specified below:
 - a. Sexual abuse of a minor;
 - b. Incest;
 - c. First or second degree murder;
 - d. Kidnapping;
 - e. Arson;
 - f. Sexual assault;
 - g. Sexual exploitation of a minor;
 - h. Felony offenses involving contributing to the delinquency of a minor;
 - i. Commercial sexual exploitation of a minor;
 - j. Felony offenses involving sale, distribution or transportation of, offer to sell, transport, or distribute or conspiracy to sell, transport or distribute marijuana or dangerous or narcotic drugs or controlled substances;
 - k. Felony offenses involving the possession or use of marijuana, dangerous drugs or narcotic drugs or other controlled substances;

- l. Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs or other controlled substances;
 - m. Burglary in the first degree;
 - n. Burglary in the second or third degree;
 - o. Aggravated or armed robbery;
 - p. Robbery;
 - q. Offenses against minors as set forth in Hopi Code, sections 3.7.5, 3.7.6, 3.10.1, 3.10.3, 3.10.4, and 3.10.6;
 - r. A dangerous crime against children as defined in A.R.S. § 13-604.01;
 - s. Child abuse;
 - t. Sexual conduct with a minor;
 - u. Molestation of a child;
 - v. Voluntary manslaughter;
 - w. Aggravated assault;
 - x. Assault;
 - y. Exploitation of minors, involving drug offenses; and
 - z. Battery.
4. Character standards. All applicants shall sign, under oath and penalty of perjury, an acknowledgement of the following character requirements:
- a. Employment. Verify an applicant's work ethic and conduct were not contrary to company standards, the subject could have unreported conduct, such as tardiness, drinking on the job, fraud, asset misappropriation, inappropriate behavior with students, guests, co-workers, and/or supervisors and above;
 - b. Fiduciary matters. Ensuring an applicant maintains a positive credit history, and are free of bankruptcy filings, collections, charge-off's, to include taxes, student debts, child support, etc. If an applicant has a history of credit issues, verification through source documentation directly provided from the creditor or Internal Revenue Service, will help mitigate the issues. Any persons who have administrative access to or fiduciary control over cash, or any type of funding (state or federal) must have their positions adjudicated in accordance with the appropriate risk level designation;

- c. Qualifications/Degrees/Certifications/Licensures. Verifying an applicant has the applicable work history and credentials, such as obtaining official transcripts to show a degree was conferred from an accredited institution of higher education, verifying professional credentials and licensures to ensure there have been no administrative actions or suspensions/revocations taken on such credentials. Actions taken on professional credentials may indicate dishonest or criminal misconduct; and
 - d. Material Intentional Falsification. The Personnel Director, and assigned adjudicators, shall address any areas whereby an applicant or incumbent has intentionally falsified their employment application in an attempt to conceal their criminal or employment history, or place themselves in a competitive advantage over other applicants. Legal Ref.: 25 C.F.R. § 63.12, 25 C.F.R. § 63.11, 25 C.F.R. § 63.17, and 25 U.S.C. § 3207.
5. Before offering employment to a candidate, make documented, good faith efforts to contact the most recent supervisors from previous employers to obtain information relevant to a person's fitness for employment and any ongoing administrative or performance related issues. See also HSS Manual, sec. 5120(A); Background Check Form for Applicants (Appendix B).
6. The HSS may refuse to hire or may review or terminate any person who has been convicted of or admitted committing any of the crimes listed in Section 5021(K)(3) or a similar offense in another jurisdiction.
7. This section does not require students who are also employed by the HSS to be fingerprinted.
8. The Personnel Director or a trained adjudication designee shall be the adjudication official and the Personnel Director's designee shall be the back-up. The adjudication official and back-up shall receive appropriate training relative to adjudication officials as defined in federal law and shall be responsible for adjudicating all fingerprint, background and criminal history check issues and appeals pursuant to 25 C.F.R. §§ 63.1 et seq., and 25 C.F.R. § 63.17, which are adopted herein by reference.
9. Each background investigation file shall contain a uniform case summary to record all derogatory information obtained during the background investigation.
10. The case summary shall demonstrate that the Personnel Director or his/her designee are evaluating each case independently and on the merits of the background investigation results.
11. Applicants, volunteers or employees have various rights concerning access to information resulting from background check investigations. The HSS and the Personnel Department shall follow all applicable laws and regulations, including 25 C.F.R. § 63.17 and 25 C.F.R. § 63.23, which are adopted herein by reference.

Section 5022 Applications for Employment

- A. Any individual desiring to be considered for a job vacancy shall submit a timely application to the Personnel Director or designee. Applications may only be accepted for a position if that position has been advertised. Applications shall be discarded at the end of a five (5) year period following the selection and hiring of an applicant or from the date the position was advertised if it is not filled.
- B. Application Screening Process. Personnel Department shall review all applications received by the due date and determine whether the applicants will receive an interview by an Interview Panel as set forth in Section 5023 of the HSS Manual.
- C. Application Form. Applications for employment with the Hopi School System shall contain the minimum following provisions:
 1. Applicant's vital information (full name, date of birth, and social security number) to ensure a complete and accurate background investigation is completed;
 2. Residence history – minimum of five (5) years, without gaps or breaks to ensure all the applicable state and Tribal law checks are completed. For clarity, it is recommended, the application ask a “yes” or “no” question verifying if the residence is located on an Indian reservation to ensure all Tribal law checks are completed;
 3. Employment history – minimum of five (5) years, without gaps or breaks to ensure the appropriate employment history checks are completed;
 4. Regulatory questions – ensure the required regulatory questions are included in the employment application and/or security questionnaire, for example:
 - a. Have you ever been arrested for or charged with a crime involving a child; and
 - b. Have you been arrested or convicted of a crime involving a child, violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against persons;
 5. Security Questionnaire – a set of security questions to enable the adjudicator to make a well-informed suitability determination pertaining to the conduct, character, and risk to the position;
 6. Disposition of arrests – disposition of arrests or criminal charges on the employment application to ensure the adjudicator can make an informed suitability determination;
 7. Penalty of Perjury – require that an applicant, volunteer, or employee sign, under penalty of perjury, a statement verifying the truth of all information provided in the employment application. This statement shall be on all applicable forms the

applicant or incumbent completes to certify the information they are providing as part of the background investigation is true and accurate;

8. Authorization for Release of Information – the applicant, volunteer, or employee shall be informed that a criminal history record check is a condition of employment. The applicant, volunteer, or employee shall consent, in writing, to a record check granting authorization, for a determined period, for the HBE to conduct and obtain the applicant or incumbents' employment and criminal history, credit report, credentials, etc.;
9. A statement advising the applicant, volunteer, or employee that the information they are providing is "limited to employment purposes only" and that they have the "right to challenge the results of the background investigation" with the originating reporting agency and/or repository.

Section 5023 Interview Panels

- A. An Interview Panel shall be selected for all advertised HSS positions.
- B. Every advertised position shall receive an interview by an Interview Panel.
- C. For advertised positions whose work place is a HSS school:
 1. An Interview Panel shall be appointed by the school Principal and shall be composed of no fewer than three (3) and not more than five (5) HSS employees;
 2. The Principal shall attempt to appoint Panel members possessing knowledge, experience and familiarity with the position under consideration;
 3. Unless a conflict of interest requires otherwise, the Panel shall include:
 - a. The Principal or designee;
 - b. The immediate supervisor of the position under consideration;
 - c. The Departmental supervisor of the position under consideration; and
 - d. An employee of said Department.
- D. For advertised positions whose work place is the Central Administration Office and/or related administrative location(s):
 1. An Interview Panel shall be appointed by the CSA and shall be composed of no fewer than three (3) and not more than five (5) HSS employees;
 2. The CSA shall attempt to appoint Panel members possessing knowledge, experience and familiarity with the position under consideration;
 3. Unless a conflict of interest requires otherwise, the Panel shall include:

- a. The CSA or designee;
 - b. The immediate supervisor of the position under consideration;
 - c. The Departmental supervisor of the position under consideration; and
 - d. An employee of said Department.
- E. It is not mandatory to have the precise Panel members listed in this section; however, the listing sets forth the general intent regarding the composition of an Interview Panel.

Section 5024 Chief School Administrator Recommendation

Upon receiving and reviewing the Interview Committee's recommendation, the CSA may schedule additional interviews or request additional information. Upon completion of his/her review, the CSA shall submit his/her recommendation to the HBE.

Section 5025 Alternative to Interview Committee

In cases where an Interview Committee is not required by these policies or the HBE, the CSA, in consultation with the relevant departmental supervisor and Principal, shall review applications, identify the most qualified applicants, interview applicants and where possible, consult with the appropriate relevant supervisor regarding applicants. The CSA may schedule additional interviews or request additional information prior to submitting his/her recommendation to the HBE.

Section 5026 Final Approval

- A. Interviews of Chief School Administrator Applicants. The HBE shall interview applicants for the CSA position.
- B. Final Decision. All decisions to hire, terminate, make salary determinations or all other final employment decisions shall be made by the HBE. No staff person has the authority to hire or terminate employees absent specific direction or delegation by the HBE. The HBE reserves the right to interview for any position it deems necessary.
- C. Notification of Selection. The CSA or designee shall notify the selected applicant and shall negotiate any outstanding terms and conditions of employment and the reporting date with the selected applicant.
- D. Notice to Applicants. After the position is filled, all applicants shall be notified in writing that the position has been filled.

Section 5030 Emergency Hires

- A. Requirements for an Emergency Hire at Local Schools.

1. When an emergency occurs requiring the immediate services of a person in a particular school position, the school Principal may submit a request to the CSA to approve such position for advertising and hiring.
2. Emergency hires shall be approved only if the Principal makes written, affirmative findings, and the CSA agrees, that failure to immediately fill a position shall:
 - a. Pose a safety threat to persons or property;
 - b. Jeopardize the integrity and successful completion of program objectives; or
 - c. Result in the immediate loss or reduction of funds.
3. Upon receiving such request, the CSA shall promptly reach a determination on the emergency hire approval and notify the Personnel Department and the requesting Principal of the CSA's decision.

B. Requirements for an Emergency Hire at the Central Administration Office.

1. When an emergency occurs requiring the immediate services of a person in a particular Central Administration Office/related administrative position, the CSA shall determine if such position is approved for advertising and hiring.
2. Emergency hires shall be approved only if the CSA makes written, affirmative findings, which demonstrate that failure to immediately fill a position shall:
 - a. Pose a safety threat to persons or property;
 - b. Jeopardize the integrity and successful completion of program objectives; or
 - c. Result in the immediate loss or reduction of funds.

C. Hiring Roster. If an emergency hiring occurs, all current applications for the vacated position and all other readily identifiable candidates, including current employees, shall be used to create a roster. Efforts shall be made to secure the widest circulation of job announcements as permitted by the emergency situation.

D. Final Decision. The CSA shall submit his/her recommendation on hiring to the HBE with the reasons therefor. The HBE shall make the final hiring decision.

E. Maximum Appointment Period. No emergency hiring shall exceed one hundred twenty (120) calendar days. At the expiration of the one hundred twenty (120) day appointment, the contract shall be terminated unless the employee has been duly appointed to that position after all employment procedures have been fulfilled.

F. Preference. Preference shall not be given to persons filling emergency contracts unless all requirements have been documented and the employee has been certified eligible.

- G. Pay. Where a current employee receives an emergency appointment under this section, rather than reassignment, the employee's pay shall be raised to that of the new position, but may not be lower than his/her existing salary. After the emergency appointment ends, if an employee returns to his/her position prior to the appointment, the salary shall return to the prior position, or if the employee is permanently placed into the new position, his/her salary shall remain at the new position level.

Section 5031 Substitute or Intermittent Professional Employees/Hiring

- A. Substitute teachers and other professional functions may be provided by an annual intermittent contract, which provides for temporary employment as needed in the best interests of the HSS. Such contracts shall only be offered to qualified persons and shall provide for employment intermittently during the ensuing year as needed by the HSS.
- B. Substitute Teacher hires also need to submit an application to the Personnel Department. With HBE approval, in those classrooms having a teacher assistant, said teacher assistant may be offered and accept employment as a substitute teacher during the absence of the classroom teacher.
- C. Short-term or intermittent professional employees, except those regularly employed as a teacher assistant, shall be selected and employed as follows:
1. There shall be advertised in and about the communities directly served by the HSS such intermittent contract positions as may become available during the ensuing school year;
 2. All such applicants who are deemed qualified by the CSA, or designee, to act as substitute teachers or in other intermittent professional functions, together with their applications and the recommendation of the CSA or designee, shall be submitted to the HBE. The CSA, or designee, may, prior to submitting its recommendation, interview applicants;
 3. Those persons thereafter approved by the HBE as intermittent contract professionals shall be offered an annual contract to serve on an intermittent basis;
 4. The CSA, or designee, may select substitute teachers, as needed, from those having executed an annual contract for intermittent services as a substitute teacher;
 5. No intermittent contract professional so employed shall be entitled to any rights or benefits accorded to an employee by virtue of the Manual except as shall be required by law;
 6. The CSA may, upon the recommendation of the academic supervisor, or department head responsible for the short-term professional or intermittent employee, without cause or notice, terminate the temporary employment of any such person and rescind the contract for intermittent services. Such decision shall, however, be reported to the HBE at their next regular meeting and the cause, if any, may be reported to the HBE in executive session;

7. In the event, as to any defined intermittent or short-term professional function or position, no applicant remains or is available in the employee pool for that position, the CSA, or designee, may hire a person qualified to perform the duties of that position without regard to the requirements herein contained; and
8. Issuance of an intermittent contract shall not create a right to teach or work. Whether an intermittent employee is called to work and the amount of time an intermittent employee is allowed to work shall be at the discretion of the CSA.

Section 5040 General Background, Fingerprint Checks and Adjudication Policy

- A. The Personnel Director or designee shall make inquiries to all applicable federal, State, Tribal, and local law enforcement and other agencies to conduct background checks of all applicants, contractors and volunteers having significant or unsupervised access to students, which includes physical, psychological, academic and administrative access and control, who must successfully complete the required fingerprint and background check prior to employment, contract, and/or control over students by a volunteer. See also HSS Manual, sec. 5021(K). Legal Ref.: Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. §§ 3201, et seq.; 25 C.F.R. §§ 63.1 et seq.; Crime Control Act of 1990, 34 U.S.C. § 20351; Hopi Education Code, sec. 3.8.D.
- B. Employment shall not be offered to applicants who fail to meet the standards set forth in the above-noted laws. Volunteers not meeting the standards set forth in the above-noted laws may not provide volunteer services for the HSS which may allow them contact with or control over the HSS's students.
- C. All staff, HBE, and local school board members and applicable volunteers shall undergo repeat fingerprint testing and background checks at least every five (5) years.
- D. It shall be the duty and responsibility of the Personnel Director, or highest ranking Personnel employee, to perform the duties and responsibilities of the adjudication officer as set forth in the above-noted federal laws and regulations. The CSA shall be the back-up to the highest ranking Personnel employee at the HSS and shall be the alternate adjudicating official.
- E. The adjudicating official shall be responsible for implementing 25 U.S.C. §§ 3201 et seq. and its regulations at 25 C.F.R. §§ 63.1 et seq., and in particular, perform the adjudications as set forth at 25 C.F.R. § 63.17 and take all actions necessary and appropriate under the above-noted statutes and regulations including, comparing the applicant's application to the background/fingerprint check, ensuring compliance with the above-noted statutes and regulations and performing the adjudication functions as set forth in the above laws and statutes.
- F. The highest ranking Personnel Department employee and the CSA shall have successfully completed background and fingerprint checks prior to assuming their duties and shall further be trained in the above laws and their applications.

Section 5050 Prerequisites to Beginning Work and Accruing Salary

- A. Applicants for any long-term position, which shall be defined as employment for a term in excess of sixty (60) calendar days, shall be approved for hire by the HBE. No person shall begin the duties of employment unless and until approved for hire by the HBE.
- B. No person who has been hired by the HBE shall begin to perform the duties of employment and no salary shall be earned unless and until the following has been accomplished by the employee and his or her supervisor:
 - 1. The Personnel Department has determined that the employee has satisfied all requirements of employment, including but not limited to completed all applicable federal and state tax declarations, and has executed all applicable salary payment and deduction agreements;
 - 2. The Personnel Department has enrolled the employee in all proper employee benefit plans and has prepared and obtained all required signatures on a fully completed contract containing the term of the contract and the salary to be paid to the employee.
 - 3. Proof of all required certification(s) or license(s) shall be presented by the employee to the HSS at or before the execution of the employment contract;
 - 4. If applicable, the Housing Officer and employee have completed a housing rental agreement for the employee;
 - 5. The employee has been given the opportunity to read the HSS Policy Manual and has signed the declaration to that effect pursuant to Employee Acknowledgment Form;
 - 6. A properly completed original of the United States Immigration and Naturalization Form I-9, as required by law, has been properly executed with regard to the employee; and
 - 7. The CSA has completed his/her duties set forth at Section 5021 herein or has documented in writing timely steps toward completion and the date for completion.

Section 5051 Certifications and Qualifications

Failure to provide the HSS proof of possessing and maintaining current certifications, licenses, qualifications, training, degrees, credit hours and all other requirements set forth in accreditation agency regulations and the Every Student Succeeds Act, P.L. 114-95, as may be amended, shall be grounds for disciplinary action up to and including termination, and bars renewal of staff/employee's contract of employment. This policy is effective immediately regardless of any time periods set forth in the laws or regulations set forth in this section.

CHAPTER 5100 - EMPLOYMENT STATUS AND RECORDS

Section 5101 Employment Categories

- A. It is the intent of the HSS to define employment categories so that employees understand their employment status and benefit eligibility.
- B. Risk level designations shall be determined by the HBE, in consultation with the CSA, for employment which shall require more stringent background investigations as follows:
 - 1. Some categories of employment shall require a more stringent background investigation, including but not limited to employees who are involved with fiduciary responsibilities, access to financial records, information technology, access to confidential information, major program responsibility, and/or public safety.
 - 2. Examples of such positions include, but are not limited to Superintendents, Principals, Information Technology Technicians or Specialists, Finance Directors, Technicians or Managers, Personnel Directors, School Counselors or Psychologists, Social Workers, and Education Specialists. This list is not comprehensive, therefore, the duties for every position shall be evaluated to determine the potential adverse impact the position could have on the efficiency or integrity of the service.
 - 3. Higher risk positions shall undergo a more rigorous investigation, which may include requiring the subject(s) to provide additional years of residence and employment history, a credit check for those having fiduciary responsibilities and verification of education, etc. and as otherwise deemed necessary by the HSS.
- C. Upon the transition to the unified HSS, school employees shall become employed by the HSS. They shall maintain the same employment category they held at their local school prior to the transition (e.g., Year-Long Employee, School-Year Employee). Upon the transition, they shall not be considered to be newly hired, probationary or transferred employees of the HSS unless they were already in that employment category at the time of the transition.
- D. As a Hopi Tribal Regulated Entity, the HBE disclaims any applicability of the Fair Labor Standards Act ("FLSA"), P.L. 75-718, and asserts the Hopi Tribe's sovereign immunity from application of the FLSA to the HSS. Notwithstanding the foregoing, the HSS generally adopts, as its policy, not as federal law, the definitions, policies and procedures set forth in the FLSA. By disclaiming the applicability of the FLSA, the HSS affirmatively states that it shall not respond and is not required to respond to any federal claims or the jurisdiction of any federal court; however, it shall respond in Hopi courts to its decision to include similar employment provisions via its own policies. While the HSS may use definitions and principles from the FLSA, it is not bound by the FLSA, and there shall be no jurisdiction over the HSS arising from the FLSA.

E. The following categories of employment shall apply to employees of the HSS:

1. Exempt Employees are those executive, professional and administrative employees who are exempt from coverage of the HSS's overtime provisions. The HSS's exempt employees include, but are not limited to:
 - a. Principals;
 - b. Assistant Principals;
 - c. Certified Teachers;
 - d. Certified School Counselors;
 - e. Curriculum Instruction Director;
 - f. Exceptional Education Director
 - g. Hopi Language and Culture Director;
 - h. Finance Director;
 - i. Transportation Director;
 - j. Facilities Director;
 - k. Food Services and Nutrition Director; and
 - l. Information Technology Director.
2. Non-exempt Employees are those employees who are not exempt from coverage under the HSS's overtime provisions. In addition to the above categories, each employee shall belong to one employment category:
 - a. Year-Long Employees: Year-long employees are those who are not in a temporary or probationary status and who are regularly scheduled to work a full-time schedule on a year-long basis. Generally, they are eligible for the HSS fringe benefits package, subject to the terms, conditions, and limitations of each benefit program.
 - b. School-Year Employees: School-year employees are those who are not in a temporary or probationary status and who are regularly scheduled to work a full-time schedule during a school year. Generally, they are eligible for the HSS fringe benefits package, subject to the terms, conditions, and limitations of each benefit program.
 - c. Probationary Employees: Probationary employees are those whose performance is being evaluated to determine whether further employment in a specific position or with HSS is appropriate. Probationary employees are not

allowed to travel unless it directly relates to their job responsibilities. There are two classifications of probationary employees:

- i. Newly Hired. Newly hired probationary employees are those employees who were not employed by the HSS immediately before their hire for the subject position or whose contract was terminated or non-renewed before their hire by the HSS for the subject position; and
 - ii. Promoted and/or Transferred. Promoted/transferred employees are employees who were employed by the HSS at the time they were promoted or transferred to the subject position.
 - iii. A probationary employee serves at-will and at the pleasure of the HBE and may be terminated at any time by the HBE with or without cause. A probationary employee is not entitled to grieve their termination or any other matter through either the grievance procedures or appeal procedures. The decision of the HBE shall be final. See Section 5111, Probationary Period.
- d. Temporary Employees: Temporary employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category may not exceed one hundred twenty (120) total days per fiscal year. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all other benefit programs. A temporary employee is considered an Employee-at-Will and may be terminated at any time by the HBE with or without cause. An Employee-at-Will is not entitled to grieve their termination or any other matter through either the grievance procedures or appeal procedures. The decision of the HBE is final.
- e. Part Time Employees: Part time employees are employees hired for the school or full year who work less than 40 hours per week or less than the full time number of hours established for a position if such number of hours is specifically set by these policies. Benefits for such employees are determined by their individual contracts with the HSS, not these policies. If no benefits are given in said contract then it is presumed that the employment is without benefits or is limited to those benefits specifically set forth in their contract. Part time employees are not to be considered "eligible employees" for purposes of Chapter 5300 herein. Prior to any non-employee providing services to the HSS, pursuant to a stipend or other arrangement, said person shall complete the background check as set forth in Sections 5021 and 5040 of the HSS Manual. Part time employees are subject to rules and standards of conduct set forth in these policies and have the right to the grievance and appeals procedures set forth herein.

- f. Student Teachers: Persons student teaching at the HSS under a recognized student teacher program are not employees of the HSS. Student teachers do not have the rights of employees under these policies, and shall not generally be compensated for their student teaching activities. Student teachers shall adhere to the standards set forth for the staff in these policies. Any violation of said standards by the student teacher shall be grounds for the termination of the student teaching opportunity for that person at the HSS.

Section 5102 Employment Status

- A. All personnel are either term employees or at-will employees of the HSS.
- B. “Term employee.” A term employee is a staff member who is employed by the HSS pursuant to a written contract that specifies the duration of the employment contract, which shall not exceed one (1) year. All staff members who are not term employees are at-will employees.
- C. “At-will employee.” An at-will employee is a staff member who is employed by the HSS for no specific term and who has no right of continued employment. The employment of an at-will employee may be terminated by action of the HBE for any reason or for no reason, with or without advance notice, as the HBE desires. No employee or HBE member shall have the authority to make any agreement or contract to the contrary or any agreement with an at-will employee for any specified period of time. No HSS policy or regulation or item within the HSS’s handbook is intended to - and shall not operate to - create any property or contract rights inconsistent with the at-will employment status of support staff members.

Section 5103 Volunteers

- A. Volunteers are not employees of the HSS nor shall they receive compensation or benefits under these policies. Volunteers may apply for employment with the HSS through one of the above-described categories. A volunteer providing continuing services for the HSS shall develop a plan including their scope of services and times and which HSS employees shall provide immediate supervision to the volunteer.
- B. The supervising employee shall obtain approval from the HBE to utilize volunteer services in their department/program. Once volunteer services are approved for a department/program, volunteers shall be approved by the supervisor and the HBE prior to them providing services. The CSA shall submit volunteers to the HBE for approval. Volunteers shall have successfully completed a background and fingerprint check as set forth in these policies prior to providing such services.

Section 5110 Position Descriptions

- A. All employee positions shall have a Position Description. Supervisors shall use Position Descriptions to orient new employees regarding their duties and responsibilities. Supervisors shall use Position Descriptions and these policies as the basis for evaluating the performance of an employee.

- B. The Personnel Director and the CSA shall prepare the Position Descriptions and shall consult with other Department Directors and Principals in developing the Position Descriptions as needed.
- C. All Position Descriptions shall be regularly reviewed, evaluated and revised to ensure all responsibilities and needs of the Hopi School System are being met.
- D. All Position Descriptions shall be approved by the HBE prior to use.

Section 5111 Probationary Period

- A. Probationary Period required for newly hired, newly promoted, and transferred employees. The HSS uses a Probationary period for newly hired, newly promoted, and transferred employees to evaluate employee capabilities, work habits, and overall performance, including activities such as:
 - 1. Progress reports at one-month intervals may be conducted by the immediate supervisor;
 - 2. The supervisor and the HBE may approve a one-time extension of the probationary period by thirty (30) days; and
 - 3. Prior to the completion of the probationary period or any extension of the probationary period, the employee's supervisor shall conduct and complete an evaluation of the employee and provide it to the CSA.
- B. Newly Hired Employees.
 - 1. Newly hired employees are considered probationary employees for the first ninety (90) days of employment.
 - 2. This probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Probation is part of the selection process used to confirm the initial employment decision and reject those whose performance is not satisfactory.
 - 3. During this period, the HSS shall have an opportunity to determine whether further employment is appropriate. The employment relationship can be terminated by the HSS at any time and for any lawful reason or no reason during the probationary period.
- C. Newly promoted employees. Newly promoted employees are considered probationary employees for the first forty-five (45) days of their new position.
- D. Newly transferred employees. Newly transferred employees are considered probationary employees for the first forty-five (45) days of their new position.

E. Probationary employees.

1. Newly hired, newly promoted and transferred probationary employees (“probationary employees”) shall be eligible for worker’s compensation insurance and social security as required by law.
 2. Newly hired probationary employees are eligible for up to five (5) working days paid undesignated leave. The five (5) days of undesignated leave are only available during the probationary period, are not paid out if not used, and are not added to the amount of undesignated leave provided to regular employees once the probationary employee becomes a regular employee. Employees under probation are not entitled to any other benefits, except probationary employees are entitled to paid jury duty leave and as otherwise provided in the HSS Manual.
 3. If the probationary employee is absent due to illness, injury or cultural purposes, the probationary employee shall provide a physician’s or medicine person’s statement verifying the purpose for the leave and its beginning and ending dates.
 4. When a probationary employee successfully completes the probationary period and obtains the status of a regular employee, the employee’s undesignated leave earned during the probationary period shall be subtracted from the amount of leave provided to a regular employee for the first year of hire. There shall be no back pay for leave occurring during the probationary period.
- F. Employee benefits shall begin accruing starting with the first pay period; however, no undesignated leave may be actually used until the Employee successfully completes the probationary period. If the Employee does not successfully complete the probationary period, the Employee shall not be paid for any leave, except for three (3) days jury duty if applicable.
- G. For newly transferred and/or promoted employees who are subject to a probationary period, these employees shall continue to accrue their undesignated leave.
- H. A newly hired probationary employee is not allowed to travel on behalf of the HSS unless it directly relates to their job responsibilities.
- I. All probationary employees are considered employees-at will and at the pleasure of the HBE and may be terminated at any time by the HBE upon the supervisor’s recommendation, with or without cause. The determination to terminate a newly hired probationary employee during the probationary employee status is solely within the discretion of the HBE. A probationary employee is not entitled to grieve his/her termination through either the grievance procedures or appeal procedures.
- J. When a probationary employee has been promoted and/or transferred before completing the probationary period, he/she shall be required to serve another probationary period of forty-five (45) calendar days at the discretion of the supervisor.

- K. When an employee has been promoted, but fails to successfully complete the probationary period, the employee may be returned to their former position if it is available or an equivalent position. If such position is not available, the employee, may be terminated as an at-will employee, may be placed on an improvement plan, or may be subject to any other range of options provided for under policy.
- L. When a supervisor fails to conduct a 90-day probationary period evaluation and takes no action, the CSA may convert the employee to regular status and shall notify the appropriate supervisor of his or her failure to conduct evaluation.

Section 5120 Employment Reference Checks

- A. To ensure that individuals who are employed by the HSS are well qualified and have a strong potential to be productive and successful, it is the policy of HSS to make documented, good faith efforts to contact the most recent supervisors from previous employers to obtain information relevant to a person's fitness for employment and any ongoing administrative or performance related issues. See also HSS Manual, sec. 5021(K)(5).
- B. The Personnel Director or designee shall respond to all reference check inquiries from other employers. Responses to such inquiries shall confirm only dates of employment, position(s) held, and whether the HSS would or would not re-hire the former employee. No further employment data shall be released without a written authorization and release signed by the individual who is the subject of the inquiry, unless required by law.

Section 5121 Medical Certificates/Testing Required

- A. Ensure that all new employees obtain a Standard First-Aid certificate within the employee's initial thirty (30) days of employment. Each employee shall apply for recertification every second year or prior to expiration date of certificate.
- B. Ensure that new employees obtain a CPR certificate within the employee's initial thirty (30) days of employment. Each employee shall apply for recertification annually.
- C. Ensure that all new employees obtain medical examinations as required and as set forth in Section 5015 of the HSS Manual.

Section 5122 Personnel Data Changes/Updates

- A. It is the responsibility of each employee to promptly notify the HSS of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports shall be accurate and current at all times.
- B. Teachers, administrators, and other personnel required to be certified shall supply to the Personnel Department the required certification. It is the responsibility of each

teacher and administrator and other personnel required to be certified to obtain such certification, supply proof of such certification to the administrative office and to keep their certification current.

Section 5123 Access to Personnel Files

- A. The HSS maintains a personnel file on each employee. The personnel file includes information such as the employee's job application, resume, employment contract, records of training, documentation of performance evaluations and salary increases, and other employment records.
- B. All information and materials related to an employee's background/criminal history shall be kept separate from the general employment file and secured in a locked container or area in the Personnel Department of the HSS Central Administration Office. Only the Personnel Director and a designee shall have access to applicant/employee's background/criminal history records and results. The Personnel Department shall log who accesses such files by sign-in sheet or other appropriate measure.
- C. Personnel files are the property of the HSS and access to the information they contain is restricted and confidential in accordance with federal and other applicable laws. Only the Personnel Director or designee may review information in a personnel file. To the extent permitted by law, personnel files shall not be considered public records.
- D. An employee who wishes to review his/her own file, shall contact the Personnel Director or designee. With reasonable advance notice, an employee may review his/her own personnel file in the Personnel Department and in the presence of the Personnel Director or designee. No documents may be altered, added to, or removed from the file during such review.

Section 5124 Non-Disclosure of Confidential Information

- A. The protection of confidential information is vital to the interests and the success of the HSS. Such confidential information includes, but is not limited to, the following:
 - 1. Employee Compensation data;
 - 2. Employee Medical file;
 - 3. Students Records; and
 - 4. Pending projects and proposals.
- B. Any employee who discloses confidential information shall be subject to disciplinary action, up to and including termination of employment, even if he/she does not actually benefit from the disclosure of the confidential information.

Section 5130 Accuracy of Information in Employment Applications

The HSS relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions provided by an applicant or employee in any of this information or data may result in exclusion of the individual from further consideration for HSS employment or, if the person has already been hired, may result in termination of employment.

Section 5140 HSS Evaluation System

- A. The HBE shall develop and adopt a “HSS Evaluation System” to ensure that employees accomplish, at a high level of performance, their duties and responsibilities and positively impact student achievement. Legal Ref.: Hopi Education Code, sec. 12.4.
- B. The HSS Evaluation System shall be based on job descriptions, accomplishment of annual HSS goals and performance objectives, and established evaluative criteria.
- C. To implement the HSS Evaluation System, the HBE shall develop and use evaluation instruments, chosen evaluative methodology, and a Rubric for Evaluating HSS Staff for all certified and classified employees.
- D. The HSS Evaluation System shall include but not be limited to the following HBE objectives:
 1. Ensure all employees complete training on the HSS Evaluation System prior to participating in the evaluation process;
 2. Specify the dates by which observations and written evaluations shall be conducted;
 3. Performance standards shall be developed and be based upon the principle job elements set forth in the written position description and, where possible, written in measurable objective statements;
 4. Include tiered rating scales for all certified and classified staff;
 5. Utilize the Evaluation Form to be developed in accordance with Section 5141 of the HSS Manual;
 6. Include professional development plans to address areas in need of improvement in the employee’s performance, along with a timeline within which improvement shall be noted. If an employee is not performing satisfactorily, the evaluator shall so notify the employee in writing and describe the unsatisfactory performance. The evaluator shall confer with the employee, make specific recommendations as to areas needing improvement, and endeavor to provide assistance to the employee in his/her performance; and

7. Provide the supervisor with a formal process for feedback to and from employees, including the supervisor's assessment of areas of strengths and those needing improvement in the performance of assigned duties.
- E. The results of performance evaluations shall be the supporting data used for individual personnel decisions such as promotions, demotions, incentive awards and other recognition. They shall also be used to plan group training, organizational restructuring and work force expansion. Increases in compensation are not automatic and shall be based in part on performance evaluations results.
- F. Copies of the performance evaluation shall be filed in each employee's official personnel file.

Section 5141 Evaluation Forms

- A. As part of the HSS Evaluation System, the HBE shall approve "Evaluation Forms" for all HSS employees.
- B. The CSA and Principal shall provide supervisors with the approved Evaluation Forms for each employee in their areas of responsibility.
- C. The supervisor shall complete a written evaluation of each employee under his/her supervision on the approved Evaluation Form.
- D. An accurate and completed copy of the evaluation, dated and signed by the supervisor, shall be delivered to the employee in a private conference. The evaluation shall be signed and dated by the employee acknowledging only receipt at the time of the conference.
- E. The Evaluation Form shall include space for comment by the employee, and if the employee does not agree with the evaluation, a statement of non-concurrence may be included in the evaluation.

Section 5142 Evaluation of Certified Teaching Staff

- A. A primary purpose of the HSS Evaluation System is to assess teacher's and teacher assistant's (hereinafter "teacher") performance in relation to the HSS Academic Standards, to design a plan for professional growth, and to share accountability for the success of each student.
- B. The Principal shall implement the HSS Evaluation System in which the teacher shall actively participate through the use of self-assessment, conferences, and classroom observation(s).
- C. Evaluations of certified teachers shall be conducted as follows:
 1. Probationary Teachers: Principals shall conduct at least two (2) formal evaluations of all probationary teachers per year; and

2. Teachers. Principals shall conduct at least one (1) formal evaluation of all teachers per year.
- D. Evaluations of certified teachers' performance shall include but not be limited to the following HBE objectives:
1. Centering instruction on high expectations for student achievement;
 2. Enhance the implementation of the approved curriculum;
 3. Serve as a measurement of performance for individual teachers;
 4. Serve as the basis for instructional improvement and effective teaching practices;
 5. Fostering and managing a safe and positive learning environment;
 6. Serve as a tool in developing teacher coaching and mentoring programs and in guiding professional development programs for teachers;
 7. Communicating and collaborating with parents and school community; and
 8. Exhibiting collaborative and collegial practices focused on improving instructional practices and individual student learning.
- D. Copies of written evaluation summaries and any changes in the evaluation processes shall be provided to the CSA within fourteen (14) days of completion of the evaluation. Legal Ref.: Hopi Education Code, sec. 12.4.D(2).

Section 5143 Evaluation of Certified Administrative Staff

- A. Evaluation of the Chief School Administrator. The HBE shall conduct an evaluation of the CSA at least once per year in accordance with the requirements of the HSS Evaluation System and the HSS Manual. See HSS Manual, sec. 8615.
- B. Evaluation of Certified Principals and Assistant Principals.
1. The CSA shall conduct evaluations of all Principals and assistant Principals holding the appropriate certificates and employed to supervise the operation and management of a HSS school at least once per year in accordance with the requirements of the HSS Evaluation System and the HSS Manual. See HSS Manual, sec. 8613(C)(2).
 2. All certified Principals and assistant Principals shall be evaluated through a rubric based on a leadership, administration, and management framework.
 3. The CSA shall notify all HBE members that the evaluation is due to be completed thirty (30) days prior to the evaluation due date and provide the HBE with the completed evaluation of each Principal and assistant Principals.

4. The CSA shall discuss the results of the evaluations with each Principal in a private meeting. The Principal shall be given a copy of the written evaluation.

C. Evaluation of Administrative Staff.

1. The CSA shall conduct evaluations of all Directors of the Central Administration Office at least once per year based on specific performance goals. See HSS Manual, sec. 8613(C)(2).
2. The performance of administrative staff, other than certified Principals and assistant Principals, shall be evaluated at least once per year based on specific performance goals established with the supervisor and on the administrator's overall job performance as compared to the administrative job description.
3. The evaluative criteria for other administrative staff shall include but not be limited to:
 - a. Leadership;
 - b. Administration and management;
 - c. HSS finance;
 - d. Professional preparation and scholarship;
 - e. Effort toward improvement when needed;
 - f. Interest in students, staff, patrons and subjects taught in schools; and
 - g. Evaluation of staff.

Section 5144 Evaluation of Classified Staff

- A. The HBE attaches a high priority to hiring the most competent and highly qualified non-certified staff (hereinafter "classified staff") available and, once they are employed, in assisting them in their growth and development throughout their careers.
- B. To assist the HSS in reaching these goals, the performance of classified staff shall be evaluated at least once per year. If problems are observed, additional observations may be required.
- C. Each supervisor shall meet with classified staff within thirty (30) days of the beginning of each school year to review performance standards. New employees shall review the performance standards with the supervisor within the first two (2) weeks of employment.
- D. Annual evaluations of classified employees' performance shall include but not be limited to the following HSS objectives:

1. Exemplary performance as well as deficiencies in performance shall be clearly identified;
 2. Supervisors and Principals shall facilitate open communication with employees about performance expectations;
 3. An employee who is unclear about how performance is being assessed or desires additional evaluation opportunities shall address these issues with his or her immediate supervisor;
 4. Evaluation data will be submitted to the Central Administration Office personnel file;
 5. Evaluation data may be used in making employment decisions, including transfers, promotions and dismissal and demotion of employees; and
 6. The CSA, Personnel Director, and all evaluators are encouraged to develop ways to recognize exemplary employees and to capitalize on the abilities of exemplary employees in helping other employees.
- E. The CSA and Personnel Director shall oversee development of any other necessary procedures and shall provide training, as necessary, to carry out these HSS objectives. Such procedures shall be approved by the HBE.

Section 5150 Bonus Compensation

- A. To increase retention of employees, to remain competitive with other similarly situated federally-funded and/or state-funded schools, and to provide incentives to achieve performance objectives, the HSS finds it reasonable and necessary to allow discretionary service payments or bonuses to employees and newly hired employees.
- B. One of the HSS's primary goals is reaching achievement targets set by the HSS. The HSS further believes that affording its employees the opportunity to obtain bonuses will assist the HSS and its students in achieving targets through the provision of employee performance that goes above and beyond that which merely satisfies the employees' job duties.
- C. There shall be several bonus categories which employees may be eligible for, including but not limited to:
 1. Sign on bonuses for new employees; and
 2. Retention bonuses.
- D. Sign on bonuses for new employees shall be determined at the discretion of the HBE. The Personnel Director shall establish procedures for implementing sign on bonuses, which shall be approved by the HBE.

- E. Retention bonuses for employees who have continued employment with the HSS shall be determined at the discretion of the HBE. The Personnel Director shall establish procedures for implementing continued employment bonuses, which shall be approved by the HBE.
- F. Meeting or exceeding performance standards does not automatically require or give an employee the right to a bonus it merely qualifies an employee for such consideration should the HBE, determine that there is sufficient funding and, in the HBE's sole discretion, that such service payments or bonuses are reasonable, fiscally responsible and in the HSS's best interest. Such bonuses will be contingent in part upon the results of employees' Spring performance evaluation from the previous school year and Fall performance evaluation from the current school year and the school's progress in academic achievement and other performance indicators.
- G. All HSS employees are eligible for bonuses as described herein and no employee may receive a bonus in excess of the U.S. Social Security Administration's most current percentage Cost-of-Living Adjustment multiplied by the Employee's individual annual compensation amount as stated in the Employee's employment contract under the heading "Compensation," less all applicable deductions. Actual bonus amounts may be less than the maximum possible amount noted above, but shall not exceed that amount.
- H. Any bonuses are subject to prior approval by and at the sole discretion of the HBE. The staff shall not be informed of or paid bonuses until HBE approval. Bonuses shall not be paid to any employee unless the HBE, Finance Director, and CSA determine that the Federal Government furnished sufficient funds to meet all of the HSS's other budgetary needs for the school year.
- I. There is no right to any bonuses.
- J. The denial of bonus compensation or the amount of any bonus compensation is not subject to grievance or appeal.

Section 5160 Contract Renewal/Non-Renewal

- A. In general, renewal or nonrenewal of an employee's contract with the HSS shall be determined during the last quarter of an employee's current contract year.
- B. If the employee's contract expires without a decision or action, the employee's contract with the HSS shall be deemed to have been nonrenewed and the employee's employment with the HSS shall cease with the end date of the employee's current contract. A nonrenewal of an employment contract is not an "adverse action."
- C. The HSS does not recognize any tenure rights or rights to continued employment of any employee beyond the term of employment identified in an employee's current year contract. Because nonrenewal is neither a disciplinary action nor adverse action under Hopi law, the decision to non-renew the employment of an employee by the HSS is final and not subject to an appeal or grievance.

- D. As required by Section 4.11.F(5) of the Code, the HBE shall provide written notification to all contracted employees of the reason(s) based on statements of fact for any non-renewal determination of an employee's contract which shall be conducted as follows:
1. The reasons stated for non-renewal shall not be a basis for any appeal, claim, grievance, review, action, or cause for liability against the HSS;
 2. Reasons based on statements of fact may be fulfilled by attaching and incorporating by reference prior disciplinary action, prior evaluations, or other documents or actions;
 3. Reasons based on statements of fact may include, but shall not be limited to, one or more of the following: unprofessional conduct, failure to follow directives, disrespectful behavior and insubordination, failure to work cooperatively with your supervisors, failure to work effectively with your supervisors and staff, failure to follow chain of command, violations of HSS policies, failure to follow staff handbook, failure to follow standards of conduct, failure to follow corrective actions, failure to maintain an appropriate professional relationship with students, excessive absenteeism, lack of funding, reorganization, or lack of work;
 4. Probationary Employees: If the employee has not completed his/her probationary period under the old contract, then the probationary period shall be continued into the new contract term if a new contract is offered in the same position. The offering of a contract renewal to a probationary employee is not considered a satisfactory completion of the probationary period. The probationary period shall continue for the mandatory calendar days; and
 5. Temporary Employees: Since temporary employees are not hired for any specific contract term, the contract renewal provisions described herein do not apply to temporary employees. Temporary employees have no right to continued employment, can be terminated at the sole discretion of HSS, and have no right to appeal their termination or contract renewal or nonrenewal.

CHAPTER 5200 - MANAGEMENT OF THE WORK FORCE

Section 5201 Regular Hours of Work

- A. The regular hours of work for the Hopi School System shall be:
1. The working hours for office and academic staff shall be 7:30 a.m. to 4:00 p.m. Monday through Friday for the HSS elementary schools and 8:00 a.m. to 4:30 p.m. Monday through Friday for the Hopi Junior Senior High School.
 2. The above listed working hours may be altered depending on the needs of a school and the Central Administration Office as may be determined by the HBE in consultation with the school Principal and the CSA.
 3. The facility management and transportation staff shall work assigned, staggered shifts depending on the needs of the HSS as identified by the Transportation and Facilities Directors, the Principals and the CSA.
 4. Kitchen staff regular hours of work are from 6:00 a.m. to 2:30 p.m. The regular kitchen staff working hours may be altered depending on the needs of a school as may be determined by the HBE in consultation with the school Principal and the CSA.
- B. Flexibility in regular hours of work may be allowed as follows:
1. At times, circumstances shall require schedules for employees to vary throughout the HSS. The HSS may use as guidance, but is not legally bound by, the different terms and conditions which apply to exempt and non-exempt employees under the FLSA. See HSS Manual, sec. 5101. This is particularly important relative to overtime eligibility. See HSS Manual, secs. 5101, 5232 and 5235.
 2. Supervisors shall advise employees of their individual work schedules and any variations in such schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day of the week. The CSA is authorized to declare administrative leaves when the situation dictates.

Section 5202 Meal Periods for Staff

- A. All full-time employees are allowed one meal period of a minimum of thirty (30) minutes in length each workday. Supervisors shall schedule meal periods to accommodate HSS operations. Employees should be relieved of all active responsibilities and restrictions during meal periods and shall not be compensated for that time.
- B. HSS employees may be allowed to purchase and consume meals provided by the HSS.

Section 5203 Dress Code and Appearance

- A. Employees are expected to be neat in appearance and dress in a manner consistent with an institution which serves the public. The impression made on students, visitors and co-workers shall be of foremost consideration.
- B. T-shirts, shorts or jeans with holes are examples of unacceptable dress. Inappropriately revealing clothing or clothing depicting alcohol, cigarettes, or illegal substances is prohibited.

Section 5210 Absences

If an employee is unable to report for duty, that employee shall call, text or email his/her immediate supervisor or Principal if unable to reach their immediate supervisor at least one hour prior to the beginning of work. Failure to do so may result in disciplinary action.

Section 5211 Absence Without Leave/Lateness

- A. An employee shall be deemed “absent without leave” when absent from work during scheduled duty time without prior notification to the HSS. This shall include absence due to lateness or due to leaving early or any other absence that is not specifically excused. Absence shall not be excused unless the reason for absence conforms to policy on undesignated leave, or other specific policy on excused absences as adopted by the HBE.
- B. Employees are authorized to leave campus during lunch period, but are otherwise expected to be on campus during scheduled duty time unless off campus on school business.
- C. Employees shall not be compensated for time missed due to being absent without leave. A subsequent paycheck of the employee shall be docked for minutes/hours missed.
- D. All unauthorized and/or unreported absences shall be considered Absence Without Leave (“AWOL”), and a deduction of pay shall be made. Such absences shall be grounds for disciplinary action. Absence Without Leave for three (3) days within a calendar month shall be deemed a resignation from employment.

Section 5212 Health Standards

- A. Purposes. Good health of all persons associated with HSS is important. The HSS shall comply with all health standards and directives issued by or through the Indian Health Service, Hopi Health Care Center, and the Environmental Health Office of the Hopi Tribe.
- B. Health Standards. It is the policy of the HSS to take reasonable and lawful measures to protect students and staff members from the transmission of communicable diseases. The Personnel Director, in collaboration with the health authorities on Hopi, shall draft

procedures to implement this policy in a manner consistent with Tribal and federal laws. Such procedures shall be approved by the HBE.

C. Exclusion from School.

1. A staff member who has a communicable disease shall be excluded from school only if the staff member presents a direct threat to the health or safety of others in the school workplace. The outbreak control measures and other directives of the Indian Health Service, Hopi Health Care Center, and the Environmental Health Office of the Hopi Tribe shall be acted upon as the best medical knowledge and judgments with regard to the exclusion of a staff member who has a communicable disease that is addressed by applicable regulations.
2. A staff member who has a chronic communicable disease, such as tuberculosis or HIV/AIDS, shall not be excluded unless a significant risk is presented, to the health and safety of others, which cannot be eliminated by reasonable accommodation. The Personnel Director shall consult with legal counsel and health professionals, as necessary, to ensure that exclusion of a staff member with a chronic communicable disease will not violate the staff member's rights under the Americans with Disabilities Act, P.L. 101-336, or Section 504 of the Rehabilitation Act, P.L. 93-112.
3. If the Personnel Director determines that a staff member should be excluded due to a communicable disease that poses significant risk to the health and safety of the HSS, he/she shall present these findings to the CSA who shall reach a decision on whether the staff member shall be excluded from the HSS.
4. The school nurse or other person designated by the CSA shall reassess a staff member who is excluded from the HSS because of a communicable disease before the staff member returns to work. The HSS shall require a physician's written medical release as a condition of the staff member's return to work.

D. Reporting and Notification.

1. The HSS shall report to its local health agency each diagnosed and suspected case of a communicable disease that must be reported under applicable state, federal, or Tribal law.
2. Disease outbreaks that the HSS must report by telephone within twenty-four (24) hours are:
 - a. Foodborne/waterborne illness;
 - b. Giardiasis (intestinal infection caused by parasite);
 - c. *Haemophilus influenzae, type b, invasive disease* (bacterial disease);
 - d. Hepatitis A;

- e. Measles (rubeola);
 - f. Meningococcal invasive disease (bacterial meningitidis);
 - g. Mumps;
 - h. Pertussis (whooping cough);
 - i. Rubella (German measles);
 - j. Scabies (burrowing mites in skin); and
 - k. Shigellosis (intestinal bacterial infection).
3. Outbreaks of pediculosis (lice infestation) also must be reported.
4. If an outbreak of a communicable disease occurs in a school setting, the CSA or the school nurse shall promptly inform staff members who are known to have special vulnerability to infection. The HSS does not assume any duty to notify an employee of health risks caused by the presence of a communicable disease in the school setting unless the at-risk employee has previously notified the HSS of conditions when the at-risk employee requires notification.

E. Confidentiality.

1. The HSS shall make reasonable efforts to maintain the confidentiality of staff members' medical conditions. The identity of a staff member who has a communicable disease and/or the nature of the communicable disease may be disclosed only to:
- a. Staff members who must have such information to carry out their duties under this policy; or
 - b. Staff members or students (or their parents/guardians) who must have such information to protect themselves from direct threat to their health or safety.
2. Inquiries or concerns by staff members or others regarding communicable diseases or a staff member who is known or believed to have a communicable disease shall be directed to the CSA or the school nurse.

F. Universal Precautions. The HSS shall follow the "Universal Precautions Standard" to protect employees who are at risk of being exposed to blood and body fluids in the course of their work.

G. Food Service Workers. The HSS shall follow the guidance of the U.S. Department of Health and Human Services and Hopi Tribal law concerning infectious and communicable diseases transmitted through the handling of food, and special precautions required for food services workers.

- H. HIV/AIDS. Current medical information indicates that HIV can be transmitted by sexual intercourse with an infected partner, by injection of infected blood products, and by transmission from an infected mother to her child in utero or during the birth process. None of the identified cases of HIV infection in the United States are known to have been transmitted in a school setting or through any other casual person-to-person contact. There is no evidence that HIV is spread by sneezing, coughing, shaking hands, hugging, or sharing toilets, food, water, or utensils. According to best medical knowledge and judgments, the use of the “universal precautions” and other procedures that implement this policy are sufficient to protect staff members and students from transmission of HIV at school.
- I. Hopi Tribal Communicable Disease Laws and Orders. The HBE, in consultation with the CSA and other stakeholders, shall follow all Hopi Tribal laws and orders related to communicable diseases and take all reasonable precautions to limit the transmission of the communicable disease amongst HSS staff and students.

Section 5213 Outside Employment

- A. An employee may hold a job with another organization as long as he/she satisfactorily performs his or her job responsibilities with HSS and such employment does not constitute a conflict of interest. Employees shall consider the impact that outside employment may have on their health and physical endurance. All employees shall be judged by the same performance standards and shall be subject to HSS scheduling demands, regardless of any existing outside work requirements.
- B. If the HSS determines that an employee’s outside work interferes with the employee’s performance or the ability of the employee to meet the requirements of the HSS as they are stated or modified from time to time, the employee may be required to terminate the outside employment if he/she wishes to remain employed by the HSS.
- C. Outside employment shall present a conflict of interest if it has an actual or potential adverse impact on the HSS.

Section 5214 Chain of Command

All employees shall follow the chain of command in accordance with the approved Organizational Chart of the HSS. Failure to follow the chain of command shall be grounds for disciplinary action, up to and including, termination of employment.

Section 5220 Training

- A. Each employee is encouraged to develop skills through on-duty and off-duty training. When funds are available, training shall be provided and paid by the HSS.
- B. Any employee who receives training at the HSS’s expense is expected to work for the HSS through the duration of their contract. Except in extenuating circumstances, any employee who fails to complete their employment contract due to a breach of contract, an early termination of the contract, being terminated by the HSS due to disciplinary

actions/violations of policy, or resigns without a legitimate documented emergency shall reimburse the HSS for the cost of any training received by the employee in the last twelve (12) months from the conclusion date of the contract. The employee, by signing the acknowledgement to the HSS Policies and Procedures Manual, agrees that any such amounts may be deducted from their last remaining paychecks or other amounts the HSS may owe employee.

- C. In-Service Training. Workshops for school employees shall be held as needed. Each department supervisor shall be responsible for assessment of needed training and shall direct requests for in-service training to the Principal in writing. If the Principal approves the request, the Principal shall forward the request to the CSA or designee for approval of any in-service training. An employee who attends off-site training shall be required to provide In-Service-Training to the staff.
- D. Off-Site Training. All training requiring Overnight Travel (defined as travel which requires greater than twelve (12) hours to complete) or has conference, training and/or meeting fees shall be approved by the HBE. See HSS Manual, sec. 4702. A training request shall be placed on the Agenda at the next regular HBE meeting after the request and a report from the Finance Director for funding availability has been submitted. Bureau of Indian Education (“BIE”) or other governmentally required trainings and/or meetings that have not provided sufficient notice shall be exempt from this section; however, travel for such trainings and/or meetings shall be placed on the agenda for approval at the next HBE meeting.

Section 5230 Employee Orientation

- A. Orientation for all HSS Employees. The Principals, in collaboration with the CSA, shall establish a program to provide an orientation for all HSS employees prior to the beginning of the school year. The orientation shall be conducted by the local school Principals. At a minimum, this program shall cover the following items:
 - 1. Hopi culture, language and Tribal government structure, HSS organizational structure, and HSS philosophy of education and learning;
 - 2. Personnel policies;
 - 3. Terms of employment;
 - 4. Hours of work;
 - 5. Salary and Fringe-benefits plans;
 - 6. General disciplinary rules and procedures;
 - 7. Evaluation program and name(s) of evaluator(s);
 - 8. Child Abuse Reporting Requirements; and

9. Handling of body fluids.
- B. A Personnel Generalist under the direction of the Personnel Director shall be responsible for giving each new employee the basic information concerning the Orientation program set forth in Section 5230(A) of the HSS Manual, along with the essential forms on or before the first day of work.
- C. Specific job expectations such as prescribed procedures for completing assignments, where to obtain supplies, and other vital information shall be given by the immediate supervisor.

Section 5231 Administration

The department directors shall ensure that authorized employee development programs are properly administered. A Personnel Generalist shall maintain records of all training conducted and ensure that a current record is maintained in each employee's personnel file.

Section 5232 Timekeeping

- A. Accurately recording time worked is the responsibility of every employee. Federal laws require the HSS to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is time actually spent on the job performing assigned duties. See also HSS Manual, Chapter 4600 (Payroll).
- B. Employees shall accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They shall also record the beginning and ending time of any split shift or departure from work for personal reasons.
- C. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. Time records shall be kept/entered at the work site and will be entered directly into electronic software using a timeclock or manually entered later.
- D. It is the employee's responsibility to sign his or her timecard or clock in and out and certify the accuracy of all time recorded.
 1. Each employee's time sheet or electronic record is forwarded to the timekeeper on a bi-weekly basis, which ensures all the timesheets are submitted in a timely manner. The timekeeper forwards the timesheets to the supervisor who reviews and approves them.
 2. The supervisor shall review and sign the timecard before submitting it for payroll processing. If corrections or modifications are made to the timecard, both the employee and the supervisor shall verify the accuracy of the changes by initialing the timecard.

Section 5233 Paydays

- A. All employees are paid bi-weekly on every other Thursday. Each paycheck shall include earnings for all work performed through the end of the previous payroll period.
- B. In the event that a regularly scheduled payday falls on a regular day off or holiday, employees shall receive pay on the last day of work before the regularly scheduled payday.
- C. If payday falls during an inter-session, school year employees shall be paid on the regular payday.
- D. If an employee has direct deposit to their account, the payroll clerk requires a ten (10)-day advance notice to stop the direct deposit.
- E. No Cash Advances may be made to any employees.

Section 5234 Pay Deductions and Setoffs

- A. The HSS offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to make bank deposits, 401k plans, and other programs that accept payroll deductions.
- B. Court ordered wage garnishment may be deducted from employees' paychecks.
- C. Pay setoffs are pay deductions taken by the HSS usually to help pay off a debt or obligation to HSS (i.e., meals, rent, etc.)
- D. If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Finance Director or designee can assist in answering your questions.

Section 5235 Overtime

- A. Policy Statement: As a Hopi Tribal Regulated Entity, the HBE disclaims any applicability of the FLSA and asserts the Hopi Tribe's sovereign immunity from application of the FLSA to the HSS. Notwithstanding the foregoing, HSS adopts the procedures and policies set forth in the FLSA relative to overtime. By disclaiming the applicability of the FLSA, HSS affirmatively states that it shall not respond and is not required to respond to any federal claims or the jurisdiction of any federal court; however, it shall respond in Hopi court to its decision to include similar overtime provisions via its own policies. HSS intends by this action to implement a more informal policy designed to insure equity and fairness to its employees and the best interest of HSS students, staff and community. This more flexible system shall be directed by the CSA and shall not be bound by the formal FLSA requirements. It shall be the general direction of these policies to limit overtime to the degree possible, use flex time and compensatory time, in place of overtime and to operate the HSS in a

manner that is fiscally responsible and at the same time fair to staff. The following requirements shall be implemented consistent with this general policy statement.

- B. Overtime work for non-exempt employees shall always be approved before it is performed.
- C. When operating requirements or other needs of the HSS cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime hours and shall qualify for overtime as provided in this section. When possible, advance notification of these mandatory assignments shall be provided. All overtime work shall receive the supervisor's prior authorization. Overtime assignments shall be distributed as equitably as practical to all employees qualified to perform the required work. Exempt employees are not eligible for overtime or compensatory time.
- E. Overtime compensation is paid to all non-exempt employees at the following rate(s): One and one-half times the employee's base straight-time rate for all hours actually worked over forty (40) hours in a work week.
- F. Overtime pay is based on actual hours worked. Time off for undesignated leave, holidays, or any leave of absence shall not be considered hours worked for purposes of performing overtime calculations.
- G. Overtime shall be tracked and calculated using the HSS's electronic software system.
- H. Failure to work scheduled overtime assigned by the appropriate supervisor may result in disciplinary action, up to and including possible termination of employment. Overtime of up to two (2) hours per day may be assigned only by the Principal. Overtime in excess of two (2) hours shall be approved in advance by the Principal.
- I. Working overtime without appropriate prior authorization shall be grounds for disciplinary action. In emergency circumstances, the Facilities Director may authorize overtime to resolve the emergency.
- J. Compensation Option. Overtime may be compensated by compensatory time off if there is a prior, voluntary (free of coercion or pressure) written agreement reached prior to the work being performed.
 - 1. Prior to working overtime, the employee shall agree to the type of compensation preferred either pay at time and one-half, or compensatory time off at time and one-half. HSS cannot require an employee to accept compensatory time in lieu of overtime pay. An employee cannot demand compensatory time in lieu of payment for overtime worked. It is at the discretion of the HSS provided the agreement requirement is met.
 - 2. Compensatory time off shall be taken within a reasonable period, which shall be determined by the immediate supervisor, but not more than thirty (30) days after it is earned. However, in no case may an employee accrue more than 120 hours of compensation time off.

- K. Use of Accumulated Compensatory Time. The employee and his/her supervisor shall arrange compensatory time off. Supervisors shall properly account for compensatory leave earned and taken.
- L. Reporting of Overtime and Compensatory Time. The Finance Director is responsible for analysis and control of all overtime and compensatory time and for the submission of such reports as may be required.

Section 5240 Social Media Policy and Use of Electronic Devices

All HSS employees shall be subject to the Social Media Policy of the Hopi School System. See HSS Manual, chapter 10400.

Section 5241 Telephone Policy

Except in an emergency, all telephones, including personal and school telephone calls, are restricted to official business calls. During school hours, phones are for school use only. Personal phone calls may be made during break times.

Section 5242 Emergency Closure/Evacuation

- A. At times, emergencies such as severe weather, fires, power failures, water/sewer line breakage, etc. can disrupt school operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during non-working hours, local radio and/or television stations shall be asked to broadcast notification of the closing.
- B. When operations are officially closed due to emergency conditions, non-essential personnel are not to report to duty without the prior consent of the CSA. Non-essential personnel that report to work without such authorization shall not be paid for days on which their school is closed due to emergency conditions. The CSA or the Facilities Director shall post a list of positions which are designated as “essential personnel.” All other positions are designated non-essential personnel.
- C. The time off from scheduled work shall be treated as administrative leave without pay.
- D. Employees in emergency operations may be asked to work on a day when operations are officially closed. HSS employees are considered disaster service workers and are subject to disaster service activities assigned to them. In these circumstances, employees who work shall receive regular pay.

Section 5250 Use of Equipment and Vehicles

- A. Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using equipment, employees are expected to exercise care, and follow all operating instructions, safety standards, and guidelines.
- B. Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.
- C. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic violations, can result in disciplinary action, up to and including termination of employment.
- D. Use of HSS equipment and vehicles shall be for official HSS use only. HSS equipment and vehicles shall only be used for the specific purpose for which it was checked out. No other use is permitted. HSS equipment and vehicles may not be loaned or used for personal use under any conditions. Use of HSS equipment and/or vehicles in violation of this policy shall be a ground for discipline up to and including termination. The person to whom the equipment or vehicle was checked out shall pay any damage or expense arising from the misuse or use in violation of this policy. Employee's signature on the Employee Acknowledgement Form (Appendix B) is employee's specific approval and authorization for HSS to deduct wages from employee's paycheck in the amount of the damage or expense of any HSS property arising from an employee's misuse or is in violation of this policy.
- E. No temporary employee may use a school vehicle without the written permission of the CSA.

Section 5251 Business Travel Expenses

- A. HSS shall reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location.
- B. All business travel for HSS employees, HBE members, and local school board members shall follow the Travel Authorization procedures set forth in Section 4702 of the HSS Manual.
- C. Employees with approved travel plans shall make all travel arrangements through the HSS Finance Department.
- D. When approved, the actual costs, if reasonable, of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives for which original receipts are submitted shall be reimbursed by the HSS unless a flat rate is accepted. Employees are expected to limit expenses to reasonable amounts.

- E. Expenses that generally shall be reimbursed include the following:
1. Airfare or train fare for travel in coach or economy class;
 2. Fares for shuttle or airport bus service, where available;
 3. Costs of public transportation or other ground travel;
 4. Taxi or ride sharing services;
 5. Mileage costs for use of personal cars shall be provided only under the following circumstances:
 - a. When less expensive transportation is not available;
 - b. School provided transportation is not available;
 - c. Working mothers who are breastfeeding their infant child shall be allowed to take their personal cars and be provided mileage costs;
 - d. Subject to approval by the Principal or CSA, individuals with other extenuating health or other circumstances may also be allowed to take their personal cars and be provided mileage costs;
 - e. Mileage cost for use of personal cars shall be reimbursed at the existing the U.S. General Services Administration (“GSA”) published rate; and
 - f. All employees shall obtain prior written approval from the Principal or CSA for use of a personal car;
 6. As required by Section 4704 of the HSS Manual, HSS employees, HBE members and local school board members shall use a HSS vehicle for official HSS business travel. If a HSS vehicle is not available, HSS employees, HBE members and local school board members may use a privately owned vehicle. Employees with the same destination for official HSS travel shall ride together whether in a HSS vehicle or a privately owned vehicle. The HSS shall not pay multiple mileage requests for the same trip absent special circumstances and prior written approval by the CSA or designee of said multiple payments;
 7. Lodging determined by utilizing GSA rates at the travel destination if pre-authorized by the HBE;
 8. The cost of meals shall be paid in advance via current GSA per diem rates; and
 9. Charges for telephone calls, faxes, and similar services required for business purposes.
- F. Any employee who is involved in an accident while traveling on business shall promptly report the incident to the Principal (involving school employees) and the local

- police department where the accident occurred, or to the CSA (involving Central Administration Office employees) and the local police department where the accident occurred.
- G. Vehicles owned or leased by the HSS may not be used for personal use.
 - H. Only HSS employees and authorized volunteers are authorized to ride in a HSS vehicle. No spouses or family members shall be allowed in a HSS vehicle. The term “spouse” in this provision is limited to a legally married spouse and/or a spouse married pursuant to a traditional Hopi wedding.
 - I. Only HBE members or HSS employees may drive the HSS vehicle. A HSS vehicle shall not be taken to an employee’s home at night unless the employee has permission from the Principal or CSA.
 - J. All employees shall be required to take, complete, and pass the Hopi Tribe’s Defensive Driving course.
 - K. Per diem may be made to employees to cover reasonable anticipated expenses, after travel has been approved.
 - L. When travel is completed, employees shall submit completed travel expense reports with original required receipts attached within five (5) days.
 - M. Employees shall contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.
 - N. Abuse of this policy, including, but not limited to, falsifying expense reports to reflect costs not incurred by the employee, or unreasonable or excessive expenses, may be grounds for disciplinary action, up to and including termination of employment.
 - O. An employee may be required to reimburse the HSS for airfare, train, or non-refundable registration fees or hotel reservations if the individual cancels a travel request.
 - P. For purposes of calculating travel expenses, the employee’s local school or Central Administration Office shall be considered the official duty station.
 - Q. All travel expenses shall be in compliance with the current Federal Travel Regulation.
 - R. Exigencies occurring during HSS-sponsored travel and/or activities requiring a further expenditure of HSS funds shall be the responsibility of the traveler or travelers involved in the exigency. Upon approval by the CSA, the traveler or travelers may be reimbursed for expenses deemed appropriate by the Finance Director on a case by case basis.

Section 5252 Credit Cards

- A. The HSS credit card shall be limited to HSS authorized use only, and any violations of this policy shall be pursued to the fullest extent. A general rule of use is that the HSS credit card may only be used when no other form of payment is possible.
- B. The following rules shall apply to the HSS credit card:
 1. The HSS credit card shall remain in the physical possession of the Finance Director until checked out by an authorized user upon approval of the Finance Director and CSA. The HSS credit card shall only be checked out immediately prior to its use and shall be returned to the Finance Director the same day the user returns from an authorized trip or otherwise has no further need of the card, whichever occurs first. If the user returns after business hours, the HSS credit card shall be returned before 8:30 a.m. the next business day.
 2. Prior to checking out the HSS credit card, the user shall sign the HSS Credit Card Acknowledgement and Authorization Form acknowledging the user's understanding of the HSS credit card policy, agreeing to any penalties that may be imposed by its misuse, and agreeing to pay back any unauthorized, excessive, or unacceptable charges on the card. Immediate and authorized deductions from paychecks, stipends, per diems, etc. to recover said amounts, is solely at the HSS's discretion.
 3. The HSS credit card may only be used by authorized HSS employees and HBE members for the following items:
 - a. Hotel/Motel rooms not otherwise reserved and/or paid by purchase order while on official authorized HSS business. As with travel in general, lodging charged shall be as economical as possible. Renting special rooms or higher priced rooms when others are available shall be grounds for the HSS's rejection of said charges and said charges being assessed against the user.
 - b. Most travel shall be pre-arranged with purchase orders used to avoid use of the credit card. When travel is extended or in other rare circumstances, users may charge meals within current GSA rates on the HSS credit card for HSS employees or HBE members. Excessive charges or charges for persons other than HSS employees or HBE members shall be rejected by the HSS and assessed against the user, and subject the user to disciplinary action.
 - c. Gasoline purchases are for HSS vehicles only. The HSS credit card may be used to purchase gasoline for HSS vehicles only when on travel for the HSS and authorized by the HSS. When using a privately owned vehicle for HSS travel, the HSS credit card may not be used for the purchase of gasoline, repairs or other mechanical necessities.
 - d. The HSS credit card may not be used for telephone calls, purchase of personal items, gifts or any other thing except as set forth above. The HSS credit card

may not be used for the purchase of any HSS goods except by the Finance Director and/or the CSA, and only when other forms of payment are not acceptable.

- C. This policy applies to all employees and HBE members. To reiterate, misuse of the HSS credit card and/or violation of this policy shall result in disciplinary action against employees and recommendations for disciplinary action against HBE members and possible reporting of ethics violations.

Section 5260 Attendance and Punctuality

- A. To maintain a safe and productive work environment, the HSS expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the HSS. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they shall call, text or email his/her immediate supervisor or Principal if unable to reach their immediate supervisor at least one hour prior to the beginning of work.
- B. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment. See HSS Manual, sec. 5232 (Timekeeping).

Section 5261 Control and Return of Property

- A. Employees are responsible for all HSS property, including but not limited to, computers, printers, and all other electronic devices, software, computer-generated materials, other materials or written information issued to them or in their possession or control. Employees shall return all HSS property immediately upon request or upon termination of employment. The Finance Director or designee shall determine the value of the unreturned or damaged property.
- B. Any and all information generated by, stored on, or contained in any HSS computer is or becomes the property of the HSS and may not be removed, damaged, or copied and removed from the HSS.
- C. Any materials, designs, plans, data, writings, drawings, or other information, from whatever source, electronic or written, done by an employee, HBE member or local school board member on behalf of the HSS, shall remain the property of the HSS. The HSS shall own and control all copyrights that may attach to such electronic or written information. Said property of the HSS shall not be given to an outside firm or individual, except when specifically authorized by the HBE. Any unauthorized transfer, use or disclosure of information shall constitute unacceptable conduct.
- D. Any employee who violates the provisions of this section shall be subject to disciplinary action, up to and including termination of employment.
- E. HSS staff and community members may not use HSS equipment for personal use. No HSS property may be taken off campus unless authorized by the CSA or designee.

Section 5262 Keys Policy

- A. Keys to classrooms and other HSS buildings shall be issued at the beginning of the school year or upon employment with the HSS, and shall be returned at the end of the school year or upon the termination of employment with the HSS. Each employee shall be held strictly accountable for the key(s) issued to him/her. If any key(s) are lost or misplaced, it shall be immediately reported to the employee's immediate supervisor.
- B. A charge shall be assessed for each key to cover the cost of replacement of the key and changing of the lock(s). If a Grand Key (i.e. master key) is lost or misplaced, the person assigned the Grand Key shall be held responsible for the total cost of replacing all of the locks that could be opened by the key.

Section 5263 Security Inspections

- A. The HSS wishes to maintain a work environment that is free of controlled substances, alcohol, firearms, explosives, or other improper materials. To this end, the HSS prohibits the possession, transfer, sale, or use of such materials on its premises. The HSS requires the cooperation of all employees in administering this policy.
- B. Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the HSS. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the HSS at any time, either with or without prior notice.

Section 5270 Monthly Reports

Each Department Director shall submit written reports to the CSA on a monthly basis on his/her Department or program's progress during the last month. The CSA shall create and update, as needed, a template which all Department Directors shall use to submit their reports. All reports shall be due by the close of business on the last business day of the month. All reports shall be on time so that the CSA may finalize the HSS's report deadline for submission to the HBE. Any report submitted late or not submitted shall be reflected in the Department Director's personnel file.

Section 5271 General Staff Meeting

Each school and the Central Administration Office shall hold an independent, general staff meeting every month.

Section 5272 Supervisor and Department Meeting

Each department at each school and at the Central Administration Office shall hold a staff meeting at least once a month.

Section 5273 Family/Personal Matters/Gossip

- A. Employees are expected to be professional and courteous with all other employees, HBE members, students, and community members. Employees shall not gossip or carry malicious rumors about students, staff, HBE members, or community members.
- B. Employees shall not interject family matters into relationships with fellow employees. Employees shall control their personal and family issues and ensure that they do not affect the employee's job performance or threaten the orderly, harmonious operation of the HSS.
- C. Violation of this policy shall be grounds for discipline up to and including termination of employment.

Section 5274 Violence in the Workplace

- A. HSS has adopted a policy prohibiting workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect HSS or which occur on HSS property, is not acceptable.
- B. Employees involved in domestic violence, orders for protection and related matters shall take all possible responsible steps to ensure the violence does not come on to HSS or affect its students, staff or community.
- C. Employees involved in such matters may be terminated from employment if HSS determines that their involvement in the above-described matters presents a risk or threat of harm to the health, safety and welfare of HSS students, staff and community.

Section 5275 Political Activities

- A. The HSS respects each person's right to participate in political activities and encourages its employees to participate in the political process.
- B. HSS employees shall not take an active part or engage in political campaign activities while on official duty, including but not limited to:
 - 1. HSS employees shall not wear campaign buttons or other political campaign items while on official duty;
 - 2. An employee may participate in any campaign and election so long as such participation does not interfere with his/her HSS duties and responsibilities;
 - 3. An employee shall not use the property, supplies and equipment of the HSS in performing political activities;
 - 4. With the approval of the HBE, an employee may participate in any nonpartisan campaign or effort that promotes Indian education or protects the continuation of educational services to the students served by the HSS;

5. An employee shall not appear to represent the HSS without prior written permission of the HBE; and
6. An employee shall not participate in controversial issues outside the HSS campus in a manner that may reasonably be interpreted to be representative of the HSS, its position, or in a manner that hinders the operation of the HSS.

Section 5276 Stipends

- A. Staff are eligible for stipends for the performance of additional activities outside the regular work duties.
- B. Stipends may be paid to any staff who performs additional activities outside his/her regular work duties, which provide services to students or otherwise support the HSS's educational services. Stipends may not be paid for these activities or services if they are carried out during the regular working hour, in this instance stipends shall be prorated. Staff shall submit approved logs/records to receive any prorated amounts.
- C. Activities which may warrant a stipend include, but are not limited to chaperoning, after-school activities, additional hours, etc. Stipend amounts shall be determined based on the activity and amount of time necessary to perform the assigned task. Upon recommendation of the CSA, a schedule of stipend payments shall be established and adopted by the HBE.
- D. Those who are to receive a stipend may elect to receive the stipend in either of two ways:
 1. In two (2) equal installments, one at midway of the activity, and one at the completion of the activity; or
 2. In a lump sum paid the pay period following the completion of the activity.
- E. All stipend payments shall be made pro rata based upon the term of the activity for which the stipend is being paid and at the same time as the HSS's regular pay periods.
- F. Stipends shall be established and approved by the CSA and the HBE in advance of the activity. All those who are to receive a stipend shall sign a contract and select an option for payment.
- G. A non-employee may receive a stipend for certain services provided to the HSS. Any such stipend or arrangement is subject to all school policies, including but not limited to the policy on stipends. Prior to any non-employee engaging in work pursuant to a stipend or other arrangement, said person shall complete and pass a background clearance pursuant to Sections 5021 and 5040 of the HSS Manual.

Section 5277 Personal Property

- A. HSS encourages staff to limit personal property that they bring onto HSS property or facilities. If a staff person brings personal property onto HSS property or facilities, they do so at their own risk. If a staff person uses personal property in performing his/her duties at the HSS, he/she also does so at their own risk.
- B. The HSS shall not be responsible for or pay for any loss of or damage to a staff person's personal property or for any liability arising from the use or possession of such property.

Section 5278 Breastfeeding in the Workplace

- A. The HSS shall adopt and comply with the requirements of the Navajo Nation Healthy Start Act of 2008, which is incorporated herein by this reference. To this end, the HSS is committed to providing to each working mother opportunities to engage in breast-feeding of their infant child or children, or use a breast pump. Such opportunities shall consist of the following:
 - 1. Providing a clean and private area or other enclosure near the employee's workspace, and not a bathroom, to allow a working mother to engage in breast-feeding or use of a breast pump; and
 - 2. Providing a sufficient number of unpaid and flexible breaks within the course of the workday to allow a working mother to engage in breast-feeding or use of a breast pump. Regular breaks provided to staff in the working mother's classification and breaks allowed or required by the HSS policies or law may also be utilized for the above purposes.
- B. A working mother who desires to take advantage of these opportunities shall contact her supervisor to make the necessary arrangements. The supervisor shall have discretion with respect to selecting a clean and private area or other enclosure to accommodate the working mother and in scheduling breaks for the working mother. Such discretion shall be exercised in a manner that furthers the purpose of this Policy and the Navajo Nation Healthy Start Act of 2008, while also respecting the needs of HSS staff and students.
- C. Definitions. For purposes of this Policy, the following definitions apply:
 - 1. "Breast-feeding" means the practice of allowing a working mother, with privacy and dignity, to feed her child milk from her breasts;
 - 2. "Breast pump" means any electric or manual device used to mechanically remove milk from a human breast;
 - 3. "Infant child" means a child between birth and the age of twelve (12) months, who is being breast-fed by a working mother; and

4. "Working mother" means an employee of the HSS who is the mother or guardian of an infant child.

Section 5280 Administrative Assignments

- A. An administrative assignment is made when an employee assumes specific duties or responsibilities, for a period of ten (10) or more working days, which is in addition to or in place of their current duties or responsibilities and which is not presently assigned to another position or being performed by another employee.
- B. All administrative assignments require written approval of the CSA and Personnel Director prior to the start of the assignment.
- C. The request for administrative assignment of an employee shall be submitted to the Personnel Director outlining the following:
 1. The nature, time period, and expected results of the assignment;
 2. The employee's regular duties;
 3. Additional duties or responsibilities being assigned;
 4. If the duties or responsibilities being assigned are in place of the employee's regular assignment, how the employee's current duties and responsibilities will be addressed during the assignment;
 5. Reporting relationships; and
 6. Signatures of the appropriate supervisors and the employee.
- D. If the administrative assignment is within the contracted work of the employee's department/program, the employee shall remain on the same payroll. If the assignment is outside the employee's contracted work, the employee shall be paid from another source of funds for the duration of the administrative assignment.
- E. An employee participating in administrative assignments may be eligible for additional compensation if:
 1. The assigned service is forty-five (45) calendar days or more;
 2. The supervisor for the administrative assignment recommends additional compensation to the Personnel Director and CSA; and
 3. The Personnel Director and CSA approve the additional compensation for the employee and budget funds are available to provide additional compensation based on qualifications.
- F. An employee who completes an administrative assignment shall assume their regular duties at the previous rate of pay.

- G. The CSA for Central Administrative Office staff and the Principals, in collaboration with the CSA, for school staff have the discretion and authority to make reassignments as set forth above and in the best interests of the HSS, students and present needs. Reassignments are not demotions. They are distinct and different actions. An employee may contest a reassignment through the grievance procedures set forth at HSS Manual, sec. 5611.
- H. At the discretion of the CSA, the reassignment may become permanent.

Section 5281 Acting Status Assignment

- A. An acting status assignment usually involves assigning an employee to a supervisory position for an area of HSS operations during an extended absence of an incumbent or a position vacancy.
- B. An acting status assignment may not exceed sixty (60) calendar days without the written approval from the Personnel Director and CSA. In no event shall an acting status assignment exceed 120 calendar days.
- C. An acting status assignment requires a memorandum that outlines:
 - 1. The nature, time period, and expected results of the assignment;
 - 2. Assigned duties and responsibilities;
 - 3. Reporting relationships and signatures of the appropriate supervisors and the employee; and
 - 4. Compensation for the acting status assignment which shall be optional and shall be based upon the assigned duties and employee's qualifications.
- D. A copy of the acting status assignment memorandum shall be sent to the Personnel Department.
- E. An employee on acting status assignment may be eligible for additional compensation if:
 - 1. The assigned service is forty-five (45) calendar days or more;
 - 2. The supervisor for the administrative assignment recommends additional compensation to the Personnel Director; and
 - 3. The Personnel Department and Principal or CSA approve additional compensation for the employee and budget funds are available to provide additional compensation.

- F. An employee qualifying for additional compensation shall receive 50 to 100 percent of the difference between their current salary and entry level for the acting status position, but not less than the equivalent of one step (prorated for the term of the assignment).
- G. If the employee's current salary equals or exceeds entry level for the Acting status position, the employee shall receive additional compensation equal to a one step increase over their current salary (prorated for the term of assignment).
- H. An employee who completes an acting status assignment shall return to their previous position and assume their regular duties at the previous rate of pay.

Section 5282 Delegation of Supervisory Authority

- A. When a supervisor shall be absent from his/her position for more than a brief period (one hour), then he/she shall designate the next available person in the chain of command to act in their capacity (delegee).
- B. Said delegation shall be done in writing (including by email) and shall copy the delegating supervisor's immediate supervisor, the CSA and any other person, including, but not limited to, any staff member necessary to fully inform the school, HSS staff, or the public as to the delegation of authority at that time.
- C. The supervisor to the delegee and others shall inform the delegee of any pending or foreseeable issues and concerns that may exist or arise and the supervisor's recommended action relative to those issues or concerns.
- D. Failure of the delegating supervisor to follow the above-described procedures shall be grounds for disciplinary action up to and including termination of employment.
- E. A delegee shall act within the HSS policies and procedures and the policies and procedures of the supervisor/Department for whom they are acting. A delegee shall act in a way that is supportive of and consistent with the actions of the supervisor for whom they are acting. Failure to so act or acting in a way that is not supportive of the delegating supervisor is grounds for disciplinary action up to and including termination of employment.

CHAPTER 5300 - EMPLOYEE BENEFITS PROGRAMS

Section 5301 Employee Benefits

- A. Eligible employees at the HSS are provided the following described benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by applicable law. Benefits eligibility is dependent upon a variety of factors, including employee classification.
- B. Some benefit programs require contributions from the employee.
- C. The following benefits programs are available to eligible employees:
 1. Employee Benefits Programs:
 - a. Medical Insurance;
 - b. Dental Insurance;
 - c. Life Insurance;
 - d. 401(k);
 - e. Family Medical Leave (Sec. 5340);
 - f. Benefits Continuation (COBRA) (Sec. 5333); and
 - g. Staff Development Plan and Tuition Reimbursement (Sec. 5344).
 2. Employee Leave/Compensation Programs:
 - a. Undesignated Leave (Secs. 5310-5317);
 - b. Holidays (Sec. 5320);
 - c. Educational/Vocational Leave (Sec. 5342);
 - d. Jury Duty Leave (Sec. 5332); and
 - e. Voting Leave (Sec. 5346).
 3. Other Benefits Programs:
 - a. Military Leave (Sec. 5343);
 - b. Workers' Compensation Insurance (Sec. 5330);
 - c. Short-Term Disability;

- d. Unemployment Benefits; and
- e. Employee Assistance.

Section 5310 Undesignated Leave

- A. Policy. Undesignated leave for employees is a specified amount of compensated leave that is granted to an Employee to provide opportunities for rest, relaxation and personal pursuits or who, through personal or family circumstance is unable to perform the duties assigned.
- B. Definition of Family. For purposes of undesignated leave, “Family” shall include:
 - 1. Spouse (shall be legally married and possess marriage certificate or provide proof of marriage through traditional Hopi ceremony recognized under Hopi Law);
 - 2. Children;
 - 3. Parents;
 - 4. Siblings;
 - 5. Grandparents;
 - 6. Grandchildren; and
 - 7. Like relations created by marriage (e.g., step-child).

Section 5311 Definitions and Limitations

- A. Undesignated leave includes former types of leave which may have been identified as annual leave, sick leave, paid time off (“PTO”), ceremonial leave, bereavement leave, and, in some circumstances, voting leave.
- B. All of these different types of leave and any other type of leave not expressly treated under HSS policy have been combined under this category of undesignated leave.
- C. EMPLOYEES SHALL EXERCISE GOOD JUDGMENT IN THE USE OF UNDESIGNATED LEAVE IN ORDER THAT THEY ENSURE THEY RETAIN SUFFICIENT UNDESIGNATED LEAVE FOR ILLNESS AND OTHER NEEDS THAT MAY ARISE.

Section 5312 Accrual of Undesignated Leave

- A. Each 10-month Employee shall receive seven (7) days of undesignated leave at the beginning of the school year and an additional seven (7) days of undesignated leave at the beginning of the second half of the school year for a total of fourteen (14) days per Employee’s 10-month employment contract.

- B. Each 12-month Employee shall receive nine (9) days of undesignated leave at the beginning of the school year and an additional nine (9) days of undesignated leave at the beginning of the second half of the school year for a total of eighteen (18) days per the year term of their employment contract.
- C. Employees may not use undesignated leave until it accrues (i.e. 10-month Employees may only use seven (7) days of undesignated leave in the first half of the school year and 12-month Employees may only use nine (9) days of undesignated leave in the first half of the school year).

Section 5313 Carryover and Payout of Undesignated Leave

- A. Employees shall be allowed to carry over five (5) days of undesignated leave per year, up to a cap of twenty-eight (28) days for 10-month Employees and thirty-eight (38) days for 12-month Employees.
- B. After Employees have accrued undesignated leave up to the above-described caps, no further undesignated leave shall accrue to that Employee until their undesignated leave is reduced to less than twenty-eight (28) days for 10-month Employees and thirty-eight (38) days for 12-month Employees.
- C. Upon termination or expiration of employment, an Employee who has worked at the HSS for at least one year, may, subject to availability of funds and HBE approval, be paid up to five (5) days of undesignated leave if said Employee has accrued at least five (5) days of undesignated leave. However, in no event shall an Employee be paid more than five (5) days of undesignated leave upon termination or expiration of employment. Payment for up to five (5) days of undesignated leave upon termination or expiration of employment shall be at the rate one-half of the Employee's regular rate of pay.

Section 5314 Physician's Statement/Absences of More than Two (2) Days

- A. Employees who use undesignated leave for illness in excess of two (2) consecutive days shall on or before the third consecutive day of leave, obtain a physician's note or certification from a qualified physician indicating the reason for the leave and the expected dates on which the leave shall begin and be completed.
- B. Employees shall provide a doctor's release to return to work following a term of undesignated leave of five (5) consecutive days or more related to an illness.
- C. HSS may require a second opinion by a physician of HSS's choosing to determine whether a return to duty is appropriate.
- D. The policies contained in this section may be waived in cases of health emergencies impacting the HSS.

Section 5315 Use of Undesignated Leave

- A. Except in the case of an unanticipated or unexpected circumstance beyond the employee's control, HSS may disapprove the use of undesignated leave when the number of employees using, or indicating an intent to use, such leave results, or is likely to result, in a condition that has an appreciably negative impact on the educational programs or operations of HSS.
- B. Except in the case of an unanticipated or unexpected circumstance beyond the employee's control, the employee shall submit a request for undesignated leave five (5) days prior to the beginning of such leave which request shall include, but not be limited to:
 - 1. The expected date of return for the undesignated leave; and
 - 2. Where the Employee may be contacted during the leave.
- C. Subject to the Principal's or CSA's discretion, undesignated leave cannot be taken during the first week of every school year, the week prior or week after Christmas break and Spring break or the week before the end of the school year. Subject to the Principal's or CSA's discretion, undesignated leave cannot be taken the three (3) days immediately before or after any other holiday, break, or school related travel or training.
- D. Leave shall be taken in at least one-half hour increments.

Section 5316 Eligibility

- A. All regular, full-time employees shall be eligible to earn and use undesignated leave.
- B. Part-time, temporary and short-term employees are not eligible for undesignated leave.
- C. Probationary employees are not allowed to take any type of leave other than paid jury duty leave and five (5) days undesignated leave which are only available during the probationary period and do not carry over and are not paid out if not used.

Section 5317 Penalty for Misuse

Any Employee who willfully violates or misuses the undesignated leave policy or misrepresents any statement or condition shall be subject to discipline, up to and including termination of employment.

Section 5320 Holidays

- A. The HSS grants holiday time off to all regular full-time employees on the holidays listed below:
- | | | |
|-----|-----------------------------|--------------------------------------|
| 1. | New Year's Day | January 1 |
| 2. | Martin Luther King, Jr. Day | 3 rd Monday in January |
| 3. | President's Day | 3 rd Monday in February |
| 4. | Memorial Day | Last Monday in May |
| 5. | Independence Day | July 4 |
| 6. | Pueblo Revolt Day | August 10 |
| 7. | Labor Day | 1 st Monday in September |
| 8. | Veterans Day | November 11 |
| 9. | Thanksgiving Day | 4 th Thursday in November |
| 10. | Christmas Day | December 25 |
- B. When July 4, Veterans Day, December 25, or Thanksgiving Day occurs within the school week, HSS schools may be closed.
- C. According to applicable restrictions, the HSS shall grant paid holiday time off to all eligible employees. Holiday pay shall be calculated based on the employee's regular pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classifications are the following:
1. Year-long regular full-time employees; and
 2. School-year regular full-time employees.
- D. Newly-hired probationary employees are eligible for holiday pay during their probationary period.
- E. School-year employees are eligible only for those holidays that occur during the school year.
- F. If a recognized holiday falls during an eligible employee's paid absence (e.g., undesignated leave), holiday pay shall be provided instead of the paid time off benefit that would otherwise have applied.
- G. If a recognized holiday falls during an eligible employee's regular day off, holiday pay shall not be calculated for pay.
- H. If an eligible non-exempt employee is required to work on a recognized holiday, he/she shall receive holiday pay wages at two times his or her regular rate for the hours worked on the holiday. Exempt employees are not eligible for this holiday pay.
- I. Paid time off for holidays shall not be counted as hours worked for the purposes of determining overtime. See HSS Manual, sec. 5235 (Overtime).

Section 5330 Workers' Compensation Insurance

- A. The HSS provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.
- B. Employees who sustain a work-related injury or illness shall immediately submit a written report on any work related injury or illness to the Personnel Director. This shall enable an eligible employee to qualify for coverage as quickly as possible.
- C. Supervisors shall maintain a written log of the time, date, place and nature of all such reported injuries/illnesses.
- D. Neither the HSS nor the insurance carrier shall be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by HSS.

Section 5331 Administrative Reassignment With Pay

- A. Certain employee infractions or alleged infractions may require an investigation or review by the HSS or an outside agency (e.g., law enforcement authorities, social services authorities, etc.). The CSA may place an employee who is the subject of such an investigation or review on administrative reassignment while the HSS or outside agency conducts an investigation or review. The HSS or outside agency shall file its report with the HBE.
- B. The CSA may reassign any employee on administrative reassignment from the performance of his or her regular duties. The employee remains subject to the HSS policies during any administrative reassignment. Such employee shall continue to receive full pay at the rate for his/her regular duties. The placement of an employee on administrative reassignment shall not constitute disciplinary action, other adverse formal action, or entitle an employee to file a grievance with the HSS.

Section 5332 Jury Duty

- A. Employees may, upon proper notification, receive paid jury leave at their base pay rate per contract year for each day served on jury duty under the following conditions:
 - 1. Employees eligible for jury duty include full-time school-year and year-long and probationary employees;
 - 2. The employee shall submit the jury duty summons or other proof of being called for jury duty prior to the jury duty and when requesting the leave. Paid jury duty leave shall not be paid without such proof; and

3. To receive paid jury duty leave, the employee shall sign over or pay to the HSS any jury duty leave pay that the employee may receive. This does not include amounts the employee may have been paid for mileage or lodging. The employee may keep mileage and lodging amounts, but shall pay any jury service payment.
- B. If the employee does not provide jury duty service for a full work day, the employee shall immediately return to work for the remainder of the day. If the employee does not immediately return to work, the employee shall not receive paid jury duty leave, and it shall be counted as leave without pay.
- C. Employees shall inform the court that they will receive paid jury leave at their base pay rate per contract year for each day served on jury duty, and therefore should not receive a jury service fee from the court.
- D. An employee excused from jury duty after being summoned shall report for regular duty immediately and as soon as possible. Failure to report for duty as required above shall result in a deduction of pay equal to the portion of the contract day or days missed.

Section 5333 Benefits Continuation (“COBRA”)

- A. The federal Consolidated Omnibus Budget Reconciliation Act (“COBRA”), P.L. 99-272, gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the HSS health plan when a “qualifying event” would normally result in the loss of eligibility.
- B. Some common examples of “qualifying events” are:
 1. Resignation, termination of employment, or death of an employee;
 2. A reduction in an employee’s hours or a leave of absence;
 3. An employee’s divorce or legal separation; and
 4. A dependent child no longer meeting eligibility requirements.
- C. Under COBRA, the employee or beneficiary pays the full cost of coverage at HSS group rates plus an administration fee.
- D. The HSS provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the HSS health insurance plan. The notice contains important information about the employee’s rights and obligations.

Section 5340 Family Medical Leave

- A. Applicability. The HBE, as a Hopi Tribal Regulated Entity, hereby adopts as its policy, not as federal law, the Hopi Tribe's Family Medical Leave ("FML") Policy.
- B. Eligibility. The intent of this policy is to enable employees to receive time away from work to attend specified family medical needs with job protection and no loss of accumulated service. Employees are eligible after twelve (12) months of continuous service at the HSS. Eligible employees may be granted up to sixty (60) work days, comprising twelve (12) calendar weeks of unpaid Family Medical Leave per year for:
1. Newborn or Newly Adopted Children. Eligible employees may request a leave of absence to provide care for a child following the child's birth, adoption or foster placement in the employee's home. This leave must be taken within a year after the child is born, adopted or placed in the employee's home.
 2. Illness of a Family Member. Eligible employees may request a leave of absence to provide care for a member of the employee's immediate family who has a serious health condition. A "serious health condition" is understood to be an illness, injury, impairment, or physical or mental condition serious enough to involve hospitalization, in-patient care in a residential health care facility, continuing treatment, or supervision by a health care provider. When the leave is for planned medical treatment, the employee must attempt to schedule the treatment so as not to disrupt HSS operations.
- C. Employees will be required to use available paid time off during the FML period. Once paid time off is exhausted, FML will continue to the maximum allowable time off if needed. The HSS requires appropriate medical certification before a leave is granted.
- D. Procedures.
1. Submit FML Form to the HSS Personnel Department for family medical leave of absence thirty (30) days prior to the commencement date, except where medical conditions make such a requirement impossible.
 2. When the leave is to care for a family member, the employee must submit a letter signed by a physician that states:
 - a. The date the illness or condition began;
 - b. The probable duration of the condition;
 - c. The estimated time the employee will need to care for the family member; and
 - d. A statement that the illness or condition requires the support of a family member.

3. The FML Form, leave slip and relevant medical certification shall be submitted to the HSS Personnel Department for approval.
4. An employee's failure to return from leave or to contact the HSS Personnel Department on the scheduled date of return will be considered to have voluntarily resigned.

Section 5341 Leave Without Pay

- A. The HSS may provide leaves of absence without pay, at the discretion of the HSS, to eligible employees who wish to take time off work to fulfill personal obligations. Leave shall not be taken under this section for any of the conditions describe under Section 5340 (Family Medical Leave). Employees in the following employment classification(s) are eligible to request a leave of absence without pay as described in this policy:
 1. Year-long regular full-time employees (12 months); and
 2. School-year regular full-time employees (10 months).
- B. Eligible employees in the schools shall request a leave of absence without pay from their supervisor and the Principal. Eligible employees in the Central Administration Office shall request a leave of absence without pay from the CSA. The request shall be in advance of the time requested. Leave without pay may be granted for a period of up to fifteen (15) calendar days per year.
- C. Approval of a "leave without pay" request is solely at the discretion of the HSS and shall be evaluated based on a number of factors, including but not limited to, anticipated work load requirements, staffing considerations during the proposed period of absence, and the best interest of the school and the HSS, students and staff. The supervisor, Principal and/or CSA may deny the request for leave based on the above factors.
- D. Subject to the terms, conditions, and limitations of the applicable plans, the HSS shall continue to provide health insurance benefits for the full period of the approved leave without pay.
- E. Benefit accruals, such as undesignated leave or holiday benefits, shall be suspended during the leave and shall resume upon return to active employment.
- F. If an employee fails to report to work promptly at the expiration of the approved leave period, the HSS shall assume the employee has abandoned the position and shall be provided notice of termination.

Section 5342 Educational/Vocational Leave

- A. The HSS retains the discretion to grant educational leaves of absence without pay to eligible employees who wish to take time off from work to pursue course work that is

applicable to their job duties with HSS. Employees in the following employment classifications are eligible to request educational leave as described in this policy:

1. Year-long regular full-time employees (12 months); and
 2. School-year regular full-time employees (10 months).
- B. Eligible employees who have completed one year of service may request educational leave for a period of up to 120 days per year. Requests shall be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence, relevancy, and value of the proposed course of study to the employee's school duties.
- C. Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits shall be provided by the HSS until the end of the month in which the approved educational leave begins. At that time, employees shall become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from educational leave, benefits shall again be provided by the HSS according to the applicable plans and the HSS's best interest.
- D. Benefit accruals, such as undesignated leave or holiday benefits, shall be suspended during the leave and shall resume upon return to active employment.
- E. When an educational leave ends, every reasonable effort shall be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified subject to subsequent reductions in employment positions as provided herein. However, the HSS cannot guarantee reinstatement in all cases.
- F. If an employee fails to report to work at the end of the approved leave period, the HSS shall assume that the employee has abandoned the position and shall provide notice of termination.

Section 5343 Military Leave

- A. A military leave of absence shall be granted to employees, except those occupying temporary positions, to attend scheduled drills or training or if called to active duty with the U.S. armed services.
- B. The leave shall not be paid if it occurs during the scheduled work time of the employee and employee receives compensation during or for activities in which employee engaged during said leave in any form from the U.S. armed forces or any other entity.
- C. Benefit accruals, such as undesignated leave or holiday benefits, shall be suspended during the leave and shall resume upon the employee's return to active employment.
- D. Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end

of training allowing for reasonable travel time. Employees on longer military leave shall apply for reemployment in accordance with applicable federal and other laws.

- E. Every reasonable effort shall be made to return eligible employees to their previous position or a comparable one. They shall be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of annual leave accrual and job seniority rights.

Section 5344 Staff Development Plan and Tuition Reimbursement Policy

A. General Provisions and Purposes.

1. The HBE considers continuing education and training as an integral part of HSS' success and efficiency. To assist staff in attaining continuing education and training, the HSS shall offer a tuition reimbursement program as a positive investment in the future of the HSS.
2. In order for the investment to provide benefits to the HSS, staff members utilizing the tuition reimbursement policy shall commit to an additional two (2) years of service to the school for every tuition reimbursement of \$500 or more. The tuition reimbursement shall be paid out upon the employee successfully completing the employee's contract year following the employee's successful completion of the coursework/training for which the tuition reimbursement shall be applied.
3. If the employee fails to successfully complete the coursework/training for said contract year, no tuition reimbursement shall be paid. If the employee receiving the reimbursement fails to honor this commitment, they shall repay the HSS all amounts that the HSS has provided in tuition reimbursement. The employee agrees that any such amounts may be deducted from their final or remaining pay.
4. Coursework which was paid for pursuant to this policy does not qualify as a basis for upward adjustment of salary on the salary scale.

B. Tuition Fee Reimbursement.

1. Coursework shall be preapproved according to the program of study prior to beginning class to ensure it qualifies for reimbursement under this policy. Coursework which is not preapproved may not be eligible for reimbursement.
2. Teachers and Para-professional instructors are eligible for up to \$2,000.00 per year, depending on availability of funds, to be reimbursed for tuition and fees for job related course work.
3. The employee shall make the formal request for this benefit to the CSA upon receipt of a final grade or official transcript. If the CSA approves reimbursement, the CSA shall submit the reimbursement payment to the HBE for final approval.

4. Courses considered for this benefit shall be part of an official degree program related to the employee's job at the HSS and shall be matched by the employee's contribution up to \$2,000.00.
5. Classes taken for re-certification do not qualify.

Section 5345 Leave to Chaperone Immediate Family Member

Employees of the HSS who request or volunteer to chaperone student trips in which their own child(ren) are participants shall be required to take accrued undesignated leave, or be on leave without pay.

Section 5346 Voting Leave

- A. The HBE shall designate a three (3) hour period during which employees may exercise their right to vote in duly authorized elections. Staff who utilize this three (3) hour period to vote shall be compensated at their regular rate of pay for these three (3) hours and do not need to use their undesignated leave.
- B. If staff choose to vote during a time period other than the designated three (3) hour period, they may choose to do so, but they must request undesignated leave. Using undesignated leave to vote shall be processed in the same manner as other undesignated leave requests.

Section 5350 Compensation Claims

- A. Accident Reports. Any employee of the HSS who suffers a job-related injury/accident must file a report with the HSS Personnel Department within five (5) days after the date of occurrence. Should circumstances render the individual unable to submit such a report within five (5) days, the time limit may be extended.
- B. Compensation Claims. When a job-related injury or accident requires medical attention and absence from the workplace, the following conditions shall apply in addition to the policies and procedures set forth in the HSS Undesignated Leave Policy (Manual, secs. 5310-5317):
 1. The physician will be responsible for reporting the circumstances of the injury to the HSS.
 2. During the first seven (7) days of absence due to a job-related injury/accident, the employee will be placed on undesignated leave, provided the employee has accumulated sufficient undesignated leave.
 3. As a recipient of a Tribally Controlled Schools grant under P.L. 100-297, the Federal Tort Claims Act, P.L. 79-601 (1946) ("FTCA") applies to the Hopi School System and its employees. See 25 C.F.R. § 44.111.

4. If a job-related injury or accident results in more than seven (7) days absence, the FTCA, worker's compensation insurance, or the HSS's private insurance carrier may be responsible for handling the claim for lost pay if it is a covered event. During such period the employee may be directed to:
 - a. Endorse over to the HSS the payments received from the FTCA or insurance carrier, continue to receive a regular salary, and be charged undesignated leave. When the amount of the insurance payment is determined and received by the HSS, the employee's undesignated leave record will be adjusted for that fraction of the time paid by the FTCA or insurance carrier (e.g., the insurance carrier pays one-half (1/2) of the normal salary of the employee, the undesignated leave will be adjusted on a pro rata basis); or
 - b. Draw compensation from the FTCA or insurance carrier, provide the HSS with a record of such payment, and receive payment for undesignated leave pay for the uncompensated portion of missed time, up to the limit of accumulated undesignated leave.
5. In no event will an employee receive a combined salary and worker's compensation in excess of the employee's regular salary.
6. An employee who has used all accumulated undesignated leave will be removed from the payroll and will receive only such amounts as are paid by the FTCA or HSS's insurance carrier.

CHAPTER 5400 - STANDARDS OF CONDUCT

Section 5401 Standards of Conduct for Management/Supervisors

- A. Adherence to management/supervisory (hereinafter “supervisory”) standards, as set forth below, is necessary to the maintenance of fair and impartial employee relationships among staff persons and to the proper and effective functioning of the HSS. All employees in supervisory positions are expected to comply with the following supervisory standards of conduct. Failure to comply therewith shall constitute a violation of the HSS Manual and shall be cause for discipline up to and including termination of employment.
- B. All supervisors shall comply with and fulfill the following standards of conduct:
1. Develop and maintain the highest possible level of performance in their work areas;
 2. Develop and maintain good employee working relationships and conduct in their work areas;
 3. Plan, organize, direct, coordinate and supervise all functional activities and responsibilities within their assigned work areas;
 4. Prepare budgets, performance reports and other documents as required;
 5. Submit reports and other documents to the CSA and the HBE;
 6. Implement personnel policies and procedures as outlined in the Manual;
 7. Implement and maintain internal operating policies, procedures and control;
 8. Safeguard and account for assets for which there is a custodial responsibility;
 9. Represent the HSS in official functions as directed;
 10. Approve or disapprove documents in accordance with established policies and procedures;
 11. Maintain reporting relationships;
 12. Coordinate activities with other departments;
 13. Monitor the presence of unauthorized individuals at the worksite and take appropriate action;
 14. The supervisor shall at all times comply with all terms of the supervisory position description;
 15. The supervisor shall at all times maintain open and honest communication with supervised staff personnel;

16. The supervisor shall at all times maintain a cooperative attitude toward all supervised staff for the accomplishment of defined goals;
17. The supervisor shall provide active support of supervised staff in accomplishing their assigned duties and their efforts toward professional development consistent with HSS and departmental goals and policies and within the limits of available funds;
18. The supervisor shall, at all times, adhere to all provisions of the Manual, including, but not limited to, Section 5401, and shall enforce the terms thereof equally and fairly with regard to all supervised employees; and
19. Generally, employees of HSS are expected to conduct themselves on the job in a respectable manner. Employees are considered to be on the job at all times when they are on campus or otherwise on official HSS business on or off campus.

Section 5402 Standards of Conduct for All Employees

- A. All employees shall be subject to discipline up to and including termination of employment for the commission of any one or more of the following offenses:
 1. The failure or refusal, without just cause, to obey or carry out any orders, instructions, assignments, or duties within the time designated by one in a position of authority for the performance of said orders, instructions, assignments or duties;
 2. The failure to maintain, to all persons, conduct, demeanor and speech exhibiting the respect and professionalism appropriate to the employee of an educational institution;
 3. Failure, without just cause, to obey or comply with any directive or adopted and published policy of the HBE;
 4. The unexcused absence from one's duties or duty station for one hour or less twice in one week or four times in one year;
 5. The unexcused absence from one's duties or duty station for more than one hour;
 6. Idleness, sleeping or unauthorized participation in non-job related activities during duty hours;
 7. Any act or failure to act which shall foreseeably endanger or cause physical or emotional damage or educational or moral harm to any student of the HSS at any time while said student is enrolled as a student;
 8. Any act of corporal punishment, which is prohibited by the Code, sec. 4.11.E, and which is defined as "intentionally striking the child or other forms of child abuse noted in this policy manual;"

9. Any act or failure to act which shall foreseeably endanger or cause physical harm to another employee of the HSS;
10. Failure to disclose or report, to a person in a position of relevant authority, any conduct, occurrence, information or condition, which if not so disclosed or reported, shall or is likely to cause harm, loss or damage to the HSS, or any employee or student thereof;
11. Any violation of the Drug-Free Workplace Policy (see HSS Manual, sec. 5403 et seq.). This shall include the abuse of any substance, including, but not limited to, alcohol;
12. The unauthorized use or the illegal operation of any vehicle owned, leased or in the possession of the HSS or the U.S. government, or permitting of such unauthorized use or illegal operation by another;
13. The use, without proper authorization, of HSS property;
14. The alteration without proper authority, or falsification of any official student or HSS record, reinstatement, certificates, grades, ratings, or reports with regard to any test, certificate or appointment;
15. Theft of property belonging to or in the care and/or custody of the HSS or any other employee or student of the HSS;
16. No employee shall place or allow himself or herself to be placed in a situation or pursue a course of conduct involving a student which shall or may be reasonably perceived by the student or such other person(s) who may also be present, as compromising to the welfare, morality or comfort of the student;
17. No employee shall either solicit or accept any reward, favor, gift or any other form of gratuity for the anticipation of, or in return for, any performance or non-performance of any duty from a vendor, contractor, firm, or individual or any other source having or proposing to have or do business with the HSS, its programs or operations;
18. No employee shall conduct or participate in any unauthorized political activity during working hours or when using HSS property or facilities;
19. No employee shall presume to speak for, or on behalf of, the HSS, the HBE or the administration unless specifically authorized to do so. An employee who is officially designated to so speak shall at all times be accurate, shall exercise proper restraint, and shall show respect for the opinions of others when serving as a designated spokesperson in public statements and proceedings relating to the HSS, its policies or operations;

20. Employees shall dress in a manner appropriate and proper with respect to their position, the occasion and their function while on duty or when representing the HSS in any capacity. See HSS Manual, sec. 5203 (Dress Code and Appearance).
21. No employee shall discuss or divulge confidential aspects of programs or operations or any other sensitive or confidential information, either to or with another employee not entitled to the information or to a person or group outside of the HSS, without the specific authorization of the CSA;
22. Failure of a supervisor to comply with Section 5401 of the HSS Manual (Standards of Conduct for Management/Supervisors);
23. No employee shall engage in any activity of misconduct, abuse, or harassment of a sexual nature towards any other employee or student of HSS;
24. No employee shall use or be under the influence of any substance which may alter the mind or impair the physiological functioning while on duty;
25. Any employee who is arrested while on duty or convicted by any recognized police agency or judicial body for abusing or being under the influence of substances, including alcohol;
26. The employee shall not directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, grade, proposed appointment, promotion, or proposed promotion to a position at the HSS, affiliated with the HSS, or any business transactions of the HSS;
27. No employee of the HSS shall obstruct another from examination, eligibility certification, or appointment under these policies, or furnish special or unpublished information for the purpose of affecting the rights or prospects with respect to employment;
28. No employee shall induce or attempt to induce any employer or student to commit an unlawful act(s) in violation of these policies or the Hopi Tribe, federal, or State of Arizona laws or regulations;
29. No employee shall engage in vending, soliciting or collecting contributions on the campus at any time, without prior written authorization of the CSA;
30. No employee shall use equipment of the HSS without proper authorization; and
31. Employees shall at all times be responsible with money or property of the HSS and carelessness or negligence with the same shall be a violation of these policies.

Section 5403 Drug-Free Workplace

- A. The HSS workplace shall be drug-free in order to comply with federal laws, to ensure the safety and productivity of staff, and to help ensure a safe, learning environment of our students. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance; the possession or use of an alcoholic beverage; and/or the use of an otherwise lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom, is strictly prohibited in the workplace.
- B. Definitions of terms used in the HSS Manual relative to the Drug-Free Workplace Policy are as follows:
 1. “Conviction”: A finding of guilt or the imposition of sentence, or both, by a court of competent jurisdiction, concerning a criminal violation occurring in the workplace, of any drug law of the federal government, the State of Arizona, or other state, or the Hopi Tribe.
 2. “Drugs”: Alcoholic beverages, controlled substances as defined in the Controlled Substances Act, P.L. 91-513, Schedules I through V, 21 U.S.C. § 812, the laws of the State of Arizona, and the laws of the Hopi Tribe, and any lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom.
 3. “Drug Abuse”: Unlawful manufacture, distribution, dispensing, possession or use of an alcoholic beverage, controlled substance or an otherwise lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom.
 4. “Employee”: Every employee of Hopi School System.
 5. “Workplace”: The grounds and buildings of HSS, all equipment and vehicles belonging to or under the authority of HSS, all roadways and parking lots within the exterior boundaries of the land granted to HSS and any location where the employee is performing HSS duties or functions. This definition shall specifically exclude the interior of residences used by employees exclusively for residential purposes which are under the authority or maintenance of HSS.

Section 5404 Uniform Conditions of Employment

As a uniform condition of employment, every HSS employee shall comply with the following:

- A. Abide by the terms and requirements of the HSS Manual and of the Notice to Employees provided in Section 5405 of the HSS Manual.

- B. Notify the CSA, or designee, in writing within five (5) calendar days of his or her arrest or conviction by any court of competent jurisdiction for any criminal offense. If notified of any such arrest or conviction, the Personnel Director or their designee may initiate a continuous suitability investigation and determine if the arrest or conviction warrant removal, suspension or any administrative action. When the employee is charged with an offense, but the charge is pending, or no disposition has been made by a court, the Personnel Director or their designee may:
1. Deny the applicant employment until the charge has been resolved;
 2. Deny the employee any on-the-job contact with children until the charge is resolved;
 3. Detail or reassign the employee to other duties that do not involve contact with children; and
 4. Place the employee on administrative leave until the court has disposed of the charge. Legal Ref.: 25 C.F.R. § 63.20.
- C. Upon reasonable suspicion, make available and permit inspection, for the purpose of assuring a safe and drug-free workplace, of all government, school and personal property in or brought into the workplace which is under the control or use of the employee. Any such inspection may be made without prior notice being given to the employee.

Section 5405 Notice to Employees

- A. A notice, similar to the form set forth in this section, shall be posted in each building in which the work of the HSS is conducted and shall be provided to every employee of the HSS pursuant to the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106. See also Drug-Free Workplace Notice to Employees (Appendix B). Those persons who are presently employed by the HSS shall be given a copy of the notice upon the adoption of the HSS Manual by the HBE. Thereafter, each employee shall be given a copy of the notice upon beginning his or her term of employment.
- B. NOTICE -- YOU ARE HEREBY NOTIFIED:

THAT the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance; the possession or use of an alcoholic beverage; and/or the use of an otherwise lawful substance which, when used other than as intended by the manufacturer, alters the perception or physical reaction of the person using or consuming that substance or the vapors therefrom, is strictly prohibited in the workplace.

THAT any violation of this prohibition may subject the employee to disciplinary action up to and including termination of employment.

THAT, as a condition of your employment, you are required to:

- Abide by the terms and requirements of the notice provided and by the conditions of the Drug-Free Workplace Policy while in the workplace.
- Notify the Office of the CSA in writing within five (5) calendar days of your arrest or conviction by any court of competent jurisdiction of drug abuse involving a controlled substance or alcohol.
- Make available and permit inspection, for the purposes of assuring a drug-free workplace, of all government, school and personal property in or brought into the workplace which is under your control or use. Any such inspection may be made without prior notice being given to the employee.

Section 5410 Procedure Upon Receiving Notice of Drug/Alcohol Abuse Arrest

- A. An employee shall provide notice to the CSA within five (5) days of being arrested for any controlled substance or alcohol related crime. Upon receiving notice of an arrest involving a controlled substance or alcohol, if disciplinary action has not already been instituted or completed by the HSS, the CSA shall provide the immediate supervisor and Principal of the employee with a copy of said notice.
- B. The supervisor of the employee arrested shall immediately institute an investigation and hearing to gather additional information regarding the circumstances of the employee's arrest to determine any violations of relevant provisions of the HSS Manual.
- C. The CSA may, at any time during the disciplinary process instituted pursuant to receipt of such notice of arrest, or as a condition of discipline at the conclusion of such process, require the arrested employee to satisfactorily participate in and complete a drug or alcohol abuse assistance or rehabilitation program which has been approved by a governmental agency for such purposes.
- D. In the investigation and disciplinary process, information regarding an employee's arrest shall be kept as confidential as possible.

Section 5411 Procedure Upon Receiving Notice of Drug/Alcohol Abuse Conviction

- A. Upon receiving notice of a conviction involving a controlled substance or alcohol, if disciplinary action has not already been instituted or completed by the HSS, the CSA shall provide the immediate supervisor and Principal of the convicted employee with a copy of said notice.
- B. The supervisor of the employee convicted shall immediately institute disciplinary action against the employee alleging violations of relevant provisions of the HSS Manual.

- C. In any hearing held pursuant to that disciplinary process, a certified copy of the record of conviction entered by a court of competent jurisdiction shall constitute sufficient proof of a violation of the relevant provisions of the HSS Manual.
- D. The CSA may, at any time during the disciplinary process instituted pursuant to receipt of such notice of conviction, or as a condition of discipline at the conclusion of such process, require the convicted employee to satisfactorily participate in and complete a drug or alcohol abuse assistance or rehabilitation program which has been approved by a governmental agency for such purposes.
- E. Efforts shall be made to protect employees' confidentiality and notify only the HSS staff necessary to conduct investigations or take disciplinary actions regarding an employee's drug or alcohol abuse conviction.

Section 5412 Drug/Alcohol Awareness Program

- A. A drug or alcohol awareness program shall be instituted and shall be provided annually as part of the employee orientation at the beginning of each school year.
- B. The format and course content for the program shall be developed and maintained in consultation with the CSA or designee and such consulting experts as may be appropriate.
- C. The format and course content shall be reviewed biannually by the CSA or designee. Approval of the format and course content and any modifications thereof shall be subject to the approval of the CSA.
- D. The course content for such program shall, at a minimum, include consideration of the following topics:
 - 1. The danger of drug abuse in the workplace;
 - 2. The HSS's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation and employee assistance programs; and
 - 4. Disciplinary penalties may be imposed upon employees for drug abuse in the workplace.

Section 5413 Controlled Substance and Alcohol Policy

- A. Employees are prohibited from using or possessing alcohol, and from the use or possession of controlled substances for non-prescribed or non-medical purposes, on HSS property. Any employee in violation of this policy shall be subject to removal from HSS property, and may be reported to law enforcement authorities. Any employee who violates the controlled substance and alcohol policy is subject to

disciplinary action, up to and including termination, for the first or any subsequent offense.

- B. Any employee who has apparently consumed alcoholic beverages or controlled substances prior to a HSS activity or on HSS property shall not be allowed to be on HSS property or to participate in HSS activities. Controlled substances and alcohol testing shall be required whenever a supervisor has probable cause to believe that an employee's job performance or an employee's behavior at a HSS function has been impaired by the use of alcohol or a controlled substance. Probable cause shall be based on observations by HSS personnel, and shall be documented in writing by a signed statement. In addition, testing shall be required whenever the supervisor has probable cause, based on knowledge of the circumstances of an accident, to suspect that the employee's involvement in the accident was influenced by the use of alcohol or a controlled substance. Probable cause shall be documented by a signed statement.
- C. In the event that controlled substance or alcohol testing is required, the employee shall be immediately transported to an appropriate testing facility for breath analysis, urinalysis, and/or blood analyses as appropriate. Refusal to cooperate with required testing shall be considered grounds for discipline, including termination. HSS may contact law enforcement as needed to fulfill this policy.
- D. An employee, at his or her cost, may obtain a second opinion on the test results. It is the employee's responsibility to obtain any such second opinion.
- E. This policy shall not in any way limit the authority of the HSS to rely on information other than controlled substances and alcohol testing in the discipline of employees for drug and alcohol use. Nothing in this policy shall require termination of employees receiving a positive controlled substances or alcohol test. The HSS may choose to support a rehabilitation or other process at the discretion of the HSS.

Section 5414 Smoking/Chewing Tobacco/Controlled Substances

- A. In keeping with the HSS's intent to provide a safe and healthy work environment, the possession or use of tobacco products, tobacco substitutes, chewing tobacco, electronic nicotine delivery systems (including vaping, e-cigarettes, e-cigars, e-hookahs, e-pipes, and other chemical inhalation devices and vapor products), and the possession and/or use of controlled substances are prohibited throughout the HSS campuses.
- B. This policy is in addition to all other policies regarding tobacco, alcohol and controlled substances. All said policies and possible penalties shall be considered cumulative.
- C. This policy applies equally to all HBE members, employees, volunteers, contractors, and visitors.

Section 5415 Prohibition Against Tobacco, Alcohol and/or Controlled Substance Related Clothing Material and/or Items

- A. While on HSS premises and while engaged in any HSS related business or activity, no HBE members, employees, volunteers, contractors or guests may wear or display any clothing, jewelry, footwear, hats, posters, book covers, and the like that depict, advertise or promote tobacco or tobacco products, alcohol or alcohol products, drugs, and/or controlled substances.
- B. This prohibition extends to wearing or displaying any clothing, jewelry, footwear, hats, posters, etc. that promote or are associated with “drug culture” or items that refer to or promote unhealthy messages for young people, such as suicide, sadism, drug use, violence, disrespect for authority, vulgarity, obscenity, and/or sexual harassment.

Section 5420 Whistleblower Policy

- A. Statement of Policy. If any employee reasonably believes that some policy, practice, or activity of HSS is in violation of law, a written notification may be filed by that employee with the CSA. Upon receipt of a Whistleblower notification, the CSA shall review and investigate all claims made in the notification and take steps to address such claims.
- B. The HBE hereby directs that the Whistleblower “Statement of Policy” be included in the HSS Employee Handbook. The CSA shall also ensure that whistleblower protection notification/posters are posted in the workplace(s).
- C. The Whistleblower Policy extends beyond the law by encouraging reporting of law violations as well as prohibiting retaliation.

Section 5430 Anti-Harassment

- A. HSS is committed to maintaining a work and educational environment free from all forms of discrimination and harassing conduct. HSS expects and requires all local school board members, employees, students, parents, vendors, guests and other members of HSS community and educational community (hereinafter “HSS community”), to conduct themselves in an appropriate manner with concern and respect for all other members of HSS community.
- B. Discrimination or harassment on the basis of race, national origin, religion, age, sex, gender identification, sexual orientation, socioeconomic status, ability or disability in any form is not acceptable. Any student or employee of HSS who believes he/she has been discriminated against, denied a benefit, or excluded from participation in any HSS educational program or activity may and is encouraged to file a complaint pursuant to this policy. Any questions regarding this policy shall be directed to the CSA or, if the CSA is involved in the matter, the HBE Chairperson. This policy is in effect in all academic programs, the workplace and in other work/academic related settings such as HSS-related trips, activities and events.

- C. It is the policy of HSS to maintain a working and learning environment for students and employees that is free from discrimination or harassment of any kind, including sexual harassment, bullying, hazing or similar activity. It is a violation of this policy for any member of HSS community, as identified in the first paragraph, to discriminate or harass another through conduct or communication as defined in this policy. Any allegation of discrimination or harassment shall be investigated and, if a violation of this policy is substantiated, disciplinary action shall be taken up to and including termination of employment.
- D. Each person in the HSS community is responsible for promoting understanding and acceptance of, and assuring compliance with, applicable Hopi and federal laws, and HSS policy and procedures governing discrimination and harassment.
- E. Bullying shall be prohibited:
 - 1. On HSS grounds, property immediately adjacent to HSS grounds, at a HSS sponsored or HSS related activity, function or program whether on or off HSS grounds, or at a school bus stop, on a school bus or other vehicle owned, leased or used by HSS, or through the use of technology or an electronic device owned, leased or used by HSS; and
 - 2. At a location, activity, function or program that is not owned, leased or used by HSS, if the bullying creates a hostile environment at work, school or HSS for the victim, infringes on the rights of the victim at HSS or materially and substantially disrupts the education process or the orderly operation of HSS.
- F. It is the responsibility of every employee, student and parent to recognize acts of discrimination and harassment and take every reasonable action necessary to ensure that the applicable policies and procedures of HSS are implemented.
- G. It is a violation of this policy for any administrator, teacher, local school board member or other employee, student, or any other person in the HSS community to engage in or condone discrimination or harassment at HSS or any HSS related activity or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of harassment.
- H. This policy is not designed or intended to limit HSS's authority to take disciplinary or remedial action when such harassment occurs outside HSS but has a nexus to HSS, or is disruptive to or materially and substantially interferes with an employee's work, personal life, a student's school work, or participation in HSS related opportunities or activities, for example:
 - 1. Reports of cyber-bullying or inappropriate social media by electronic or other means, occurring in or out of HSS shall be reviewed and, when a nexus to HSS, work or school exists, they shall result in discipline up to expulsion and termination of employment to students and staff respectively;

2. Parents of students alleged to have engaged in cyber harassment shall be invited to attend a meeting at which the activity, words or images subject to the complaint shall be reviewed; or
 3. A student disciplined for cyber-bullying shall not be re-admitted to the regular school program until his or her parent(s) attend such meeting.
- I. Any employee or student who believes that he/she has been subjected to harassment has the right to file a complaint and to receive prompt and appropriate handling of the complaint. All reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any or all information received.
 - J. Knowingly providing false reports of harassment or manipulation of investigative processes shall be subject to disciplinary action.
 - K. Any student or staff member who, after an investigation, has been found to have engaged in the discrimination or harassment of a student or staff member in any HSS setting or at any HSS-sponsored or related event shall be subject to disciplinary action.

Section 5431 Anti-Harassment Definition of Terms

- A. "Bullying" for the purpose of this policy is the repeated use by one or more individuals of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:
 1. Causes physical or emotional harm to the victim or damage the victim's property;
 2. Places the victim in reasonable fear of harm to himself or of damage to his property;
 3. Creates a hostile environment at work, school, or HSS related activities for the victim;
 4. Infringes on the rights of the victim at work, school or HSS related activities; or
 5. Materially and substantially disrupts the work or education process or the orderly operation of HSS.
- B. "Conduct" includes gestures, "body language," speech, or physical contact; it also includes writing, electronic transmittals, displaying pictures or making drawings.
- C. "Cyber-bullying" for the purpose of this policy is defined as bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

1. Cyber-bullying shall also include:
 - a. The creation of a web page or blog in which the creator assumes the identity of another person; or
 - b. The knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in Section 5431(A)(1)-(5), within the definition of bullying.
 2. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in Section 5431(A)(1)-(5) within the definition of bullying. Cyber-bullying is not acceptable. Examples of cyber-bullying are harassing, criticizing, annoying, denigrating, impersonating, outing, tricking, excluding, and cyber-talking; however, this is not a complete list of cyber-bullying. As noted, all of these types of cyber-bullying in those not enumerated is not acceptable and shall be grounds for disciplinary action, including termination of employment or expulsion.
- D. "Discrimination" for the purpose of this policy is conduct or speech which conveys discrimination on the basis of sex, gender identification, race, color, sexual orientation, socioeconomic status, age, religion, national origin and/or disability in any educational programs, activities, or employment.
- E. "Employee", for the purpose of this policy, includes any individual who receives compensation from HSS for service provided at HSS or at HSS-sponsored activities. It also includes contracted service providers and their employees and volunteers who work, provide services or participate in activities at HSS or in HSS related activities, or on HSS student or other transportation vehicles.
- F. "Harassment" is conduct or speech that is unwelcome, intimidating, derogatory, hostile and/or offensive; and has the purpose, or effect, of unreasonably interfering with a student's ability to learn or a staff member's ability to work. Harassment may be student-to-student, adult-to-student, student-to-adult, or adult-to-adult. Harassment may be offensive to a person for a variety of reasons, including sex, gender identification, race, ethnic background, religion, age, sexual orientation, socioeconomic status, ability or disability.
- G. "Hazing" is defined as any conduct or method of initiation into any student organization, whether on HSS or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of

sleep or rest or extended isolation. Incidents of hazing shall be reported to the appropriate law enforcement officials as soon as reasonably practicable.

- H. “Inappropriate Social Media” is defined as any person covered by this policy that places inappropriate material on or in any social media that: violates this policy in any of the ways noted, disrupts the operation of the school, casts HSS in a negative light, or causes or could cause a loss in reputation or negatively impact the confidence of the community in HSS, shall be in violation of this policy and may be disciplined as set forth herein. No person shall post a picture of any child or staff member in social media without the express written consent of the parent and/or school. It is recommended that staff and students refrain from relating through social media and it is a violation of policy for any staff or student to post inappropriate material on social media relative to the school, students or staff, or any individual student or staff member.
- I. “Sexual harassment” is harassment which is of a sexual nature. Sexual harassment can include a range of behaviors, express or implied, including sexual insults and name-calling, off color jokes, intimidation by words or actions, leering, offensive touching, and pressure for sexual activity. The term “sexual harassment” includes but is not limited to the following:
1. Any sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including but not limited to:
 - a. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or
 - b. Such advances, requests or conduct have the purpose or effect of interfering with an individual’s employment or education by creating an intimidating, hostile, unwelcome, humiliating or sexually offensive employment or educational environment;
 2. Sexual harassment is a form of sex discrimination, which is prohibited under Title IX of the Education Amendments of 1972 regulations at 34 C.F.R. § 106.31(b)(1)-(7); and
 3. Examples of sexual harassment include, but are not limited to, unwelcomed sexual advances, requests for sexual favors, and other unwelcomed verbal or visual or physical contact of a sexual nature when that conduct has the purpose or effect of having a negative impact on performance or of creating an intimidating, hostile, humiliating or offensive educational or work environment.
- J. “Social media” includes all forms of communicating or posting information or content of any sort through electronic media, including but not limited to text messaging, instant messaging, electronic mail (e-mail), websites, Web logs (blogs), electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments

posted on the Internet, virtual reality sites (e.g., Second Life) and social networking sites (e.g., Facebook, Twitter, LinkedIn, eHarmony). See HSS Manual, sec. 10402(A).

Section 5432 Goals for Responding to and Resolving Harassment Complaints

In responding to and resolving complaints, the HSS community shall be guided by six (6) goals:

- A. Focus on changing behavior rather than simply punishing the offender;
- B. Engage students and staff in dialogue so that they may learn more about the impacts of behaviors and attitudes;
- C. Maintain, as much as practicable, the confidentiality of the alleged victim(s) and offender(s) by involving as few people as possible in the resolution of the problem;
- D. Protect the complainant from retaliation;
- E. Ensure prompt and thorough attention to all complaints; and
- F. Stop the discrimination, harassment or bullying.

Section 5433 Procedures for Reporting and Conducting an Investigation of Harassment

A. Reporting.

1. All reports or complaints of harassment, including sexual harassment, shall be immediately reported to and filed with the CSA.
 2. Reports shall be made using and complying with the Discrimination/Harassment Report Form.
 3. If the CSA is allegedly involved in the report, the report shall be delivered to the HBE Chairperson or designee.
- B. Students may report incidents they believe involve discrimination or harassment to any employee. If such a student report is submitted, it shall be processed as follows:
1. Any employee who has received a report regarding a student, verbally or in writing, shall forward the report to the Principal, the CSA, or their supervisor within twenty-four (24) hours of receipt. Staff may also report incidents regarding adults to their supervisor, Principal, CSA, or in the event of a conflict, to the HBE Chairperson. SCAN reports shall be filed separately as applicable and as required;
 2. Any employee who has reliable information that would lead a reasonable person to suspect that a person is an instigator/participant or a target of discrimination or harassment shall immediately report it to the Principal, the CSA, or their supervisor within twenty-four (24) hours of receipt. Staff may also report incidents regarding

adults to their supervisor, Principal, CSA, or in the event of a conflict, to the HBE Chairperson;

3. Each school shall document any prohibited incident that is reported and confirmed, as well as the resulting consequences, including discipline and referrals;
4. Oral and anonymous complaints shall be reviewed but are inherently difficult to investigate and may not be procedurally fair. As a result, no disciplinary action shall be taken on anonymous complaints unless independently verified by other convincing evidence (e.g., video or audio recordings, eye witness statement). All charges of discrimination or harassment, if not originally submitted in writing, should be summarized in writing and verified by the victim to include the specifics of the complaint to ensure the subsequent investigation is focused on the relevant facts;
5. In cases involving a staff member alleged to have engaged in discriminatory or harassing conduct or communication, the Principal or CSA shall be notified immediately and either investigate or appoint an investigating officer within twenty-four (24) hours of receiving the complaint, or as soon thereafter as is possible and pertinent;
6. In cases involving a student alleged to have made discriminatory or harassing conduct or communication, the Principal, CSA, or his/her designee shall be the investigating officer;
7. Harassment or discrimination is determined from the viewpoint of a reasonable person in the complainant's situation. When an individual complains about harassment, the HSS shall assess the facts and circumstances from that viewpoint.
8. The investigating officer shall initiate and complete an investigation as soon as possible, normally within two weeks. The investigation may, but need not necessarily, include interviewing the complainant; the person alleged to have made the harassing or discriminatory conduct or communication; and such other person(s) as the investigating officer deems necessary or appropriate in order to complete a thorough investigation of the allegation. An opportunity to be heard shall be provided, consistent with HSS's policies and procedures on the same;
9. The investigating officer shall conclude whether a violation of this policy or other policies have occurred and communicate such findings to the Principal or CSA as appropriate. The Principal or CSA shall ensure other parties, including complainant and alleged perpetrator, are informed of the findings as appropriate under the circumstances;
10. For alleged violations of this policy at a School, the Principal shall provide regular reports and updates to the CSA at all stages of the investigation;
11. Unresolved investigations shall be reported as such; and

12. The final disposition of the case may be by action of the HBE if there is a recommendation for non-renewal or employment termination, or suspension or expulsion.

Section 5434 Disciplinary Actions for Harassment Complaints

A. Disciplinary Action.

1. Any violation of this policy shall be subject to disciplinary action. In the case of a student found to have violated this policy, disciplinary action shall be determined by the Principal and can range from a verbal warning to removal from the school setting. See also HSS Manual, sec. 2620. In the case of staff found to have violated this policy, disciplinary action shall be determined by the CSA in consultation with the employee's Principal and supervisors and may include disciplinary action up to and including termination.
2. If the alleged sexual harassment constitutes sexual, physical or emotional abuse of a child, then a report shall be made immediately pursuant to the SCAN Protocol.

B. Retaliation.

1. Retaliation is forbidden against any person who has alleged discrimination or harassment, testified or participated in an investigation of a claim of discrimination or harassment.
2. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.
3. If it occurs, it can be considered independent grounds for dismissal of staff personnel and/or removal from the educational setting for a student. Any allegation of reprisal shall be subject to the same kind of investigation and disciplinary actions as are described in this section.

CHAPTER 5500 - CHILD ABUSE DETECTION, REPORTING AND PREVENTION

Section 5501 Statement of General Policy

- A. It is the policy of Hopi School System that child abuse, whether physical, emotional or sexual, be recognized and reported to the proper authorities. It shall be the duty and responsibility of each and every member of the Hopi School System staff in contact with students to be aware of the criteria for identifying a student's mood, conduct, physical condition and educational performance as they may suggest the presence of abusive influences and experiences and to report the same to the appropriate authorities.
- B. Classroom teachers, school counselors, and all other HSS employees shall receive training in the recognition of the symptoms of abuse, recommended methodologies of interacting and counseling with students who are suspected to be the victim of abuse and the record keeping and reporting procedures promulgated in support of this policy.
- C. This policy is enacted pursuant to the Indian Child Protection and Family Violence Prevention Act, P.L. 101-630, and the Crime Control Act of 1990, P.L. 101-647, codified at 34 U.S.C. § 20341 ("Child abuse reporting").
- D. The Hopi School System hereby adopts and staff shall follow the Suspected Child Abuse/Neglect ("SCAN") protocols set forth in BIE's Suspected Child Abuse/Neglect and Employee Incident Reporting Protocol ("SCAN Protocol"), Revised 2019, and any amendments thereto. The SCAN Protocol can be accessed on the BIE website, www.bie.edu.
- E. Every time a SCAN event occurs, the individuals shall refer to and follow the SCAN Protocol on the BIE website to ensure use of the most up-to-date forms and processes.
- F. If there are any discrepancies between the HSS Manual and the SCAN Protocol, the provisions of the SCAN Protocol shall govern.

Section 5502 Definitions

- A. "Child": Any enrolled student of the HSS under the age of eighteen (18) years. For children with disabilities, if a parent or guardian signs an "Age of Majority" form before the child turns eighteen (18) years and indicates that the child is not able to make decisions for themselves, the child shall be subject to the SCAN Protocol up until the age of twenty-two (22) years.
- B. "Child Abuse": Physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.
- C. "Emotional Abuse": A consistent pattern of conduct, speech or attitude toward the child which arrests the child's development or demonstrably impairs the child psychologically and/or emotionally.

- D. “Neglect”: A failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child.
- E. “Physical Abuse”: The deprivation of the child of food, shelter, clothing, care and supervision, medical and dental care and treatment, or educational opportunity; non-accidental and physically assaultive behavior inflicted upon the child which results in demonstrable tissue injury to the child.
- F. “Sexual Abuse”: The sexual exploitation of a child or their image; physical contact, whether with or without the consent of the child, with their genitalia, breasts or buttocks in a sexual context; exposing to and in the presence of a child’s genitalia, breasts or buttocks or causing the child to have any physical contact with the same.

Section 5510 Prohibition against Child Abuse

- A. Child abuse, in any form and to any extent, is strictly prohibited at any time or in any place within the boundaries of the Hopi School System. Violation of this policy shall result in disciplinary action up to and including termination.
- B. Child abuse can take many forms; however, there are four major types of abuse that shall be reported and which are prohibited: physical abuse, sexual abuse, emotional abuse, and neglect.

Section 5520 Mandated Reporters have duty to report Suspected Abuse

- A. All employees of HSS are considered “Mandated Reporters” and required to report suspected child abuse, including statements made by students, pursuant to the terms and conditions of the BIE SCAN and Employee Incident procedures. Legal Ref.: Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. §§ 3201, et seq.; Victims of Child Abuse Act of 1990, 34 U.S.C. § 20341.
- B. The failure to report suspected instances of child abuse shall be considered as grounds for discipline up to and including termination of employment and may result in further sanctions imposed by Hopi and federal law.

Section 5521 Regular Training Required for all Mandated Reports

- A. All HSS employees shall take a yearly mandatory training of the SCAN reporting protocol at the beginning of each school year.
- B. Any new employees who are hired during the school year shall be required to take mandatory training of the SCAN Protocol at the time they are hired.

Section 5530 Types of Reportable Incidents

The SCAN Protocol establishes two distinct categories of Reportable Incidents which are subject to reporting:

- A. “SCAN” Report: Includes circumstances where it is clear that abuse or suspected abuse has occurred to a child and the circumstances meet the definition of child abuse and/or the circumstance poses an immediate danger, or short-term threat, to a child; and
- B. “Employee Incident Report”: Includes actions by an employee, volunteer, contractor or consultant where no physical contact is indicated but is verbal and/or emotional in nature.

Section 5531 Procedure to report “Reportable Incidents”

- A. Hopi School System staff shall follow the BIE’s SCAN Protocol which has been adopted and incorporated into the HSS Manual and is available on the BIE’s website.
- B. The following is a summary of the procedures to be followed, however, employees shall refer to and utilize the full SCAN Protocol whenever a SCAN Reportable Incident occurs or is suspected:
 - 1. “SCAN” Report:
 - a. A SCAN Report shall be completed and reported after a Mandated Reporter learns of facts that give reason to suspect that a child has suffered an incident of child abuse.
 - b. The mandated reporter shall immediately contact their immediate supervisor to inform him or her of the Reportable Incident.
 - c. The mandated reporter shall coordinate with their immediate supervisor and Principal to thoroughly complete the SCAN Report **by close of business** after the disclosure.
 - d. The Principal shall ensure that the CSA and the two (2) designated agencies, Hopi Law Enforcement Services and Hopi Department of Social Services, are notified of the SCAN Report **within one hour** of completion of the Report.
 - e. The SCAN Report shall also be submitted to the BIE SCAN Office within the established timeframes.
 - f. In the event the alleged offender in the mandated reporter’s immediate supervisor, or if the Mandated Reporter has concerns about reporting directly to their immediate supervisor, the SCAN Report can be filed directly with the BIE SCAN Office.

2. “Employee Incident Report”:
 - a. When an Employee Incident is identified, all pertinent information shall be obtained by the employee who made the initial contact and who has the information first-hand from the child.
 - b. The employee, working with the Principal, shall ensure that the two-page report is completed thoroughly **by close of business** after the disclosure.
 - c. The Principal shall submit a copy of the completed form and supplemental data to the CSA and BIE’s Program Specialist **by close of business** after the disclosure.
 - d. In the event the alleged offender is the mandated reporter’s immediate supervisor, or, if the mandated reporter has concerns about reporting directly to the immediate supervisor, the Employee Incident Report may be filed directly with the BIE SCAN Office.
- C. In the event there appears, at any time, to be physical symptoms of abuse, the child shall be immediately taken to a medical authority for further diagnosis and treatment.
- D. In the event there appears, at any time or over a period of time, to be emotional symptoms of abuse, the child shall be referred to a student counselor or certified counselor for such consultation as may appear in the best interest of the child.
- E. At any time that there appears to be reasonable belief to report suspicion that the child is the victim of an abusive situation, such report shall be made to the Hopi Department of Social Services and/or the Hopi Law Enforcement Services by the CSA or his or her designee.
- F. Any person making a report as described in this section which is based upon their reasonable belief and which is made in good faith shall be immune from civil or criminal liability to the full extent provided by Hopi, state and federal law.

Section 5540 Failure to Report

- A. Federal Penalties for Failure to Report. Mandated reporters who, while engaged in a professional capacity or activity on Federal land or in federally operated (or contracted) facilities, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, as defined in P.L. 101-630 and P.L. 101-647, and fails to make a timely report as required, shall be guilty of a Class B misdemeanor. The person may also be fined up to \$5,000 and/or imprisoned up to 6 months in jail.
- B. Hopi Tribe Penalties for Failure to Report. Section 3.10.6 of the Hopi Code requires all persons to report child abuse. Section 3.10.6 states that if a “teacher, school official, or [person who] has responsibility for the care or treatment of the minor” fails to report child abuse as set forth in Section 3.10.6, he/she “is guilty of an offense.” A person found guilty may be fined up to \$5,000.00 and/or imprisoned up to 1 year in custody.

Section 5550 Record Keeping Requirements

- A. All classroom teachers, teacher assistants, counselors, counseling technicians, and health care personnel shall keep anecdotal records or notations of any student who displays any of the symptoms of being the victim of child abuse.
- B. All records required by this section shall remain privileged and shall not be communicated to other students, parents or guardians of the student or other nonprofessional staff having no direct interest in the matter until such time as a formal report is made to the proper authority or authorities.
- C. All records required by this section are to be kept in a locked cabinet in the CSA's or designee's office.

CHAPTER 5600 - DISCIPLINARY PROCEDURE

Section 5601 Disciplinary Action

- A. HSS policy regarding discipline of employees is generally reflected in the recommendations in Table 5-1 (Disciplinary Penalties). If an employee engages in an act of misconduct, which is not addressed in Table 5-1, the supervisor shall select an appropriate penalty in consultation with their immediate supervisor, department director, Principal, and/or the CSA.
- B. Notwithstanding Section 5601(A) and recommendations in Table 5-1, the specific type and degree of disciplinary action to be taken in a particular situation shall be determined by the facts and circumstances of each situation. Previously documented disciplinary action(s), the degree of the conduct involved and other mitigating and exacerbating factors shall be considered in determining which penalty to impose.
- C. Non-Disciplinary Action. Not all actions regarding an employee are considered “discipline,” even though they may involve alleged or possible violations of policies or rules by the employee. This policy addresses only discipline and has no application to any of the following:
1. The employee’s evaluation procedure or the resulting evaluations as they pertain to the adequacy of the employee’s performance;
 2. Letters or memoranda directed to an employee containing directives or instructions for future conduct;
 3. Counseling of an employee concerning expectations of future conduct. Counseling memoranda may be used to inform employees of the matters described in this section. Counseling memoranda are not discipline or a disciplinary action. Counseling memoranda are to be considered a positive, pro-active, cooperative approach to potential problems. They also serve to provide notice to employees of potential problem areas prior to them becoming discipline issues;
 4. Non-renewal of a contract of an employee employed by HSS;
 5. Reassignment With Pay; and
 6. Expectation Agreements, Professional Development Plans and Personal Improvement Plans.
- D. Types of Disciplinary Action.
1. When disciplinary action is to be taken the following steps are recommended:
 - a. Reprimand (verbal/written);
 - b. Suspension; and

c. Termination.

2. This is a recommended procedure for disciplinary action. The facts and circumstances of a specific situation may preclude progressive discipline in favor of a more severe initial disciplinary action.

E. Guidelines and Procedures for Disciplinary Actions.

1. Reprimand (Verbal/Written): When a Reprimand (Verbal/Written) is issued, it shall be done in private and a copy of the letter covering the details of the Reprimand sent to the Personnel Department. Where appropriate, a reasonable period of time for improvement or corrections shall be allowed before taking further action. A witness shall be present only when necessary. Written Reprimand shall, upon the employee's written request, be removed from an employee's personnel file after a 12-month good conduct period.
2. Suspension: Suspension consists of a period of time during which an employee shall not work and shall not receive compensation. The maximum suspension period shall be thirty (30) calendar days.
3. Termination: Involuntary Termination is covered in Section 5710 of the HSS Manual.
4. Initiation of Disciplinary Action. Disciplinary action may be initiated by an employee's supervisor, department head, Principal, or the CSA. The employee shall be notified in writing of the disciplinary action and the basis therefor. The employee's Department Supervisor shall commence disciplinary action against the employee within ten (10) working days, or such time as may be reasonable after being made aware of the offense(s). The person who initiates it shall sign the notification, and copies shall be supplied to the Personnel Director for placement in the employee's personnel file.
5. Authority to Carry out Disciplinary Action. Disciplinary action in the form of a written reprimand may be carried out by the appropriate department head. Disciplinary action in the form of suspension without pay, or discharge requires the approval of the CSA.
6. Notification of Disciplinary Action. Each form of disciplinary action shall include written notification to the employee which includes:
 - a. A description of the specific acts or admissions upon which the disciplinary action is based;
 - b. An identification and/or description of the policies, laws, regulations, guidelines or other requirements which were violated by the employee's acts or omissions;

- c. A summary of any prior discussions and/or formal or informal disciplinary actions regarding similar related or other matters/violations. Prior discussions or actions are not required and disciplinary action may be imposed without them;
 - d. The disciplinary action to be taken including dates and duration where applicable;
 - e. The improvement or correction expected, if applicable; the consequences of the employee's failure to make required improvements or corrections or if such conduct or actions continue; and
 - f. The appropriate appeal procedure.
7. If the employee is present and available and other reasons do not prevent it, employee shall be offered the opportunity to review, sign and date any notice of formal disciplinary action. Given the opportunity, the employee shall sign the notice. The employee's signature indicates that the employee has had the opportunity for review but not necessarily that the employee agrees with the action. If the employee refuses to sign, a witness to such refusal may sign and date the notice. Employee's refusal to sign the letter as described in this section shall be an additional incidence of insubordination which shall be the grounds for separate and additional disciplinary action up to and including termination. Where notices are not or cannot be issued in person, they shall be delivered by certified mail return receipt requested to employee's last address of record with HSS. It shall be employee's responsibility to ensure that HSS has employee's correct, current mailing address and that employee collects and reviews mail at that address in a timely fashion.
8. An employee may file an appeal regarding any formal disciplinary action. Employee shall refer to Section 5612 of the HSS Manual for appeal procedures and timelines. Employee's failure to know and use the proper appeal procedure shall constitute a waiver of any such appeal.
9. Notice under these disciplinary, appeal, grievance and termination policies shall be deemed given upon delivery to employee or three (3) days after mailing to employee's last address of record.
10. An Employee shall, as part of their contract with the HSS, exhaust this and all other possible remedies provided by the HSS prior to taking any action outside these policies. Employee's failure to exhaust Employee's remedies provided under this contract shall be a breach of their contract and grounds for disciplinary action, up to and including termination of employment. Further action, including action outside the HSS is contractually barred if Employee fails to exhaust the remedies available under these policies.

TABLE 5-1: DISCIPLINARY PENALTIES

HSS Policy Violation	First Offense	Second Offense	Third Offense
The knowing failure or refusal, without just cause, to obey or carry out any orders, instructions, assignments or duties within the time designated by one in a position of authority for the performance of said orders, instructions, assignments or duties.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
The knowing failure to maintain to all persons, conduct, demeanor and speech exhibiting the respect and professionalism appropriate to the employee of an educational institution.	Letter of Reprimand to Termination	1 day Suspension (without pay)	5 days Suspension (without pay) to Termination
Failure, without just cause, to obey or comply with any directive or adopted and published policy of the HBE.	Letter of Reprimand to 30 days Suspension (without pay)	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
The unexcused absence from one’s duties or duty station for one hour or less twice in one week or four times in one year.	Letter of Reprimand	Letter of Reprimand to 1 day Suspension (without pay)	1 day Suspension (without pay) to Termination
The unauthorized absence from one’s duties or duty station for more than one consecutive hour on one occasion	Letter of Reprimand to 1 day Suspension (without pay)	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination
Idleness, sleeping or unauthorized participation in non-job related activities during duty hours.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	3 days Suspension (without pay) to Termination
Any act or failure to act which shall foreseeably endanger or cause physical or emotional damage or educational or moral harm to any student of the HSS at any time while said student is enrolled as a student. Any act of corporal punishment, which is defined as “intentionally striking the child or other forms of child abuse noted in this policy manual.”	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination

HSS Policy Violation	First Offense	Second Offense	Third Offense
Any act or failure to act which shall foreseeably endanger or cause physical harm to another employee of the HSS.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Failure to disclose or report, to a person in a position of relevant authority, any conduct, occurrence, information or condition, which if not so disclosed or reported, shall or is likely to cause harm, loss or damage to the HSS, or any employee or student thereof.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Any violation of the Drug-Free Workplace Policy (Section 5403 et seq. of the HSS Manual), including the abuse of any substance, including, but not limited to, alcohol.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	10 days Suspension (without pay) to Termination
The unauthorized use or the illegal operation of any vehicle owned, leased or in the possession of the HSS or the U.S. Government, or permitting of such unauthorized use or illegal operation by another.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
The use, without proper authorization, of HSS property.	Reprimand to 3 days Suspension (without pay)	Letter of Reprimand to 10 days Suspension (without pay)	5 days Suspension (without pay) to Termination
The alteration without proper authority, or falsification of any official student or HSS record, reinstatement, certificates, grades, ratings, or reports with regard to any test, certificate or appointment.	Reprimand to 10 days Suspension (without pay)	Letter of Reprimand to Termination	5 days Suspension (without pay) to Termination
Theft of property belonging to or in the care and/or custody of the HSS or any other employee or student of the HSS.	1 day Suspension (without pay) to Termination	15 days Suspension (without pay) to Termination	Termination
No employee shall place or allow himself or herself to be placed in a situation or pursue a course of conduct involving a student which shall or may be reasonably perceived by the student or such other person or persons who may also be present, as compromising to the welfare, morality or comfort of the student.	Suspension of 10 days or more or termination	Termination	Termination

HSS Policy Violation	First Offense	Second Offense	Third Offense
No employee shall either solicit or accept any reward, favor, gift or any other form of gratuity for the anticipation of, or in return for, any performance or non-performance of any duty from a vendor, contractor, firm, or individual or any other source having or proposing to have or do business with the HSS, its programs or operations.	Letter of reprimand to Termination	Suspension to Termination	Termination
No employee shall conduct or participate in any unauthorized political activity during working hours or when using HSS property or facilities.	Letter of reprimand in Suspension	Suspension to Termination	Termination
No employee shall presume to speak for, or on behalf of, the HSS, the HBE or the administration unless specifically authorized to do so. An employee who is officially designated to so speak shall at all times be accurate, shall exercise proper restraint, and shall show respect for the opinions of others when serving as a designated spokesperson in public statements and proceedings relating to the HSS, its policies or operations.	Letter of reprimand to Termination	Suspension to Termination	Termination
Failure for employees to dress in a manner appropriate and proper with respect to their position, the occasion and their function while on duty or when representing the HSS in any capacity.	Letter of reprimand to Suspension	Letter of reprimand to Suspension	Suspension
No employee shall discuss or divulge confidential aspects of programs or operations or any other sensitive or confidential information, either to or with another employee not entitled to the information or to a person or group outside of the HSS, without the specific authorization of the Principal.	Letter of reprimand to Termination	Suspension to Termination	Termination
Failure of a supervisor to comply with Section 5401 of the HSS Manual.	Letter of reprimand to Termination	Suspension to Termination	Termination
No employee shall engage in any activity of misconduct, abuse, or harassment of a sexual nature towards any other employee or student of the HSS.	Suspension to Termination	Termination	Termination

HSS Policy Violation	First Offense	Second Offense	Third Offense
No employee shall use or be under the influence of any substance which may alter the mind or impair the physiological functioning while on duty.	Suspension to Termination	Termination	Termination
Arrest or conviction by any recognized police agency or judicial body for abusing or being under the influence of substances, including alcohol.	Suspension to Termination	Termination	Termination
The employee shall directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, grade, proposed appointment, promotion, or proposed motion to a position at the HSS or affiliated with the HSS or any business transactions of the HSS.	Suspension to Termination	Termination	Termination
No employee of the personnel office, examiner, or other, shall obstruct another from examination, eligibility certification or appointment under these policies, nor furnish special or unpublished information for the purpose of affecting the rights or prospects with respect to employment.	Letter of Reprimand to Termination	Suspension to Termination	Termination
No employee shall induce or attempt to induce any employer or student to commit an unlawful act or acts in violation of these policies, Hopi, federal or State of Arizona laws or regulations.	Suspension to Termination	Termination	Termination
No employee shall engage in vending, soliciting or collecting contributions on the campus at any time, without prior written authorization of the Principal or CSA.	Letter of Reprimand to Suspension	Suspension	Termination
No employee shall use equipment of the HSS without proper authorization.	Letter of Reprimand to Termination	Suspension to Termination	Termination
Employees shall at all times be responsible with money or property of the HSS and carelessness or negligence with the same shall be a violation of these policies.	Letter of Reprimand to Termination	Suspension to Termination	Termination

HSS Policy Violation	First Offense	Second Offense	Third Offense
Disclosure of confidential information vital to the interest of HSS.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Abuse of the Business Travel Expense Policy, which includes but is not limited to falsifying expense reports. (Note: Expenses provided in a falsified report shall not be reimbursed.)	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Improper, careless, negligent destructive, or unsafe use or operation of equipment.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Abuse or neglect of a student by an employee.	Suspension (without pay) to Termination and Reporting to Appropriate Authorities	Termination and Reporting to Appropriate Authorities	
Failure to report all known violations of policy.	Letter of Reprimand to Termination	1 day Suspension (without pay) to Termination	5 days Suspension (without pay) to Termination
Sexual relations with a student by an employee.	Termination and Reporting to Appropriate Authorities		
Any violation of the social media policy.	Letter of Reprimand to Termination	Suspension to Termination	Termination
Any absenteeism, including AWOL, not previously addressed in the HSS Manual.	Letter of Reprimand to Termination	Suspension to Termination	Termination
Tardiness.	Letter of Reprimand to Suspension	Letter of Reprimand to Suspension	Suspension to Termination

Section 5610 Filing Staff Complaints

Complaints of HSS actions, treatment, or working conditions may be filed through two procedures: staff grievances and staff appeals under the application and filing procedures set forth in Sections 5611 (Staff Grievances) and 5612 (Staff Appeals) of the HSS Manual.

Section 5611 Staff Grievances

- A. Filing a Grievance. Any regular, full-time and part-time employee of the HSS may file a grievance. A “grievance” is a complaint by a HSS employee alleging a violation or misinterpretation, as to the employee, of any HSS policy or regulation, including department work rules, unsafe or unhealthy working conditions and alleged improper treatment, that directly and specifically governs the employee’s terms and conditions of employment.
- B. Definition. “Terms and conditions of employment” means the hours of employment, the compensation, fringe benefits, and the employer’s personnel policies directly affecting the employee. In the case of professional employees, the term does not include educational policies of the HSS. For purposes of this grievance policy, a day is a working day. The immediate supervisor is the lowest-level administrator having line supervisory authority over the grievant.
- C. Limitations of Grievances. Discipline, including reprimands/warnings, suspension, and demotion, or dismissal of employees, is covered by policies regarding appeals and is not a grievable matter. See HSS Manual, sec. 5612. Assignment, reassignment, or transfer of an employee to another position or duties is not grievable beyond the CSA unless there is a reduction in compensation or the Principal or CSA requests that it be considered by the HBE. The term grievance shall not apply to any matter for which the method of review is otherwise prescribed by law, or the HBE is without authority to act.
- D. Informal Level. Before filing a formal written grievance under the “Formal Level” procedures set forth in this section, the grievant shall attempt to resolve the matter by one or more informal conferences with the immediate supervisor. The first of these informal conferences shall be conducted within ten (10) working days after the employee knew, or should have known, of the act or omission giving rise to the grievance. A second or any subsequent conference shall occur within (5) working days after the initial informal conference, or any subsequent conference.
- E. Formal Level.
 1. Level I. Within fifteen (15) working days after the employee knew, or should have known, of the act or omission giving rise to the grievance, the grievant shall present the grievance in writing to the immediate supervisor.
 - a. The grievance shall contain a clear, concise statement of the circumstances giving rise to the grievance, a citation of the specific article, section and paragraph of the policy or regulation that directly and specifically governs the

employee's terms and conditions of employment that are alleged to have been violated, the decision rendered at the informal conference, and the specific remedy sought.

- b. The immediate supervisor shall communicate a decision to the employee in writing within (5) working days after receiving the grievance.
 - c. Within the time limits for Level I, either party may request a personal conference to resolve the matter.
2. Level II. In the event the grievant is not satisfied with the decision at Level I, the decision may be appealed to the Principal within five (5) working days after receipt of the decision. The appeal shall include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for the appeal. The Principal shall communicate a decision within (5) working days after receiving the appeal. Within the time limits for Level II, either the grievant or the Principal may request a personal conference to resolve the matter.
 3. Level III. If the grievant is not satisfied with the decision at Level II, the grievant may within five (5) working days, submit an appeal in writing to the CSA. The CSA shall communicate a decision within (5) working days after receiving the appeal. Within the time limits for Level III, either the grievant or the CSA may request a personal conference to resolve the matter.
 4. Level IV. If the grievant is not satisfied with the decision at Level III, the grievant may within five (5) working days, submit an appeal in writing to the CSA for consideration by the HBE. The HBE may determine not to conduct a review, or to conduct a review at a designated or future date. All decisions of the HBE shall be final and unappealable.

F. General Provisions.

1. Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed an acceptance of the decision rendered at that step, and there shall be no further right of appeal. Failure to file a grievance within fifteen (15) working days after the employee knew, or should have known, of the circumstances upon which the grievance is based shall constitute a waiver of the grievance.
2. The filing or pendency of any grievance under the provisions of this policy shall in no way operate to impede, delay, or interfere with the jurisdiction of the HBE or the CSA.
3. Grievances shall be processed pursuant to the procedures set forth in this section. Grievances shall not be taken directly to HBE members and a HBE member or the HBE shall not be copied with a grievance. A staff person who fails to follow this directive and initially submits the grievance directly to the HBE or copies the HBE

with a grievance submitted to the employee's supervisor, waives their right to grieve the matter and may be disciplined for failing to follow the chain of command.

4. Any employee who attempts to process a grievance or a complaint against the HSS through social media shall be in violation of this policy and subject to discipline. Grievances are established to provide employees with resolution of grievable matters in the most efficient, least disruptive manner. Failure to follow this policy may disrupt the HSS, create inefficiencies and make resolution of issues more difficult.

Section 5612 Appeals Procedure

- A. Purpose. The purpose of the appeals procedure is to provide those eligible employees with a uniform and equitable method of resolving actions taken while employed by the HSS. This procedure is intended to ensure that any eligible employee shall be treated fairly and within the policies and procedures of the HSS Manual and any other applicable laws.
- B. Applicability. This procedure shall be used for actions regarding reprimands/warnings, suspension, and demotion.
- C. Eligibility. All regular, full-time and part-time employees are eligible, except temporary and probationary employees are not entitled to use of the appeal procedure.
- D. Filing an Appeal.
 1. General Provisions for Appeals.
 - a. All appeals shall state with specificity the action being appealed and include specific grounds for the appeal including, but not limited to, all relevant facts, circumstances, dates, times, places, statements and witnesses.
 - b. Any employee desiring to file an appeal shall do so within five (5) working days after being notified that they have been warned/reprimanded, suspended or demoted. Appeals not filed within the designated time frames shall not be considered.
 2. Appeals of Warnings/Reprimands to a Principal.
 - a. Appeals of a warning/reprimand not initiated by a Principal may be filed in writing with the Principal, and shall include the description set forth in Section 5612(D)(1)(a).
 - b. The Principal may within five (5) working days of receiving an appeal elect to resolve the appeal in writing or refer it to a hearing before the CSA or designee with recommendations.

- c. If the employee is not satisfied with the Principal's decision on the appeal, he/she may file a written appeal with the CSA within five (5) days of issuance of the Principal's decision and shall include the description set forth in Section 5612(D)(1)(a).
3. Appeals of Suspension, Demotion, or Principal-Initiated Reprimands to the CSA.
 - a. Appeals for all other decisions, e.g. suspension, demotion, or Principal-initiated reprimands, may be filed in writing with the CSA and shall include the description set forth in Section 5612(D)(1)(a).
 - b. If the Principal refers the appeal to the CSA or the appellant files an appeal directly with the CSA, the CSA or designee shall hold a hearing within ten (10) working days after receiving the appeal or referral and render a decision that either supports or dismisses the appeal within ten (10) days of the hearing.
 - c. Written notice of the time and place of the hearing shall be mailed by certified mail return receipt requested to the employee five (5) days before the hearing. The CSA may allow the appellant or other parties the opportunity to address the appeal. The parties may be represented by legal counsel and/or cross exam witnesses.
 - d. If the subject of an appeal is a warning/reprimand not initially imposed by the Principal, the CSA's decision is final. There is no further appeal. If the subject of the appeal is other than a reprimand/warning or if the Principal initiates the reprimand/warning, then appellant may proceed to appeals to the HBE.
4. Appeals to the HBE.
 - a. If the appeal is other than a reprimand or if the Principal initiates the reprimand and the appeal is not satisfactorily resolved by the CSA, in writing or by hearing, the employee may request the HBE to add the complaint to the next regular HBE meeting.
 - b. This request shall be made within ten (10) working days and through the CSA. The HBE may decide to affirm, modify or dismiss the decision or schedule a hearing before the HBE or a hearing officer.
 - c. The HBE shall determine who shall hear the appeal. The HBE's decision shall be provided to the appellant and CSA in writing within ten (10) working days of the regular HBE meeting at which the appeal was submitted.
 - d. If the HBE elects to hold a hearing, it shall provide written notice of the hearing, including the time and place of the hearing, to the appellant within ten (10) working days of the regular HBE meeting at which the appeal was submitted.
 - e. Any such hearing shall be scheduled within fifteen (15) working days of the regular HBE meeting at which the appeal was submitted. At any such hearing

the parties may be represented by legal counsel, submit evidence in the form of exhibits or testimony and cross examine witnesses. The procedure shall be informal and as determined by the HBE or hearing officer.

- f. All decisions by the HBE shall be final and non-appealable.

Section 5620 Compliance with the Hopi Education Code

- A. Chapter 18 of the Hopi Education Code sets forth requirements for ensuring compliance with the provisions of the Code.
- B. If a stakeholder believes that a local school, local school board, CSA, or Hopi School System entity or employee is not in compliance with the Code, he/she shall first exhaust the provisions of the Code or other relevant regulations, which includes the policies and procedures set forth in the HSS Manual, prior to seeking any other remedy. See Code, sec. 18.1.A.
- C. Compliance of Local Schools and Local School Boards.
 - 1. If a Stakeholder has a complaint regarding local schools and local school boards, a Stakeholder may file a complaint with the CSA alleging the non-compliance of any local school or local school employee, school board, or school board member with this Code following the procedures set forth in Section 18.2 of the Code.
 - 2. The remedies set forth in the HSS Manual shall first be exhausted prior to seeking any remedy provided in Section 18.2 of the Code.
- D. Compliance of the Chief School Administrator.
 - 1. If a Stakeholder has a complaint regarding the CSA, a Stakeholder may file a complaint with the HBE alleging the non-compliance of the CSA with this Code or HSS policies and procedures following the procedures provided in Section 18.3 of the Code.
 - 2. The remedies set forth in the HSS Manual shall first be exhausted prior to seeking any remedy provided in Section 18.3 of the Code.
- E. Compliance of Hopi Board of Education.
 - 1. If a stakeholder has a complaint regarding the HBE or a member, he/she shall first file a written complaint with the CSA. The CSA shall provide the complaint to the HBE Chairperson. The complaint shall state with specificity the action(s) for which the stakeholder is seeking remedy and include specific grounds for the remedy including, but not limited to, all relevant facts, circumstances, dates, times, places, statements and witnesses.
 - 2. Within sixty (60) days of receiving the complaint, the HBE shall either hold hearing on the complaint or uphold the original action taken.

3. If the complaint involves an individual HBE member, such member shall withdraw and recuse himself/herself from any discussion, hearing or decision regarding the complaint.
4. HBE may consult with the HSS legal counsel regarding the allegations in a complaint and whether a hearing is warranted.
5. If a Stakeholder is not satisfied with the HBE's decision, he/she may provide a complaint in writing to the Hopi Tribal Council under the procedures set forth in Section 18.4 of the Code.
6. The remedies set forth in the HSS Manual shall first be exhausted prior to seeking any remedy provided in Section 18.4 of the Code.

CHAPTER 5700 - TERMINATION OF EMPLOYMENT

Section 5701 Voluntary Termination (Resignation)

- A. Employees are requested to give at least thirty (30) working days written notice of their intent and request to resign. Providing timely written notice does not and shall not be construed to mean that employee's request to be allowed to resign is granted. Regardless of timely or other notice of intent and request to resign, the HBE retains the sole discretion whether or not to grant the request to be allowed to resign. The HBE shall make its decision whether or not to grant the request to resign based upon the best interest of HSS regardless of employee's timely notice.
- B. Earned compensatory time and accrued leave may be requested on a day-to-day basis during the final thirty (30) working days of employment.
- C. An employee who has submitted a letter of resignation may not withdraw the resignation after it has been accepted by the HBE. The resignation shall become effective as of the date specified in the letter of resignation, unless otherwise mutually agreed between the HBE and the employee. However, the HBE may at any time dismiss an employee as otherwise provided in the HSS Manual.
- D. The following procedures shall be followed in the case of resignation from employment:
 - 1. The employee shall provide a written notice of their intent to resign to the CSA;
 - 2. The CSA shall place the resignation on the agenda for HBE review at the next scheduled HBE meeting;
 - 3. The employee shall be notified of when his/her resignation letter shall be considered by the HBE;
 - 4. It is solely within the discretion of the HBE to accept or reject the letter of resignation;
 - 5. The immediate supervisor shall account for all HSS property issued to the employee before the effective date of the resignation;
 - 6. The CSA shall conduct an exit interview with the resigning employee before the effective date of resignation; and
 - 7. If the employee has outstanding debts or owes property to the HSS, the immediate supervisor shall take all necessary steps to initiate repayment on the part of the employee and/or receive any property from the employee, before the final paycheck is released. The immediate supervisor shall notify the CSA in writing that he/she has accounted for all HSS property issued to the employee, has taken steps to initiate repayment/receipt of property and that the final pay check can be released by the HSS.

Section 5710 Involuntary Termination (Dismissal Other Than Layoff/Reduction-in-Force)

- A. Probationary employees serve at-will and at the pleasure of the HBE and may be terminated at any time, with or without cause. Probationary employees have no right to appeal their dismissal.
- B. Non-probationary employees may be terminated for cause. Examples of infractions which may result in disciplinary action, including involuntary dismissal, are included in Table 5-1 (Disciplinary Penalties). However, it is not possible to list all the forms of behavior which are considered unacceptable in the work place and the HBE may in its discretion dismiss any employee for unsatisfactory performance, unprofessional conduct, insubordination, violation of policies or laws, or such other conduct that constitutes cause to dismiss. While the HBE may choose to take a lesser disciplinary action such as a warning or suspension for a first offense, the HBE may in its discretion dismiss an employee for a first offense if appropriate depending on the facts and circumstances of the situation.
- C. Involuntary Dismissal Procedures (other than Layoff/Reduction-in-Force).
 - 1. Dismissal of an employee may be recommended by the CSA, Principal or by the immediate supervisor. The CSA in consultation with the supervisor shall draft a notice of intent to terminate letter setting forth the reasons for the recommendation for termination and citing the specific policy(ies) violated by the employee.
 - 2. The CSA shall consult with the Personnel Director and the school attorney prior to issuance of all notices of intent to terminate and termination letters.
 - 3. The notice of intent to terminate letter shall be provided to the HBE at a duly called meeting with a recommendation by the CSA to the HBE as to whether reasonable cause exists to terminate the employee.
 - 4. If the HBE after reviewing the notice of intent to terminate letter and after receiving the recommendation from the CSA, believes that adequate cause exists to terminate the employee, the HBE or designee shall send the employee a letter by certified mail return receipt requested terminating the employee and setting forth the reasons for the termination and citing policies violated by the employee. The termination shall become effective five (5) working days after the employee receives the letter unless the employee appeals the termination decision to the HBE within five (5) working days of receiving the letter. If the employee appeals, the employee shall submit a written appeal to the CSA which states the basis for the appeal and the specific facts, circumstances, evidence and witnesses which support the appeal.
 - 5. If the employee appeals the termination to the HBE, the employee shall continue as an employee of the HSS pending the outcome of the termination appeal.
 - 6. Once the HBE receives the termination appeal, the HBE shall hold a hearing to hear the employee's appeal. The HBE, at its discretion, may designate a hearing officer to hear the appeal.

7. The hearing on the dismissal appeal may, at the option of the employee, be done in executive session. If the employee does not opt to have the hearing in executive session, the hearing shall be at an open public meeting.
8. At this hearing, the CSA or designee shall present the termination against the employee and shall present to the HBE or hearing officer witnesses and other exhibits pertaining to the termination letter. The CSA or designee may be represented by legal counsel.
9. The employee shall thereafter present his/her witnesses and documentation with regard to the termination letter. The employee may be represented by legal counsel.
10. All testimony shall be taken under oath, the proceeding shall be tape recorded, and both sides shall have a right to cross-exam the other side's witnesses. Formal Rules of Evidence shall not apply, and the HBE shall allow in any evidence that is relevant and non-repetitive.
11. Either side may be represented by legal counsel at the party's own expense.
12. After both sides have presented their case, both sides shall be allowed a brief closing argument.
13. After both sides have presented closing argument, the HBE shall deliberate and issue a decision within five (5) working days. HBE's decision shall include:
 - a. Uphold the termination;
 - b. Reject the termination; or
 - c. Impose a lesser disciplinary action.
14. The decision of the HBE shall be final and effective immediately.
15. Pending action by the HBE, an employee may be placed upon administrative leave with pay and with full benefits if, in the opinion of the CSA, it is appropriate and in the best interest of the HSS.

Section 5720 Layoff / Reduction-in-Force

- A. This provision relates to any involuntary employment termination for non-disciplinary reasons initiated by the HSS due to economic need, insufficient federal funding, changing program needs, a reduction in student count, reductions in work load or other factors which, in the sole discretion of the HBE, render such action prudent and in the best interest of the HSS. The CSA shall notify the HBE when funding or workload circumstances require a layoff/reduction-in-force, and shall submit a layoff/reduction-in-force plan to the HBE.

- B. In developing such plan, the CSA shall give preference in retention to positions essential to the administration and operation of the HSS. In considering the CSA's plan, the HBE shall also give preference in retention to such positions.
- C. The CSA and the HBE shall also consider the following factors in making layoff/reduction-in-force decisions, whether during the academic year or at the time for contract renewal decisions:
 - 1. The best interest of the HSS and the educational mission of the HSS;
 - 2. Importance to the HSS of position held;
 - 3. Quality of service to the HSS;
 - 4. Recommendations of supervisors; and
 - 5. Length of service to and employment with the HSS.
- D. The HBE shall give all affected employees prior written notice of any anticipated layoff or reduction in force.

Section 5730 Reinstatement

- A. Any employee affected by a reduction in force shall be reinstated pursuant to the Personnel Policies and Procedures of HSS (i.e., Selection Procedures) and qualifications for the position.
- B. Such reinstatement may occur only within the contract year in which the layoff or reduction in force occurred.
- C. It shall be the affected employee's responsibility to remain informed of any vacant positions and make the appropriate application for reinstatement.

Section 5740 Disability

- A. Upon written verification of a medical doctor that an employee is unable to perform the essential functions, duties and responsibilities in the employee's job description, with or without reasonable accommodation, and all currently earned and accrued leave has been used, said employee may be terminated.
- B. Extended benefits may be available to the employee under the HSS undesignated leave policy and/or applicable Workmen's Compensation provisions.
- C. Salary and benefits shall terminate automatically on the day all leave benefits have been expended.

TITLE 6 - TRANSPORTATION

CHAPTER 6000 - TRANSPORTATION OPERATIONS

Section 6001 Purpose

- A. The health, safety and welfare of all students and staff shall be the primary concern in all transportation matters of the Hopi School System (“HSS”). Other purposes of HSS transportation services are to: ensure staff are properly trained, licensed and certified to perform transportation functions; efficient and quality service of HSS’s transportation needs; protection of HSS assets through proper maintenance and use; and protection of the HSS from liability.
- B. The HBE hereby establishes a “Transportation Department” within the HSS Central Administration Office which shall be led by a “Transportation Director” to oversee and implement transportation services for the HSS and HSS schools.

Section 6002 Definitions

- A. “Actual Authority.” The authority to conduct transportation which is granted either by the express written conditions of a grant of that authority or by the express terms of the position description applicable to the duties of the employee conducting the transportation.
- B. “Authority.” The Authority, either actual or implied, to conduct transportation.
- C. “Employee.” For purposes of the HSS Manual, an employee shall be defined as any person employed by the HSS under long-term or temporary contract of employment, as a consultant or independent contractor, or who is an officer or official of the HSS.
- D. “Implied Authority.” The authority to conduct transportation which is a reasonable and necessary element of the function of the position or duties of the employee or an exigent circumstance involving the safety of a student where failure to transport that student would, in some way, violate the duty of the HSS to that student.
- E. “Real and Immediate Emergency.” A condition or circumstance, involving a student as defined herein, in which the welfare of the student is immediately endangered by that condition or circumstance.
- F. “Student.” Any person who is enrolled as a student in a school of the HSS.
- G. “Transportation.” The act of operating a vehicle on or away from a school campus of the HSS under the actual or implied authority of the HSS while conducting the business of the HSS.

Section 6003 Goals of Student Transportation Services

The Hopi Board of Education (“HBE”) shall provide school transportation services for students consistent with the following goals:

- A. Providing transportation to and from school to students in need of the service;
- B. Making safety a priority in maintaining quality and safe operations of transportation equipment and vehicles;
- C. Teaching and expecting students to act in a safe and orderly manner while using school transportation;
- D. Planning and providing transportation services efficiently and economically;
- E. Using transportation services to support the types of learning opportunities available to HSS students;
- F. Working effectively with students, parents, guardians, private contractors and other governmental agencies in providing transportation services; and
- G. Providing courteous service to students and responding promptly and courteously to requests by parents, guardians and students.

Section 6004 Oversight of Student Transportation

The responsibility for the operation of student transportation shall be vested in the Chief School Administrator and the Transportation Director. The CSA, Transportation Director, and all Principals shall make reasonable efforts to inform affected individuals or entities about safety issues and monitor compliance with legal requirements and this policy.

Section 6005 HSS Fleet

The HBE shall have the authority to determine the type of vehicles to be used for HSS transportation as well as whether the HSS will purchase vehicles or lease vehicles from the U.S. General Services Administration (“GSA”) or private sector.

Section 6006 Use of Privately Owned Vehicles

- A. Vehicles owned or operated by the HSS shall be used for all official HSS business whenever possible.
- B. If a HSS vehicle is not available, HSS employees, HBE members, and local school board members may use their privately owned vehicle for transportation while on authorized, official HSS business and shall follow the procedures set forth in Section 4704 of the HSS Manual.

- C. If a HSS employee, HBE member, or local school board member uses their privately owned vehicles on official HSS business, he/she shall follow all licensing, insurance and other requirements and policies set forth in the HSS Manual and as may be adopted.
- D. If HSS employees, HBE members, and local school board members choose to use their privately owned vehicles when a HSS vehicle is available, they shall not receive mileage reimbursement.

Section 6010 Licensing and Certification

- A. No vehicle operated under the authority of the HSS, whether a privately owned vehicle used for official HSS business or a vehicle under the control of the HSS, shall be operated for purposes of transportation unless the operator possesses all licenses and certification necessary to the operation of the vehicle in the manner and for the purposes intended by the authority granted.
- B. Any person whose primary duties of employment directly and substantially involves HSS transportation and whose required license or certification is revoked, suspended or expires without renewal, shall immediately notify the HSS Transportation Director and their Principal of such fact. The Transportation Director shall immediately notify the CSA who shall initiate the appropriate action whether it be discipline, termination, and/or counseling. The CSA shall inform the Principal and Transportation Director of the result.
- C. The HBE may terminate the employment of any person whose primary duties of employment directly and substantially involve HSS transportation and whose required license or certification is revoked, suspended or expires without renewal, pursuant to the HSS Manual.
- D. In circumstances in which applicable Hopi, federal or Arizona law require the operator of a vehicle to possess a current, valid State Driver's License and/or Commercial Driver's License ("CDL"), no person may operate a vehicle without such license. See also HSS Manual, secs. 5050(B)(3), 5051 (License Requirements for Employment).

Section 6011 Vehicle and Operator Insurance

- A. All vehicles owned or leased by the HSS shall be fully insured by the HSS for all transportation purposes. See HSS Manual, sec. 4224 (Insurance).
- B. Any privately owned vehicle used for official HSS business shall be fully insured by the owner thereof prior to its use for HSS transportation. When driving a privately owned vehicle on official HSS business, valid proof of vehicle insurance shall be provided to receive mileage reimbursement payments.

Section 6020 Routine Vehicle Repairs and Maintenance

- A. Repair and maintenance costs for all HSS vehicles shall follow HSS Finance Policies and Procedures and other applicable finance procedures. See HSS Manual, Title 4.

- B. Repair and maintenance costs for all HSS leased vehicles shall follow lease regulations and warranty requirements.
- C. Repairs of HSS vehicles, which are not leased or do not have repair or warranty requirements, shall require price or rate quotes from an adequate number of qualified sources as determined appropriate.
- D. The Transportation Director shall develop procedures for repair and routine maintenance of all HSS owned and leased vehicles, which shall be approved by the HBE.

Section 6021 Vehicle Repairs While Engaged in Transportation

- A. An employee who is engaged in HSS transportation and who is operating a vehicle which belongs to or is being operated under the custody of the HSS shall first contact the HSS Transportation Director or designee to notify him/her of the need for repairs or assistance.
- B. In the event repairs or assistance are reasonably required while engaged in the transportation of a student(s), the operator is authorized to obligate the HSS for the reasonable cost of such repairs. The operator is required to provide student(s) with all services and facilities as may be necessary for their welfare while such repairs or assistance is being rendered. Repairs or expenses resulting from this section shall follow all applicable rules and regulations, for example GSA rules on repairs of leased vehicles.
- C. Privately owned vehicles being used by an employee while engaged in official HSS business shall be repaired at the expense of the employee operator.

Section 6030 Transportation Expenses

- A. Reasonable Expenses. The HSS shall pay the actual reasonable expenses of operation, maintenance and repair of all vehicles owned or leased by the HSS or any department thereof.
- B. Travel Authorization. Following the procedures set forth in Chapter 4700 of the HSS Manual, all "Overnight Travel" on official HSS business shall be approved in writing and in advance through use of the "Travel Authorization Form," as developed by the CSA. Any "Local Travel" involving conference or meeting fees shall also be approved in writing and in advance through use of the "Travel Authorization Form."
- C. Mileage Reimbursement.
 - 1. HSS travelers may only use privately owned vehicles if they are on official HSS business which has been authorized and when no HSS vehicle is available.
 - 2. Following the procedures set forth in Chapter 4700 of the HSS Manual, an HSS employee, HBE member or local school board member who is engaged in

authorized, official HSS business, and who is operating a privately owned vehicle, shall be paid or reimbursed for the expenses of providing that transportation at the standard rate per mile established by the GSA for the applicable year.

3. It is considered and intended that payment of the GSA rate per mile for transportation shall fully compensate the HSS employee, HBE member or local school board member for the cost of operating, normal wear and tear and insurance for that vehicle while engaged in transportation for official HSS business.

CHAPTER 6100 - SAFETY AND STUDENT TRANSPORTATION SERVICES

Section 6101 Summary of Roles

- A. The Transportation Director, in consultation with the CSA, is responsible for establishing a student transportation services program consistent with HBE goals established in Section 6003 and applicable Tribal, federal and state laws and regulations.
- B. HSS personnel, volunteers, and private carriers are expected to be familiar with all duties imposed by applicable Tribal, federal and state law and HBE policy and procedures.
- C. Specific duties related to providing student transportation services shall be included in appropriate job descriptions.

Section 6102 Student Code of Conduct

A safe and orderly environment is critical when transporting students. The Code of Student Conduct and HBE policies on student behavior apply when students are being transported. All students shall receive training on school bus safety as required by law regardless of whether they regularly ride a school bus to and from school. See also HSS Manual, secs. 2310 (Bus Safety), 2311 (Bus Evacuation Drills).

Section 6103 Safety Assistants and Bus Monitors

- A. Upon recommendation of the Transportation Director and the CSA, the HBE may employ transportation safety assistants to assist bus drivers with the safety, movement, management, and care of students.
- B. The CSA or designee may appoint a volunteer monitor to assist a bus driver with maintaining order and student safety for any bus assigned to a school.
- C. As necessary, the CSA or designee shall designate the responsibilities of school bus transportation safety assistants and bus monitors in administrative guidelines.

Section 6110 Training

It is the responsibility of the CSA or designee to ensure that:

- A. Students and bus drivers receive training as required by law, including training on the use of the crossing signal;
- B. Students taking trips on activity buses or commercial buses receive safety instruction as needed, including, but not limited to, instruction on and demonstration of emergency exit operation for the vehicle on which they are riding for any specific trip; and

- C. Records of student training shall be maintained as required by the HSS Policies and Procedures Manual, including evacuation drills as required by applicable federal, Tribal and state law.

Section 6111 Vehicle Operation and Use

- A. No vehicle shall be used for HSS transportation unless such vehicle shall be in a good and safe operating condition and shall have all safety equipment installed and operating as required by law.
- B. The Lead Driver or designee shall be responsible to ensure all vehicles are in good, clean, operating condition and satisfy the vehicle checklist; however, immediately prior to and at the conclusion of the operation of the vehicle to be used for HSS transportation, the operator of the vehicle shall inspect the vehicle to ensure that the following equipment is present and in good working order. The operator shall complete, date and sign the vehicle checklist prior to and at the conclusion of operation of the vehicle.
- C. Deficiencies shall be noted and provided to the Lead Driver or designee as follows (see Checkoff List Form):
 - 1. Headlights and dimmer switch, turn signals, backup lights, brake lights and taillights;
 - 2. Emergency brake;
 - 3. Windshield wipers;
 - 4. Seatbelts for all intended passengers;
 - 5. Tires, including spare;
 - 6. Equipment for changing a tire on the road; and
 - 7. Check oil level.
- D. Immediately upon commencing operation of the vehicle and during continuous operation, the operator of the vehicle shall give reasonable attention to the following:
 - 1. Safe and adequate operation of the braking system for the vehicle;
 - 2. Instrument indication of low oil pressure or excessive engine heat; and
 - 3. The continued proper operation of all safety equipment.
- E. No vehicle shall be operated for HSS transportation in any unlawful manner, and shall, at all times while engaged in HSS transportation, be operated in a safe, prudent and cautious manner.

- F. Any person who is charged, convicted or enters a plea of guilty or no contest to a charge of operating a vehicle in an unlawful manner, while said vehicle was engaged in official HSS business, shall report that fact to the Transportation Director within two (2) working days after said charge, and within two (2) working days after a plea or conviction. See also HSS Manual, sec. 5250 (Use of Equipment and Vehicles) and Chapter 5600, Table 5-1 (Disciplinary Penalties). The following procedures shall apply to any such notice:
1. Such notice shall be in writing and shall include a copy of the original citation or charging instrument and a statement of the person describing the circumstances which resulted in the charge, including any exculpatory information which the employee may wish to include;
 2. The Transportation Director may, based upon said information, recommend that the employee no longer be permitted to engage in HSS transportation and shall inform the CSA of the Transportation Director's recommendation within one (1) day of reaching such recommendation; and
 3. If, as a result of the determination of the CSA, the employee is no longer able to fulfill a primary and necessary duty of his/her employment, that employment may be terminated pursuant to the HSS Manual.

Section 6120 Transportation Involving Students

- A. The transportation of any student, which is the result of the planned operation of the HSS, shall be undertaken only upon the actual authority of the HSS granted to an employee. Any employee may, with implied authority, transport a student when the reason requiring such transportation constitutes a real and immediate emergency.
- B. No student enrolled in a HSS school will be transported, at any time or for any reason other than a reason constituting a real and immediate emergency, except in a vehicle designed, constructed and equipped to carry a passenger in safety and in full compliance with law.
- C. Students enrolled in a HSS school shall be transported only in a part of a vehicle which is designed, constructed and equipped to carry a passenger in safety and in full compliance with law, except in circumstances constituting a real and immediate emergency.
- D. The operator of a vehicle engaged in the transportation of a student(s) is directly responsible for the safety of the student(s).
- E. The operator of a vehicle engaged in the transportation of a student(s) is directly responsible for the discipline and control of the student(s) and is authorized to enforce such necessary and reasonable discipline and to report a violation of the discipline to the proper authority pursuant to the HSS Manual.

- F. Except when disembarking into the custody of an authorized adult or in an emergency, the operator of a vehicle engaged in the transportation of a minor student(s) shall permit such student to disembark from the vehicle only when:
1. Such student(s) disembark at a school building when school or the services of that building are in session;
 2. At their home when the operator has no reason to anticipate that such disembarkation will in any way compromise the safety of the student(s);
 3. At the student's established drop off point at the time published; or
 4. After School Activities/Field Trips. Transportation of students for after school activities, off-campus athletic events, and field trips shall follow the same operating procedures as regular daily operations as well as the additional requirements set forth in Chapter 6600 of the HSS Manual (Field Trips) and other applicable sections of Title 6.
- G. A student who is identified as having disabilities as identified in accordance with the policies of the HSS shall be provided with transportation services as required by law.

Section 6121 Accidents/Incidents Involving Personal Injury or Property Damage

- A. Any accident/incident occurring during the operation of a vehicle being used to accomplish HSS transportation, or any accident or incident otherwise occurring during work time or on HSS property shall be reported, as soon as possible, to the Transportation Director or designee and to an appropriate law enforcement agency where required by law.
- B. In any accident/incident occurring during the operation of a vehicle being used to accomplish HSS transportation or any accident or incident otherwise occurring during work time or on HSS property which involves personal injury, primary and immediate attention shall first be given to rendering or obtaining for those persons such aid, care or assistance as may be reasonable under the circumstances.
- C. In any accident/incident occurring during the operation of a vehicle being used to accomplish HSS transportation or any accident or incident otherwise occurring during work time or on HSS property which involves damage to the property of the HSS, or which exposes such property to consequential damage or loss, attention shall be given to the protection and/or repair of that property.
- D. In all accidents/incidents requiring the attention of a law enforcement authority, the scene of the accident shall be maintained as closely as practicable to its condition immediately after the accident. All employees present at the time of the accident shall cooperate fully with law enforcement authorities and the direction of authorities of the HSS. A HSS Accident Investigation Report Form shall also be completed by the operator of the HSS vehicle.

- E. In any accident/incident as described herein, employees operating a vehicle or passengers in a vehicle engaged in HSS transportation or otherwise involved in an accident or incident occurring during work time or on HSS property, may be required to submit to a drug and/or alcohol test within twenty-four (24) hours as directed by the CSA, in consultation with the Transportation Director, as set forth in applicable Tribal, federal, and state law and the HSS Manual.

Section 6122 Reporting Unsafe Conditions

Bus drivers shall immediately report any suspected mechanical defects or other unsafe conditions, including road or traffic conditions that affect the safety of the bus route or bus stops.

CHAPTER 6200 - BUS DRIVERS

Section 6201 Purpose

- A. Safety is of paramount concern in providing student transportation services. Consistent with the HBE's goals for student safety, all drivers involved in transporting students must comply with the HSS requirements of the HSS Manual.
- B. The school bus driver is the first representative of the HSS and its schools that most students meet each day. Bus drivers are critically important members of the HSS staff and are entrusted with the safe transportation of HSS students. They must have strong interpersonal and communication skills and demonstrate an attitude of respect and dignity on the school bus. An understanding of assertive discipline and behavior management techniques are important.
- C. The bus driver stands in loco parentis while students are under his/her care and control - that is, the bus driver acts as a reasonable and prudent parent would in ensuring the safety of all students on the bus. When disciplinary action is necessary, the bus driver will follow the procedures outlined herein.
- D. School bus drivers shall adhere to all applicable Hopi, Federal and Arizona laws and regulations and HSS policy governing the transportation of students, including all applicable speed limit laws.
- E. The HSS School Bus Driver is responsible to the Transportation Director.

Section 6210 Safety Rules of School Bus Drivers and Activity Bus Drivers

- A. In addition to any rules established by the CSA or designee for the safe operation of the student transportation services, HSS employees shall observe the following safety practices:
 - 1. General safety: All school bus drivers are expected to use good judgment in determining whether it is safe to operate a HSS vehicle and to permit students to enter or leave the bus at particular locations. The bus driver shall inform students regarding regulations which affect their safety, stressing those which involve getting on and off the bus safely. It is the responsibility of the bus driver to allow students to get off the bus only when traffic conditions permit; that is, when the traffic is obviously going to obey the school bus red lights. A bus driver must not allow students to disembark when it is doubtful that traffic approaching from either the front or the rear is not going to obey the red lights.
 - 2. Crossing signal: All school bus drivers must utilize the crossing signal to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus.
 - 3. Emergency/accident procedures: The bus driver shall be familiar with school bus emergency and accident procedures and train student leaders and helpers early in

the school term on the emergency procedures.

4. Maintaining order: Bus drivers shall be responsible for maintaining order on their buses as follows:
 - a. The bus driver shall endeavor to maintain order among the students being transported and shall have authority to order a disorderly student to leave the vehicle, as set forth in Section 6210(A)(4)(b)-(c). The bus driver shall report any misconduct by students and any such action by him or her to the appropriate school authorities on the Bus Behavior Referral Form. The bus driver shall turn the Bus Behavior Referral Form into his/her Lead Driver or designee as soon as is reasonably possible. The Lead Driver or designee shall provide the Bus Behavior Referral Form to the Principal the same day or, if after normal business hours, the day after the Lead Driver or designee receives the form from the Driver;
 - b. In the event of serious inappropriate behavior, the bus driver shall ask a student to leave the bus only at the school or their own bus stop. If the bus driver chooses to return to the school with a student, he/she should inform the school Principal or his/her designate that the student has been returned to the school so that the parent/guardian can be contacted;
 - c. If the behavior is endangering the safety of the student(s) the driver shall stop the bus and immediately contact the school Principal or designee for further direction. The driver shall use all forms of communication, radio, telephone and any other reasonable means; and
 - d. The Principal shall immediately inform the Transportation Director of any student behavior that falls under (A)(4)(b) and (A)(4)(c) of this section, and provide the Bus Behavior Referral Form and any other related documentation to the Transportation Director.
5. Evacuation drills: The bus driver shall practice bus evacuation drills at the beginning of the school term and at least twice more during the school year. The bus driver shall also train student leaders and helpers to conduct a bus evacuation independently.
6. Backing up: The bus driver shall not back a school bus on school grounds unless under the supervision of a designated person. The driver shall sound the horn at all times before backing a school bus.
7. Seating: All passengers shall be seated while the vehicle is in motion. No person shall be permitted to stand or sit in the aisle or stepwell when the vehicle is in motion. The bus driver shall prepare a seating plan if there is damage occurring to school bus seats, or if a seating plan would be an asset in managing student behavior. The bus driver should inform students at the beginning of the school term that cost of intentional damage to school buses will be invoiced to the parent/guardian.

8. Permission slips required: In rare circumstances, parents/guardians shall provide written permission (signed and dated) to the bus driver before the bus driver can allow a student to disembark at a stop other than their own home, or to transfer to another bus.
9. Unscheduled student passengers: The number of students transported on any school bus, activity bus, commercial bus or contracted vehicle shall not exceed the official rated capacity for the specific vehicle being used. The bus driver is under no obligation to permit unscheduled student passengers to travel on a school bus unless prior arrangements have been made by the parents/guardians and the carrying of additional passengers will not result in the bus being overloaded.
10. Bus stops: The bus driver shall report requests for new stops to the Transportation Director immediately. The bus driver should not alter a bus stop in any way or assign a new one without consulting with his/her supervisor.
11. Communications systems: The bus driver shall ensure that communication systems (i.e. radios and/or cell phones) assigned to buses remain in the bus and are in working order.
12. Reports: The bus driver shall complete all required reports and forms, and submit them on time to his/her supervisor or designate.
13. On duty time: On duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On duty time shall include but not be limited to the following:
 - a. All driving time;
 - b. All time inspecting, servicing or conditioning the bus;
 - c. All time the bus driver is “on call” or “stand by” on or near the school premises and the employee cannot use his/her time freely;
 - d. All time spent in training required by the HSS (does not include training required to maintain necessary license(s));
 - e. Lunchtime if less than 30 minutes; and
 - f. Rest periods of 20 minutes or less.
14. Field trips: Drivers may only work a maximum of sixteen (16) hours of on duty time while on field trips and must have been off duty for eight (8) consecutive hours prior to working sixteen (16) hours. Ten (10) of these hours can be behind the wheel in control of the school bus.

15. School Bus Log Book: All bus drivers are required to keep a log book which must always be kept up to date as follows:

- a. The log book shall accurately reflect the driver's record of duty status, i.e., "on duty," "off duty" or "on duty – not driving." For each change of status, the date, time and location shall be noted;
- b. The driver shall log the total daily miles driven per day separately for morning and afternoon runs. Entries may be made by the driver only. All entries must be legibly written. The driver shall certify to the correctness of all entries by signing the form containing the driver's duty status record with his/her legal name or name of record and submit the mileage data to the Transportation Director every Monday following the previous week's entries;
- c. The Transportation Director shall accurately and timely submit the mileages to the BIE to ensure that each schools' transportation information is segregated for proper management and funding allocations.
- d. The log book shall always be available for inspection by the supervisor while the driver is on duty.

16. Drug and Alcohol Use and Testing: All bus drivers are drug tested prior to employment and are subject to random drug and alcohol testing. They may be subject to post-accident testing or testing upon reasonable suspicion. The procedure for drug and alcohol testing for holders of commercial driver's licenses shall be followed in all cases. Violation of the "Prohibited Conduct" provision(s) is grounds for disciplinary actions up to and including termination. See Procedures for Drug and Alcohol Testing, secs. (6) and (7) (Prohibited Conduct) (Appendix B).

B. School bus drivers and activity bus drivers are required to fulfill the following licensing, reporting, and related procedures:

1. Possess required licenses and all other qualifications required by law as set forth in Section 6010 of the HSS Manual;
2. Undergo and follow all training required by law governing school bus and activity bus passenger safety as set forth in Section 6110;
3. Not operate a school or activity bus on a public street, highway, or public vehicular area while using a mobile telephone or related technology while the bus is in motion, unless such use is for the sole purpose of communicating in an emergency situation;
4. Promptly report to the Principal or other designated official any defect or other concern regarding the safety of the school bus, activity bus, or other vehicle operated by the HSS as set forth in Section 6121; and

5. Report to the Principal or other designated official by the next work day any moving violation citations received while operating any motor vehicle, whether on or off duty.
- C. This policy and accompanying procedures, directions and prohibited conduct set forth herein are in addition to and not in place of other policies.

Section 6211 Other Drivers

- A. Other drivers, including volunteer drivers, shall:
1. Possess required licenses and all other qualifications required by law;
 2. Report to the Principal by the next working day any moving violation citations received while operating any motor vehicle, whether on or off duty; and
 3. Carry insurance if operating a privately owned vehicle.
- B. If the HBE requires a school social worker to increase his/her personal automobile liability coverage and/or to add a business use rider in order to transport students in his/her privately owned vehicle, the social worker will be reimbursed for the additional premium charged and/or for the increased liability limits of the added rider.
- C. The CSA or designee shall make copies of this policy and other related policies available to all drivers.

CHAPTER 6300 - BUS ROUTES

Section 6301 Bus Routes

- A. The Transportation Director or designee shall develop school bus routes in accordance with applicable Tribal and Arizona state law and regulations. All bus routes shall be kept on file in the CSA's and Transportation Director's office, and all changes shall be filed within ten (10) days after such change becomes effective.
- B. Students shall be assigned to a bus that passes within one mile of the student's residence.
- C. Parents will be informed of students' scheduled school bus arrival times. It is the parent's responsibility to ensure that a student is present at a bus stop prior to the scheduled arrival time.
- D. Each HSS attendance area bus route shall not extend beyond the attendance area boundaries, except for students:
 - 1. Whose designated drop off and pick up site is located off the Hopi Reservation; and
 - 2. Who have waivers and who meet at least one of the exceptions set forth in Section 6528(B) of the HSS Manual.

Section 6310 Drop Off and Pick Up Sites

- A. It is the parent's responsibility to promptly pick-up their students at bus drop-off sites. Buses shall not remain at drop-off sites after students have disembarked from the bus. Bus drivers are required by HSS policy to drop off students at designated sites only and to leave the drop-off site immediately after the students disembark the bus. These rules apply for regular bus runs and activity runs.
- B. A student shall adhere to their established bus, bus run, and drop off point. There shall be no change or deviation from the established bus, bus run or drop off point. This rule is necessary for the safety of our children, our students and the orderly efficient transportation of our students.
- C. Activity bus runs (bus service associated with a school extra-curricular activity) shall be conducted pursuant to the above noted policy. A block time (range of time) shall be established for each activity bus service and publicized. It shall be the parent's responsibility to become informed of this block time (either by calling the School, or otherwise obtaining the times) and to be at the site during that range of time. If the bus should be late, it is the parent's responsibility to wait for its arrival. Inclement weather and other conditions may make it impossible to arrive at the site at the scheduled time. If parents fail to pick-up their students at the site at the appropriate time, two (2) times within the school year, the student shall be dropped from the activity.

- D. It remains the parent's responsibility to ensure that their student/child is picked-up at the time that the student disembarks from the bus. It is impossible for the HSS to adjust for each individual student; therefore, school bus drivers are under orders to drop-off students at the designated points at the designated times and proceed with their duties. To reiterate, it is then the parent's responsibility to pick-up their child/student at that point, at that time.

Section 6320 Transportation to Locations other than Home

- A. Upon request, the CSA or designee may, but is not required to, assign a student to a bus to transport the student to and/or from a location other than home if the following conditions are met:
1. The student's parent or guardian submits a written, signed request that states the specific location other than home to which the student is to be transported and acknowledges that the parent or guardian, and not the HSS, is responsible for the student's safety once the child has departed the bus.
 2. The request for such transportation does not require a bus to deviate in any significant way from an established route.
 3. There is capacity on the bus if the request would necessitate the student's riding a different bus from the regularly assigned bus.
 4. The student's residence and requested bus stop are within the attendance area eligible for transportation service.
 5. The request for such transportation does not cause the HSS to incur any additional cost.
 6. The proposed bus stop meets safety standards established by applicable Tribal and Arizona state law and the HBE.
- B. Any changes in bus stops shall be approved by the Transportation Director and CSA.

Section 6321 Bus Routes in Hazardous Conditions

- A. School buses shall not be allowed to operate if there is a serious threat to the safety of students or drivers.
- B. The Transportation Director may develop a more limited bus route for hazardous weather conditions in order to operate only on roads that are safe.
- C. To the extent possible, parents shall be notified in advance of the bus route that will be used in hazardous conditions. The hazardous conditions bus route shall be on file in the Transportation Director's and CSA's office.

CHAPTER 6400 - ADDITIONAL HSS VEHICLE TRANSPORTATION OPERATIONS

Section 6401 Purpose

HBE members and HSS employees often engage in activities on behalf of the HSS which require transportation to other locations. To accomplish this transport safely, the HSS is committed to protecting both the people and vehicles involved in these trips. Because of the hazards such transportation activities represent, the following policy has been developed to preserve both persons and property from harm and to provide fair and safe usage of the HSS's vehicles.

Section 6410 Use of Vehicles by HBE Members and HSS Employees

- A. HSS vehicles may be used by individual HBE members and HSS employees while engaged in the scope and course of HSS business. HBE members and HSS employees may not use cellular telephones or mobile electronic devices while operating a motor vehicle under this policy.
- B. The HSS maintains a "no deviation" policy. HBE members and employees who use HSS vehicles for purposes outside this policy are considered to engage in unauthorized use of the vehicle and may have the privilege of using a HSS vehicle withdrawn or suspended as a result of such unauthorized use.

Section 6411 Official Use Only

HSS owned or operated vehicles are for "official use only." Only passengers who have a direct or formal relationship with the HSS may ride in a HSS owned or operated vehicle. For example, a HSS student, employee, or authorized volunteer or parent may ride in a HSS owned or operated vehicle, but a HSS employee's spouse, relative or friend may not ride in a HSS owned or operated vehicle. See also HSS Manual, sec. 5251(G), (H), (I).

Section 6420 Insurance

- A. The HSS shall maintain automobile insurance that covers employees, HBE members and local school board members driving or riding in a HSS vehicle while on official HSS business.
- B. In the event of an accident where an HSS employee, HBE member or local school board member is at fault, he/she shall be required to pay for his/her citation(s) for any moving violation.

Section 6430 Driving Record

- A. HBE members and HSS employees required to drive on official HSS business shall possess a valid Arizona Driver's License and must comply with any restrictions.

- B. HBE members and HSS employees shall have a good driving record. HBE members and HSS employees whose driving record contains felony or criminal traffic violations within the last five (5) years or more than two (2) moving infractions within the last three (3) years or who were determined to have operated a vehicle while impaired by drugs or alcohol, or who were determined to have operated a HSS vehicle in a reckless, negligent or careless manner, may be disqualified from operating a HSS vehicle.
- C. Each driver wishing to use a HSS vehicle must complete a “HSS Authorized Driver” Form.

Section 6431 Use of Tobacco, Alcohol and/or Drugs in Vehicle

HBE members and HSS employees shall not smoke in HSS vehicles or drive a HSS vehicle while under the influence of any alcohol or drugs, including any prescribed medication that may cause impairment.

Section 6432 Seat Belts

All drivers and passengers of HSS owned or operated vehicles and all drivers and passengers of privately owned vehicles while on official HSS business shall wear a seat belt, if the vehicle they are riding in provides them.

Section 6433 Use of Cell Phones

Drivers of HSS vehicles shall not use cellular phones while the vehicle is moving, unless such use is an emergency or the cell phone is equipped with “hands free” capability. Drivers should recognize the increased risk with the use of cellular phones while operating a vehicle. Drivers are responsible for the safe operation of the vehicle which they are driving even when using a cellular phone.

Section 6434 Fuel

- A. Prior to traveling outside the community, drivers of HSS owned or operated vehicles shall obtain a gas credit card from the HSS administration and shall purchase fuel using this card. See also HSS Manual, sec. 5252 (Credit Cards).
- B. All HSS owned and leased vehicles shall be provided a gas credit card, and drivers of such vehicles shall use only these gas credit cards to purchase fuel.
- C. The Transportation Director shall draft procedures for use of gas credit cards, which shall be approved by the HBE.
- D. Gas credit cards shall only be used for HSS owned or leased vehicles.

CHAPTER 6500 - ATTENDANCE AREA DESIGNATION POLICY

Section 6501 Purpose and General Provisions

- A. In the Hopi Education Code (“Code”), the Hopi Tribal Council set forth an “Attendance Area Designation Policy” for the Hopi School System to:

“support the local community nature of all local schools and to support the unique values and culture of Hopi villages. The Tribe wants to ensure that students are provided the stability and social networks critical to their academic and social development. The Tribe aims to reduce the disruption and safety hazards posed by large number of buses entering and leaving Hopi villages to pick up and drop off students for school due to the open enrollment policy.” Legal Ref.: Code, sec. 11.1.

- B. The Hopi Tribal Council delegated the drafting of additional policies and procedures to implement the Attendance Area Designation Policy to the HBE. Legal Ref.: Code, 11.4.C. As required, the HBE hereby adopts the Attendance Area Designation Policy and Procedures in Chapter 6500 of the HSS Manual.
- C. All other policies set forth in Chapter 11 of the Hopi Education Code shall apply to the Hopi School System Attendance Area policies and procedures and are incorporated into the HSS Manual.

Section 6502 Repeal of Open Enrollment Policy

As required by the Code, the Open Enrollment Policy set forth in Tribal Council Resolution H-100-2002 shall be ~~“repealed following the effective date of the BIE’s approval of the Hopi’s Tribally Controlled Schools Act grant application.” as of July 1, 2023, or once the transition to the unified Hopi School System occurs.~~ Legal Ref.: Code, sec. 11.6.

Section 6503 Boundaries

- A. The Code adopted the original attendance area boundaries which were established by Hopi villages many years ago pursuant to Ordinance No. 36, Section 9. Legal Ref.: Code, sec. 11.2; see also HSS Manual, Appendix C (Attendance Area Boundaries Map).
- B. The attendance area boundaries shall remain in full force and effect and are adopted and incorporated into the HSS Manual. Legal Ref.: Code, sec. 11.2.
- C. The boundaries may be modified under the procedure set forth in the Code, Section 11.7 and HSS Manual, Section 6530.

Section 6510 Attendance Area Requirement

- A. The Attendance Area Designation Policy requires that students attend the local school of the attendance area within which their residence is located, unless they receive a waiver to attend another school. Legal Ref.: Code, sec. 11.3.A.
- B. A student's residence is defined as the domicile within which they sleep most of the time. Legal Ref.: Code, sec. 11.3.B.

Section 6520 Waiver of Attendance Area Requirement

- A. If a parent or guardian wishes their child to attend a school outside their attendance area, he/she shall apply to his/her student's attendance area school for a waiver of the attendance area requirement by submitting an Attendance Area Waiver Request Form and any required documentation. Legal Ref.: Code, sec. 11.4.A.
- B. The HBE shall establish a deadline for parents and guardians to submit a waiver application for the upcoming school year.
- C. Schools shall make the Attendance Area Waiver Request Form available to parents and guardians and shall include it with the school's enrollment packet. See Appendix B.
- D. The Principal of their attendance area school shall issue a decision whether to approve or deny a waiver. Legal Ref.: Code, sec. 11.4.A.
- E. Granting waivers may be limited to ensure enrollment in school programs does not exceed capacity or require additional staff.

Section 6521 Waiver for Students attending a Non-Attendance Area School During School Year Following the HSS Grant Approval 2023/2024 School Year

- A. Because the attendance area policy required under the Code has not been phased in over the last several years, the HSS shall offer a one year phase-in period to assist parents and schools.
- B. For any student who attended a non-attendance area school in the ~~2022/2023 year prior to the HSS grant approval school year~~ and his/her parent or guardian wishes his/her child to attend that same non-attendance area school in the ~~2023/2024 following~~ school year, the parent or guardian ~~shall~~must apply for a waiver. Waivers submitted pursuant to this section shall be ~~automatically granted approved~~ only for the ~~2023/2024~~ school year following the HSS grant approval.
- C. Transportation shall be provided to students who receive a waiver pursuant to this section between their home/regular bus stop and the non-attendance area school only for ~~the school year following the HSS grant approval~~the 2023/2024 school year.
- D. The HSS shall also provide transportation to all students who receive a waiver for legal or medical reasons set forth in Section 6529(B) and (C) of the HSS Manual.

- E. Any waiver and transportation granted pursuant to this section shall only be available for the ~~school year following the HSS grant approval~~2023/2024 school year. They shall not be available for the ~~2024/2025~~second school year following grant approval when students shall be required to attend the school of their residence unless they receive a waiver pursuant to Section 6522.

Section 6522 Reasons to Approve a Waiver

- A. The Principal of their attendance area school shall approve a waiver if a parent or guardian demonstrates at least one of the following conditions:
1. Employment by another school or government office. Students whose parent or guardian is employed full-time by another school or local government department/office may be admitted to an out-of-attendance area school to accommodate the parent or guardian's work schedule (Legal Ref.: Code, sec. 11.4.C(1));
 2. Siblings. Siblings of student(s) who are currently enrolled in a non-attendance area school may be granted a waiver (Legal Ref.: Code, sec. 11.4.C(2));
 3. Elementary school student child care issues. The parent or guardian shall demonstrate hardship in providing appropriate supervision for the child in the designated school area where the parent or guardian resides. Factors the HSS shall consider include, but are not limited to: the age of the child; lack of child care providers in the designated attendance area school; personal circumstances within the parent/guardian's household (i.e. the parent/guardian work schedule, ability to pay for child care, among others); length of time child has been with child care provider; type of care situation (private home versus day care center); any family relation to child care provider; advantages of the care to be provided in the requested area; and whether the provider will provide safe and punctual transportation to/from the requested school (Legal Ref.: Code, sec. 11.4.C(3));
 4. Court Order. Students who are placed into a home outside their attendance area by court order may be granted a waiver (Legal Ref.: Code, sec. 11.4.C(4));
 5. Joint Custody. A student whose parents have joint physical custody may be permitted to attend the attendance area school of either parent;
 6. Change in residence. A student changing residence during the school year may complete only the current school year at the school in which he/she was first in attendance;
 7. Physical, emotional or social adjustment difficulties. Students with certain physical, emotional or social adjustment difficulties as documented by a licensed professional currently treating the student may be granted a waiver. HSS licensed professionals may be consulted for additional review and recommendation;

8. Victim of a crime. When a student has been the victim of any convicted crime or convicted offense under the Hopi Code, and the convicted crime was committed by a student in the school, a HBE member, HSS employee, volunteer, contract worker or another person regularly performing services in a HSS facility, or the convicted crime was committed on HSS property or a bus owned or operated by the HSS, such student shall be granted a waiver to attend a non-attendance area school upon the request of the parent or guardian;
9. Individualized Education Plan. A student who has an Individualized Education Plan (“IEP”) or disabilities whose education/services requires attendance at the requested school shall be granted a waiver; or
10. Other extenuating circumstances. Waivers may be granted for other extenuating circumstances, exceptional hardship, specific medical reasons, or other special educational reasons.

Section 6523 Waivers approved for one year only

Waivers shall be approved for the current school year only. A parent or guardian shall reapply to the Principal each year for approval of a waiver. The Chief School Administrator or designee shall review all waiver decisions of the Principal and endorse each decision with his/her signature.

Section 6524 Appeal of a denied Waiver

If the Principal denies a waiver, a parent or guardian may file a written appeal to HBE. The HBE shall decide any appeals within sixty (60) calendar days of receipt of an appeal. The HBE’s decision shall be final and is not appealable. Legal Ref.: Code, sec. 11.4.B.

Section 6525 No False Statements

- A. Parents and guardians requesting a waiver of the Attendance Area Requirement shall not make false statements and documentation may be required.
- B. Approved waivers may be revoked if it is determined that the approval was based on a false statement. The person making such false statement may be liable for costs incurred by the HSS in educating the student. Failure to inform the HSS of a change in residency that effects an approved waiver shall constitute a false statement.

Section 6526 Children living off Reservation may attend Hopi Schools

Any child(ren) living near or adjacent to the Hopi Reservation shall be eligible to attend local schools of the Hopi School System, and shall attend the local school nearest to their residence. Legal Ref.: Code, sec. 11.3.C. The HSS shall provide transportation for students living off the Hopi Reservation who wish to attend the Hopi Junior Senior High School, Moencopi Day School, Second Mesa Day School, and Keams Canyon Elementary School.

Section 6527 Moencopi Day School Students

Because of the long distance between the Moencopi Day School and the Hopi Junior Senior High School, students of the Upper Moenkopi Village and the Lower Moencopi Village may attend the junior high and high school of their choice. If the Moencopi Day School adds a junior and/or high school to its school, students of the Upper Moenkopi Village and the Lower Moencopi Village shall attend Moencopi Day School for junior and/or senior high school, unless they receive a waiver. Legal Ref.: Code, sec. 11.3.D.

Section 6528 Junior High School Students

- A. Once a student enters the 7th grade, he/she shall attend the elementary school within their attendance area designation if that elementary school offers 7th and 8th grades. Legal Ref.: Code, sec. 11.3.E.
- B. If the school within their attendance area designation does not offer 7th and 8th grades, the student may either attend the Hopi Junior Senior High School, another Junior High School, or the nearest elementary school to their residence which accepts 7th and 8th grade students. Legal Ref.: Code, sec. 11.3.F.

Section 6529 Transportation of students with approved waivers

- A. General Rule. If a waiver is approved, the parent or guardian is required to provide safe and punctual transportation to and from the out-of-attendance area school, unless a student satisfies at least one of the exceptions in Section 6529(B).
- B. Exceptions. The HSS shall provide transportation for students with approved waivers under the following circumstances:
 - 1. Students who are placed into a home outside their attendance area by court order under Section 6522(A)(4);
 - 2. Students who have been a victim of a crime under Section 6522(A)(8);
 - 3. Students who have Individualized Education Plans (“IEPs”) or disabilities that qualify them for transportation as provided by law under Sections 6522(A)(9) and 6120(G); or
 - 4. Students who receive waivers pursuant to Section 6521 only for the school year following the HSS grant approval 2023/2024 school year.
- C. On a case-by-case basis, the HSS may provide transportation for students with approved waivers whose parent or guardian provides medical care to another member of their household which requires the parent or guardian to remain at home and is not able to provide the student’s transportation.
- D. Failure to provide transportation shall constitute a reason to revoke a waiver of the attendance area requirement.

Section 6530 Modification of Attendance Area Designations

As set forth in Section 11.7 of the Code, the HBE may revise the attendance area designations boundaries using the following procedure:

- A. If the HBE determines that a modification of an attendance area designation is needed, the HBE shall consult with any affected local school board(s), local school(s), and Stakeholders to gather their input regarding any possible modification of the designation(s). The HBE shall prepare a description of the new attendance area(s) with sufficient clarity to make the modified attendance area(s) readily identifiable.
- B. The HBE's review shall include, but not be limited to the following factors:
 - 1. School operational cost;
 - 2. Travel time and distance;
 - 3. Climatic conditions;
 - 4. Local terrain and Reservation boundaries;
 - 5. Number of students potentially impacted;
 - 6. Overlap, if any, with attendance area designation of neighboring schools; and
 - 7. Maintaining cultural and linguistic consistency within a specific school.
- C. The HBE shall issue a decision regarding any attendance area modification. In issuing its decision, the HBE shall verify that the modified attendance area designation(s) are supportive of the Hopi School System's education interests and do not cause significant conflict with other local school attendance area designations.
- D. Within thirty (30) days of HBE's issuance of a modification decision, a Principal of a school whose attendance area is the subject of the modification decision may appeal the HBE's determination to the Tribal Council. The Principal shall have the burden to prove that the HBE's modification decision is not reasonably supported by the evidence, is contrary to law, and amounts to an abuse of discretion.
- E. Within sixty (60) days of receiving an appeal, the Tribal Council shall issue a decision on the merits. Any decision of the Tribal Council shall be a final decision and is not appealable. Failure to file an appeal within the prescribed period of time shall render the HBE's decision final.

CHAPTER 6600 - FIELD TRIPS

Section 6601 Purpose

Student field trips are encouraged and recognized as an effective learning device. Because field trips present additional concerns for the student and the HSS, every effort should be taken for the protection of the health, safety and welfare of the student and the security and good reputation and integrity of the HSS.

Section 6610 Documents Necessary for Field Trip Approval

- A. The prospective Field Trip Sponsor(s) shall submit to the Principal for appropriate consideration the following completed forms:
 1. Field Trip Request Packet that will include but not be limited to: education purpose of trip, funding information, destination, date of trip, and persons requesting the trip;
 2. Vehicle(s) Request Form that will include but will not be limited to: destination, date of trip, person(s) requesting trip and number of persons that will be on the trip.
 3. A complete prospective itinerary shall be given to the Transportation Director, Food Services Director and the Principal at least ten (10) days prior to the trip. No significant changes to the itinerary shall be permitted during the actual trip or within five (5) days prior to the commencement date of the prospective field trip.
 4. No itinerary changes may occur during the actual trip, unless a documented emergency arises as described in Section 6630(A).
 5. A completed field trip packet that includes a student roster and chaperone names.
- B. All of the above required forms shall be submitted to the Principal no later than forty-five (45) days prior to the commencement date of the prospective field trip, for those field trips requiring the approval of the HBE, in order to allow adequate time for reasonable consideration of the request.
- C. All field trips that are off the Hopi Reservation, out of state, or overnight require HBE approval.
- D. In the event it becomes necessary to alter the itinerary submitted to the HBE, after approval, and such alterations concern only the dates or other logistical details of the field trip, such alterations may be made with the approval of the Principal and need not be again submitted to the HBE for further consideration.
- E. All field trips will require a completed list of professional, paraprofessional staff, chaperones, students, transportation request, food request, parental permission and itinerary.

- F. For non-overnight field trips-on Hopi, all the required forms shall be submitted to the Principal not later than fifteen days (15) prior to the commencement date of the prospective field trip in order to allow adequate time for reasonable consideration of the request. These trips do not require HBE approval, unless the Principal determines otherwise.

Section 6611 Documents Necessary Prior to Commencement of the Field Trip

- A. In the event a request for a field trip has been approved, then, immediately prior to the actual commencement of the trip, the following completed forms shall be submitted by the Field Trip Sponsor(s) to the Principal.
- B. A completed parental permission form for each and every student participating in the field trip which authorizes such participation. Field trips shall be covered by a specific permission form which advises the parent or guardian of the itinerary and intended functions of the field trip.
- C. A completed Student Participation Form showing all students which were authorized to participate in the field trip, confirming the parental permission, and confirming each of those authorized students who actually boarded the transportation vehicle(s) to participate in the field trip.
- D. Complete medication data on all students requiring medication and the designated person who will be authorized to administer the medication.
- E. Driver/mileage log for extracurricular activities.

Section 6612 Additional Field Trip Requirements

No field trip shall be approved unless, in addition to all other requirements contained herein, it provides for the following:

- A. Adequate and reasonable provisions for both a backup vehicle and a backup driver be made for the field trip.
- B. That the Field Trip Sponsor(s) participate fully with the students during the field trip; that no Field Trip Sponsor(s) travel except in a vehicle which is being used to transport students.
- C. That the itinerary provide, to the extent reasonable under the circumstances of the field trip, a balanced diet for all students taking into account any documented student food allergies.
- D. Parents or guardians of a participating student who wish to make alternate travel or visitation arrangements for the student as a part of his/her experience shall provide a document with the alternate arrangements to the Principal and/or shall sign a release/check out prior to their student being released from the field trip.

- E. That proper attire for the trip be worn. The Field Trip Sponsor(s) shall notify all parents, well in advance of the trip, in the event any special or different attire will be required by the students.

Section 6620 Duties of Field Trip Sponsor

- A. The Field Trip Sponsor(s) have responsibility for and authority to determine and regulate all student conduct and discipline; to determine and regulate the duties of all professional and paraprofessional staff and chaperones; to procure all necessary and reasonable services, supplies, equipment and transportation; and to do all things necessary and proper for the safety and welfare of the students while conducting the field trip.
- B. The Field Trip Sponsor(s) shall provide standards of conduct which govern the conduct and activities of the students participating in the field trip not otherwise provided in the HSS Student Handbook and which are necessary and proper for the orderly, safe and enjoyable participation in the field trip.
- C. The Field Trip Sponsor(s) may enforce discipline with regard to a violation of those standards of conduct as to any student on the field trip.
- D. The Field Trip Sponsor(s) may provide specific duty schedules for the professional and paraprofessional staff and chaperones participating in the field trip. In the absence of any specific duty schedules for the professional and paraprofessional staff and chaperones, every chaperone shall be presumed to be on duty and subject to the call of the Field Trip Sponsor(s) at all times during the field trip. The Field Trip Sponsor(s) must be able to locate each student at any point in time.
- E. The Field Trip Sponsor(s) shall provide and arrange for emergency medical services to be available at all times for all participating students and professional and paraprofessional staff and chaperones during the field trip.
- F. The Field Trip Sponsor(s) shall have a cell phone so he/she can contact the school and/or parents when the need arises. Cell phones shall be used for authorized purposes only and shall not be used to make private or personal calls. The Field Trip Sponsor(s) is responsible for the use of the cell phone during field trips.

Section 6621 Duties of Professional and Paraprofessional Staff and Chaperones and Other Staff Persons Providing Services During a Field Trip

- A. All professional and paraprofessional staff and chaperones and other staff persons providing services during a field trip shall abide by and be subject to discipline for the violation of the disciplinary provisions of the HSS Manual.
- B. All professional and paraprofessional staff and chaperones and other staff persons providing services during a field trip shall conform their conduct to any standards of conduct provided by the Field Trip Sponsor(s) governing the conduct of students so that each shall provide a role model of those standards for the students.

- C. All professional and paraprofessional staff and chaperones and other staff persons providing services during a field trip shall be subject to the call of the Field Trip Sponsor(s) and shall, at all times, respond to the needs of the students participating in the field trip. Criteria to be considered in determining the number of chaperones needed are, for example, the age of the students, distance to be traveled, nature of the field trip activities, and safety requirements. At least one adult chaperone must be available to handle emergencies or other matters that develop and must not be assigned a group of students without another adult who could take charge of the group if necessary.
- D. The Field Trip Sponsor(s) and the bus driver shall have a complete student list of all students participating in the field trip. Students will be checked against this list at each boarding of and disembarking from the bus or other vehicle in which the students are transported.

Section 6622 School Bus Chaperone

- A. Purpose. While the school bus driver is responsible for the safe transportation of all students on the bus, the chaperone accompanying the group is responsible for the behavior of the group while on the bus, and for assisting the bus driver in maintaining appropriate behavior. The chaperone, whether or not a teacher, is responsible to the school Principal.
- B. Summary of Role.
 - 1. The chaperone shall sit to the rear of the bus in order to maintain control and provide maximum assistance to the driver. Where there are two or more chaperones, one should sit at the center of the bus and/or strategically to ensure students are adequately supervised (i.e., chaperones should not sit together).
 - 2. The chaperone shall compare the list of student names attached to the trip request/approval form with the actual student attendance before the trip departs. The chaperone will maintain control over the adjusted attendance list and, in the event of an emergency where bus evacuation is necessary, check to ensure that each student is accounted for.

Section 6630 Conduct of Field Trip

All field trips shall be conducted in conformity with the following standards:

- A. Field trips shall be conducted without significant departure from the approved itinerary. In the event of an emergency, a significant departure from the approved itinerary is required, immediate notice shall be provided to the Principal by the Field Trip Sponsor(s) or his/her designee. For this purpose, a significant departure from the itinerary shall be defined as any departure which prevents the HSS from contacting a member of the field trip at any time or place designated by the itinerary.

- B. Field Trips shall provide for the safe and adequate and reasonable transportation, lodging, meals and activities consistent with the goals and approved itinerary for the field trip.
- C. No students shall be or remain without adequate adult supervision while on the field trip.
- D. Field trips shall be conducted in a manner that promotes a positive image of the HSS and its students.

Section 6631 Return of Students From a Field Trip

- A. A field trip which returns to the HSS during a normal school day shall return the students to their scheduled classes.
- B. Field trip personnel, returning from a field trip which arrives at the school after the normal school day or on a weekend, shall transport students to their homes or be released to the custody of a parent, guardian or such other person as is specifically named in the permission slip.
- C. No student, upon returning from a field trip, shall disembark from a bus without adequate supervision by a person identified above.

Section 6632 Return Documentation of Field Trip

- A. A completed Student Participation Form which confirms the return and release of every student which participated in the field trip shall be delivered by the Field Trip Sponsor(s) to the Principal within one (1) working day after the return of the field trip.
- B. A report shall be completed by the Field Trip Sponsor(s) within five (5) working days which summarizes the field trip and includes a report of any instances of student or staff disciplinary problems, medical problems, transportation problems and recommendations for future field trips.

Section 6640 Day Field Trips

- A. Day Field Trips are those that do not include an overnight stay.
- B. No additional compensation shall be paid to any staff person for services rendered relative to a day field trip. Day Field Trips are part of the professional staff's duties and responsibilities and they shall receive no additional compensation for participating in such trips.
- C. Other staff members who are involved in Day Field Trips shall be paid pursuant to these policies. Expenses as defined in Section 6641 of the HSS Manual shall be paid to staff and parent chaperones who accompany students and provide services relative to the field trip.

- D. As stated in Section 6641(C) of the HSS Manual, all parent chaperones shall have completed a background check and bus evacuation training prior to participating in the field trip.

Section 6641 Extended Field Trips

A. General.

1. For the purposes of this policy, “Extended Field Trips” are defined as any field trip that would require a student to miss more than two (2) consecutive school days and are limited to field trips for Sixth through Twelfth grade HSS students.
2. Extended Field Trips may only take place:
 - a. For Sixth Grade students, at the end of the regular school year and before the beginning of the next school year; and
 - b. For Seventh through Twelfth Grade students, at any time of the year within the context of the school program that is appropriate for the age level, grade level, and curriculum.

B. Maximum Length of Trip.

1. For Sixth Grade students, extended Field Trips or any other field trips shall not exceed three (3) consecutive calendar days in length; and
2. For Seventh thru Twelfth Grade students, extended Field Trips or any other field trips may be held within the context of the school program and must be appropriate for the age level, grade level, and curriculum.

C. Parent chaperones shall have background clearances completed (30) days prior to providing services relative to and prior to going on a field trip.

D. Cost for bus driver, mileage and bus driver down time as well as other expenses shall be paid by the Field Trip Sponsor(s)’s Department Fund to the HSS for wages paid to the driver, fuel consumption, and bus maintenance cost.

Section 6642 In-School Provisions

Appropriate educational accommodations shall be made for those students who are not participating in field trips.

CHAPTER 6700 - ADMINISTRATIVE PROCEDURES

Section 6701 Implementing Procedures

- A. The CSA shall delegate the drafting of implementing procedures for this Chapter to the Transportation Director. Such draft procedures shall include:
 - 1. Routine safety inspection for all vehicles owned or leased by the HSS;
 - 2. Operation and safety of school buses; and
 - 3. Attendance Area waiver application processes.
- B. The Transportation Department may develop such other transportation procedures, consistent with the provisions of the HSS Manual, as may assist in the operation of HSS transportation services.

Section 6702 Approval of Implementing Procedures

- A. Such implementing procedures as are developed shall be reviewed by the Transportation Director and, if approved, then submitted to the CSA within thirty (30) working days of said assignment.
- B. If approved by the CSA, the implementing procedures shall be submitted to the HBE for review and approval.
- C. If the HBE approves the implementing procedures, such procedures shall become immediately effective and shall be identified by the date of approval and effect. The original copy of the procedures shall be returned to the Transportation Department, and a copy shall be placed among the collected policies and procedures of the HSS and the schools.

TITLE 8 - HOPI BOARD OF EDUCATION AND ADMINISTRATION

CHAPTER 8000 – HBE AUTHORITY TO OVERSEE THE HOPI SCHOOL SYSTEM

Section 8001 Authority of the Hopi Board of Education

- A. The school board for all Hopi schools and the Hopi School System shall be officially known as the “Hopi Board of Education” (hereinafter “HBE”). The HBE shall have such authority as is vested in it by the Hopi Education Code, the Bylaws of the HBE, the laws of the Hopi Tribe, and applicable federal laws.
- B. The HBE may only act pursuant to resolutions duly enacted at official HBE Meetings. Individual HBE members shall not issue directives, take action or make representations on behalf or authority of the HBE or on authority of their office unless they have been expressly authorized to do so by official, express action of the HBE. See HSS Manual, sec. 8102(C)(5).

Section 8002 Education Needs and Welfare of Students

- A. It is recognized that the community must have a voice in the education of its children and members of the HBE are elected to represent the community and guide the operation of the Hopi School System (“HSS”) for the benefit of the students.
- B. All decisions of the HBE shall be primarily determined by the educational needs of the students and their welfare.
- C. Community opinion and needs shall, to the maximum extent possible, be considered. However, the educational needs and welfare of the students must take precedence in any and all decisions of the HBE.

Section 8003 Applicable Laws, Rules and Regulations

HBE members are subject to and shall act within: The HSS’s policies and procedures, the HBE Bylaws, the terms and conditions of the HSS’s funding agreements, and the applicable laws and regulations of the Hopi Tribe and federal government. Failure to so act may result in disciplinary action.

Section 8010 Adoption of HBE Bylaws

On March 16, 2022, the HBE at a duly called meeting, adopted the HBE Bylaws by Action Item #03-22.

Section 8011 Approval of HBE Bylaws

On May 3, 2022, the Hopi Tribal Council by motion and unanimous vote approved the HBE Bylaws by Tribal Resolution #H-027-2022.

Section 8012 Bylaws Incorporated into the HSS Manual

- A. The adopted and approved HBE Bylaws are set forth in Chapter 8100 of the Hopi School System Policies and Procedures Manual.
- B. The HBE Bylaws have been included in Chapter 8100 exactly as adopted and approved, and have been re-numbered to conform to the numbering system of the HSS Manual.

Section 8013 Controlling Law and Policy

- A. In the event of a conflict between the HSS Manual and the HBE Bylaws, the HBE Bylaws shall control.
- B. In the event of a conflict between the HSS Manual, including the HBE Bylaws, and the Hopi Education Code (“Code”), the Code shall control.

CHAPTER 8100 - HBE BYLAWS

Section 8101 Organization

A. Establishment of the Hopi School System and Hopi Board of Education:

1. On August 7, 2019, the Hopi Tribal Council (hereinafter “Council”) enacted the Hopi Education Code (hereinafter “Code”) by Tribal Resolution H-061-2019. In the Code, the Council established the Hopi School System as the collective and unified governance structure of all schools on the Hopi Reservation organized under the Tribally Controlled Schools Act, Pub. L. No. 100-297, or the Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638. Legal Ref.: Code, secs. 1.5.A(22), 3.1.A, 3.3.A.
2. The Council established the Hopi Board of Education (hereinafter “HBE”) as an independent, Tribal Regulated Entity and delegated all governance functions, powers, duties, rights and responsibilities to the HBE to assume operation of the Hopi School System. Legal Ref.: Code, secs. 4.1.A, 4.1.B.
3. The HBE and all entities of the Hopi School System are subject to and shall follow the Hopi Constitution, Hopi Education Code, these Bylaws, the Hopi School System’s Code of Ethics and Policies and Procedures, and other applicable laws and regulations.

B. Bylaws Effective upon Approval by Hopi Tribal Council:

1. The Code requires the HBE to adopt Bylaws to establish rules of procedure and internal governance of the HBE. Legal Ref.: Code, sec. 4.10.A.
2. The HBE’s Bylaws shall become effective upon approval by the Council. Legal Ref.: Code, secs. 2.5, 4.10.B.
3. The HBE may establish additional governance and organizational procedures in the Hopi School System Policies and Procedures and as otherwise needed to the extent they do not conflict with the Code, these Bylaws, the Tribally Controlled Schools Act, and other applicable laws and regulations.

C. Duties and Responsibilities of the HBE. The HBE shall have the duties and responsibilities to oversee the educational and administrative functions of the Hopi School System as follows:

1. General Provisions. The HBE shall:
 - a. Build an educational foundation that is academically challenging, culturally responsive, and accountable to all students, teachers, staff, communities, and stakeholders of the Hopi School System;

- b. Act in good faith and in the best interests of students to prepare them for all stages of learning from pre-school to college, vocational education, and career readiness;
- c. Oversee development of effective educational policies, fiscal management, and administrative services for the Hopi School System;
- d. Maintain the highest standards of integrity, courtesy, and professionalism towards each other, Hopi School System employees, students, parents, and the public;
- e. Draft and approve a Hopi School System vision statement and mission statement in Hopilavayi and English;
- f. Draft, approve, and update the Hopi School System Policies and Procedures;
- g. Each year, approve a Hopi School System budget which shall be made public once it is approved;
- h. Enter into contracts with and fund professional service providers and attorneys as deemed necessary to provide services to the HBE and the Hopi School System;
- i. Ensure that an audit of financial and business operations is conducted at the end of each fiscal year in accordance with applicable laws and regulations;
- j. Complete the “Annual State of Hopi Education Report” and submit it to the Council, federal agencies, and the public (Code, sec. 5.5.C);
- k. Adopt a Code of Ethics which shall apply to HBE members, educators, local school board members, and all employees of the Hopi School System (Code, sec. 4.12.A);
- l. Draft and approve a Comprehensive 5-year and 10-year Hopi Education Plan in consultation with education stakeholders (Code, secs. 4.9.D(2), 6.6.P, 13.4.A); and
- m. Provide students, parents, staff, the public, and other stakeholders with the opportunity to provide input into school operations and programs.

2. Control of Funds:

- a. The HBE shall be the legal custodian of all funds and other financial assets provided to or acquired by the Hopi School System and shall ensure that accurate and complete financial records of such funds and financial assets are maintained. Legal Ref.: Code, sec. 2.3.A.

- b. All funds received by the HBE shall be used exclusively for educational purposes and used to support operations of the Hopi School System. All funds shall be deposited in banks or other depositories as the HBE designates and shall be under the direct control of the HBE. Legal Ref.: Code, sec. 2.3.A.
 - c. The HBE shall ensure that payments to vendors are made in a timely manner for services and materials provided to the Hopi School System and the schools.
 - d. All checks, drafts, or orders for payment issued in the name of the Hopi School System for legitimate indebtedness shall be signed by an authorized HBE signatory and countersigned by the Chief School Administrator.
 - e. The HBE may invest school funds in insured investment portfolios and in accordance with the Tribally Controlled Schools Act, Pub. L. No. 100-297, as applicable.
3. Official and Public Statements. Official and public statements by HBE members carry great weight with the community at large and may affect the welfare of many people. Any public statement, whether an official statement of the HBE or a public statement by a HBE member, shall:
- a. Support the philosophy, policy and procedure officially adopted by the HBE;
 - b. Support HBE members, Hopi School System employees, and students;
 - c. Be fair, accurate and objective;
 - d. Be devoid of any personal opinion expressed to create or influence public opinion; and
 - e. Not divulge private, personal, or confidential information.
4. All Other Duties and Responsibilities. HBE duties and responsibilities shall include all other duties set forth in the Code, these Bylaws, Hopi School System Policies and Procedures, and as otherwise established for the operation of the Hopi School System.

D. Central Administration Office as the Principle Place of Business:

- 1. The HBE's principle place of business shall be the Central Administration Office, which shall provide administrative services to all Hopi schools. Legal Ref.: Code, sec. 3.3.C.
- 2. The principle place of business shall store all records of the HBE, except as otherwise specified by the HBE for the proper operation of the Hopi School System.

E. Relationship with the Chief School Administrator:

1. The HBE shall hire and assign the daily administration and operations of the Hopi School System to the Chief School Administrator. Legal Ref.: Code, sec. 5.1.A. The Chief School Administrator shall be charged with overseeing, implementing, and enforcing all policies and procedures of the Hopi School System.
2. The Chief School Administrator shall be held accountable to the HBE for all aspects of the day-to-day operations of the Hopi School System, including but not limited to:
 - a. Administration, supervision, curriculum and instruction, monitoring and evaluation, program compliance, transportation, facilities management, public relations, communications, financial operations, and program accountability; and
 - b. Overseeing the management of the Central Administration Office staff and all other duties, reporting, and recordkeeping requirements set forth in Chapter 5 of the Code.
3. The HBE shall supervise and evaluate the annual performance of the Chief School Administrator in discharging his or her duties. Legal Ref.: Code, sec. 3.3.B.

F. Conflict of Interest:

1. The HBE seeks to assure that the judgment of its members, officers and employees be guided by a policy that defines and prohibits inappropriate conflicts or the appearance of a conflict.
2. Neither the HBE, nor an individual member of the HBE, shall engage in activities that constitute a conflict between personal interests and the official interests of the Hopi School System. Prohibited activities and actions include, but are not limited to the following:
 - a. Participation by an individual HBE member in bringing influence to bear upon or advancing any HBE decision regarding the employment of a person who is a “direct relative” of the HBE member as defined in Section 1.6.E of these Bylaws;
 - b. Contracting with or selling goods and/or services to the school while serving as a member of the HBE;
 - c. Using one’s position as a member of the HBE to bear influence upon an employee of the Hopi School System as a condition of employment, or quid pro quo, either prior to or after hiring;

- d. Appropriation of materials, supplies, equipment, or other property of the Hopi School System for personal use or gain while serving as a member of the HBE; and
 - e. Interceding on behalf of students or employees who are family relatives or who are otherwise personally known to individual HBE members.
3. A HBE member shall disqualify himself or herself anytime a conflict of interest arises or appears to arise on any matter for which the HBE must make a formal decision. If the member refuses to recuse, the HBE, the Chairperson, and/or presiding officer of the meeting shall not recognize that HBE member's participation in the discussion and/or the vote on the item.
4. HBE members shall not participate in or be present for discussion or decisions involving their direct relatives, business interests or possible conflicts of interest. Legal Ref.: Code, sec. 4.12.B.
5. ~~The~~ HBE may draft additional conflict of interest and anti-nepotism policies in the Hopi School System Policies and Procedures applicable to the HBE, the Chief School Administrator, Principals, and any employee who has supervisory responsibilities.
65. "Direct relative" means "a parent, sibling, child, or spouse through legal or traditional Hopi marriage, and includes a domestic live-in partner and a non-biological child through adoption or legal guardianship." Legal Ref.: Code, sec. 1.5.A(11).
- G. Computation of Time. All time periods set forth herein shall be computed according to the provisions of Rule 3 of the Hopi Rules of Civil Procedure.
- H. Severability. If any portion of these Bylaws shall be ruled invalid by a court of competent jurisdiction, that portion shall cease to be operative, but the remainder of these Bylaws shall continue in full force and effect.
- I. Indemnification. To the extent permitted by law, the HBE may defend, indemnify, and hold harmless any person in the course of discharging his or her official Hopi School System duties imposed or authorized by law in connection with any claim or legal proceeding. Nothing herein shall be construed as obligating the HBE to defend, indemnify, or hold harmless any person who engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

Section 8102 Membership

A. HBE Membership:

1. All rights, powers, privileges, and interests of HBE members shall be equal, except as otherwise set forth in these Bylaws, the Code, and Hopi School System Policies and Procedures.
2. The elected HBE shall be comprised of nine (9) members as follows:
 - a. One (1) member shall be elected from each of the seven (7) attendance area designations for a total of seven (7) members; and
 - b. Two (2) members shall be at-large members elected by the entire Hopi voting membership. Legal Ref.: Code, sec. 4.2.A(1)-(2).
3. The interim HBE shall consist of the number of members appointed by the Council as set forth in Section 4.1.F of the Code.

B. Qualifications and Eligibility Requirements. The following qualification and eligibility requirements apply to HBE members and candidates:

1. The seven (7) HBE members elected from each attendance area shall satisfy the following qualifications:
 - ~~a. Hold at least an Associate's degree in any field from an accredited institution with a preference of an education degree;~~
 - ~~b.a.~~ At least twenty-five (25) years of age;
 - ~~e.b.~~ Preferred to be an enrolled Hopi Tribal member, but it is not required;
 - ~~d.c.~~ Not a member of the Hopi Tribal Council or a local school board;
 - ~~e.d.~~ Successfully pass a background check as defined in the Hopi Education Code;
~~and~~
 - ~~e.~~ Not a current employee ~~or direct relative of an employee~~ of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System; and
 - f. Not a direct relative of an employee who is employed by the attendance area school the member represents. Legal Ref.: Code, sec. 4.2.D(1)-(6).
2. The two (2) at-large HBE members shall satisfy the following qualifications:
 - a. Hold at least a Bachelor's degree in education or education-related field from an accredited institution;

- b. At least twenty-five (25) years of age;
 - c. An enrolled member of the Hopi Tribe;
 - d. Not a member of the Hopi Tribal Council or a local school board;
 - e. Successfully pass a background check as defined in the Hopi Education Code; and
 - f. Not a current employee ~~or direct relative of an employee~~ of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System. Legal Ref.: Code, sec. 4.2.E(1)-(6).
3. Once the Chief School Administrator (“CSA”) is hired, the CSA shall determine whether candidates for the HBE satisfy the HBE’s eligibility requirements. Legal Ref.: Code, sec. 4.2.F.

C. Duties and Responsibilities of HBE Members:

1. HBE members shall attend all HBE meetings and shall actively participate in discussion, deliberation, debate, and voting.
2. HBE members shall provide a reason for any absences which shall be documented in writing and maintained by the Chief School Administrator.
3. HBE members who are absent from three (3) or more consecutive duly held meetings, without a documented reason, shall be subject to the “Removal” provisions in Section 9.2 of these Bylaws.
4. HBE members shall provide reports to stakeholders as set forth in the Hopi School System Policies and Procedures.
5. Individual HBE members shall not issue directives, take action, or make representations on behalf of the HBE or on the authority of their office unless they have been expressly authorized to do so by official action of the HBE.

D. Elections for Hopi HBE of Education. Elections for the nine (9) HBE members shall be conducted by the Hopi Election Board and the Hopi Elections Office. Legal Ref.: Code, sec. 4.2.B.

E. Terms of Office:

1. The term of office for each ~~elected~~ voting HBE member shall be four (4) years. The positions shall be staggered as follows:
 - a. Four (4) of the ~~voting elected~~ members shall be for an initial two (2) year term, and four (4) years thereafter; and

- b. Five (5) of the ~~voting elected~~ members shall be for an initial four (4) year term, and four (4) years thereafter. Legal Ref.: Code, sec. 4.3.A(1)-(2).
2. The determination of which HBE positions shall serve the initial two (2) and four (4) year terms shall be by drawing lots, except the two (2) initial at-large members shall not draw lots. The two (2) initial at-large members shall serve in two (2) of the five (5) member positions with an initial four (4) year term. Legal Ref.: Code, sec. 4.3.B.
 3. HBE members shall serve no more than two (2) terms consecutively. The initial two (2) year and four (4) year terms shall be included in the two (2) consecutive term limit. Legal Ref.: Code, sec. 4.3.C.
 4. All elected HBE members shall begin their terms on January 1. Legal Ref.: Code, sec. 4.1.C.
 5. The term of office for the interim HBE shall be as follows:
 - a. The term of office for the interim HBE shall be three (3) years, or until the first elected HBE is sworn in following the HBE election in the Year 2024 (Code, sec. 4.1.F(5)); and
 - b. An interim HBE member's term shall not count toward the Code's two (2) consecutive term limit for HBE members (Code, sec. 4.1.F(7)).
- F. Training of HBE Members. HBE members shall receive training as identified by the HBE in order to carry out their duties and responsibilities. Legal Ref.: Code, sec. 4.6.A(1)(i).
- G. Absence of Personal Liabilities. No HBE member shall be personally liable for the debts, liabilities, or other obligations of the Hopi School System.
- H. Ex Officio Members:
1. The Director of the Hopi Department of Education and Workforce Development shall be appointed to the HBE as an ex officio member and shall not have any voting rights or count towards quorum. Legal Ref.: Code, sec. 4.2.C.
 2. The HBE may select additional ex officio members to provide information, observe, and support for activities, programs, and events. Ex officio members shall not be entitled to vote or be counted to form a quorum.

- I. Responsibility for Unacceptable Performance of Duties. In exercising any powers granted, HBE members shall not be immune from any responsibility that results from willful, knowledgeable, or unacceptable performance of their duties. Legal Ref.: Code, sec. 4.13. HBE members are subject to the removal and recall provisions in Article IX [sec. 8109] of these Bylaws.
- J. Vacancies. If a vacancy occurs within the HBE membership due to death, resignation, or removal more than a hundred eighty (180) calendar days from the date of the next election:
 1. The HBE shall offer the vacant HBE seat to the runner up from the previous election for that HBE seat. This runner up shall serve the remainder of the vacant HBE member's term. Legal Ref.: Code, sec. 4.5.A.
 2. If there was no runner up in the previous election or the runner up is not able to serve, the HBE shall call a special election within sixty (60) calendar days of the vacancy, and a new HBE member shall be elected for the attendance area in which the vacancy occurred and shall serve the remainder of that term. Legal Ref.: Code, sec. 4.5.B.

Section 8103 Officers

A. Officer Positions:

1. The HBE shall select a Chairperson and Vice-Chairperson from amongst its members, and may select additional officers from amongst its members as it deems necessary. Legal Ref.: Code, sec. 4.2.H.
2. The HBE officers shall be selected at a duly held meeting through nomination and by majority vote of the HBE members present.
3. The HBE shall select its officers at the first meeting in January following a regular election. Legal Ref.: Code, sec. 4.2.H.
4. HBE officers shall serve as officers until ~~the January following after~~ the next election, which should occur every two (2) years, when the HBE shall select new officers. Legal Ref.: Code, sec. 4.2.I.
5. If a HBE member's term extends beyond his or her position as an officer, the member shall serve the remainder of his or her term as a non-officer. Legal Ref.: Code, sec. 4.2.I.

B. Duties of the Chairperson and Vice-Chairperson:

1. Chairperson. The HBE Chairperson shall:

- a. Prepare an agenda for all HBE meetings in consultation with the Chief School Administrator (Code, sec. 4.7.A(1));
- b. Serve as and fulfill all duties of the presiding officer at all HBE meetings, oversee HBE functions, and provide guidance to the HBE and its members (Code, sec. 4.7.A(2));
- c. Not make motions;
- d. Vote only in a case of a tie (Code, sec. 4.2.J);
- e. Prepare necessary documents in consultation with the Chief School Administrator and sign correspondence as needed;
- f. Represent the HBE at events when approved by HBE members at a duly held meeting; and
- g. Appear before Council to present action items and resolutions, annual reports, or as otherwise requested by the Council.

2. Vice-Chairperson. The HBE Vice-Chairperson shall have the following duties:

- a. Perform all Chairperson functions in the absence of the Chairperson (Code, sec. 4.7.C);
- b. If serving as the presiding officer at a duly held meeting, the Vice-Chairperson may vote only in the event of a tie;
- c. When not serving as the presiding officer, the Vice-Chairperson shall have voting power;
- d. Sign correspondence if the Chairperson is unavailable; and
- e. Assist the Chairperson with reports, action items/resolutions, and other matters before the Council.

C. Officer Vacancies:

1. An officer may choose to resign his or her officer position without cause.
2. If an officer resigns his or her position as an officer, such resignation shall be in writing and provided to the Chairperson of the HBE or to the Vice-Chairperson if the Chairperson is the officer resigning his or her officer position.

3. Upon receiving a written resignation of a HBE member's officer position, the officer position shall be filled from amongst the remaining HBE members through nomination and by majority vote of the HBE members present at the next regularly scheduled meeting.
4. Any HBE member who resigns his or her officer position shall continue to serve as a HBE member for the remainder of his or her term.

Section 8104 Meetings

A. Meeting Procedures:

1. General Provisions. All HBE meetings shall be held as set forth in the Code, these Bylaws, and the HSS Policies and Procedures and shall include the following procedures:
 - a. An agenda shall be prepared for all meetings following the Order of Business set forth in Article VI [sec. 8106] of the HBE Bylaws and shall be publicly posted on the Hopi School System website and provided to HBE members as set forth in this Section;
 - b. All meetings of the HBE where official action is taken shall be public (Code, sec. 4.14.C);
 - c. During regular meetings, an opportunity shall be made available for the public to speak on any issue on the HBE's agenda during the "Public Comments" Section (Code, sec. 4.14.F);
 - d. No action or response to public comments is required from the HBE, and the HBE may refer matters raised by the public to the Chief School Administrator for study and recommendation; and
 - e. Members of the HBE may conduct official business only during a duly held meeting at which quorum is present as follows:
 - i. Quorum shall be required to begin a meeting of the HBE and shall "consist of a simple majority of the voting HBE members, however a quorum shall not be less than five (5) voting members"~~those members serving on the HBE, one of whom shall be an officer~~ (Code, sec. 4.14.D);
 - ii. A simple majority of the voting HBE members who form a quorum is necessary to pass an official action of the HBE~~An act of a majority of the HBE members present at a meeting at which a quorum is present shall be the act of the HBE~~, unless the act of a greater number is required by the Code, these Bylaws, or law (see Code, sec. 4.14.E);

- iii. Roll call shall be called at the scheduled meeting time to obtain a quorum. If no quorum is obtained, a second roll call shall be taken fifteen (15) minutes after the first roll call;
 - iv. Ex officio members shall not be counted in obtaining a quorum; and
 - v. If no quorum is established, the HBE may make a motion to recess, take measures to obtain a quorum, adjourn, or may continue with informal discussion but no substantive business shall be considered.
2. Minutes. The HBE shall keep an accurate and official record of its meetings and shall prepare official written minutes of votes, quorum count, and other significant actions taken. Legal Ref.: Code, sec. 4.6.A(4)(c). Verbatim minutes are not required. Recordings of meetings may be made for use in the construction of the minutes, but shall not constitute official records of the HBE. Official minutes shall be available for approval at the next regular meeting of the HBE. Official minutes of the HBE are public records and shall be made available for review upon reasonable request by a member of the public. The Hopi School System may charge a fee for copies of HBE minutes.
3. Regular Meetings. The HBE shall select one day of the month to conduct its regular HBE meetings which shall recur on the same day and time each month, for example, on the first Monday of each month. Legal Ref.: Code, sec. 4.14.A. A meeting notice and an agenda shall be publicly posted on the Hopi School System website and provided to HBE members at least twenty-four (24) hours in advance of the meeting. Regular HBE meetings shall be held at the Central Administration Office, at local schools, or as otherwise needed.
4. Special Meetings. Special meetings may be called by the Chairperson or by a majority of HBE members in writing or present at a duly held HBE meeting to address important or time sensitive matters. Legal Ref.: Code, sec. 4.14.H(1). A meeting notice and an agenda shall be publicly posted on the Hopi School System website and provided to HBE members at least forty-eight (48) hours in advance of the meeting. Legal Ref.: Code, sec. 4.14.H(2). There shall be no public comment required at special meetings.
5. Emergency Meetings. Emergency meetings may be called by agreement of the Chairperson and the Vice-Chairperson to address unforeseen circumstances or other matters requiring immediate HBE action. A meeting notice and an agenda shall be publicly posted on the Hopi School System website and provided to HBE members as soon as possible. There shall be no public comment required at emergency meetings.

6. Work Session Meetings. Work session meetings may be called by the Chairperson or by a majority of HBE members in writing or present at a duly held HBE meeting to discuss policies, meet with consultants, conduct training, and study other issues important to the Hopi School System. The HBE shall not make any formal decisions while in work sessions. The public may be invited to and speak at work sessions at the discretion of the HBE.
7. Cancelling or Rescheduling Meetings. The Chairperson may with good cause cancel or reschedule meetings. HBE members shall be notified at least twenty-four (24) hours of a cancellation. Rescheduling a meeting shall be at the discretion of the Chairperson.
8. Executive Session. Executive session of the HBE may be called to review materials or to discuss, but not act upon, sensitive or confidential matters. Executive sessions shall not be open to the public. Legal Ref.: Code, sec. 4.14.C.

B. Virtual and Telephone Meetings:

1. When public health, emergency, or other important needs are present, the HBE may conduct its meetings virtually and/or by telephone.
2. When holding meetings pursuant to this Section, HBE members must be able to clearly hear one another and shall be deemed present for quorum and stipend purposes.

C. HBE Expenses and Compensation:

1. Each year, the HBE shall approve a budget for all its travel, training, and other HBE expenses in accordance with the Tribally Controlled Schools Act and other federal funding requirements applicable as Bureau of Indian Education-funded schools. Legal Ref.: Code, secs. 4.16.A, 4.16.C.
2. The HBE's budget, expenses and stipends shall be included in the Hopi School System annual audit and the Annual State of Hopi Education Report. Legal Ref.: Code, sec. 4.16.B.
3. HBE members shall receive a stipend for discharging their duties as HBE members as follows:
 - a. HBE members' compensation for participation in HBE meetings shall be one hundred dollars (\$100) per regular, special, emergency and work session meetings;
 - b. **Before** the transition to the unified Hopi School System is complete, HBE members, once they are sworn in, shall be compensated up to four (4) meetings per month;

- c. **After** the transition to the unified Hopi School System is complete, the HBE may hold as many meetings as needed per month, but shall only be compensated for up to two (2) meetings per month, which shall include one (1) regular meeting and one (1) special, emergency or work session meeting; and
 - d. The HBE shall review the compensation rate every two (2) years, and may modify the rate as determined appropriate, and if the HBE meeting compensation rate is modified, the HBE shall include such modification in its Annual State of Hopi Education Report to the Council. Legal Ref.: Code, sec. 4.16.D.
4. After the transition to the unified Hopi School System is complete, HBE members may be compensated for meetings with and work provided to local entities (e.g., local school boards and villages), subject to the availability of funds.

Section 8105 Rules of Order

Except as otherwise provided herein or in the Hopi School System Policies and Procedures, meetings of the HBE shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

Section 8106 Order of Business

A. Order of Business:

1. A regular meeting agenda of the HBE shall state the type of meeting, date, time, location, and include the following order of business:
 - a. Call to Order
 - b. Roll Call
 - c. Blessing and Welcome
 - d. Approval of Agenda
 - e. Approval of Minutes
 - f. Public Comments
 - g. Correspondence
 - h. Reports
 - i. Unfinished Business
 - j. New Business
 - k. Announcements/Next Meeting

1. Adjournment
 2. A special, emergency, or work session meeting agenda of the HBE shall state the type of meeting, date, time, location, and include the following order of business:
 - a. Call to Order
 - b. Roll Call
 - c. Blessing and Welcome
 - d. Approval of Agenda
 - e. Special/Emergency/Work Session Business
 - f. Adjournment
- B. Amendment to Order of Business. The HBE may amend the Order of Business or the Agenda with a majority vote of the HBE members present at a duly held meeting and at which quorum is present.

Section 8107 Voting

A. Members entitled to Vote:

1. Each HBE member shall have one (1) vote per item at all duly held meetings. Legal Ref.: Code, sec. 4.2.G.
2. The Chairperson of the HBE or the presiding officer of a meeting shall vote only to break a tie vote. Legal Ref.: Code, sec. 4.2.J.
3. Ex officio members do not have voting rights. Legal Ref.: Code, sec. 4.2.C.

B. Manner of Voting:

1. The general procedure for voting shall be by voice vote. Any HBE member may call for a roll call vote. Votes taken during HBE meetings shall be entered in the minutes on all questions or action items called by the Chairperson. Abstentions from voting shall be recorded.
2. All action items shall be numbered with a number and year (e.g., #01-2022) and maintained in HBE records.
3. Voting by proxy shall not be permitted.
4. The Chairperson or presiding officer of a meeting may approve the manner of voting to the extent they do not conflict with these Bylaws or Hopi School System Policies and Procedures.

Section 8108 Committees

A. Establishment of Committees:

1. Section 4.9.D of the Code requires the HBE to establish the following short and long term Committees and provides a short description of them:
 - a. Policies and Procedures Committee;
 - b. Strategic Planning Committee;
 - c. Evaluations Committee;
 - d. Hopilavayi Committee;
 - e. Behavioral Wellness Committee;
 - f. Separating Junior High Committee;
 - g. Hopi Youth Committee; and
 - h. Hopi Education Standards, Assessments, and Accountability Committee.
2. The HBE may create additional short and long term “Committees” and “Subcommittees” to address and focus on education related issues. Legal Ref.: Code, sec. 4.9.A.
3. The Committees shall not have authority to make decisions on behalf of the HBE and shall serve as fact-finding, advisory, and recommending bodies to the HBE. Legal Ref.: Code, sec. 4.9.A.

B. Committee Membership. Committee membership may include, but not be limited to: HBE members, Principals, educators, parents, field specialists, service providers and professionals, business managers, students, elders, Hopi Tribal employees, and community members. Total Committee membership shall not exceed six (6) members and shall not be less than four (4) members. Legal Ref.: Code, sec. 4.9.B.

C. Committee Procedures. Committee members shall be appointed to a Committee by a majority vote of HBE members present at a duly held meeting of the HBE. HBE members may make their own Committee nominations for the HBE to consider. Local school boards, local schools, and other Stakeholders may also submit Committee nominations. The HBE shall provide thirty (30) calendar days public notice of the establishment of a Committee. Legal Ref.: Code, sec. 4.9.C. The HBE may establish additional procedures to create and operate these Committees in the Hopi School System Policies and Procedures.

Section 8109 Resignation, Removal and Recall

- A. Resignation from the HBE. A member who wishes to resign from the HBE shall utilize the following process:
1. An **elected** HBE member shall submit a letter of resignation to the HBE through the Chief School Administrator. The Chief School Administrator shall provide copies of the letter of resignation to the Chairperson of the HBE or Vice-Chairperson of the HBE if the resignation letter is from the Chairperson. A letter of resignation shall indicate the time and date the resignation is to take effect. If the resignation does not specify an effective date, the effective date shall be 5:00 p.m. on the date it is received by the Chief School Administrator.
 2. An **interim** HBE member appointed under Section 4.1.F of the Code shall submit a letter of resignation to the interim HBE. The interim HBE shall submit the letter to the Hopi Tribal Council through the Hopi Tribal Secretary after the interim HBE acknowledges receipt of the resignation. A letter of resignation shall indicate the time and date the resignation is to take effect. If the resignation does not specify an effective date, the effective date shall be 5:00 p.m. on the date it is received by the Hopi Tribal Secretary.
- B. Removal from the HBE for Cause:
1. HBE members, elected or appointed, may be removed by the Council for cause, including but not limited to: serious neglect of duty, unexcused absence from three (3) or more meetings, repeated failure to perform tasks properly assigned to the member, or being found guilty of a felony. [See](#) Legal Ref.: Code, sec. 4.4.
 2. The HBE member shall be given written notice of the charges against him/her. The Council shall hold a hearing in which the member has an opportunity to defend him/herself before the Council. The Hopi Tribal Council Secretary shall provide written notice of the Council hearing, including time and place, to the HBE member at least ten (10) calendar days prior to said hearing.
- C. Recall. HBE members holding office by election or appointment are subject to recall by the filing of a recall petition under the following process:
1. A petition may only be circulated one year after a HBE member has been sworn into office and may not be circulated in the last six (6) months of a HBE member's term of office;
 2. A petition may be circulated for no more than thirty (30) calendar days;

3. A petition shall contain a statement of not more than two hundred (200) words stating the grounds for recall, which must include conviction of a felony, act(s) of malfeasance, violation of oath of office, failure to perform prescribed duties, or willful misuse, conversion or misappropriation of public property or funds;
4. A petition shall contain at least seventy-five (75) signatures of eligible voters of a HBE member's attendance area;
5. A petition shall be submitted to the Office of the Chief School Administrator;
6. The Office of the Chief School Administrator shall date stamp receipt of the petition and provide it to the Chief School Administrator who shall submit it to the Chairperson of the HBE;
7. Duplicate signatures on a recall petition are not valid and shall be stricken;
8. The HBE shall review the reason for the recall petition and, if deemed valid, shall authorize the Hopi Elections Office to conduct a "recall election" within sixty (60) calendar days of receiving the recall petition;
9. Cancellation of a recall election shall not be permitted once the recall election has been ordered to be held;
10. A recall petition shall pass if a majority of voters in the special recall election vote in favor of the petition;
11. If a recall petition fails to pass in the election, no further recall petition shall be filed against the same HBE member during the term for which he or she was elected or appointed;
12. Any person who knowingly gives or receives money or any other thing of value for signing a recall petition, excluding payments made to a person for circulating such petition, is guilty of a serious offense (see Hopi Code 3.9.2(A)-(B) (Bribery));
13. Any person who knowingly induces or compels any other person, either directly or indirectly or by menace or threat that he or she will or may be injured in his or her business, or discharged from employment, or that he or she will not be employed, to sign or subscribe, or to refrain from signing or subscribing, his or her name to a recall petition, or, after signing or subscribing his or her name, to have his or her name taken therefrom, is guilty of a serious offense (see Hopi Code 3.9.3 (Extortion)); and
14. A person knowingly signing any name other than his or her own to a petition, except in a circumstance where he or she signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his or her own name, because of physical infirmity or knowingly signing his or her name more than once for the same recall issue, at one election, or who knowingly is not at the time of

signing an eligible voter, is guilty of a serious offense (see Hopi Code 3.9.4 (Forgery)).

Section 8110 Amendments

- A. Amendments by the HBE. These Bylaws may be amended by a majority of the HBE members present at any duly held meeting of the HBE.
- B. Amendments to be presented to the Hopi Tribal Council. The HBE shall present any amendments to these Bylaws to the Hopi Tribal Council for approval by Tribal Resolution. Amendments shall become effective upon approval by the Council. See Code, secs. 2.5, 4.10.B.
- C. Future Hopi Education Code Amendments:
 - 1. These Bylaws shall be updated to reflect any relevant amendments to the Code made by the Council.
 - 2. Any updates to these Bylaws made pursuant to Section 10.3.A shall be approved by the HBE, and shall be provided to the Council for the Council's information and shall not require additional Council approval.

CHAPTER 8200 - HBE ADMINISTRATIVE PROCEDURES

Section 8201 HBE Administrative Procedures

In addition to the policies and procedures set forth in the Hopi Education Code and the HBE Bylaws (Chapter 8100), the HBE hereby adopts the following administrative procedures applicable to the HBE.

Section 8210 HBE Candidate Information

- A. The HBE desires to provide HBE candidates with information that will enable them to understand the responsibilities and expectations of HBE membership. The CSA or designee shall provide all HBE candidates with general information about school programs, HSS operations, and HBE responsibilities. The CSA or designee may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot information.
- B. The HBE encourages all candidates to attend public HBE meetings during the period of their candidacy. Candidates shall have the same access as members of the public to HSS staff and information.

Section 8211 New HBE Member Orientation and Training

- A. Once candidates are elected to the HBE, the CSA shall convene a meeting to provide an orientation and information for new HBE members to assist them in understanding the HBE's functions, policies, procedures, protocols, and agreed-upon standards of conduct.
- B. The CSA shall provide new HBE members with the Hopi Education Code, the HSS Policies and Procedures Manual, and other materials related to the HSS and HBE member responsibilities.
- C. The CSA may provide new HBE members with additional background and information regarding the HSS's vision and goals, operations, and current challenges in areas that include, but are not be limited to, student achievement, curriculum, finance, facilities, human resources, and collective bargaining.
- D. New members are encouraged to attend HBE meetings and review agenda materials available to the public in order to become familiar with current issues facing the HSS. When necessary, new members may, at the HSS's expense and with approval of the HBE, attend workshops and conferences relevant to their individual needs or to the needs of the HBE as a whole or the HSS.
- E. Any new member of the HBE shall complete 40 hours of training within one year of appointment/election, provided that such training is recommended. Legal Ref.: 25 C.F.R. § 39.603. Local school boards shall not receive the training required under 25 C.F.R. § 39.603 as they are advisory boards.

Section 8220 HBE Self-Evaluation

- A. The HBE shall annually conduct a governance workshop in order to demonstrate accountability to the community and ensure that HSS governance effectively supports student achievement and the attainment of the HSS vision and goals.
- B. The workshop may address any areas of HBE responsibility, including but not limited to HBE performance in relation to vision setting, curriculum, personnel, finance, policy, collective bargaining and community relations. The workshop also may address objectives related to HBE meeting operations, relationships among HBE members, relationship with the CSA, understanding of HBE and CSA roles and responsibilities, communication skills, or other HBE skills.
- C. The HBE shall be evaluated as a whole. Individual HBE members also are encouraged to use the evaluation process as an opportunity to assess their own personal performance.
- D. Each year the HBE, with assistance from the CSA, shall determine an evaluation method or instrument that measures a reasonable number of previously identified performance objectives. Video of a HBE meeting may be used as an evaluation tool only with the consent of all HBE members.
- E. Any discussion of the HBE's self-evaluation shall be conducted in open session. At the request of the HBE, a facilitator may be used to assist with the evaluation process. The HBE may invite the CSA or others to provide input into the evaluation process.
- F. Following the evaluation, the HBE shall develop strategies for strengthening HBE performance and shall establish priorities and objectives for the following year's evaluation.

Section 8230 Legal Counsel

- A. The HBE recognizes the complex legal environment in which Tribally Controlled Schools operate and desires reliable, high-quality legal advice at reasonable rates.
- B. In order to meet the HSS's legal needs, the HBE shall hire an attorney or firm by contracting with attorneys in private practice or appointing legal counsel as a HSS employee or independent contractor. Legal Ref.: Code, sec. 4.6.A(1)(g).
- C. The HBE supports pursuing collaborative legal efforts with other agencies and schools as appropriate.

Section 8231 Duties of Legal Counsel

The HSS's legal counsel may:

- A. Render legal advice to the HBE and the CSA.

- B. Serve the HBE and the CSA in the preparation and conduct of HSS litigation and administrative proceedings.
- C. Perform other administrative duties as assigned by the HBE and CSA.

Section 8232 Retaining Legal Counsel

- A. When the HSS seeks legal advice or representation, the CSA shall initiate a Request for Proposals (“RFP”) to advertise and solicit proposals for legal services. In evaluating the proposals, the HBE and CSA shall consider:
 - 1. The firm’s or attorney’s background, experience, and reputation in education and Federal Indian law;
 - 2. Experience advising or representing Tribally Controlled Schools;
 - 3. Attorney fees; and
 - 4. Overall experience of the attorney(s) who will provide legal services.
- B. The HBE may also contract for temporary, specialized legal services without initiating an RFP when a majority of the HBE determines that the unique demands of a particular issue or emergency situation so requires.

Section 8233 Contacting Legal Counsel

- A. Only the HBE Chairperson and the CSA may contact the HSS legal counsel to receive legal information or advice and to set up meetings.
- B. Unless otherwise authorized by a majority of the HBE, only the HBE Chairperson, CSA, or full HBE may receive legal information or advice from the HSS legal counsel. HBE members can have access to any legal information or advice that is given directly to the HBE Chairperson or the CSA.

Section 8234 Review of Legal Counsel

- A. At the request of a majority of the HBE, the HBE and CSA shall review the performance of the firm and/or attorneys providing legal services in areas including but not limited to:
 - 1. Efficiency and adequacy of advice;
 - 2. Results obtained for the HSS;
 - 3. Reasonableness of fees; and
 - 4. Responsiveness to and interactions with the HBE, administration, and community in a timely manner.

- B. Upon a successful review, the HBE may renew the agreement with legal counsel without initiating an RFP.

Section 8240 Authorized Payments to HBE Members

A. Compensation.

1. HBE members shall not be paid, nor shall they receive, anything of value by way of payment for their services on the HBE.
2. HBE members shall receive stipend as set forth in Section 8104(C) of the HSS Manual for attendance at meetings called to order, for travel, and such other duties as may be approved and adopted by majority decision of the HBE.
3. For attendance at meetings and work sessions, HBE members are eligible to receive stipends if they are present within fifteen (15) minutes of the posted meeting start time.

B. Expenses.

1. Travel expenses and per diem, when authorized by majority decision of the HBE, shall be paid at the regular rates paid to other employees of the HSS for similar travel.
2. All such travel expenses, excepting only a mileage allowance for operation of a privately owned vehicle on official business, shall be reimbursed when supported by an original receipt showing payment of the expense incurred.
3. Use of privately owned vehicles shall be limited as set forth in Chapter 4700 and Section 6006 of the HSS Manual.
4. HBE members shall be reimbursed for miles driven each way between their home and a location outside their attendance area when driving their personal vehicle to attend duly called HBE meetings and work sessions if they are in attendance for the entire meeting or work session.

C. Travel Emergencies.

1. Emergencies occurring during HSS-sponsored travel and/or activities requiring an expenditure shall be the responsibility of the traveler or travelers involved in the emergency and may be reimbursed as determined appropriate by the HBE on a case by case basis.
2. If an emergency situation arises, HSS funds may be immediately expended, upon approval of the CSA or designee, as the emergencies may require, subject to reimbursement as may be determined appropriate by the HBE on a case by case basis.

CHAPTER 8300 - HSS ELECTION HANDBOOK

Section 8301 Source of Authority

- A. The HSS Election Handbook shall govern all elections for HBE Attendance Area members, At-Large HBE members, and local school board elections.
 - 1. Provisions specific to HBE elections are found in Sections 8301 – 8360 of the HSS Manual.
 - 2. Provisions specific to local school board elections are found in Section 8370 of the HSS Manual.
- B. The sources of authority for the HSS Election Handbook are the Hopi Education Code and the HBE Bylaws.
 - 1. All provisions in the HSS Election Handbook whose source is the Hopi Education Code may not be amended by the HBE unless the Hopi Tribal Council first amends the Code.
 - 2. All provisions in the HSS Election Handbook whose source is the HBE Bylaws may not be amended by the HBE unless the Bylaws are first amended and approved by the Hopi Tribal Council.
- C. The Code provides the HBE with the authority to develop additional policies and procedures to govern HSS elections so long as they do not conflict with the Code and the HBE Bylaws. Legal Ref.: Code, secs. 4.6.A(2)(a), 4.11.B. These provisions may be amended by the HBE as future needs may be identified.

Section 8310 General Principles for HBE Elections

- A. HBE Members shall remain in office until the end of their term as defined in Section 8321, or their successor has been elected and sworn in.
- B. If a current HBE Member, elected to an At-Large position, wishes to run for an Attendance Area HBE member position, he/she shall first resign their position as an At-Large HBE member prior to becoming a candidate for the Attendance Area HBE member position.

Section 8311 HBE Membership

- A. Seven (7) HBE members shall be elected from each Attendance Area as shown on the “Attendance Area Designations Map” and as listed below:
 - 1. Moencopi Day School;
 - 2. Hotevilla Bacavi Community School;
 - 3. Hopi Day School;

4. Second Mesa Day School;
 5. First Mesa Elementary School;
 6. Keams Canyon Elementary School; and
 7. Hopi Junior Senior High School.
- B. Two (2) At-Large HBE members shall be elected from the entire Hopi Reservation.
- C. The interim HBE shall consist of the number of members appointed by the Hopi Tribal Council as set forth in Section 4.1.F of the Code.

Section 8312 HBE Elections conducted by Hopi Election Office

Elections for the nine (9) HBE members shall be conducted by the Hopi Election Board and the Hopi Elections Office. Legal Ref.: Code, sec. 4.2.B.

Section 8320 Qualifications and Eligibility Requirements

- A. The seven (7) HBE members elected from each attendance area shall satisfy the following qualifications:
- ~~1. Hold at least an Associate's degree in any field from an accredited institution with a preference of an education degree;~~
 - ~~2.1.~~ At least twenty-five (25) years of age;
 - ~~3.2.~~ Preferred to be an enrolled Hopi Tribal member, but it is not required;
 - ~~4.3.~~ Not a member of the Hopi Tribal Council or a local school board;
 - ~~5.4.~~ Successfully pass a background check as defined in the Hopi Education Code; and
 - ~~5.~~ Not a current employee ~~or direct relative of an employee~~ of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System. ~~Legal Ref.: Code, sec. 4.2.D(1)-(6)~~
 6. Not a direct relative of an employee who is employed by the attendance area school the member represents. Legal Ref.: Code, sec. 4.2.D(1)-(6).
- B. The two (2) at-large HBE members shall satisfy the following qualifications:

1. Hold at least a Bachelor's degree in education or education-related field from an accredited institution
 2. At least twenty-five (25) years of age;
 3. An enrolled member of the Hopi Tribe;
 4. Not a member of the Hopi Tribal Council or a local school board;
 5. Successfully pass a background check as defined in the Hopi Education Code; and
 6. Not a current employee ~~or direct relative of an employee~~ of the Central Administration Office, the Hopi Department of Education and Workforce Development, local school, or pre-school of the Hopi School System. Legal Ref.: Code, sec. 4.2.E(1)-(6).
- C. The CSA shall determine whether candidates for the HBE satisfy the HBE's eligibility requirements. Legal Ref.: Code, sec. 4.2.F.
- D. If a Hopi Tribal Council member, local school board member, or employee of the Central Administration Office, the Department, local school, or pre-school of the Hopi School System is elected to the HBE, he or she shall resign in writing from that position before he or she takes the oath of office as a member of the HBE. Legal Ref.: Code, sec. 4.2.K.
- E. "Direct relative" of an employee or Candidate means an employee's or Candidate's parent, sibling, child, or spouse through legal or traditional Hopi marriage, and includes a domestic live-in partner and a non-biological child through adoption or legal guardianship.
- F. All written resignations required under Section 8320(D) shall be provided to the Hopi Elections Office prior to taking the HBE oath of office.

Section 8321 Terms of Office

- A. To stagger the terms of office for the HBE, the initial terms of office for ~~elected-voting~~ HBE members shall be four (4) year and two (2) year terms.
- B. The terms of office shall be staggered as follows:
 1. Four (4) of the ~~elected-voting~~ members shall have an initial term of two (2) years; and
 2. Five (5) of the ~~elected-voting~~ members shall have an initial term of four (4) years (Code, secs. 4.3.A(1), (2)).
- C. The determination of which HBE members shall serve the initial two (2) and four (4) year terms shall be by random draw, except that the two (2) initial At-Large members

shall not draw and shall serve in two (2) of the initial four (4) year terms. Legal Ref.: Code, sec. 4.3.B.

- D. The random draw to determine HBE Attendance Area members' terms of office shall be held prior to the public posting of eligible Candidates and shall be conducted by the Hopi Tribal Council's Health and Education Committee.
- E. All elected HBE members shall begin their terms on January 1. Legal Ref.: Code, sec. 4.1.C.
- F. Following the initial terms of office, the terms of office for all elected HBE members shall be four (4) years. Legal Ref.: Code, sec. 4.3.A.
- G. Hopi Board of Education members shall serve no more than two (2) terms consecutively. The initial two (2) year and four (4) year terms shall be included in the two (2) consecutive term limit. Legal Ref.: Code, sec. 4.3.C.
- H. The term of office for the interim HBE shall be as follows:
 - 1. The term of office for the interim HBE shall be three (3) years, or until the first elected HBE is sworn in following the HBE election in the Year 2024, Code, sec. 4.1.F(5); and
 - 2. An interim HBE member's term shall not count toward the Code's two (2) consecutive term limit for HBE members, Code, sec. 4.1.F(7).

Section 8322 Notice of Election

- A. A "Notice of Election" shall be announced at least ninety (90) calendar days from the date of the election.
- B. Notices shall be posted at public locations throughout the Hopi Reservation.
- C. Notices shall be published in local newspapers, village newsletters, local radio station, and social media as allowed by school policy.

Section 8323 Call for Candidates

- A. Candidate Packets shall be available at least ninety (90) calendar days from the date of the election.
- B. The Candidate Packet shall be made available at:

1. Each of Hopi's seven Tribally Controlled schools for in-person pick up following health and safety procedures;
 2. Online at www.hopi-nsn.gov/tribal-government/hopi-elections-office/; and
 3. Hopi Elections Office for in-person pick up following health and safety procedures and when staff are in the office.
- C. Candidates shall seek election for one (1) position only.
- D. The Hopi Election Board shall offer at least one (1) information session to provide information on the new HBE roles and responsibilities, election procedures, and answer questions.
- E. A "deadline date" shall be determined for Candidates to submit a completed Candidate Packet to the Hopi Elections Office.
- F. Candidates shall follow the Packet instructions, complete and sign all required forms, and return all required forms and documents by the deadline date in a sealed envelope by one of the following methods:
1. Hand delivery to the Hopi Elections Office;
 2. Scan your completed and signed Candidate forms and photo and email them as an attachment to the Hopi Elections Office at kshupla@hopi.nsn.us; or
 3. Mail to the Hopi Elections Office, P.O. Box 553, Kykotsmovi, AZ 86039.
- G. The Candidate shall provide all necessary documents, signatures, and affirmations to prove that the information provided in submitted documents is true and accurate.
- H. The Hopi Elections Office shall receive, log in and time/date stamp, and not alter any documents submitted.

Section 8324 Review of Candidate Qualifications

- A. By the conclusion of five (5) working days after the deadline date, the CSA shall determine whether Candidates satisfy the HBE eligibility requirements on all Packets received on or before the deadline date.
- B. Candidates shall be given an opportunity to correct errors in their Packets as follows:
1. During the five (5) working days set forth in Section 8324(A), if it is determined that a Candidate's Packet contains an error, is missing information, or otherwise not properly completed, the CSA shall contact a Candidate by email to inform him or her of the error; and

2. If the Candidate does not provide the CSA with information to correct the error within two (2) working days from the date of notification, the Candidate shall not be eligible for the HBE election.
- C. Once a Candidate's Packet is reviewed and the CSA determines that a Candidate is preliminarily eligible, the CSA shall provide that Candidate's name to the HSS Personnel Department for a background check.
- D. Background Checks shall be conducted as follows:
1. The HSS Personnel Department shall conduct the background checks by making inquiries to federal, State, and Tribal law enforcement and other relevant agencies;
 2. Successful passage of a background check includes but is not limited to an individual not having been found guilty of or pled no contest to a felony or any offense under federal, state, or tribal law involving crimes of violence, prostitution, crimes involving a sexual offense, crimes against a child, or fraud or financial crimes (see Code, sec. 3.8.E);
 3. If a Candidate is found to have committed any of the crimes listed in Section 8324(D)(2), they shall be deemed to have failed the background check and shall not be eligible to proceed further as a Candidate in the HBE election;
 4. The HSS Personnel Department shall complete and provide the background check results to the CSA at least thirty (30) calendar days prior to the election (see Code, sec. 3.8.D(2)).
- E. The CSA shall determine whether all Candidates have met the qualification requirements.
- F. The CSA shall submit all Candidate Packets whom the CSA has determined are eligible for the HBE election to the Hopi Elections Office.
- G. If a Candidate is eligible, the CSA shall send a written notice by certified mail with return receipt to the Candidate stating that the Candidate has been found eligible to appear on the ballot.
- H. If a Candidate is found ineligible, the CSA shall send a written notice by certified mail with return receipt to the Candidate stating why the Candidate was found ineligible.
- I. If an eligible Candidate decides to withdraw his or her name from the election, he or she shall submit a written request to withdraw to the Hopi Elections Office no later than five (5) working days after the postmark date of the official notification to the Candidate. This will avoid the Candidate's name being printed on the ballot.
- J. If there are no eligible Candidates for any given Attendance Area or At-Large member position, that position shall not be on the ballot, and a special election shall be held for that position no later than ninety (90) days of the election.

Section 8325 Request for Reconsideration of Eligibility Determination

- A. If a Candidate is found ineligible, the Candidate may submit a signed and dated written request stating the reasons for reconsideration to the CSA within five (5) working days of the postmark date of the eligibility notice.
- B. The CSA shall issue a decision within two (2) working days of receiving the reconsideration request and provide its decision to the Candidate by certified mail with return receipt.
- C. If the Candidate is not satisfied with the reconsideration decision, the Candidate may file an appeal with the Hopi Tribal Courts, no later than five (5) working days of the postmark date of the CSA's mailing of its decision on the reconsideration.
- D. The Tribal Courts' decision(s) shall be final and not subject to further appeal.

Section 8326 Posting of Eligible Candidates

- A. The Hopi Election Board shall post a listing of the eligible Candidates no later than two (2) working days from the date the CSA provides his or her eligibility determinations to the Hopi Election Board.
- B. The list of eligible Candidates shall be posted in areas most visited by the general public and local media.

Section 8327 Preparation of Ballots

- A. Once the postings of the eligible Candidate names are made public, the preparation of ballots shall begin.
- B. A draft ballot shall be prepared for the Attendance Area and At-Large members for review by the Hopi Election Board as follows:
 - 1. Drawing of names for position on the ballot; and
 - 2. List of approved names for each position in order drawn.
- C. Review by the Hopi Election Board shall include accuracy, proper spelling, proper placement of the positions, correct photo to name placement, and proper ballot style for all Attendance Area and At-Large members.
- D. Hopi Election Board shall approve the draft ballot styles to be prepared for printing.

Section 8328 Ballot Style

- A. Ballot style for each of the six (6) elementary school Attendance Areas shall be as follows:
 - 1. Moencopi Day School, Hotevilla Bacavi Community School, Hopi Day School, Second Mesa Day School, First Mesa Elementary School, and Keams Canyon Elementary School Attendance Area Ballots;
 - 2. Vote for no more than one (1) Candidate; and
 - 3. Candidate Listings for each Attendance Area.
- B. Ballot style for the Hopi Junior Senior High School Attendance Area shall be:
 - 1. Hopi Junior Senior High School Attendance Area Ballot (entire Reservation);
 - 2. Vote for no more than one (1) Candidate; and
 - 3. Candidate Listing for the Attendance Area.
- C. Ballot style for At-Large Members shall be:
 - 1. At-Large Members Ballot (entire Reservation);
 - 2. Vote for no more than two (2) Candidates; and
 - 3. Candidate Listing.

Section 8329 Eligible Voters and Voting Methods

- A. The Hopi Enrollment Office shall prepare the Registry of Eligible Voting Members (“Voter Registry List”) for the HBE elections.
- B. Attendance Area HBE Members. To be eligible to vote in an election for a school Attendance Area, voters shall satisfy the following qualifications on election day:
 - 1. Be eighteen (18) years of age or older.
 - 2. Must be either:
 - a. A resident of the Attendance Area for which they are seeking to vote; or
 - b. A parent or legal guardian of a child enrolled in the school of the Attendance Area for which they are seeking to vote.
 - 3. May only vote in one Attendance Area election per election cycle.
- C. At-Large HBE Members. To be eligible to vote in an election for the At-Large positions, voters shall satisfy the following qualifications on election day:

1. Be eighteen (18) years of age or older.
 2. Be an enrolled Hopi Tribal member or a resident of the Hopi Reservation.
 3. Eligible voters may vote for two At-Large candidates, and the top two candidates in total votes shall be deemed winners of the At-Large HBE election.
- D. Mail-in Voting shall be available as follows:
1. Any eligible voter may request a mail-in ballot from the Hopi Elections Office to cast his or her vote;
 2. Requests for mail-in ballots shall be made prior to thirty (30) calendar days before the election date; and
 3. Mail-in ballots shall be postmarked on or before the election date to be counted.
- E. Assistance for voters with disabilities shall be made.

Section 8330 Polling Sites

- A. Subject to change to accommodate health and safety measures, one (1) polling site shall be located in a community center or building in each of the following communities for a total of six (6) polling sites:
1. Keams Canyon Communities (Spider Mound, Jeddito, and Keams Canyon);
 2. First Mesa Communities (Walpi, Sichomovi, and Tewa);
 3. Second Mesa Communities (Sipaulovi, Mishongnovi, and Shungopavi);
 4. Third Mesa Communities (Kykotsmovi and Oraibi);
 5. Third Mesa Communities (Hotevilla and Bacavi); and
 6. Moencopi Communities (Upper Moenkopi and Lower Moencopi).
- B. Additional polling sites may be added if funding and building locations are available and a need for additional polling sites arises.
- C. No voting shall be held at the schools due to Sex Offender Registration and Notification Act purposes and restrictions.
- D. For Emergency Voting procedures, see Election Day, Section 8331(C).

Section 8331 Election Day

- A. All approved polling sites shall open from 7:00 a.m. – 7:00 p.m.
- B. On-site, in-person voting shall be held for all eligible voters with health and safety guidelines; and
- C. Any other election procedures or practices needed to protect voters and election staff's health and safety.

Section 8332 Poll Officers

- A. Poll Officers shall be hired and assigned for each polling site as follows:
 - 1. The Hopi Elections Office shall hire three (3) Poll Officers to serve in the following positions: “Judge,” “Clerk,” and “Marshal,” whose duties and responsibilities shall generally be as follows:
 - a. “Judge” shall supervise the operation of the election polling site;
 - b. “Clerk” shall maintain the Voter Registry list, handout ballots to voters, and maintain list of names of people who have voted; and
 - c. “Marshal” shall keep order at the polling site and maintain social distancing of staff and voters.
 - 2. “School Enrollment Clerk”: Each of Hopi’s Tribally Controlled Schools shall provide one (1) school registrar, school receptionist, or someone who has extensive knowledge of parents and guardians from each Attendance Area school to be present at the polling site and to assist with identifying whether a voter is a parent or guardian of an enrolled student. The schools shall provide compensation for this position.
- B. Alternate Poll Officers shall be selected, shall receive training, and be on stand-by on the day of the election to work in the event a Poll Officer is not available to work on election day.
- C. Poll Officer minimum qualifications are:
 - 1. Must be eighteen (18) years or older;
 - 2. Must pass a background check; and
 - 3. Must be available to work the entire day of the election.
- D. Advertisement for the Poll Officers shall be placed at least forty-five (45) days prior to the election date.

- E. Interviews of the Poll Officer applicants and the recommendation of hires shall begin at least thirty (30) days prior to the election date.
- F. Payment for Poll Officers and Alternates shall be made available for hours worked.
- G. Election training for Poll Officers and Poll Officer Alternates shall be conducted prior to election day.
- H. Poll Officer oath of office shall be given on the day of election training.
- I. Poll Officers and any Alternates who work on the day of the election shall receive one (1) meal on the day of the election.
- J. School employees, HBE members and local school board members are not eligible to serve as Poll Officers for the HBE election.

Section 8333 Election Support Services

- A. Hopi Tribal Law Enforcement Officers shall:
 - 1. Escort ballot boxes and marshals to polling sites in the morning;
 - 2. Escort ballot boxes and marshals to canvassing headquarters after polling sites have closed; and
 - 3. Provide security at the canvassing site.
- B. HSS Personnel Department shall:
 - 1. Conduct background checks of HBE Candidates;
 - 2. Advertise for Poll Officers, screen applicants, process background checks for Poll Officers; and
 - 3. Process new hires of Poll Officers.
- C. Hopi Enrollment Office shall:
 - 1. Verify the HBE Candidates' Hopi Tribal membership;
 - 2. Provide updated Voter Registry List for use at each polling site; and
 - 3. Provide voter verification, if there is a question on a voter.
- D. An Election Service Provider may be hired to:
 - 1. Prepare a draft of and finalize the ballot style for the Attendance Area and At-Large members;

2. Provide election training for Poll Officers and alternates;
 3. Provide on-site election technical support on election day; and
 4. Provide canvassing of election ballots.
- E. The HSS's Legal Counsel shall provide the following legal services related to the HBE election:
1. Review and provide an opinion on election procedures;
 2. Monitor election process on election day;
 3. Monitor canvassing process on election day; and
 4. Represent the Hopi Election Board and the CSA in the event of a challenge against the Hopi Election Board and/or the CSA.

Section 8334 Canvassing

- A. Only members of the Hopi Election Board, Hopi Elections Office, CSA, Poll Officers, HSS Legal Counsel, Election Service Provider, and Hopi Tribal Law Enforcement may be present for canvassing.
- B. Counting of the ballots shall be processed by an Election Service Provider and/or the Hopi Election Board.

Section 8335 Posting of Unofficial Elections Results

- A. Posting of the Unofficial Results for all HBE positions shall be posted in the following locations:
 1. On the door of the canvassing site at the end of canvassing by the Chairperson of the Hopi Election Board;
 2. On the Hopi Elections Office website, www.hopi-nsn.gov/tribal-government/hopi-elections-office/; and
 3. On the HSS and Hopi schools' websites.
- B. Posting of the Unofficial Results for all HBE positions shall be posted on the door of each polling site location by the Judge for each polling site.

Section 8336 Posting of Official Results

- A. Posting of the Official Results shall be posted by the Hopi Elections Office following the challenge dates.
- B. Posting of the Official Results shall be posted:

1. In areas most visited by community members;
 2. Online at www.hopi-nsn.gov/tribal-government/hopi-elections-office/;
 3. On the HSS and Hopi schools' websites; and
 4. In local newspaper(s) and other local media sources.
- C. Official results shall be mailed to all Candidates, the CSA, the Hopi Department of Education and Workforce Development, and the Hopi Tribal Council.

Section 8337 Challenges

- A. An eligible voter, who participated in the election just held, shall be eligible to challenge the election process and shall prove an alleged election infraction.
- B. A challenge may only be filed with the Hopi Elections Office by 5:00 p.m. on the third working day after the HBE election.
- C. The challenge shall:
 1. Be in written form;
 2. Provide the name of the challenger, challenger's contact information, and be signed by the challenger;
 3. State the election process that is being challenged; and
 4. Describe the alleged election infraction and provide evidence thereof.
- D. Anonymous challenges shall not be considered.
- E. A challenge shall be submitted on or before the deadline date to the Hopi Elections Office which shall date and time stamp the challenge document.
- F. The Hopi Election Board shall have up to two (2) working days to issue a decision on the challenge and mail it to the challenger.
- G. In reaching its decision on a challenge, the Hopi Election Board may consult with the CSA, other relevant agencies, and Election Service Provider (Section 8333) as needed.
- H. If the challenger is not satisfied with the decision, the challenger may file with the Hopi Tribal Courts no later than three (3) working days of receipt of delivery of the decision.
- I. The Tribal Courts' decision(s) shall be final and not subject to further appeal.

Section 8338 In Event of a Tie

- A. In the event of a tie for any of the positions to fill a seat, the Hopi Election Board shall prepare the completed ballots for a re-count on the night of canvassing.
- B. The Hopi Election Board shall have a re-count of the ballots only if the tie will affect the top vote getters for a position.
- C. If the re-count still results in a tie, the Hopi Election Board shall notify the Candidates. If a Candidate concedes, a document conceding the election shall be signed by the conceding Candidate, provided to the Hopi Election Board, and no Run Off Election shall be held.
- D. If none of the Candidates concede, a Run Off Election shall be held within thirty (30) days of the last election date for the Candidates who have tied for that position.
- E. If there is a tie for the At-Large members, the top two (2) vote getters shall take the positions. There shall be a Run Off Election only if there is a tie between three (3) or more Candidates for these positions. If one or more Candidates concedes and there are only two (2) remaining Candidates who are tied, there shall be no Run Off Election.

Section 8339 Run Off Election

- A. In the event of a tie for any of the positions to fill a seat, a Run Off Election shall be held thirty (30) days from the last election date. A new calendar of dates shall be issued for that election.
- B. If the Run Off Election is for one of the six (6) Elementary School Attendance Areas, only that Attendance Area shall participate in the Run Off Election.
- C. If the Run Off Election is for the Hopi Junior Senior High School Attendance Area, the entire Hopi Reservation shall participate in the Run Off Election.
- D. If the Run Off Election is for an At-Large member, the entire Hopi Reservation shall participate in the Run Off Election.
- E. All polling locations for any Run Off election shall be approved by the Hopi Election Board.

Section 8340 Applicable Laws, Amendments and Miscellaneous Provisions

- A. The election of the HBE and local school boards is governed by the Hopi Education Code, the HSS Election Handbook, and all other applicable Resolutions, Ordinances and Laws of the Hopi Tribe.
- B. If a Candidate is found to have filed a fraudulent election packet, he or she shall not be eligible to run in the election, shall be removed from the HBE, and shall be subject to other penalties under applicable law.

- C. Election procedures for the HBE election shall be approved by the HBE at least ninety (90) days prior to the upcoming HBE election date.
- D. HSS Election Procedures and the HSS Election Handbook may be reviewed and amended by the HBE at a duly called public meeting.

Section 8350 Vacancies

If a vacancy occurs within the HBE membership due to death, resignation, or removal more than a hundred eighty (180) calendar days from the date of the next election:

- A. The HBE shall offer the vacant HBE seat to the runner up from the previous election for that HBE seat. This runner up shall serve the remainder of the vacant HBE member's term. Legal Ref.: Code, sec. 4.5.A.
- B. If there was no runner up in the previous election or the runner up is not able to serve, the HBE shall call a special election within sixty (60) calendar days of the vacancy, and a new HBE member shall be elected for the attendance area in which the vacancy occurred and shall serve the remainder of that term. Legal Ref.: Code, sec. 4.5.B.

Section 8360 Recall Petition

- A. General. A HBE Member is subject to recall from their office as a HBE member by the qualified electors who are eligible to vote for HBE Members ("Qualified Electors") following the policies set forth in Section 8109(C) of the HSS Manual. The following implementing procedures shall also apply to any recall petition.
- B. Recall Petition Limitation. A separate petition shall be filed against each HBE member sought to be recalled. Multiple HBE members may not be treated in a single petition.
- C. Application for Recall Petition. A person or an organization intending to file a recall petition shall, before printing or circulating the petition, submit an application for the petition which shall contain:
 - 1. The name of the person or organization. If an organization the officers must be listed.
 - 2. The address of the above.
 - 3. A general statement of not more than two hundred words stating the grounds of the demand for the recall. This statement shall be printed on any subsequent petition. This general statement must allege specific just cause for the recall. Just cause includes, but is not limited to:
 - a. Convictions for misdemeanor, except minor traffic offenses;
 - b. Violation of specific HSS policies, including, but not limited to, the policies set forth in Chapter 8400, Code of Ethics; and

- c. Any other act or acts which may discredit, damage (actual or to reputation or otherwise harm HSS) and like conduct.
 4. The identification of just cause shall include the facts and circumstances to support the allegations. Failure to include just cause on the facts and circumstances supporting just cause may lead to the rejection of the petition.
 5. A blank for the official number that is assigned to the recall.
 6. A blank for the signature of the HSS official indicating approval of the petition (Chairperson).
- D. The form of a Recall Petition shall be as set forth in the Recall Petition Form in Appendix B of the HSS Manual.

E. Signatures and Verification.

1. Every qualified elector signing a petition for a recall election shall do so in the presence of the person who is circulating the petition and who is to execute the Affidavit of Verification on the reverse side of the signature sheet. At the time of signing, the qualified elector shall sign and print his first and last name, the elector's residence address or if the elector has no street address, a description of his residence location, and the date on which the elector signed the petition.
2. The person circulating the petition and before whom the signatures were written on the signature sheet shall in an affidavit on the back of the signature sheet, subscribed and sworn by that person before a notary public verify that each of the names on the sheet was signed in the presence of the person circulating the petition on the date indicated, and that in his or her belief each signer was a qualified elector. It should be clear that the person circulating the petition must sign the affidavit for each and every person.
3. No employee of the HSS or HBE members may apply for or circulate a petition. Employees and HBE members may sign a petition if they so desire.

F. Filing Petitions.

1. The recall election shall be conducted pursuant to HSS election policies as and for any other school board election. Copies of the petitioner's grounds for petition and the HBE member's response to the allegations shall be available for all electors at all polling places during the election.
2. The election shall proceed to its conclusion as provided for HBE elections under HSS policies.
3. If the recalled HBE member receives a sufficient number of votes under the policies they shall be re-elected and the recall shall terminate.

4. Should the recalled HBE member not prevail in the election, the winner of the election shall be seated on the HBE. If defeated or if the recalled HBE member resigns or steps down prior to the election, the recalled HBE member may not run for the school board for a period of five (5) school years from the date of the recalled election.

Section 8370 Local School Board Elections

The following sections of the HSS Election Handbook shall govern all elections for local school board members as set forth in the Hopi Education Code, Section 6.3:

- A. Elections for local school boards shall be conducted by the local schools.
- B. The Principal of each local school shall determine whether local school board candidates satisfy the local school board eligibility requirements.
- C. All local school boards shall have a total of five (5) ~~elected~~-voting members.
- D. The term of office for each ~~elected~~-voting board member shall be four (4) years. The initial local school board members shall serve the following staggered terms:
 1. Two (2) of the ~~elected~~-voting members shall be for an initial two (2) year term, and four (4) years thereafter; and
 2. Three (3) of the ~~elected~~-voting members shall be for an initial four (4) year term, and four (4) years thereafter.
- E. The determination of which ~~elected~~ board positions shall serve the initial two (2) year and four (4) year terms shall be by drawing lots.
- F. Local school board members shall serve no more than two (2) terms consecutively. The initial two (2) year and four (4) year terms shall be included in the two (2) consecutive term limit.
- G. All local school board members shall satisfy the following qualifications in addition to any qualifications established by the HBE:
 1. All local school board members shall pass background checks; and
 2. A local school board member shall not be a member of the Hopi Tribal Council or the Hopi Board of Education, or an employee or direct relative of an employee of the Department, the Central Administration Office, or a local school or pre-school.
- H. Subsequent elections shall be held on an annual basis between November 1 and December 1 with elected members beginning their terms on January 1.

CHAPTER 8400 - OATH OF OFFICE

Section 8401 Recite Oath of Office and Affirmation of Commitment

The HBE Oath of Office shall be given to the newly elected HBE members by a Hopi Tribal Judge prior to the first regularly called meeting following the election. Legal Ref.: Code, sec. 4.1.D. All Hopi Board of Education and local school board members shall recite, sign and date their Oath of Office and Affirmation of Commitment prior to assuming their duties as a HBE or local school board member.

Section 8402 Hopi Board of Education and Local School Board Oath of Office

Hopi Board of Education and local school board members shall recite the following Oath of Office prior to assuming their duties as a board member:

“I, [state your name], do solemnly swear or affirm that I will support and uphold the Constitution and By-Laws of the Hopi Tribe, the Hopi Education Code, and the policies and procedures of the Hopi School System; and that I will faithfully and impartially discharge the duties of the [Hopi Board of Education or state name of local school board] according to the best of my ability.”

Section 8403 Hopi Board of Education Affirmation of Commitment

Hopi Board of Education and local school board members shall also recite the following Affirmation of Commitment prior to assuming their duties as a board member:

- A. Hopi Language: “Nu’, [state your name], itah Hopitsatsakmuy amumi tuvtsiwni’ytaqe oovi suhtaqewta pumuy mohpeqtaniqe, pumuy qa öönakyang amungem paas tutuqay pötskwanmani, hihta matö’anmani hihta tumalmakiway, Hopilavayit, pu’ Hopiqatsit, enang maskyatiwise’, put öqalmakiway’ykyakyang yuumoq naa’oyi’yyungni nen itahqatsiy aapi’ytote’ mongvastoynayani.”
- B. English Translation: “I, [state your name], because I have faith/confidence in our Hopi children, I commit myself to putting them first, to support and uphold the best educational goals, practices, commitment, responsibility, and accountability along with principles and the knowledge of the Hopi language and culture that will enable them to make a strong and rewarding life for themselves in their future and by extending our way of life they will fulfill the Hopi People’s life purpose.”

Section 8410 Faithful Discharge of Duty

Each HBE member has taken an oath of office in which he/she swore to faithfully discharge the duties and responsibilities of the office as a HBE member. A HBE member is expected to be honest, fair, accurate and open in all reports and statements made to the HBE and the public. A HBE member, when reporting or discussing HBE actions and decisions in a public forum, is expected to be accurate and informed when speaking and avoid taking personal credit for HBE action or divulging confidential information.

CHAPTER 8500 - CODE OF ETHICS

Section 8501 Purpose of Hopi School System Code of Ethics

As required by Section 4.12 of the Hopi Education Code, the HBE hereby adopts the foregoing Hopi School System Code of Ethics (“Code of Ethics”). The Code of Ethics shall apply to HBE members, educators, local school board members, and all employees of the HSS.

Section 8502 Distribution of Code of Ethics

- A. The CSA shall ensure a copy of this Code of Ethics is distributed to every member of the HBE, local school boards, and every employee of the HSS before entering upon the duties of his or her office or employment.
- B. The CSA shall ensure that a copy of the conflict of interest and other relevant policies shall be kept posted in each public building under the HSS’s jurisdiction in a place conspicuous to the HSS’s board members and employees.

Section 8510 Code of Ethics for HBE and Local School Board Members

- A. HBE and Local School Board Members Ethical Standards. The following standards shall guide all HBE and Local School Board Members in the performance of their official duties:
 - 1. Obey all applicable Tribal, Federal and Arizona state laws and Hopi School System policies and procedures regarding official actions taken as a board member;
 - 2. Uphold the integrity and independence of the board member’s office;
 - 3. Avoid impropriety in the exercise of the board’s and board member’s official duties;
 - 4. Perform faithfully the duties of the office; and
 - 5. Conduct the affairs of the board in an open and public manner, complying with all applicable laws governing open meetings and public records.
- B. HBE and Local School Board Member Commitments. In order to implement the above standards, each member of the HBE and local school boards commits to the following:
 - 1. Remember always that a board member’s first and greatest concern must be the educational welfare of the students attending the HSS schools;
 - 2. Endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound quality education and only after full discussion at publicly held board meetings;
 - 3. Remember that a board member is a part of an education team;

4. Attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
5. Consider all issues fairly and without bias, render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
6. Model civility to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the board;
7. Respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in executive session;
8. Work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the CSA and staff;
9. Encourage the free expression of opinion by all board members and seek ongoing communications between the board and students, staff, parents, and members of the communities;
10. Receive training on school board operations and ethics and learn about current educational issues by individual study and through participation in programs providing needed information;
11. Support the employment of those persons best qualified to serve as school employees, avoid allowing personal relationships and biases to influence decision making, and require a regular and impartial evaluation of all employees;
12. Refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the board's complaint or grievance process to resolve concerns;
13. Avoid being placed in a position of conflict of interest, or the appearance thereof, and refrain from using the board member's position on the board for personal or partisan gain;
14. Refrain from using the board position for benefit of oneself, family members or business associates;
15. Recuse oneself whenever a conflict or an appearance of a conflict of interest arises under Section 8101 of the HSS Manual;
16. Take no private action that will compromise the board or administration;

17. Refrain from using connections or privileges related to school instruction, school activities, or school public forums to promote political positions, religious views, or propaganda; and
 18. Express my personal opinions but, once the board has acted, accept the will of the majority.
- C. All newly elected or appointed HBE and local school board members shall sign a code of ethics statement that includes these provisions ~~at the organizational meeting of the board.~~

Section 8520 Code of Ethics for Hopi School System Employees

- A. HSS employees are role models of Hopi schools and communities. Employee demeanor expresses both the person's integrity and/or reputation as well as that of the HSS.
- B. Employees shall perform their jobs in a professional, competent, lawful and ethical manner.
- C. The absence of law, policy or regulation covering a particular situation does not relieve an employee from the responsibility to exercise the highest ethical standards at all times. Employees should avoid conduct, actions, and appearances unbecoming to an education professional, or which bring disrepute on the Hopi School System and schools.
- D. Expected ethical standards include, but are not limited to:
 1. Agreeing that the welfare of Hopi students is the first concern of the Hopi School System;
 2. Complying with all HSS policies and administrative procedures and guidelines, and applicable Tribal, federal, and Arizona laws and regulations governing school employees;
 3. Understanding that appointments to positions and promotions are based solely on merit. The use of pressure on HSS officials for appointment or promotion is unethical;
 4. Maintaining just, courteous, and professional relationships with students, parents, staff members, community and other stakeholders;
 5. Reporting situations of which the employee is aware involving inappropriate conduct of staff with students, parents, employees and others and complying with all HSS investigations;
 6. Utilizing efficiency in techniques and keeping up to date of the latest developments in their fields of work;

7. Transacting all official business with the properly designated authorities of the HSS;
8. Refraining from using connections or privileges related to school instruction, school activities, or school public forums to promote political positions, religious views, or propaganda;
9. Properly using and protecting all HSS property, equipment, staff time and materials;
10. Maintaining strict professional confidentiality in all HSS related matters;
11. Demonstrating conduct which exemplifies high ethical and moral standards and which sets a good example for students and others; and
12. Soliciting or accepting any gifts, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract is expressly prohibited.

Section 8530 Violations of Code of Ethics and Penalties

- A. In addition to any penalty contained in other provisions of the HSS Policies and Procedures Manual, any person who knowingly and intentionally violates any of the provisions of the HSS's Code of Ethics may be subject to counseling, private and/or public reprimand, suspension, removal from office or employment, or referred to police authorities in a manner provided by applicable law.
- B. When a suspected violation of the Code of Ethics has occurred, the following process shall apply:
 1. Any HBE, local school board member or employee shall report a suspected violation of the Code of Ethics by submitting a written report to the CSA.
 2. The member or employee who is perceived to have violated the Code of Ethics shall be afforded the opportunity to respond in writing to the report of a suspected violation.
 3. The CSA shall provide the report and any written response to the HBE who shall conduct a hearing on the suspected violation, including the presentation and consideration of written or oral testimonies and evidence, in executive session. See Legal Ref.: Code, sec. 4.12.A. Such hearing shall follow the procedures set forth in the HSS Manual.
 4. Following said discussion, the issue of whether or not a violation of the Code of Ethics has occurred or is occurring shall be put to the vote of the members present.

5. If an accusation is made against a current HBE member, he/she shall abstain from said vote.
 6. All other members eligible to vote, who are present, shall vote on the issue.
 7. If the HBE members determine, by majority vote of the other members, that the member against whom the accusation is made violated the Code of Ethics, the other members of the HBE shall vote on an official action to address the violation in a duly held public meeting.
- C. All discipline, with the exception of the content of private counseling and private reprimands, shall be on the record as a part of the Minutes of a duly called public HBE meeting.
1. Private reprimands shall not be published in the public report of a HBE public meeting.
 2. Public reprimands shall be reported in the public report of a HBE public meeting.

CHAPTER 8600 – ADMINISTRATION

Section 8601 Administration Goals and Priorities

- A. The HSS administration is responsible, within the guidelines established by HBE policy, for the direction and coordination of students and staff members in their efforts to reach educational goals adopted by the HBE.
- B. The HBE expects HSS administration to specialize in:
 - 1. The processes of decision making and communication;
 - 2. Planning, organizing, implementing, and evaluating educational programs;
 - 3. The demonstration of educational leadership;
 - 4. The development and maintenance of close working relationships and channels of communication within HSS schools and the communities;
 - 5. Responding promptly to and clarifying questions from school staff, students and community members; and
 - 6. The development of cooperation toward attaining the educational goals adopted by the HBE.

Section 8610 Chief School Administrator of the Hopi School System

- A. The HBE shall employ a Chief School Administrator (“CSA”), who shall implement and administer the policies and procedures of the HSS and applicable Hopi Tribal, federal, and Arizona laws. Legal Ref.: Hopi Education Code, Chapter 5.
- B. The administration of the HSS in all aspects shall be the responsibility of the CSA, whose functions shall be carried out in accordance with the policies of the HBE.
- C. The CSA shall oversee development of procedures for the administration of HSS schools that are in compliance with all applicable policies of the HBE and shall submit draft procedures to the HBE for approval. Approved HSS procedures shall be binding on all employees and students of HSS schools.

Section 8611 CSA Minimum Qualifications

- A. The CSA’s minimum qualifications shall be established by the HBE, and shall include, but not be limited to:
 - 1. A Master’s degree or Ed.D. degree in education or an education-related field from an accredited institution;
 - 2. A current Superintendent certification;

3. Successful passing of a background check as defined in the Hopi Education Code, sec. 3.8; and
 4. At least five (5) years of mid-level to senior level supervisory management with proven experience and knowledge in:
 - a. Improving student achievement;
 - b. Staff hiring processes, placement, mentorship, evaluation, and professional growth development;
 - c. Current and emerging teaching and educational methods and practices;
 - d. Education laws, policies and procedures related to finance, school operations, accreditation processes, personnel matters, Tribally Controlled Grant Schools under Pub. L. No. 100-297, and/or Self-Determination Contract Schools under Pub. L. No. 93-638;
 - e. Implementation of curriculum, instruction, and assessment;
 - f. Building relationships, fostering teamwork, and developing and building networks within and beyond the Hopi School System; and
 - g. Effective communication, conflict resolution, and leadership skills. Legal Ref.: Hopi Education Code, sec. 5.2.
- B. The HBE shall develop and approve a position description which shall contain the necessary minimum qualifications, knowledge, skills and abilities needed for the CSA position.

Section 8612 CSA's Educational Vision and Leadership

The Chief School Administrator shall provide educational vision and leadership for all Hopi schools and the Central Administration Office, which shall include, but not be limited to:

- A. Implements the Hopi Tribe's sovereign authority to ensure a quality education for Hopi children;
- B. Implements, monitors, and evaluates program activities to ensure that the activities are consistent with the Mission, Vision, Philosophy, Student Outcomes, and other goals established by the HBE;
- C. Provides leadership and direction to all Principals, local school board members, educators and staff, students, and community members;
- D. Ensures professional development and growth among all education and administrative staff;

- E. Implements HBE policies to achieve educational excellence in all Hopi schools;
- F. Supports and includes Hopi language, culture, and history in the education of Hopi students; and
- G. Maintains a strong record of strategic planning, team building, and collaborative leadership. Legal Ref.: Hopi Education Code, sec. 5.3.

Section 8613 CSA's Specific Duties

The CSA shall be responsible to the HBE for all administrative functions of HSS schools, including, but not limited to:

A. Education:

1. Administers the development, coordination, maintenance, and evaluation of the educational program, including the Exceptional Student Services program.
2. Supervises and monitors methods of teaching, supervision, administration and assessment in effect in HSS schools.
3. Assures HSS program compliance with accreditation and other standards as determined and established by the HBE.
4. Keeps informed of modern educational thought and practices by advanced study, by visiting school systems elsewhere, by attending educational conferences, and by other appropriate means.
5. Provides direction for the development, use and evaluation of a Hopi culture and language-based curriculum and instructional program for the HSS.
6. Keeps the public informed about modern education practices, educational trends, and the policies, practices, and challenges in HSS schools.

B. Hopi Board of Education:

1. Attends and participates in all meetings of the HBE and its committees, except when excused by the HBE.
2. Takes prompt action to implement all directives of the HBE.
3. Advises the HBE on the need for new or revised policies.
4. Provides timely advice to the HBE on the implication of changes in statutes or regulations affecting education.
5. Informs and advises the HBE about programs, practices, and challenges of the schools, and keeps the HBE informed of the activities operating under the HBE's authority.

6. Prepares and submits to the HBE recommendations relative to all matters requiring HBE action, placing before the HBE such facts, objective information, and reports as are needed to ensure HBE can make an informed decision.
7. Develops and implements procedures in keeping with HBE policy.
8. Acts as chief public relations agent for the HSS and HSS schools, unless a public relations agent or staff member has been designated.
9. Acts on own discretion if action is necessary in any matter not covered by HBE policy, reports such action to the HBE as soon as practicable, and recommends policy guidance in the future.
10. Assists the HBE in the development of Hopi School System policies and procedures by consulting with local school boards, Principals, educators, parents and other Stakeholders, and considering special circumstances of local schools. Legal Ref.: Hopi Education Code, sec. 5.4.B.
11. The CSA shall provide written notice to the HBE of any filed or potential litigation, mediation, or arbitration against any entity or employee of the Hopi School System. This notice shall be provided within seven (7) days of the CSA's becoming aware of the filed or potential litigation, mediation, or arbitration. Legal Ref.: Hopi Education Code, sec. 5.5.D.

C. Personnel:

1. Reviews any local schools' hiring recommendations for school staff and provides advisement, information, and recommendations to the HBE for their approval on employee matters, including selection, disciplinary actions, and termination or non-renewal of employment. Legal Ref.: Hopi Education Code, sec. 5.4.F.
2. Oversees and conducts annual evaluations of Principals and Central Administration Office Directors and provides a copy of each Principal and Directors' written evaluation to the HBE. Ensures that all HSS employees are evaluated in accordance with the schedule established by the HBE.
3. Oversees the assignments, duties, and work of all employees of HSS schools.
4. Recommends all promotions, demotions, and salary changes to the HBE.
5. Ensures communication to all employees of all actions of the HBE relating to personnel matters, and receives all communications from employees to be made to the HBE following established line of communication protocols.

D. Management:

1. Oversees the administration of HSS Policies and Procedures and the Hopi Education Code ensuring staff understanding and compliance with the same.

2. Supervises and manages the Central Administration Office Directors and assumes oversight responsibility of all Hopi School System staff, six (6) elementary schools, and the Hopi Junior Senior High School.
3. Oversees the administration of all programs of the HSS, ensuring programs achieve the highest levels of service to HSS students and the highest standards of school effectiveness.
4. Maintains a strong record of strategic planning, team building, and collaborative leadership.
5. Sets direction for parent, student, and community involvement and participation in the development, implementation, and evaluation of programs of the Hopi School System.
6. Assumes responsibility for the overall financial planning of HSS schools and, in consultation with the Principals, for the preparation of the annual budget, and submits it to the HBE for review and approval.
7. Establishes and maintains efficient procedures and effective controls for all expenditures of school funds in accordance with the adopted budget, fiscal policies, and requirements of funding and granting agencies, subject to direction and approval of the HBE and in consultation with the Finance Director.
8. Oversees the preparation and filing of all audits, Assurances, financial and student reports, including but not limited to the HSS Annual Report, Annual Audit, SF-425 Financial Statement, BIE's background check audit, Facilities and Operations and Maintenance Report, which are to be submitted to BIE, the Hopi Tribe, and/or any other entities as required by law.
9. Reviews and ensures compliance with contracts, budget proposals, and modifications prepared by the Finance Department of the Central Administration Office.
10. Maintains or has maintained adequate records for the schools, including financial accounts; business and property records; and personnel, school population, and scholastic records.
11. Provides directions and procedures to govern the maintenance of:
 - a. All HSS and school properties;
 - b. The safety and transportation of students; and
 - c. The use of buildings and grounds.

12. Recommends the locations and sizes of new school sites and of additions to existing sites; the locations and sizes of new buildings; the plans for new school buildings; all appropriations for sites and buildings; and improvements, alterations, and changes in the buildings and equipment of HSS schools.
13. Interprets the budget and finances to the communities.
14. Remains current on new legislation and implements laws to the best advantage of HSS schools.

Section 8614 Delegated Authority for Renewal and Non-Renewal

- A. Renewal and non-renewal of contract employees of the Hopi School System shall be based on performance, evaluations, and/or conduct, and shall include written notification to an employee of the reason(s) based on statements of fact for a non-renewal determination. Hopi Education Code, sec. 4.11.F(5).
- B. HBE delegates to the CSA the authority to perform and oversee the following functions:
 1. To give notice to probationary teachers of the HBE's intention not to offer a teaching contract;
 2. To give notice to continuing teachers of the HBE's intention not to offer a teaching contract and to dismiss the teacher;
 3. To give notice to a Principal, director, or any contracted position, including but not limited to a school psychologist, physical therapist, or speech and language therapist, of the HBE's intention not to offer a new contract; and
 4. Conduct evaluations of all Principals, assistant Principals and directors according to the Evaluation policy contained in sections 5140-5144 of the HSS Manual.

Section 8615 Evaluation of Chief School Administrator

- A. The HBE shall evaluate the CSA at least once per year. Evaluations shall be confidential.
- B. The evaluation(s) shall relate to the CSA's duties, responsibilities, and progress toward established goals.
- C. The HBE shall oversee development and use of a standardized evaluation instrument to be used in the evaluation of the CSA.
- D. The HBE's evaluation of the CSA shall be conducted as follows:
 1. The CSA shall provide each member of the HBE a copy of the evaluation instrument no later than November 10;

2. The HBE Chairperson shall schedule a meeting no later than December 18, when the HBE shall devote an executive session to the evaluation of the CSA's performance, to discuss working relationships between the CSA and the HBE, and to review the CSA's contract (with the CSA present). If the dates in this Chapter fall on a legal holiday, weekend or an emergency event occurs, the HBE may move the date to the following business day;
 3. If the CSA's contract is in its first year, this initial evaluation will not be a comprehensive evaluation, but shall be used to allow the HBE to communicate its perspective on the CSA's performance to date and to allow the HBE and the CSA to communicate on performance matters;
 4. Additional first-year evaluations may be completed by the HBE at the HBE's discretion or upon invitation by the CSA; and
 5. The first fully comprehensive evaluation shall be that which occurs in November of the CSA's second year.
- E. Any meetings of the HBE to compile evaluations, or meetings to discuss the evaluations with the CSA, shall be held in executive session unless the CSA requests that any such meeting be held in open session. HBE members shall have the opportunity to discuss with the CSA any item(s) on which the HBE fails to achieve consensus.
- F. A copy of any written evaluation shall be given to the CSA. If in disagreement with such evaluation, the CSA may respond in writing to the HBE.
- G. Upon the conclusion of the evaluation, the HBE may determine whether any changes in the compensation and benefits of the CSA for the next contract year are warranted. The HBE may also determine whether it will offer an additional or multi-year contract for employment.
- H. The evaluation and any comments by the CSA shall become a part of the CSA's confidential personnel file.

Section 8616 Contract Offer to the CSA

On or before May 15, the HBE shall offer a contract for the next school year to the CSA, if the administrative contract is in its last year, unless on or before April 15, the HBE gives notice to the CSA of the HBE's intention not to offer a new administrative contract.

Section 8617 CSA Vacancy

In the event that the CSA is released, non-renewed without an immediate replacement, or the position becomes vacant for any reason, the HBE shall appoint an interim CSA to serve in the CSA position until a permanent CSA is hired and begins work as the CSA.

Section 8618 Lines of Authority

- A. Unless otherwise specifically limited by policy, statute or HBE action, the CSA may delegate any of the powers and duties specifically assigned to the CSA to others serving under the CSA. The CSA shall continue to be responsible to the HBE for the satisfactory execution of the delegated power and duties.
- B. Lines of authority shall be clearly outlined by the CSA by means of organization charts, job descriptions, and administrative procedures and directives.

Section 8619 Administration in the Absence of Policy

- A. The CSA shall have the authority to implement action if a situation should develop that is not addressed by established HBE policy, the Hopi Education Code, or other applicable law.
- B. It is the CSA's duty to inform the HBE of any such action and of the need to develop an official policy.

Section 8620 Required Reports

- A. In consultation with the Principals, the Chief School Administrator shall:
 - 1. Compile student data to submit reports to the HBE;
 - 2. Meet with the HBE at least once per month and give monthly reports on pre-schools, local schools, local school boards, and the Central Administrative Office; and
 - 3. Provide reports to community members and Tribal, State, and federal officials as needed to fulfill the provisions of the Hopi Education Code and applicable laws. Legal Ref.: Hopi Education Code, sec. 5.5.A(1)-(3).
- B. All collected privileged and confidential information shall be stored in the Central Administrative Office and access to such information shall be restricted to only authorized persons in accordance with the Hopi School System's student records privacy policy developed pursuant to the Hopi Education Code, sec. 5.5.B, and applicable laws, including but not limited to the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g and the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400, et seq.
- C. Copies of privileged and confidential information may be stored at local schools with appropriate safe guards in place to protect them under applicable laws. Such information shall be stored only in a locked room or fire-proof, filing cabinet with a list of individuals who may access the records on the room's door or front of the filing cabinet. The CSA shall oversee development of procedures to implement this policy.

- D. The CSA, in consultation with pre-schools, local schools, local school boards, Principals, and the HBE, shall prepare an “Annual State of Hopi Education Report” as follows:
1. The Annual State of Hopi Education Report shall include, but not be limited to educational statistics reported annually by pre-schools and local schools, including enrollment, assessment results, pupil-teacher ratios, educator retention and housing needs, graduation and dropout rates, attendance rates, accreditation matters, financial data, audits, and all other reporting required by federal law;
 2. The Annual State of Hopi Education Report shall be provided to the Tribal Chairman, Tribal Council, and other Stakeholders no later than June 1 each year reporting on the school year which ended in May of the prior year;
 3. Each local school, pre-school, and Principal shall provide reports of his or her school to the CSA to assist the CSA in preparation of the Annual State of Hopi Education Report. Legal Ref.: Hopi Education Code, sec. 5.5.C(1)-(3);
 4. The “Annual State of Hopi Education Report” shall include the “annual report” required by the Tribally Controlled Schools Act, 25 U.S.C. § 2505(b)(1)(A)-(E):
 - a. An annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;
 - b. An annual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;
 - c. A biennial compliance audit of the procurement of personal property during the period for which the report is being prepared that shall be in compliance with written procurement standards that are developed by the local school board;
 - d. An annual submission to the Secretary of the Department of the Interior of the number of students served and a brief description of programs offered under the grant; and
 - e. A program evaluation conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection 25 U.S.C. § 2505(c)(1)(B)(ii); and
- E. The CSA shall provide written notice to the HBE of any filed or potential litigation, mediation, or arbitration against any entity or employee of the HSS. This notice shall be provided within seven (7) days of the CSA’s becoming aware of the filed or potential litigation, mediation, or arbitration. Legal Ref.: Hopi Education Code, sec. 5.5.D.

Section 8630 Duties of Principals

- A. The primary duty of a Principal is to administer and supervise the instructional program as set forth in Hopi Education Code, Chapter 7. A Principal, as the educational leader of the school, shall have day-to-day management authority of their schools and shall administer and supervise the school in accordance with policies and administrative procedures of the HBE. Legal Ref.: Hopi Education Code, sec. 7.1.
- B. A Principal shall be directly responsible to and shall report only to the CSA and shall keep the CSA informed of the conditions and needs of the school. All duties, authorities, and responsibilities of the Principal shall be delegated only by the CSA. These duties include, but are not limited to, the following:
 - 1. A Principal is responsible for the operation of the educational program of the school;
 - 2. A Principal is responsible for the supervision and evaluation of the building staff members;
 - 3. A Principal shall maintain discipline on the part of personnel and students;
 - 4. A Principal shall care for and protect the building, the equipment, the grounds, and other school property;
 - 5. A Principal shall maintain school records and prepare reports;
 - 6. A Principal shall take reasonable precautions to safeguard the health and welfare of students and staff members, shall report accidents, shall formulate plans for emergencies, and shall conduct evacuation drills each school month and keep written records of such drills;
 - 7. A Principal shall be responsible for maintaining a close relationship with the community and should interpret the educational program to the citizens of the Hopi Reservation; and
 - 8. A Principal shall, by advanced study, by visits to school systems in other areas, by attendance at educational conferences, and by other means remain well informed relative to modern educational thought and practice.

Section 8640 Handbooks and other HSS publications

- A. Drafting of HSS staff and student handbooks shall be overseen by the CSA and shall be approved by the CSA prior to publication. The CSA shall ensure that all handbooks are consistent with HBE policies and administrative procedures.
- B. Any curriculum guides, manuals, pamphlets, and similar publications shall be reviewed by the Principal and/or supervisor, and shall be forwarded to the CSA for approval prior to printing and distribution.

C. Copies of all such approved publications shall be provided to the HBE.

Section 8650 Advisory Councils

- A. The HBE authorizes the CSA to establish advisory councils, cabinets, and committees when deemed necessary for proper administration of HBE policies and for the improvement of the HSS educational program.
- B. All cabinets, councils, and committees created by the CSA shall be for the purpose of obtaining, to a maximum degree, the advice and counsel of the personnel, clients, and patrons of HSS schools.
- C. The number, composition, and work to be done by such cabinets, councils, and committees shall be defined by the CSA.
- D. Principals, directors, and others designated by the CSA shall establish procedures for conducting activities within their individual units that are consistent with administrative procedures and HBE policies. Procedures shall be approved by the HBE.

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HOPI SCHOOL SYSTEM HOPI RESERVATION, ARIZONA

REQUEST FOR PROPOSAL FOR LEGAL COUNSEL SERVICES

RFP ID #01-2026

Date Issued: April 15, 2026

Date Due: May 15, 2026, 11:59 p.m. (MST)

Section I. Introduction.

A. Invitation.

The Hopi Board of Education (“HBE”) is soliciting proposals from qualified firms or individual attorneys for legal counsel services for the Hopi School System (“HSS”) which is a unified school system of seven Tribally Controlled Schools on the Hopi Reservation.

Information provided in this Request for Proposal (“RFP”) is to be used only for purposes of preparing a proposal detailing the scope and costs of providing Legal Counsel Services to the HSS. It is expected that each attorney or firm submitting a proposal will read this request with care, as failure to meet the conditions or specifications herein may invalidate a proposal.

Price will not be the sole criteria for selecting an attorney or firm. Rather, the scope of available services, experience with similar clients in similar matters, and references for the prospective applicants will also be considered.

B. Hopi School System Organizational Overview.

Over the last thirty years, the Hopi Tribe (“Hopi” or “Tribe”) made the sovereign decision to convert all seven Bureau of Indian Education (“BIE”) operated-schools on the Hopi Reservation to Tribally Controlled Schools under the P.L. 100-297, Tribally Controlled Schools Act. Following their conversion, Hopi’s seven BIE-funded schools each began operating independently as P.L. 100-297 grant schools, which together have a total student population of about 1,200 students and 373 employees.

On August 7, 2019, the Hopi Tribe enacted the Hopi Education Code (“Code”) as the Tribe’s new comprehensive law for education services on the Hopi Reservation. The Code consolidates Hopi’s seven Tribally Controlled Schools into a single, unified HSS, which will function much like a school district. The HSS has applied to the Bureau of Indian Education for a new P.L. 100-297 grant which will consolidate all seven school grants into a single grant for the HSS. The transition to the HSS is planned to occur on July 1, 2026, once the P.L. 100-297 grant application is approved.

The Code delegates management and oversight of the HSS and the seven Tribally Controlled Schools on the Hopi Reservation to the HBE. The HBE will serve as the school board for all Hopi schools. It will provide oversight of the schools, effective governance, and administrative and academic support. The HBE will determine all policies and procedures, make all hiring decisions and oversee operations of all Tribally Controlled Schools within the Hopi Reservation. The HBE meets monthly to discuss school policy and to provide guidance on HSS and school programs. At these meetings, the Chief School Administrator (“superintendent”) and other staff members will report on the status of school projects, goals and other HSS matters.

Section II. Scope of Work.

- A. Agreement.** A written contract for legal services agreement will be executed between the Hopi Board of Education, as the client, on behalf of the Hopi School System and the selected legal counsel specifying the terms and the conditions of the agreement.
- B. Applicant’s Experience.** Applicants must have a minimum four (4) years experience in Federal, state and Tribal Law, Education law, Human resources/employment/labor law and related matters. Experience with Tribally Controlled Schools is preferred, but is not required.
- C. Terms.** The agreement will be from July 1, 2026 through June 30, 2027. The agreement may be annually renewed, provided services and fees are satisfactory.
- D. General Responsibilities.** To provide necessary and legal advice and counsel to the HBE and Chief School Administrator to support them in the performance of their duties, including:
 - 1. Advise on the Hopi Education Code, HBE Bylaws, HSS Policies and Procedures, HSS Handbooks, and applicable Tribal, federal, and state laws as they relate to matters which come before the HBE and the Chief School Administrator.
 - 2. Provide written analysis and documents to address educational matters, hiring and employment, and other HSS matters as the need arises.
 - 3. The HSS Legal Counsel will provide all the administrative services and support necessary to manage the workload in order to complete all assignments. This includes office facilities, support staff, supplies and equipment.

Section III. Applicant’s Proposal Format.

The proposal must include a discussion of your understanding of the scope of the legal services required, including a fee schedule. All proposals must include, at a minimum, the following elements:

- A. Cover Letter.** A cover letter including the RFP title, the applicant’s name, and the applicant’s interest in the services to be provided.

B. Executive Summary. An executive summary of the applicant’s qualifications and related past experience.

C. Resumes, Biographies and Summaries of Relevant Experience.

1. Include a resume, detailed biography and summary of relevant experience of the primary representative to serve as legal counsel to the Hopi Board of Education and Chief School Administrator detailing relevant education and related experience, including a list of publications (if applicable); and
2. Include a resume, detailed biography and summary of relevant experience of any additional team members who may work on matters before the Hopi Board of Education and Chief School Administrator, together with a description of the proposed duties of each team member.

D. Compensation and Billing. Submit in your proposal a listing of your hourly rates and fees consistent with the following:

1. The total proposal will include the rate schedule for all personnel, as well as other expenses (including travel costs) associated with services provided by the attorney/firm. Proposals are to indicate all costs and the basis for their services.
2. The proposal will state agreement with provision of a monthly itemized billing statement as follows: The statement must include a description of the subject matter of the work (including case or matter name as appropriate), the attorney or legal assistant/paralegal, the time spent, the rate charged and the total of the amount billed for that item. A separate billing page for our Finance department showing only approved charges to protect confidentiality must also be provided.
3. An annual “not to exceed” agreement with additional hourly charges for work beyond the scope of the agreement or other alternate proposals may be included and will be considered.
4. The proposal will address fees for the first two years of services beginning on July 1, 2026.
5. May provide a sample of your standard contract terms (optional).

E. Licenses & Certifications. Verification of licenses and “good standing,” and where your personnel are licensed to practice law, including:

1. Submit a certified statement for non-debarment, suspension, or prohibition from professional practice by any Federal, State, or Local Agency. The statement shall read language: “This is to certify that attorney/firm name involved with this work, is not debarred, suspended, or otherwise prohibited from practicing law by any Federal, State, or Local Agency as may be applicable.”

2. If qualifying for preference in contracting as a Hopi/Indian owned enterprise or tribal organization, please submit qualifications and documents substantiating 51% ownership.
 3. Submit a written commitment and applicant's availability to commence and complete work as follows: "This is to certify that if selected, name of attorney/firm , will make the work to be performed under this Agreement top priority and will complete the work in an efficient and prompt manner."
- F. Representative List of Clients.** A representative list of schools, Tribes, Tribal entities, Pueblos, and/or non-profits that your firm has previously or currently represents.
- G. References.** Names, addresses, phone numbers, emails, and contact persons for at least three Nation or Tribe, Pueblo, school, or non-profit clients for which legal services were provided and who may be contacted as references.
- H. Conflicts of Interest.** The proposal must address the individual attorney or firm's policy and procedure for addressing conflict of interest issues and state if there are any potential or known conflicts of interest that would arise with representation of the Hopi School System.
- I. Contact Information.** The address, telephone number and email for the firm's main office and any branch offices that may be involved in providing services to the HSS.
- J. Period of Validity.** All proposals must state that they will remain valid for a period of 120 days after the due date specified.

Section IV. Submission of Proposal.

- A. Evaluation Criteria.** The proposals will be evaluated on the basis of the following criteria and point ranges:
1. Responsiveness of the proposal in clearly stating an understanding and approach of the work to be performed (0-25 Points).
 2. Qualifications, background and experience of Applicant (0 – 40 Points) as follows:
 - a. Size, structure, longevity and capacity of Applicant attorney/firm to maintain continuity of work under this RFP (0 – 10 Points);
 - b. Experience of Applicant in performing the type of work required for this RFP (0 -15 Points); and
 - c. Experience of Applicant with federal, state and tribal laws as they apply to Tribally Controlled Schools, other schools, labor law (0 – 15 Points).
 3. Cost Factor – Cost and fees of Proposal (0 – 35 Points).

4. Hopi/Indian Preference – The HBE will award an additional (10) points to qualified Hopi/Indian-owned firms, or (1 – 10) points to the extent proposing firms provide employment and training opportunities to Hopi members in the conduct of work under this proposal. Applicant must provide appropriate documentation.
5. Other factor(s) to be considered: any conflicts of interest.

B. Selection Process and Interview. The HBE, at its sole discretion, shall determine whether a particular applicant has demonstrated the qualifications to conduct the desired service for the HBE as follows:

1. Proposals will first be examined to eliminate those that are not-responsive to stated requirements.
2. Award shall be made to the most responsive applicant whose proposal is determined to be the most advantageous to the HBE taking into consideration the terms and conditions set forth in this RFP.
3. Any response that takes exception to any mandatory items in this RFP may be rejected and not considered.
4. The HBE reserves the right to accept or reject, in part or in whole, any or all proposals submitted without cause for liability.
5. The HBE reserves the right to request in writing clarifications or corrections to proposals. Clarifications or corrections shall not alter the applicant's price contained in the proposal.
6. The HBE reserves the right to negotiate further with the successful applicant. The content of the RFP and the successful applicant's proposal(s) will become an integral part of the contract, but may be modified by the provisions of the contract.
7. By submission of proposals pursuant to this RFP, applicant acknowledges that they are amenable to the inclusion in a contract of any information provided either in response to this RFP or subsequently during the selection process.
8. After proposals are received and evaluated, the applicant may be invited to a selection interview, in person at applicant expense, depending on the number and quality of the submittals.
9. The applicant whose submittal is selected by the HBE will be contacted for the purpose of entering into negotiations with the HBE for a written agreement. Final costs will be determined through negotiations with the attorney/firm selected.

C. Small/Minority/Women/Veteran/Disabled-owned Firms. Applicants owned by Small/Minority/Women/Veteran/Disabled-owned Firms shall have the maximum practicable opportunity to participate in contracts awarded. Applicant must provide appropriate documentation.

D. Request for Proposal Process.

Action Item	Deadline
Issue Date of Request for Proposal	April 15, 2026
Submission of Proposals	May 15, 2026, 11:59 p.m. (MST)
HBE conducts interviews of selected Attorney/Law Firm candidates	Completed by June 5, 2026
HBE approves Attorney/Law Firm	June 17, 2026
Selected Attorney/Law Firm provides contract for legal services and HBE signs contract	Completed by June 30, 2026
Selected Attorney/Law Firm to begin legal counsel services	July 1, 2026

E. Procedures for Submission of Proposals.

1. Six (6) hard copies of the written proposals and one (1) electronic copy (including attachments) must be submitted by **May 15, 2026, 11:59 p.m. (MST)** to:

Hopi Board of Education
Attn: Nelia Naha, Office Manager
c/o Hopi Department of Education and Workforce Development
P.O. Box 123
Kykotsmovi, AZ 86039
Phone: (928) 734-3503
Email: NNaha@hopi.nsn.us

2. Outside of proposal packet envelope should be clearly marked as “HSS Legal Counsel Proposal” so that no error in opening will occur.
3. All costs directly or indirectly related to responding to this RFP (including all costs incurred in supplementary documentation, information, travel or presentation) will be borne by the applicant making the proposal.
4. Interviews will commence shortly following submission deadline. The Hopi School System may reject any proposal that is received after the specified date and time, and there can be no assurance that negotiations will result in a finalized agreement.
5. A copy of the RFP is available on the Hopi School System official website at: www.hopischoolsystem.org.
6. Any questions in regards to this RFP may be directed to: Dr. Noreen Sakiestewa at: nsakiestewa@hopi.nsn.us.

Section V. Contract Requirements.

Once HBE selects an attorney/law firm, the selected attorney/law firm must be fully qualified to perform the services described above. The selected attorney/law firm must also comply with the following Hopi Tribal and HSS requirements:

- A. Contract.** The attorney/law firm shall execute an Agreement with the HBE.
- B. Schedule of Project/Work Assignments.** The attorney/law firm shall provide the required services and shall complete the assigned project activities in the agreed time frames.
- C. Insurance.** The attorney/law firm shall maintain in full force and effect during the entire Contract term the Insurance requirements and shall be able to provide a Certificate of Insurance within ten (10) days after notification of award.
- D. Business License.** The attorney/law firm must attain a Business License through the Hopi Office of Revenue Commission prior to conducting any business on the Hopi Reservation or with the HBE.
- E. Hopi/Indian Preference.** To the maximum extent possible, in accordance with Section 7(b) of the Indian Self-Determination Act, 25 U.S.C. 5307(b), the selected attorney/law firm agrees to actively provide, to the greatest extent feasible: (1) preference and opportunities for training and employment shall be given to Indians, and (2) preference in the award of any subcontracts under this contract to Indian organizations or Indian-owned economic enterprises as defined in Section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).
- F. Incorporated.** All requirements of the RFP and the representations made in the proposal that are not in conflict with provisions of the Contract shall be incorporated by reference and made an integral part of the Contract as though fully set forth.
- G. Retention of Records.** Records, files, data and legal work product regarding the Hopi School System, the Hopi Board of Education and the Office of the Chief School Administrator and the services provided thereto, will remain the property of the HSS and may be returned only at its option.
- H. Indemnity.** Individual/firm will also be required in the agreement to indemnify, defend and hold harmless the HSS, its respective employees, HBE members, local school board members, and agents, from and against any and all damages, claims, losses, expenses, costs, obligations, and liabilities, including, but not limited to, attorney's fees and costs.
- I. Governance.** All applicants are advised that the laws of the Hopi Tribe will apply and govern all contracts and engagements, including but not limited to, the Hopi Business License requirement. In issuing this RFP and by entering an agreement for legal services, the HSS does not and cannot waive the sovereign immunity of the Hopi Tribe. The successful applicant will consent to the jurisdiction of the Hopi Tribal Court as the sole forum to resolve any disputes brought according to the agreement.

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Alma Sinquah, Member

TO: Hopi Schools Leadership
FROM: Hopi Board of Education
DATE: April 15, 2026
RE: Attachment of Assignment Agreement to Hopi Schools Employment Contracts

INSTRUCTIONS

Please attach the Assignment Agreement below to your school's employment contracts for the 2026/2027 school year. The Assignment Agreement was updated with current dates and approved by the Hopi Board of Education ("HBE") on April 15, 2026 by Action Item #03-26, and approved by the interim HBE previously.

This Assignment Agreement will help make the transition to the unified Hopi School System smooth for school employees as they will not need to sign a new contract or re-apply for their position once the transition occurs. Their contracts will automatically and seamlessly transfer to the Hopi School System. The HBE will honor ALL contracts which the local school boards enter for the 2026/2027 school year.

To ensure its effectiveness, please follow the steps below to properly attach the Assignment Agreement to your school Employee Contracts:

1. Attach the Assignment Agreement to all your school's Employment Contracts as an addendum.
2. Delete any language in your existing contracts that prohibits the contracts from being transferred, assigned, or subject to novation.
3. Add all Parties, including the Hopi Board of Education, as signatories to the addendum. This will ensure that the Assignment Agreement is fully effective, all Parties are aware of the transfer to the HBE, and that the HBE is subject to the terms of the Assignment Agreement.
4. Do not make any changes to the Assignment Agreement.
5. Fill in the name of your local school Governing Board.

Please let us know if you have any questions.

Kwakwa and Askwali.

ASSIGNMENT AGREEMENT

I. Assignment Agreement.

- A. Purpose. The Hopi Tribal Council enacted the Hopi Education Code unifying Hopi's seven Tribally Controlled Schools into the Hopi School System. The transition to the Hopi School System is scheduled to occur on July 1, 2026. Once the transition occurs, the Hopi Board of Education ("HBE") will become the school board for all Hopi schools. To support Hopi schools' qualified and dedicated employees and to provide a smooth transition for employees, this Assignment Agreement will function as a novation and automatically transfer employees' contracts to the HBE once the HBE becomes the school board. This means that employees will not need to re-apply, and will not need to sign another contract for the 2026/2027 school year.
- B. Parties. This Assignment Agreement ("Assignment Agreement"), is by and between: (1) _____ Governing Board ("Assignor"), (2) the Hopi Board of Education ("Assignee"), and (3) the Employee, a counterparty to the Employment Contract. Collectively, the foregoing entities are referred to herein as the "Parties."
- C. In consideration of the mutual agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:
1. Assignor's Transfer to Assignee. The Assignor hereby irrevocably transfers, assigns and delegates to the Assignee, all rights, interests, duties, obligations, liabilities and commitments in and to the Employment Contract, of whatever kind or nature, upon the Effective Date of this Assignment Agreement.
 2. Assumption by Assignee. The Assignee hereby irrevocably acquires from the Assignor all of the Assignor's rights, interests and obligations in and to the Employment Contract, of whatever kind or nature, and the Assignee hereby assumes and agrees to perform all obligations, duties, liabilities and commitments of the Assignor under the Employment Contract, of whatever kind or nature, upon the Effective Date of this Assignment Agreement.
 3. Release of Obligations. Upon the Effective Date of this Assignment Agreement, Assignee and the Employee each hereby release and discharge Assignor from any liability arising from Assignor's obligations under the Employment Contract. Assignee and Employee shall defend, indemnify and hold harmless Assignor from and against all damages, losses, costs and expenses, of any nature whatsoever, whether incurred as a judgment, settlement, penalty, fine or otherwise (including reasonable attorneys' fees and the cost of defense), in connection with any action, proceeding, demand or claim arising from the Employment Contract.
 4. Affirmation of Employee. Employee hereby affirms the transfer, assignment, and delegation from the Assignor to the Assignee of all rights, interests, duties, obligations, liabilities and commitments in and to the Employment Contract of whatever kind or nature, upon the Effective Date of this Assignment Agreement.

5. Effective Date of Assignment. This Assignment Agreement shall be effective on either:
 - a. July 1, 2026, if the Bureau of Indian Education approves the Hopi School System's Tribally Controlled Schools Act, P.L. 100-297 grant application prior to July 1, 2026; or
 - b. On the date the Bureau of Indian Education approves the Hopi School System's Tribally Controlled Schools Act, P.L. 100-297 grant application, if approved after July 1, 2026.

6. Governing Law; Binding Effect. This Assignment Agreement shall be governed by and construed in accordance with the laws of the Hopi Tribe applicable to contracts made and performed without giving effect to the choice of law principles of the Hopi Tribe that would require or permit the application of the laws of another jurisdiction.

7. Counterparts. This Assignment Agreement may be executed in one or more counterparts each of which shall be deemed to be an original copy of this Assignment Agreement, and all of which, when taken together, shall be deemed to constitute one and the same agreement. Delivery of such counterparts by facsimile or electronic mail shall be deemed effective as manual delivery.

8. Severability. If any provision of this Assignment Agreement is prohibited by or is found to be unlawful or unenforceable under any applicable law of any jurisdiction, such provision shall, as to such jurisdiction, be ineffective to the extent of such prohibition without invalidating the remaining provisions hereof.

9. Amendments. This Assignment Agreement may not be amended, modified, waived, canceled or terminated, except with the written consent of all Parties hereto.

SIGNATORIES:

_____ Governing Board Authorized Representative Print Name

_____ Governing Board Authorized Representative Sign Name _____ Date

_____ Employee Print Name

_____ Employee Sign Name _____ Date

_____ Hopi Board of Education Authorized Representative Print Name

_____ Hopi Board of Education Authorized Representative Sign Name _____ Date